

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

## ATTENDANCE

Mayor Cr Brian Ingram

## COUNCILLORS

Gregory Armstrong  
Tony Flanery  
Christopher Manchester  
Rita O'Connor  
Margaret Roles  
Wendy Tuckerman  
John Walker  
Antony Wallace

## STAFF

|           |                             |
|-----------|-----------------------------|
| E Marks   | General Manager             |
| D Rowland | Director Sustainable Growth |
| J Osland  | Director Infrastructure     |

## PUBLIC FORUM

Nil

## APOLOGIES

Councillor John Horton and Councillor Matthew Stadtmiller

**19/124 RESOLVED:**

*That Council:*

*(a) Accept the apology of Councillor John Horton and Cr Matthew Stadtmiller*

*Councillors: Armstrong/O'Connor Unanimous*

## DECLARATIONS OF INTEREST - CONFLICT OF INTEREST

- Cr Wallace - Non-Pecuniary Interest – Item 11.3 - 19/134 – Common Seal – Lease 314 Albury Street Harden

Option E – make a declaration, stay in the Chamber, not participate in the debate and not vote.

- Cr Manchester - Non-Pecuniary Interest – Item 11.2 - 19/133 – Council Purchase of Land - Murrumburrah

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

- Cr Tuckerman - Non-Pecuniary Interest – Item 11.10 - 19/141 – Results of the Code of Conduct Investigation – Councillor Conduct

Option E – make a declaration, stay in the Chamber, not participate in the debate and not vote.

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General Manager

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## 3. SYMPATHY EXPRESSIONS

*That staff and members of the public be upstanding for a minutes' silence to express our sympathy on the passing of;*

*Phyllis Shoard; Bernadette Mullany; John Taylor; Paul Jasprizza; Brian Murphy; Dulcie Pink; Barry Huntington; Hillma Johnson; John Murray; Raymond Hall; Ronald Griffin; Jennifer Tancred; Joan Hill; Trevor Wilson; Phyllis Perceval; Leighton Butt; Lorraine Chandler; Robert Golden; Stephen Card; Patricia Hall; Peter Thomas; Patricia Nott; Ronald Mitchell*

*Moved: Mayor Brian Ingram*

## 4. CONFIRMATION OF MINUTES

**19/125 RESOLVED:**

*That Council:*

- (a) Confirm the Minutes from the Hilltops Council Ordinary Meeting dated 17 April 2019 as a true and accurate record; with change to Item: 7.2 - 19/94 – Public Apology Leaking of Confidential Information Cr J Walker – Cr Stadtmiller voted against the motion*

*Councillors: O'Connor/Tuckerman Unanimous*

## 5. 19/100 - MAYORAL REPORT – MAY 2019

**19/126 RESOLVED:**

*That Council:*

- (a) Receive and note the Mayoral Report, May 2019.*

## ENGAGEMENT DATES

April – May 2019

|          |  |
|----------|--|
| 17 April | General Manager performance review   |
| 24 April | Meeting with Murrumbidgee Local Health   |
| 25 April | ANZAC Day commemorations in Young and Bribbaree  |
| 26 April | Meeting with Member for Cootamundra  |
| 27 April | Young Tennis Club centenary celebrations   |
| 29 April | Meeting with Murrumbidgee Local Health May   |
| 30 April | ANZAC Day service at Hennessy Catholic College   |
| 30 April | Hilltops Economic Growth and Land Use Strategy Workshop                                |
| 1 May    | Meeting regarding joint use library facility   |
| 1 May    | Young Showground Trust Meeting   |
| 3 May    | ANZAC Day service at Boorowa Central School  |
| 4 May    | Young High School Debutante Ball   |
| 6 May    | Meeting with NSW Rural Fire Service  |
| 7 May    | Meeting in Sydney with Schools Infrastructure NSW regarding joint use library facility |

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|        |  |
|--------|--|
| 8 May  | Travel back from Sydney  |
| 8 May  | Budget Workshop  |
| 9 May  | NSW Rural Fire Service South West Slope Zone Liaison Committee Meeting |
| 11 May | Hennessy Catholic College Debutante Ball                               |
| 13 May | General Manager Performance Review                                     |
| 13 May | Young Sports Advisory Committee Meeting                                |
| 14 May | Cootamundra Summit in Junee  |
| 15 May | Rugby Village Workshop   |
| 16 May | Meeting with the Hilltops Community Hub                                |
| 19 May | Cheque Presentations with community groups                             |
| 21 May | Councillor Workshop  |
| 22 May | Citizenship Ceremony   |
| 22 May | Hilltops Council Ordinary Meeting, Boorowa Chambers                    |

**Moved: Mayor Brian Ingram**

**Unanimous**

## 6. 19/41 - COUNCILLOR REPORT'S – MEETINGS ATTENDED AND COMMUNITY RECOGNITION

**19/127 RESOLVED:**

**That Council:**

**(a) Receive and note the Councillor Reports.**

### Councillor John Horton

|           |   |
|-----------|---|
| 10 April  | Boorowa: Budget workshop  |
| 10 April  | Reid's Flat: Village workshop.  |
| 16 April  | Young: LEP meeting.   |
| 17 April  | Harden: Council Ordinary Monthly meeting.   |
| 18 April  | Galong: PA Meeting cancelled -- Met with Treasurer John Killick.  |
| 24 April  | Young: Collected ANZAC Day wreaths from Council.  |
| 25 April  | Rugby: Attended 6.30AM ANZAC Day service and laid a Hilltops Council wreath.  |
| 25 April  | Jugiong: Attended 3.30PM ANZAC Day service and laid a Hilltops Council Wreath. Local State member Steph Cooke and Dep. Prime Minister Michael McCormack were in attendance. |
| 28 April  | Young: Town Hall Disc Tec 19 Computer training by Rotary.   |
| 28 April  | Young: Bush Poets recital.  |
| 30 April  | Regional Tourism meeting / Combined.  |
| 03 May    | Young: I gave a music recital at Library's TAKE FIVE EVENT.   |
| 05 May    | Murringo: Markets and Heritage day.   |
| 07 May    | Young: LEP committee meeting.   |
| 08 May    | Temora: LGNSW health care --- Regional Health Summit meeting  |
| 08 May    | Young: Budget work shop.  |
| 09 May    | Young: LGNSW ( President Cr. Linda Scott ) meeting.   |
| 09 May    | Jugiong: JAG Committee meeting.   |
| 10-11 May | Dubbo: Lachlan Regional Transport Committee Inc. meeting.   |
| 13 May    | Young: General Managers performance review in conjunction with the Mayor and Dep. Mayor.  |
| 22 May    | Hilltops Council Ordinary Meeting, Boorowa Chambers   |

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## **Councillor Margaret Roles**

- 25 April ANZAC Day services: Koorawatha, Wirrima, Bendick Murrell, Crowther, Monteagle  
15-17 May AWLGA Conference: Sydney  
22 May Hilltops Council Ordinary Meeting, Boorowa Chambers

## **Councillor Greg Armstrong**

- Meetings as minuted  
25 April ANZAC Day Services – Boorowa and Young  
30 April LEP Workshop  
21 May Asset Workshop  
22 May Hilltops Council Ordinary Meeting – Boorowa

## **Councillor Antony Wallace**

- Budget Workshop  
General Managers Performance Review  
ANZAC Day - Murringo  
22 May Hilltops Council Ordinary Meeting – Boorowa

## **Councillor Wendy Tuckerman**

- Meetings as minuted  
1 May Library Meeting  
22 May Hilltops Council Ordinary Meeting – Boorowa

## **Councillor Rita O'Connor**

- 25 April ANZAC Day Services - Wombat, Harden, Murrumburrah Light Horse  
30 April Land Use Strategy combined meeting Environmental Initiatives, Regional Tourism and Economic Action Committees  
7 May Boorowa Community Garden Meeting  
8 May Temora: LGNSW Summit on Regional Health  
8 May Budget workshop - Young  
9 May LGNSW President meeting - Young  
9 May Jugiong: JAG meeting  
10 May Meeting with Murrumbidgee Local Health District chief executive and board chairperson  
14 May Hilltops Wellbeing Action Group (HWAG) meeting  
14 May Harden Visitor Information Centre meeting  
15 -17 May ALGWA Conference Sydney  
20 May Constituent meeting  
21 May Constituent meeting  
21 May Local Health Advisory Committee (LHAC) meeting  
21 May Councillor workshop  
22 May Hilltops Council Ordinary Meeting – Boorowa

## **Councillor John Walker**

- Meetings as minuted  
25 April ANZAC Day – commend staff preparation and traffic control commendable  
22 May Hilltops Council Ordinary Meeting – Boorowa

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## **Councillor Tony Flanery**

Meetings as minuted

25 May ANZAC Day service - Galong  
Budget Workshop  
LEP Workshop  
HRDC/Community Meeting - RE: Growth Strategy - Harden  
22 May Hilltops Council Ordinary Meeting – Boorowa

*Councillors: Wallace/Roles*

*Unanimous*

## **GENERAL MANAGER'S REPORT**

### **7.1 -19/102 – COUNCILLOR REMUNERATION 2019/2020**

*19/128 RESOLVED:*

*That Council:*

- (a) Endorse the maximum prescribed rate for rural councils, being \$12,160 for Councillors with an additional fee of \$26,530 for the Mayoral position in line with S241 of the Local Government Act 1993.*

*Councillors: Wallace/Armstrong*

*Unanimous*

### **7.2 - 19/103 – COUNCILLOR ATTENDANCE 2019 CONFERENCES**

*19/129 RESOLVED:*

*That Council:*

- (a) Endorse Councillor Flanery and if unavailable Cr Walker to attend the 2019 Local Roads Congress on the 3 June 2019; and*  
*(b) Endorse Councillor Roles to attend the 2019 National Assembly for Local Government in Canberra.*

*Councillors: O'Connor/Tuckerman*

*Unanimous*

### **7.3 - 19/104 – LOCAL GOVERNMENT ADVOCACY FEDERAL ELECTION CAMPAIGN**

*19/130 RESOLVED:*

*That Council:*

- a) Acknowledges the importance of federal funding through the Financial Assistance Grants (FAG's) program for the continued delivery of council services and infrastructure; and*  
*b) Expresses its concern about the decline in the value of Financial Assistance Grants funding at the national level from an amount equal to around 1% of Commonwealth Taxation Revenue in 1996 to a current figure of around 0.55%.*

*Councillors: Manchester/O'Connor*

*Unanimous*

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## 7.4 – 19/105 - ENDORSEMENT OF OPERATIONAL PLAN, BUDGET, REVENUE POLICY, FEES AND CHARGES

### 19/131 RESOLVED:

*That Council move into the committee of the whole*

*Councillors: Manchester/Ingram Unanimous*

### 19/132 RESOLVED:

*That Council move out of the committee of the whole*

*Councillors: Armstrong/Flanery Unanimous*

### 19/133 RESOLVED:

*That Council:*

- (a) Change the Draft Budget 2019/2020 to take \$195,000 from the plant reserve, being small vehicles under 4 years of age or 100,000km, and transfer \$195,000 to the Harden Swimming Pool project for 2019/2020;*
- (b) Change the Draft Budget 2020/2021 to transfer \$195,000 from the Harden Swimming Pool project and transfer \$195,000 to the plant replacement reserve;*
- (c) Change the water usage charges for Harden in the Draft Revenue Policy to cap the increase in Harden water usage charges at 3%;*
- (d) Council adopt the Draft 2019/2020 Operational Plan and associated Draft Budget, Draft Revenue Policy and Draft Fees and Charges, including the changes in (a) to (c) above for the purposes of placing the documents on public exhibition;*
- (e) Place the Draft 2019/2020 Operational Plan on public display for a period of 28 days in accordance with the requirements of the Local Government Act 1993 and invite public comment on the documents;*
- (f) That Council give public notice of the following rates included in the Draft Revenue Policy for the 2019/2020 financial year:*

| Rate Category       | 2019/2020<br>Base Amount \$ | Base<br>% | Minimum<br>Amount<br>(\$) | Ad Valorem<br>Rate<br>(cents in \$) | Yield<br>\$ |
|---------------------|-----------------------------|-----------|---------------------------|-------------------------------------|-------------|
| <b>RESIDENTIAL</b>  |                             |           |                           |                                     |             |
| Harden/Murrumburrah | 292.49                      | 48%       |                           | 1.124550                            | 552,223     |
| Harden - Other      | 189.41                      | 48%       |                           | 0.316555                            | 197,297     |
| Boorowa             |                             |           | 452.00                    | 0.892271                            | 374,986     |
| Boorowa - Other     |                             |           | 452.00                    | 0.624716                            | 328,514     |
| Young Other         |                             |           | 460.00                    | 0.747885                            | 686,313     |
| Young - Township    |                             |           | 460.00                    | 1.061750                            | 3,145,899   |
| <b>FARMLAND</b>     |                             |           |                           |                                     |             |
| Harden              | 684.37                      | 26%       |                           | 0.285775                            | 2,087,328   |
| Boorowa             |                             |           | 452.00                    | 0.512030                            | 1,896,382   |
| Boorowa - Young     |                             |           |                           | 0.422508                            | 35,808      |
| Young               |                             |           | 460.00                    | 0.431970                            | 2,924,547   |
| Young - Harden      |                             |           |                           | 0.278166                            | 18,548      |
| <b>BUSINESS</b>     |                             |           |                           |                                     |             |
| Harden/Murrumburrah | 506.88                      | 38%       |                           | 2.383567                            | 149,663     |

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|--------------------------------|---------------|------------|-----------------|---------------------------|
| <i>Harden - Business Other</i> | <i>295.50</i> | <i>48%</i> | <i>0.506909</i> | <i>71,989</i>             |
| <i>Boorowa</i>                 |               |            | <i>452.00</i>   | <i>0.433114</i>           |
| <i>Young</i>                   |               |            | <i>460.00</i>   | <i>0.982682</i>           |
| <i>Young - CBD</i>             |               |            | <i>460.00</i>   | <i>1.455825</i>           |
| <i>Young - Non-CBD</i>         |               |            | <i>460.00</i>   | <i>1.310243</i>           |
| <b>MINING</b>                  |               |            |                 |                           |
| <i>Young</i>                   |               |            | <i>460.00</i>   | <i>11.669729</i>          |
| <i>Harden</i>                  |               |            | <i>460.00</i>   | <i>11.669729</i>          |
| <i>Boorowa</i>                 |               |            | <i>460.00</i>   | <i>11.669729</i>          |
|                                |               |            |                 | <b>TOTAL \$13,544,992</b> |

(g) That Council provide public notice of the following annual sewer access charges and usage charges for the 2019/2020 financial year in accordance with the Revenue Policy:

| <i>Category</i>                             | <i>Unit</i>  | <i>Charge \$</i> | <i>Yield \$</i>  | <i># of Services</i> |
|---|--------------|------------------|------------------|----------------------|
| <b>Non-Residential Sewerage User Charge</b> |              |                  |                  |                      |
| <i>Harden</i>                               | <i>pa/WC</i> | <i>453.20</i>    | <i>67,980</i>    | <i>150</i>           |
| <i>Young (CC)</i>                           | <i>pa/WC</i> | <i>731.00</i>    | <i>247,078</i>   | <i>338</i>           |
| <i>WC's Hotels Motels Units Flats -</i>     | <i>pa/WC</i> | <i>365.00</i>    | <i>108,770</i>   | <i>298</i>           |
| <i>Urinals - Schools, Churches and</i>      | <i>pa/WC</i> | <i>365.00</i>    | <i>8,030</i>     | <i>22</i>            |
| <i>Water Closets - Schools, Churches,</i>   | <i>pa/WC</i> | <i>183.00</i>    | <i>43,371</i>    | <i>237</i>           |
| <i>Water Closets - Other - Young (EB)</i>   | <i>pa/WC</i> | <i>365.00</i>    | <i>127,750</i>   | <i>350</i>           |
| <i>Urinals - Other - Young (EC)</i>         | <i>pa/WC</i> | <i>365.00</i>    | <i>9,855</i>     | <i>27</i>            |
| <b>Sewerage Access Charge (20mm)</b>        |              |                  |                  |                      |
| <i>Boorowa</i>                              | <i>pa</i>    | <i>750.00</i>    | <i>513,000</i>   | <i>684</i>           |
| <i>Young (CA)</i>                           | <i>pa</i>    | <i>731.00</i>    | <i>2,322,387</i> | <i>3,177</i>         |
| <i>Residential - Harden</i>                 | <i>pa</i>    | <i>732.60</i>    | <i>624,908</i>   | <i>853</i>           |
| <i>Non-Residential - Harden</i>             | <i>pa</i>    | <i>279.40</i>    | <i>31,013</i>    | <i>111</i>           |
| <i>Non-Residential - Boorowa</i>            | <i>pa</i>    | <i>750.00</i>    | <i>38,250</i>    | <i>51</i>            |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>139.70</i>    | <i>1,397</i>     | <i>10</i>            |
| <b>Sewerage Access Charge (25mm)</b>        |              |                  |                  |                      |
| <i>Non-Residential - Harden</i>             | <i>pa</i>    | <i>429.00</i>    | <i>5,577</i>     | <i>13</i>            |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>214.50</i>    | <i>0</i>         | <i>-</i>             |
| <b>Sewerage Access Charge (32mm)</b>        |              |                  |                  |                      |
| <i>Non-Residential - Harden</i>             | <i>pa</i>    | <i>702.90</i>    | <i>1,406</i>     | <i>2</i>             |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>352.00</i>    | <i>0</i>         | <i>-</i>             |
| <b>Sewerage Access Charge (40mm)</b>        |              |                  |                  |                      |
| <i>Large Connections - Harden</i>           | <i>pa</i>    | <i>1,098.9</i>   | <i>5,495</i>     | <i>5</i>             |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>548.90</i>    | <i>0</i>         | <i>-</i>             |
| <b>Sewerage Access Charge (50mm)</b>        |              |                  |                  |                      |
| <i>Large Connections - Harden</i>           | <i>pa</i>    | <i>1,717.10</i>  | <i>15,454</i>    | <i>9</i>             |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>859.10</i>    | <i>0</i>         | <i>-</i>             |
| <b>Sewerage Access Charge (65mm)</b>        |              |                  |                  |                      |
| <i>Large Connections - Harden</i>           | <i>pa</i>    | <i>4,396.70</i>  | <i>0</i>         | <i>-</i>             |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>2,198.9</i>   | <i>0</i>         | <i>-</i>             |
| <b>Sewerage Access Charge (100mm)</b>       |              |                  |                  |                      |
| <i>Large Connections - Harden</i>           | <i>pa</i>    | <i>6,867.30</i>  | <i>0</i>         | <i>-</i>             |
| <i>Community Service Obligations -</i>      | <i>pa</i>    | <i>3,434.20</i>  | <i>0</i>         | <i>-</i>             |
| <b>Unconnected Vacant Land</b>              |              |                  |                  |                      |
| <i>Harden</i>                               | <i>pa</i>    | <i>279.40</i>    | <i>17,882</i>    | <i>64</i>            |
| <i>Residential - Young (CB)</i>             | <i>pa</i>    | <i>548.00</i>    | <i>71,240</i>    | <i>130</i>           |
| <i>Non-Residential - Young (CD)</i>         | <i>pa</i>    | <i>548.00</i>    | <i>13,700</i>    | <i>25</i>            |
|   |              |                  | <b>TOTAL</b>     | <b>\$4,274,543</b>   |

General Manager

Mayor

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(h) That Council provide public notice of the following water annual access charges for the 2019/2020 financial year in accordance with the Revenue Policy:

| Category                                      | Sub-Category  | Charge<br>\$       | Yield<br>\$ | # of<br>Services |
|---|---------------|--------------------|-------------|------------------|
| <b>Water Access - 20mm</b>                    |               |                    |             |                  |
| Residential - Boorowa                         | Access Charge | 633.80             | 440,498     | 695              |
| Residential - Harden                          | Access Charge | 426.80             | 533,927     | 1,251            |
| Residential - Young (BE20)                    | Access Charge | 308.00             | 1,149,456   | 3,732            |
| Harden Community Service Obligations          | Access Charge | 213.40             | 4,268       | 20               |
| Non-Residential - Boorowa                     | Access Charge | 633.80             | 44,367      | 70               |
| Non-Residential - Harden                      | Access Charge | 426.80             | 126,760     | 297              |
| Non-Residential - Young (BF20)                | Access Charge | 308.00             | 163,240     | 530              |
| Residential - Young Strata Connected          | Access Charge | 308.00             | 2,156       | 7                |
| <b>Water Access - 25mm</b>                    |               |                    |             |                  |
| Residential - Harden                          | Access Charge | 667.70             | 28,043      | 42               |
| Residential - Young (BE25)                    | Access Charge | 480.00             | 14,400      | 30               |
| Harden Community Service Obligations          | Access Charge | 480                | 960         | 2                |
| Non-Residential - Harden                      | Access Charge | 667.60             | 138,882     | 208              |
| Non-Residential - Young (BF25)                | Access Charge | 480.00             | 29,280      | 61               |
| <b>Water Access - 32mm</b>                    |               |                    |             |                  |
| Residential - Harden                          | Access Charge | 1,094.50           | 1,095.00    | 1                |
| Residential - Young (BE32)                    | Access Charge | 787.00             | 3,148       | 4                |
| Harden Community Service Obligations          | Access Charge | 546.70             | 0           | -                |
| Non-Residential - Harden                      | Access Charge | 1,094.50           | 8,756       | 8                |
| Non-Residential - Young (BF32)                | Access Charge | 787.00             | 11,805      | 15               |
| <b>Water Access - 40mm</b>                    |               |                    |             |                  |
| Residential - Young (BE40)                    | Access Charge | 1,230.00           | 3,690       | 3                |
| Harden Community Service Obligations          | Access Charge | 865.70             | 0           | -                |
| Large Connections - Harden                    | Access Charge | 1,709.40           | 18,803      | 11               |
| Non-Residential - Young (BF40)                | Access Charge | 1,230.00           | 29,520      | 24               |
| Non-Residential Young Strata                  | Access Charge | 1,230.00           | 1,230       | 1                |
| <b>Water Access - 50mm</b>                    |               |                    |             |                  |
| Residential - Harden                          | Access Charge | 2,670.80           | 0           | -                |
| Residential - Young (BE50)                    | Access Charge | 1,922.00           | 1,922       | 1                |
| Harden Community Service Obligations          | Access Charge | 1,335.4            | 0           | -                |
| Large Connections - Harden                    | Access Charge | 2,670.80           | 42,732      | 16               |
| Non-Residential - Young (BF50)                | Access Charge | 1,922.00           | 53,816      | 28               |
| <b>Water Access - 65mm</b>                    |               |                    |             |                  |
| Harden Community Service Obligations          | Access Charge | 3,107.00           | 0           | -                |
| Large Connections - Harden                    | Access Charge | 6,835.40           | 13,671      | 2                |
| <b>Water Access - 80mm</b>                    |               |                    |             |                  |
| Non-Residential - Young (BF80)                | Access Charge | 4,921.00           | 14,763      | 3                |
| <b>Water Access - 100mm</b>                   |               |                    |             |                  |
| Harden Community Service Obligations          | Access Charge | 5,340.50           | 0           | -                |
| Large Connections - Harden                    | Access Charge | 10,678.8           | 10,679      | 1                |
| Non-Residential - Young (BF100)               | Access Charge | 7,689.00           | 62,952      | 8                |
| <b>Water Access - Vacant Land/Unconnected</b> |               |                    |             |                  |
| Unconnected - Harden                          | Vacant Land   | 426.30             | 52,435      | 123              |
| Unconnected - Young (BE)                      | Access Charge | 308.00             | 36,960      | 120              |
| Non-Residential Water - Young                 | Access Charge | 308.00             | 13,244      | 43               |
| <b>Residential Units</b>                      |               |                    |             |                  |
| Residential Units - Young (BEU)               | Access Charge | 308.00             | 41,580      | 135              |
| <b>Strata Units</b>                           |               |                    |             |                  |
| Residential Strata (Young) units not          | Access Charge | 308.00             | 6,776       | 22               |
| Non - Residential Strata units (Young)        | Access Charge | 308.00             | 5,544       | 18               |
|   | <b>TOTAL</b>  | <b>\$3,111,358</b> |             |                  |

General Manager

Mayor



# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

- (i) That Council provide public notice of the following water usage charges for the 2019/2020 financial year in accordance with the Revenue Policy:

| Category                           | Sub-Category                     | Charge \$ | Yield \$  |
|------------------------------------|----------------------------------|-----------|-----------|
| <b>Residential Water Usage</b>     |                                  |           |           |
| Harden                             | User Charge (>0 kl) - \$ per kl  | 2.40      | 522,698   |
| Boorowa                            | User Charge (0<67kl) - \$ per kl | 2.55      | 151,053   |
| Boorowa                            | User Charge (>68kl) - \$ per kl  | 5.10      | 75,526    |
| Young                              | User Charge (>0 kl) - \$ per kl  | \$3.21    | 1,862,712 |
| <b>Non-Residential Water Usage</b> |                                  |           |           |
| Harden                             | Charge (> 0 kl) - \$ per kl      | 2.40      | 809,950   |
| Boorowa                            | Charge (> 0 kl) - \$ per kl      | 2.55      | 47,204    |
| Young                              | User Charge (>0 kl) - \$ per kl  | 3.21      | 934,938   |
| <b>Other Water Usage</b>           |                                  |           |           |
| Young                              | User Charge (>0 kl) - \$ per kl  | \$3.21    | \$0       |
| Raw water - Boorowa                | User Charge (>0 kl) - \$ per kl  | 1.16      | \$0       |
| Raw water - Harden                 | User Charge (>0 kl) - \$ per kl  | 1.16      | \$0       |
| Raw water - Young                  | User Charge (>0 kl) - \$ per kl  | 1.16      | \$0       |

- (j) That Council provide public notice of the following storm water management charges for the 2019/2020 financial year in accordance with the Revenue Policy:

| Category                                     | # of Services | Charge \$ | Yield \$         |
|--|---------------|-----------|------------------|
| <b>Storm Water Management Service Charge</b> |               |           |                  |
| Harden Residential                           | 906           | 25.00     | 22,650           |
| Harden Non-residential                       |               | 25.00     |                  |
| Young Residential                            | 3596          | 25.00     | \$105,800        |
| Young Non-residential                        | 388           | 25.00     | \$9,700          |
|  | <b>Total</b>  |           | <b>\$121,475</b> |

- (k) That Council provide public notice of the following waste management charges for the 2019/2020 financial year in accordance with the Revenue Policy:

| Category                                      | Unit   | Charge \$ | Yield \$  | # of Services |
|---|--------|-----------|-----------|---------------|
| <b>Domestic Collection Charge - Urban</b>     |        |           |           |               |
| Harden/Murrumburrah                           | pa     | 473       | 486,717   | 1,029         |
| Harden/Murrumburrah - upgrade                 | pa     | 219.00    | 438       | 2             |
|   |        |           |           | 671           |
| Boorowa                                       | pa     | 283.00    | 189,893   |               |
| Boorowa Waste Access Availability Charge      | pa     | 186.00    | 323,454   | 1739          |
| Galong  | pa     | 378.00    | 27,594    | 73            |
| Young (GA)                                    | pa     | 347.00    | 1,255,099 | 3,617         |
| <b>Domestic Collection Charge - Non-Urban</b> |        |           |           |               |
| Young (GV)                                    | pa     | 44.00     | 119,284   | 2,711         |
| Harden Waste Access                           | Note 1 | 33.00     | 42,834    | 1,298         |
| <b>Vacant Land Collection Charge</b>          |        |           |           |               |
| Harden/Murrumburrah                           | pa     | 33.00     | 2,178     | 66            |
| Boorowa                                       | pa     | 187.00    | 13,090    | 70            |
| Young - Urban (GB)                            | pa     | 115.00    | 17,480    | 152           |

General Manager

Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

| <i>Recycling Collection Charge</i>  |                    |                |                   |              |
|---|--------------------|----------------|-------------------|--------------|
| <i>Organic Collection -</i>   |                    |                |                   |              |
| <i>Harden/Murrumburrah</i>  | <i>pa</i>          | <i>54.00</i>   | <i>54,322</i>     | <i>998</i>   |
| <i>Boorowa</i>  | <i>pa</i>          | <i>68.80</i>   | <i>47,197</i>     | <i>686</i>   |
| <i>Young - Urban (GR)</i>   | <i>pa</i>          | <i>62.00</i>   | <i>223,510</i>    | <i>3,605</i> |
| <i>Green Waste Collection Charge</i>  |                    |                |                   |              |
| <i>Young - (GW)</i>   | <i>pa</i>          | <i>\$55.00</i> | <i>227,115</i>    | <i>3,605</i> |
| <i>Commercial Collection Charge</i>   |                    |                |                   |              |
| <i>Boorowa (per Bin)</i>  | <i>pa</i>          | <i>522.00</i>  | <i>43,326</i>     | <i>83</i>    |
| <i>Boorowa Recycling</i>  | <i>pa</i>          | <i>\$67.00</i> | <i>Inc. above</i> |              |
| <i>Harden/Murrumburrah</i>  | <i>per pickup</i>  | <i>11.30</i>   | <i>67,782</i>     | <i>6,000</i> |
| <i>Note 1. raised on all properties not subject to Domestic Waste Management Charge</i> |                    |                |                   |              |
| <i>Liquid Trade Waste</i>   |                    |                |                   |              |
| <i>Young - (Class 1)</i>  | <i>per service</i> | <i>99.00</i>   | <i>4,851</i>      | <i>49</i>    |
| <i>Young - (Class 2)</i>  | <i>per service</i> | <i>177.00</i>  | <i>10,620</i>     | <i>60</i>    |
| <i>Young - (Class 2S)</i>   | <i>per service</i> | <i>587.00</i>  | <i>0</i>          | <i>0</i>     |
| <i>Young - (Class 3)</i>  | <i>per service</i> | <i>587.00</i>  | <i>1,174</i>      | <i>2</i>     |
| <i>TOTAL</i>  |                    |                | <i>3,157,958</i>  |              |

*Councillors: Flanery/Armstrong Unanimous*

## 7.5 - 19/106 – KATEGIC REPORT CUSTOMER SERVICE CONSULTATION

*19/134 RESOLVED:*

*That Council:*

- (a) Read and note the report;*
- (b) Adopt the recommendations presented within the report as part of Councils 2019.20 delivery plan with a view to exhibiting Councils Customer Service Policy and Charter at its June 2019 meeting; and*
- (c) Commencing a customer service strategy that incorporates the report recommendations to improve overall customer service as part of the 2019.20 Operational Plan.*

*Councillors: O'Connor/Walker Unanimous*

## 7.6 - 19/107 – DRAFT CODE OF CONDUCT FOR COUNCIL COMMITTEE MEMBERS, DELEGATES OF COUNCIL AND COUNCIL ADVISERS

*19/135 RESOLVED:*

*That Council:*

- (a) Adopt the Draft Hilltops Council Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers*

*Councillors: Armstrong/Roles*

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

Against: Councillors: Walker, Flanery

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General Manager

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

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## 7.7 - 19/108 – DRAFT HILLTOPS COUNCIL MEDIA AND COMMUNICATIONS POLICY

*19/136 RESOLVED:*

*That Council;*

- (a) Endorse the Draft Hilltops Media and Communications Policy to be placed on public exhibition from Thursday, 23 May 2019 until Wednesday, 20 June 2019, during normal business hours for submissions;*
- (b) If any submissions are received that propose changes, or if there are substantial post public exhibition changes proposed for any other reasons, a report be submitted to Council for consideration detailing the public exhibition outcomes and with further recommendations regarding adoption; and*
- (c) If there are no submissions received proposing changes as a result of the public exhibition, or there are no substantial post public exhibition changes proposed for any other reasons, Council adopt the Draft Hilltops Media and Communications Policy.*

*Councillors: Roles/O'Connor*

*Unanimous*

## 7.8 - 19/109 – SISTER CITY AND FRIENDSHIP CITY POLICY

*19/137 RESOLVED:*

*That Council;*

- (a) Endorse the Sister and friendship City Policy; and*
- (b) Allocate a budget of \$10,000 towards travel expenses and per diem for Hilltops Council delegation to visit Sister Cities and or host Civic receptions.*

*Councillors: Flanery/Manchester*

*Unanimous*

## 7.9 – 19/110 - SISTER CITY LANZHOU, CHINA VISIT 2019

*19/138 RESOLVED:*

*That Council:*

- (a) Acknowledge the invitation of Councils sister city Lanzhou to host up to 5 visitors for internal flights, accommodation and meals;*
- (b) Endorse complimentary expenditure of \$10,000 for flights, accommodation, meals, and transfers, for a delegation of no more than 5 attendees to visit the Lanzhou, China during July 2019;*
- (c) Endorse the delegation to consist of the Mayor, Cr Horton and one other Councillor; and*
- (d) Endorse the delegation to consist of Council's mandarin speaking tourism officer.*

*Councillors: O'Connor/Manchester*

*Unanimous*

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General Manager

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## 7.10 - 19/111 – RFS HEADQUARTERS UPDATE 2019

*19/139 RESOLVED:*

*That Council:*

- (a) Receive and note the report;*
- (b) Acknowledge the \$300,000 received from the Kruger Trust to the project*
- (c) Allocate the sum of \$760,000 for the connection of sewerage and water infrastructure from the Harden Water and Sewer reserve or as borrowings incorporated into the 2019.20 budget;*
- (d) Contribute 40% of power supply costs to the site (approx. \$184,000), noting its benefit to the Racecourse subdivision from the 2019.20 budget; and*
- (e) Acknowledge that the road construction costs will be managed by RFS.*

*Councillors: O'Connor/Manchester*

For: Councillors: Ingram, Armstrong, Flanery, Manchester, O'Connor, Roles, Tuckerman,  
Wallace

Against: Councillor: Walker

## 7.11 - 19/112 – SOUTHERN LIGHTS

*19/140 RESOLVED:*

*That Council:*

- (a) Note the report on the Southern Lights Project;*
- (b) Provide in principle support for Central NSW Joint Organisation in seeking funding to progress the replacement of Council's existing street lights with smart-enabled LED lighting; and*
- (c) Monitor the timeframe from Essential Energy for the Bulk Lamp Replacement for street lights.*

*Councillors: Tuckerman/Armstrong Unanimous*

## 7.12 - 19/113 – YOUNG RUGBY LEAGUE CLUB WAIVER OF FEES

*19/141 RESOLVED:*

*That Council:*

- (a) Receive and note the report;*
- (b) Endorse the fee waiver for DA and S94 fees of \$14,880.50 for the Young Rugby League Club development at Alfred Oval on the basis that improvements are on existing Council infrastructure;*
- (c) Support an additional amount of \$44,900 towards the implementation costs of the lift as part of the project; and*
- (d) That these monies be funded from the distribution of SCCF funding interest as calculated at 30 June 2019.*

*Councillors: Manchester/Flanery Unanimous*

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General Manager

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## 7.13 - 19/114 – CASH AND INVESTMENT REPORT AS AT 30 APRIL 2019

*19/142 RESOLVED:*

*That Council:*

*(a) Receive the Statement of cash and investments as at 30 April 2019.*

*Councillors: Manchester/Tuckerman Unanimous*

## 7.14 - 19/115 – QUARTERLY BUDGET REVIEW STATEMENT (QBRS)

*19/143 RESOLVED:*

*That Council:*

*(a) Defer the item.*

*Councillors: Wallace/Tuckerman Unanimous*

## 7.15 - 19/116 – FOOD INSPECTION FEE WAIVER – NOT FOR PROFIT GROUPS

*19/144 RESOLVED:*

*That Council:*

*(a) Waive the Inspection fees not-for-profit and community organisations, and school canteens.*

*Councillors: Walker/Armstrong*

For: Councillors: Ingram, Flanery, Manchester, O'Connor, Roles, Tuckerman, Walker, Wallace

Against: Councillor: Armstrong

## 7.16 - 19/117 – 2019/DA-00025 – DWELLING (NEW) – 981 MURRINGO GAP ROAD MURRINGO – LOT 1 DP754588

*19/145 RESOLVED:*

*That Council:*

*(a) approve the Clause 4.6 variation of the development standard contained in Clause 6.1 of the Young LEP 2010, relating to the minimum lot size for the erection of a dwelling, and approve the following application, subject to the conditions below.*

- *Application No.: 2019/DA-00025*
- *Property: Lot 1 DP 601137, 981 Murringo Gap Road Murringo*
- *Development: Dwelling (new) – Three (3) bedrooms, single storey*

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General Manager

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## General

1. *The development shall be generally in accordance with the supporting documentation, including, but not limited to, the following:*

| <i>Drawing No.</i>   | <i>Issue</i> | <i>Detail</i>                        | <i>Dated</i>      |
|--|--------------|--------------------------------------|-------------------|
| <i>1/7</i>   | <i>B</i>     | <i>Site plan</i>                     | <i>01.02.2019</i> |
| <i>2/7</i>   | <i>B</i>     | <i>Floor plan</i>                    | <i>01.02.2019</i> |
| <i>3/7</i>   | <i>B</i>     | <i>Elevations</i>                    | <i>01.02.2019</i> |
| <i>4/7</i>   | <i>B</i>     | <i>Section A-A</i>                   | <i>01.02.2019</i> |
| <i>5/7</i>   | <i>B</i>     | <i>Slab layout plan</i>              | <i>01.02.2019</i> |
| <i>6/7</i>   | <i>B</i>     | <i>Slab penetration plan</i>         | <i>01.02.2019</i> |
| <i>7/7</i>   | <i>B</i>     | <i>Schedule of BASIX commitments</i> | <i>01.02.2019</i> |
| <i>BASIX Certificate No 987332S, dated 01 February 2019, submitted 11 March 2019</i> |              |                                      |                   |
| <i>Statement of environmental effects: submitted 18 October 2018</i>                 |              |                                      |                   |
| <i>Clause 4.6 variation report: submitted 18 October 2018</i>                        |              |                                      |                   |

*and as modified by any conditions of this consent.*

2. *No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.*
3. *The development shall be carried out in conformity with the provisions of the Environmental Planning and Assessment Act, 1979, and the regulations made thereunder, in accordance with the plans and specifications approved by Council.*
4. *The builder shall maintain on the site, at all times a legible copy of the following:*
  - *Development Consent including plans and related documentation;*
  - *Construction certificate including plans, specifications and certificates.*

## *Section 7.12 development contribution*

5. *Prior to the issue of any Construction Certificate, a Section 7.12 development contribution (formerly known as Section 94A Contribution) of \$2,140.00 is required towards the provision of public amenities and services, in accordance with the Young Shire Council Section 94A Developer Contributions Plan.*

*If payment is made after 30 June 2019, payment of the contribution will be at the rate nominated in Council's Fees and Charges.*

## *Local Government Act approvals*

6. *The person having the benefit of this consent must obtain all relevant approvals under the Local Government Act 1993, prior to commencing such works, including but not limited to: sewerage works, stormwater drainage works, water supply works, installation and operation of an on-site effluent management system, installation of a solid fuel heating device, etc.*

*Note: The effluent disposal field must be minimum 40 metre away from the dam.*

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

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## *Signs*

7. *No more than two signs shall be erected at the front of the site to display the following details. At least one of these signs shall have the following minimum information:*
- *the name of the Principal Certifying Authority, their address and telephone number;*
  - *the name of the person in charge of the work site and telephone number at which that person may be contacted outside working hours;*
  - *that unauthorised entry to the work site is prohibited;*

*and both signs shall be maintained to a tidy and legible standard at all times and must be removed when the work has been completed.*

## *Building Code of Australia and Home Building Act*

8. *All building work must be carried out:*
- (a) *In accordance with the requirements of the Building Code of Australia. In particular, your attention is directed to the conditions in this consent;*
  - (b) *In addition, in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such contract of insurance must be in force before any building work authorised by this consent commences.*
9. *Residential building work within the meaning of the Home Building Act 1989 shall not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being a Council) has given the Council written notice of the following information:*
- (a) *In the case of work for which a principal contractor is required to be appointed, the name, licence number and name of insurer if the principal contractor*
  - (b) *In the case of work to be done by an owner-builder, the name and owner-builder permit number (where required).*

*Changes to the residential building work shall not be carried out unless the Principal certifying Authority has given the Council written notice of the changes. This condition does not apply to Crown building work as defined.*

10. *The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act 1989. This requirement may be satisfied by the provision of an owner-builder permit of Home Owners Warranty Insurance.*

## *Inspection/Certification*

11. *Prior to commencement of work, the person having the benefit of the Development Consent:*
- (a) *shall appoint a Principal Certifying Authority (PCA); and*
  - (b) *shall ensure a Construction Certificate is issued by the PCA;*
  - (c) *shall notify Council of their intention to commence the site works (at least 2 days notice is required).*

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General Manager

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

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12. *The Principal Certifying Authority shall determine the inspections and compliance certificate that are required.*
13. *Where Hilltops Council is nominated as the Principal Certifying Authority, the following requirements shall be satisfied before works commence:*
  - *The Principal Certifying Authority Service Agreement shall be completed and signed by the applicant; and*
  - *Terms and conditions of the Principal Certifying Authority Service Agreement shall be satisfied.*
14. *Where Hilltops Council is not the Principal Certifying Authority, the following requirements shall be satisfied before works commence:*
  - *Principal Certifying Authority name, address and registration details (evidencing registration with the Building Professionals Board) shall be submitted to Council; and*
  - *A Construction Certificate shall be registered with Council.*

## *Occupation Certificate*

15. *A Final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principal Certifying Authority must be satisfied that the requirements of section 109H of the Environmental Planning and Assessment Act 1979 have been satisfied.*

*Note: When all work as indicated on the approved plans/specifications is completed, the applicant shall notify the PCA to arrange for the issue of a final Occupation Certificate.*

## *SITE PREPARATION*

### *Cut and Fill*

16. *The applicant shall ensure that any cut or fill on site is appropriately graded, drained, retained and vegetation commenced.*
17. *Retaining walls greater than 1 metre in height shall be designed by a suitably qualified practising and insured Structural Engineer. The design shall be submitted to and permission to proceed granted by Council prior to work commencing.*
18. *It is a prescribed condition of this consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:*
  - *Protect and support the adjoining premises from possible damage from the excavation; and*
  - *Where necessary, underpin the adjoining premises to prevent any such damage;*
  - *This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given written consent to this condition not applying.*

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General Manager

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Mayor



# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## *Erosion Control*

19. *Erosion and sedimentation control measures shall be implemented on the site prior to work commencing.*

*\*NOTE: ENSURE THAT SEDIMENT AND EROSION CONTROL ARE IN PLACE BEFORE EARTHWORKS COMMENCE*

## *Builders Toilet*

20. *The applicant shall ensure that a suitable builders' toilet is situated on the property, prior to commencing construction and is serviced and maintained in clean condition during construction.*

## *DURING CONSTRUCTION*

### *Kitchen Exhaust*

21. *Kitchen exhaust shall discharge externally of the roof covering and not discharge into the roof space. Any ductwork through roof space is to be of non-combustible material.*

### *Smoke Alarms*

22. *A smoke alarm system complying with Australian Standard AS3786 Self Contained Smoke Alarms or listed in the Scientific Services Laboratory (SSL) Register of Accredited Products - Fire Protection Equipment shall be installed in suitable locations on or near the ceiling.*
23. *The smoke alarm system must be connected to the mains electrical power supply and must have a standby (battery backup) power supply.*
24. *Prior to issue of the Occupation Certificate, the Licensed Electrician responsible for the smoke alarm installation shall issue a certificate to the Principal Certifying Authority to verify the following:*
- *To verify the SSL number; and*
  - *To verify that the installation on the site complies with manufacturers specification.*

### *BASIX Requirements*

25. *The requirements of the BASIX Certificate issued in respect of the development shall be satisfied as follows:*
- *Certification for each element in the above BASIX Certificate shall be provided at the inspection immediately after installation; and*
  - *Certification for each element in the above BASIX Certificate shall be provided prior to issue of the Occupation Certificate.*

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General Manager

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# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## *Water Supply Tank*

26. *A minimum of 100,000 litres of tanked water supply for domestic consumption or larger volume of water supply in accordance with BASIX commitments. In addition to the domestic water supply and BASIX, an additional 20,000 litres of water supply shall be dedicated and reserved for firefighting purposes on site in accordance with the NSW Rural Fire Service requirements. Where the total volume is provided in a single tank, the draw off point for the domestic supply is to be located at or above the 20,000 litre level. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. Water tanks for firefighting purposes shall be of a non-combustible material, generally located in close proximity to the dwelling and allow access for fire fighting vehicles.*

## *Stormwater Drainage*

27. *Stormwater from roof and hardstand areas shall be conveyed at least 3m clear of the dwelling, and disposed of without causing erosion or nuisance to adjoining premises. This shall include the stormwater overflow from any tank or collection system.*

## *Trees*

28. *Any trees not approved for removal (on development site or on public footpath) shall be protected from damage during construction. This includes protection from compaction of the ground within the root zone, damage to the trunk or crown of the tree.*

## *Access*

29. *The existing access gate located at the north western corner of the property is the approved location for the proposed vehicle access. The gate is to be setback a minimum of 5 metres from the property boundary fronting Murringo Gap Road and to be hinged in such a manner as to swing open into the property only.*
30. *A rural two coat bitumen sealed access shall be provided to the proposed site and constructed to Council's specifications, after submitting the attached application form and receiving Council's approval of the application. The two coat seal shall be placed between the edge of the road seal and the gate setback.*

## *Works within the road reserve*

31. *Any construction works, including accesses, footpaths, or the like on public roads (Council or Crown Road Reserves) shall comply with the following requirements:*
- *Application made to Council for a Works Within Road Reserve Permit for the site;*
  - *Works Within Road Reserve Permit issued by Council for the site;*
  - *Works constructed in accordance with Works Within Road Reserve Permit for the site;*

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General Manager

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

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39. *Any works within the road reserve requires the following to be carried out prior to commencement:*
- *A Traffic Control Plan (TCP) shall be prepared and submitted to Council for approval;*
  - *The Traffic Control plan shall be developed by an accredited person and it shall contain the certification number and the date of issue by the accredited person.*

## *Rural addressing*

32. *A rural addressing number plate shall be erected on the fence adjacent the property entrance by Council, at full cost to the developer, at the price listed in Council's Management Plan, at the time of payment.*

## *NUISANCE & AMENITY*

### *Hours of Construction*

33. *For reasons of residential amenity in the neighbourhood, work on the project shall be limited to the following hours:*
- (i) *Monday to Friday - 7:00 am to 6:00 pm*
  - (ii) *Saturday - 8:00 am to 5:00 pm*
  - (iii) *No work to be carried out on Sunday/Public Holidays, without the prior written consent of Council.*

### *Waste disposal*

34. *All construction waste shall be disposed of to a licenced landfill site.*

## *BUSHFIRE MEASURES*

### *Bushfire attack level*

35. *The dwelling must be constructed to a minimum Bushfire Attack Level (BAL) of BAL – 12.5.*

### *Property access/Egress and evacuation*

36. *The access to be constructed to following specifications to enable safe access for emergency services and allow fire crew to work with vehicle equipment without impediments:*
- *The access road to the development should be a two-wheel drive all-weather road*
  - *Provide a suitable turning area in accordance with NSW Planning for Bushfire Protection guidelines 2006.*
  - *A minimum vertical clearance of four metres to any overhanging obstructions is to be established and maintained for all access roads.*
  - *The access roads should not traverse a wetland or other land potentially subject to periodic inundation.*
  - *The crossfall of the access road should not exceed 10 degrees.*

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

\_\_\_\_\_  
Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## *Electricity supply*

37. *Electricity supply is to be provided underground where possible. Where overhead electrical transmission lines are proposed:*
- *Lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian area; and*
  - *No part of a tree is closer to a powerline than the distance set out in accordance with the relevant 'Vegetation Safety Clearances' issues.*

## *Gas*

38. *Reticulated or bottled gas shall be installed and maintained in accordance with AS/NZS 1596-2018: Storage and Handling of LP Gas and the requirements of the relevant authorities. If gas cylinders are to be kept close to buildings, the release valve must be directed away from the building and away from any hazardous materials such as firewood, so that it does not act as a catalyst to combustion.*

*All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard site of the installation. Polymer sheathed flexible gas supply lines to gas metres adjacent to buildings are not to be used.*

## *Water supply*

39. *Minimum water requirements 20,000L per lot for firefighting purposes.*

## *Asset protection zones (APZ)*

40. *All APZs are maintained in accordance with Planning for Bushfire Protection guidelines 2006 and the RFS document Standards for Asset Protection Zones.*

## *Fire fighting*

41. *Maintenance of landscapes vegetation is needed to ensure that access roads have a 4 metre trafficable width and a 4 metre vertical clearance for the entire length. Any landscaped vegetation surrounding the access road are thinned and maintained to make the road safe for use during evacuation. The access to the residence to be an all weather surface.*

## *Construction method*

42. *The highest Bushfire Attack level to the proposed development was determined to be BAL-12.5. Construction provision listed in Section 5 of Australian Standard 3959 (2009) are applicable for asset protection and occupant safety.*

*Councillors: Roles/Manchester*

*Unanimous*

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

For: Councillors: Ingram, Armstrong, Flanery, Manchester, O'Connor, Roles, Tuckerman, Walker, Wallace

Absent: Councillors: Horton; Stadtmiller

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

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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7.17 - 19/118 – 2018/DA-00160 – TWO LOT SUBDIVISION – 69 NOONANS ROAD YOUNG - LOT 1 DP848443

19/146 RESOLVED:

*That Council:*

*(a) approve the Clause 4.6 variation of the development standard contained in Clause 6.1 of the Young LEP 2010, relating to the minimum lot size for the erection of a dwelling, and approve the following application, subject to the conditions below.*

- *Application No.: 2018/DA-00160*
- *Property: Lot 1 DP 848443, 69 Noonans Road Young*
- *Development: Two lot subdivision*

*Approved development and plans*

1. *The development shall be generally in accordance with Development Application number 2018/DA-00160 submitted by the applicant and be in accordance with the supporting documentation submitted with that application, including, but not limited to, the following.*

| <i>Drawings prepared by CPC</i>  |   |                   |
|--|---|-------------------|
| <i>Reference No.</i>   | <i>Name of Plan</i>                                     | <i>Date</i>       |
| <i>19118</i>   | <i>Plan of proposed subdivision</i>                     | <i>26/10/2018</i> |
| <i>19118</i>   | <i>Plan of proposed subdivision (with aerial image)</i> | <i>26/10/2018</i> |
| <ul style="list-style-type: none"><li>• <i>Statement of environmental effects, prepared by Wade Anthony, dated 25 October 2018.</i></li><li>• <i>Clause 4.6 variation assessment, prepared by Wade Anthony, dated 27 March 2019.</i></li></ul> |   |                   |

*as modified by any conditions of this consent.*

*Inconsistencies between documents*

2. *In the event of any inconsistency between the documentation referred to in Condition 1, the most recent document shall prevail to the extent of the inconsistency.*
3. *In the event of any inconsistency between conditions of this approval and documents referred to in Condition 1, the conditions of this approval shall prevail to the extent of the inconsistency.*

*Lapsing of approval*

4. *This development approval shall lapse five (5) years after the date on which it is granted, unless the works associated with the development have physically commenced.*

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

\_\_\_\_\_  
Mayor

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## Statutory Requirements

5. *All licences, permits and approvals must be obtained and maintained as required throughout the life of the development. No condition of this approval removes the requirement to obtain, renew or comply with such licences, permits or approvals.*

## Cost of works

6. *All works associated with the proposal, or required by this consent, will be at no cost to Council.*

## Prescribed Conditions

7. *All relevant prescribed conditions under Part 6, Division 8A of the Environmental Planning & Assessment Regulation 2000 apply and must be complied with.*

## Section 7.11 Contribution

8. *The following contributions are applicable for the current financial year 2018-19 (rate is subject to annual review):*

|                                 |                   |
|---------------------------------|-------------------|
| <i>Rural RU4 Road Upgrades</i>  | <i>\$4025.76</i>  |
| <i>S 94 Plan administration</i> | <i>\$137.50</i>   |
| <i>Total</i>                    | <i>\$4,163.26</i> |

## Access

9. *The proposed new entry for Lot 2 (as shown on the plan of subdivision) is not approved on grounds of safe traffic management.*
10. *The existing vehicular access shall be upgraded to Council specifications to service both lots, after submitting the attached application form and receiving Council approval of the application.*

*Note: The existing pipe culvert will need to be widened by a single length to the west, and a gravel pavement placed over the pipe culvert for the extended width. From this, the gravel pavement for the vehicle access point can then shaped back into the property to match the width of the existing gravel driveway formation at a suitable setback distance.*

## Right of carriageway

11. *A 6m wide 'Right of Carriageway' shall be created over proposed Lot 1 internal driveway by using the proposed common boundary of proposed Lot 1 and 2, and the eastern side, or a point close to, of the existing internal driveway, then to a point on the southern side of the dam (in proposed Lot 2).*
12. *The full length of the right of carriageway, shall be constructed to a suitable all-weather standard, being a minimum width of 3.5 metre, with a 150 mm deep compacted gravel pavement, with drainage as necessary. Written confirmation from the contractor, shall be submitted to Council, confirming the ROW has been*

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General Manager

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Mayor

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*constructed to this standard shall be submitted to Council, prior to the release of the subdivision certificate.*

## *Application to carry out works in road reserve*

13. *Any works constructed or undertaken on public roads dedicated in the name of Hilltops Council, Crown or Roads & Maritime Services, or utilised for the carrying out of work on adjacent properties, shall not be undertaken until an approval under the Roads Act 1993 (Works Within the Road Reserve application), has been lodged.*
14. *The following documentation and plans shall accompany the Works Within Road Reserve application, for approval under the Road Act 1993;*
  - *A Traffic Control Plan (TCP prepared by an accredited person, which contains their Certification Number, origin of issue and date of issue);*
  - *Current Public Liability insurance policy of the contractor undertaking works 'Certificate of Currency' \$20,000,000 minimum.*

## *Sedimentation and erosion control*

15. *Soil erosion and sediment control measures shall be designed, implemented and maintained during construction, in accordance Council's Engineering Guidelines for Subdivision and Development.*

## *Removal of trees*

16. *No trees shall be removed from site, unless separate consent has been obtained.*

## *Rural addressing*

17. *A rural addressing number plate shall be erected on the fence adjacent the property entrance by Council, at full cost to the developer, at the price listed in Council's Management Plan, at the time of payment.*

## *Fencing*

18. *The developer shall erect a stock proof type fence on all proposed lot boundaries.*
19. *The boundary fence of the development, adjacent to the road reserve, shall be placed or relocated to the correct boundary alignment at the cost of to the developer. The boundary location shall be marked by a Registered Surveyor.*

## *Installation of services*

20. *Service conduits for electricity and telecommunications cabling shall not be trenched across any road pavements.*

## *State Survey Marks*

21. *The developer shall ensure that any existing State Survey Marks (Permanent Mark) will not be disturbed. If it so happens that this mark falls within any works associated with the development it shall be relocated at the developer's cost or if it is disturbed, reinstatement costs shall also be borne by the developer.*

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

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Mayor

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## *Completion of engineering works*

22. *All engineering works (access and right of carriageway) shall be completed in accordance with the approved plans, prior to the issue of a subdivision certificate.*

## *Services*

23. *Prior to the issue of a subdivision certificate, written evidence shall be submitted to the PCA and Council, stating that satisfactory arrangements have been made throughout the proposed subdivision, and to each allotment, with respect to the provision of:*
- a) telecommunication services - from Telstra Australia,*
  - b) power – from Essential Energy,*

## *Damage to infrastructure or services*

24. *The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the developer prior to the release of any subdivision certificate.*

## *Final subdivision plans*

25. *The submission of a final plan of subdivision (and seven copies), suitable for registration at the Land Titles Office.*

## *Registration of easements and restriction as to users*

26. *Easements shall be created over all services to the satisfaction of the relevant authority, and/or wherever Council deems necessary to allow unrestricted access to the service, and restrictions as to user created, under section 88B of the Conveyancing Act 1919, including, but not limited to, the following:*
- a) easements for power supply.*
  - b) Maintenance responsibilities for right of carriageway.*

*Councillors: Armstrong/Manchester      Unanimous*

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

For: Councillors: Ingram, Armstrong, Flanery, Manchester, O'Connor, Roles, Tuckerman, Walker, Wallace

Absent: Councillors: Horton, Stadtmiller

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General Manager

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Mayor



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## 7.18 - 19/119 – DEVELOPMENT APPLICATION STATISTICS FOR MARCH & APRIL 2019

*19/147 RESOLVED:*

*That Council:*

- (a) receive and note the status and processing times for development applications, as at 30 April 2019.*

*Councillors: Manchester/Walker Unanimous*

*19/148 RESOLVED:*

*That Council:*

- (a) Move into the committee of the whole*

*Councillors: Flanery/Manchester Unanimous*

*19/149 RESOLVED:*

*That Council:*

- (a) Move out of the committee of the whole*

*Councillors: Flanery/Armstrong Unanimous*

## 7.19 - 19/120 – HILLTOPS RURAL AND RESIDENTIAL LANDS STUDY – FINAL REPORT

*19/150 RESOLVED:*

*That Council:*

- a) Endorse for the purposes of public consultation the Hilltops Rural and Residential Lands Study; noting the following preferences:*
- b) RU1 - Minimum lot size 40 hectares;*
- c) The inclusion of additional residential lands in Harden near the Trinity School on Back Demondrille Road Harden;*
- d) Endorse commencement of the public exhibition of the Study in May 2019 for a minimum of 42 days;*
- e) and a proactive engagement strategy commence across the region to support the exhibition period;*
- f) Consider submissions received during the public exhibition in the preparation of the following Council documents:*
- i. Hilltops Local Strategic Planning Statement;*
  - ii. Hilltops Local Environmental Plan; and*
  - iii. other relevant policies and plans.*

*Councillors: Armstrong/Flanery Unanimous*

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General Manager

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Mayor

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

Against: Councillors: Wallace, Roles

## 7.20 - 19/121 - HILLTOPS FREIGHT AND TRANSPORT STUDY - UPDATED FINAL REPORT

**19/151 RESOLVED:**

*That Council:*

- (a) Endorse for the purposes of public consultation the Hilltops Freight and Transport Study;*
- (b) Endorse the commencement of the public exhibition of the study in May 2019 for a minimum of 42 days;*
- (c) and a proactive engagement strategy commence across the region to support the exhibition period;*
- (d) Consider submissions and comments on the Hilltops Freight and Transport Study and a report to Council on recommendations received during the exhibition when:
  - i. finalising the timeframes and priorities of the infrastructure upgrades*
  - ii. identifying potential locations for a transport and logistics hub*
  - iii. protecting the transport corridors within subsequent planning instruments, including the Local Strategic Planning Statement (LSPS) and Local Environmental Plan (LEP); and**
- (e) Formally discontinue the Young Planning Proposal No 1B for the Heavy Vehicle Bypass Route for Young that was instigated by Resolution 197/11 of the former Young Shire Council on 15 June 2011, as the Hilltops Freight and Transport Study has addressed the matter.*

*Councillors: Flanery/Armstrong*

*Unanimous*

## 7.21 - 19/122 – MURRUMBURRAH LIGHT HORSE MEMORIAL LANDSCAPE MASTER PLAN – MACKAY STATUE PROJECT

**19/152 RESOLVED:**

*That Council:*

- (a) Adopt the recommendation to allow placement of the described sculpture of Major General Mackay in the Light Horse Memorial area as shown in the attached sketch plan for the site;*
- (b) Adopt the recommendation to progress the formal compilation and eventual adoption by Council of a Landscape Masterplan for the site, incorporating the positioning of the Major General Mackay sculpture; and*
- (c) Endorse the hosting of a civic event for the opening of the memorial at Council's cost.*

*Councillors: Manchester/Flanery*

*Unanimous*

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General Manager

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Mayor

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## 7.22 - 19/123 – JUGIONG BUSINESS AREA LANDSCAPE MASTERPLAN

19/153 RESOLVED:

*That Council:*

- (a) Adopts the recommendation that the revised Jugiong Business Area Landscape Master plan as tabled;*
- (b) Adopts the recommendation to remove the draft label to be removed, add an adoption date to the plans as the final update; and*
- (c) Adopts the recommendation that detailing of construction plans are now commenced to determine a more accurate estimate for the project, suggested works staging and suggested source of funds of these staged works. This information will be reported to Council in a future report.*

*Councillors: O'Connor/Walker*

*Unanimous*

## 7.23 - 19/124 – BURRANGONG CREEK PROJECT FUNDING REALLOCATION

19/154 RESOLVED:

*That Council:*

- a) Reallocate the available funding of \$633,267 from the Burrangong Creek project to the Young Aquatic Centre project pending agreement from the Office of Local Government;*
- b) Place the draft Burrangong Creek Masterplan on a 28-day public exhibition period, calling for submissions;*
- c) Agree that if there are substantial changes proposed for any reason, that a report be submitted to Council for consideration detailing the public exhibition outcomes with further recommendations regarding adoption;*
- d) Agree that if there are no submissions received proposing changes, or there are no changes proposed for any other reason, that Council adopt the draft Masterplan for Burrangong Creek; and*
- e) Agree to seek funding opportunities for the delivery of the works outlined in the draft Burrangong Creek Masterplan.*

*Councillors: Armstrong/Flanery*

For: Councillors: Ingram, Armstrong, Flanery, Manchester, Roles, Tuckerman, Walker

Against: Councillors: Wallace, O'Connor

## 7.24 - 19/125 – YOUNG LANDCARE REVEGETATION FUNDING

19/155 RESOLVED:

*That Council:*

- (a) Endorse the proposed Landcare works for the 2019/20 financial year; and*
- (b) That the estimated cost of \$5,000 be funded from existing maintenance allocations.*

*Councillors: O'Connor/Roles*

*Unanimous*

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General Manager

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Mayor

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## 7.25 - 19/126 – NEILL STREET CBD PLANTINGS

### MOTION

That Council:

- (a) Discontinue the planting of trees within the centre median;
- (b) All for inclusion in the 2020-21 budget estimates the staged removal of all existing Robina pseudoacacia "Frisia" trees and replant with a new species;
- (c) Ensure staff undertake the necessary irrigation changes to correct uneven water distribution across all gardens as recommended in the Ryan, W 2016 Review of Plant performance and Neil Street Irrigation System March 2016; and
- (d) Recommence the Landscape Maintenance Monthly Reporting - Park & Garden. as per Streetscape Management & Landscape Maintenance Manual and through the available resources undertake corrective measures in a timely manner and within resources available.

Councillors: Roles/O' Connor

### AMENDMENT

That Council:

- (a) Defer the report for further consideration.

Councillors: Flanery/Tuckerman

### **19/156 RESOLVED:**

*That Council:*

- (a) Defer the report for further consideration.*

*Councillors: Flanery/Tuckerman*

For: Councillors: Ingram, Armstrong, Flanery, Manchester, O' Connor, Roles, Tuckerman, Wallace

Against: Councillor: Walker

## 7.26 - 19/127 – JUGIONG PARK ONSITE SEWERAGE MANAGEMENT.

### MOTION

That Council:

- a) Allocate \$100,000 for the upgrade works in the 2019/2020 Council Estimates.
- b) Continue to provide additional pump-out services during periods of expected high demand until the situation can be resolved.

Councillors: O' Connor/Walker

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General Manager

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Mayor

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## AMENDMENT

That Council:

- (a) allocate \$100,000 from borrowings (extending the RFS sewer borrowings for the upgrade works in the 2019/2020 Council allocations).

Councillors: Armstrong/Flanery

## AMENDMENT

That Council:

- (a) Defer the matter.

Councillors: Armstrong/Flanery

**19/157 RESOLVED:**

*That Council:*

- (a) Defer the matter*

*Councillors: Armstrong/Flanery*

*Unanimous*

## 7.27 - 19/128 – SOUTH WEST REGIONAL WASTE MANAGEMENT GROUP BULK WASTE HAULAGE CONTRACT EXTENSION

**19/158 RESOLVED:**

*That Council:*

- (a) Adopt the recommendation to extend the current bulk haulage contract for a further five (5) year period; and*
- (b) Adopt the recommendation to issue the delegated authority to the General Manager to execute the Contract extension on behalf of the South West Regional Waste Management Group.*

*Councillors: Walker/Manchester*

*Unanimous*

## 7.28 - 19/129 – ASSET MANAGEMENT PLANS - UPDATE

**19/159 RESOLVED:**

*That Council:*

- (a) Form an Asset Management Review Group made up of Councillors: Wallace, Armstrong, Flanery and appropriate Staff including the Director Infrastructure; and*
- (b) The role of the Asset Management Review Group be to review the Draft Asset Management Plans as required and review overall levels of renewal funding and the breakup of this renewal funding for all classes of Assets*

*Councillors: Ingram/Manchester*

*Unanimous*

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

\_\_\_\_\_  
Mayor

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## 7.29 - 19/130 – ACTION SUMMARY REPORT

*19/160 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: Manchester/O'Connor          Unanimous*

## 7.30 - 19/131 – HILLTOPS WORKS REPORT

*19/161 RESOLVED:*

*That Council:*

- (a) Receive and note the information provided on works completed and works planned.*

*Councillors: Walker/Manchester          Unanimous*

## CORRESPONDENCE FOR ATTENTION

### ACTION

♦ Nil

### INFORMATION

*19/162 RESOLVED:*

*That Council;*

- a) Receive and note the media releases and dates of release from April 2019 to May 2019.*

*Councillors: O'Connor/Roles          Unanimous*

## 9. COUNCIL COMMITTEE REPORTS

### 9.1 COUNCIL SECTION 355 COMMITTEE REPORTS – REQUIRING ACTION

### 9.2 – SECTION 355 COMMITTEE UPDATE – NATIONAL CHERRY FESTIVAL

*19/163 RESOLVED:*

*That Council;*

- (a) Endorse Roger Carmody to the National Cherry Festival Section 355 Committee.*

*Councillors: Walker/Wallace          Unanimous*

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General Manager

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Mayor

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## 9.3 - COUNCIL SECTION 355 COMMITTEE REPORTS – REQUIRING NO ACTION

*19/164 RESOLVED:*

*That Council;*

- a) Receive and note the minutes of the committee reports as presented.*

*Councillors: Wallace/Flanery*

*Unanimous*

## 10. NOTICES OF MOTIONS/RESCISSION

Nil

## 11. CLOSED COUNCIL

### 11.1 - 19/132 – EXCLUSION OF THE PRESS AND PUBLIC

*19/165 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/O'Connor*

### **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:

- (d) commercial information of a confidential nature that would, if disclosed:
- (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:

- (d) commercial information of a confidential nature that would, if disclosed:
- (i) prejudice the commercial position of the person who supplied it.

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General Manager

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Mayor

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## **ITEM 3: 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:

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it.

## **ITEM 4: 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:

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it.

## **ITEM 5: 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:

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it.

## **ITEM 6: 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:

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it.

## **ITEM 7: LEGAL 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:

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege

## **ITEM 8: 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:

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it.

## **ITEM 9: COUNCILLOR 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) alleged contraventions of any code of conduct requirements applicable under section 440.

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

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Mayor



# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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## 11.2 - 19/133 – COUNCIL PURCHASE OF LAND - MURRUMBURRAH

*19/166 RESOLVED:*

*That Council:*

- (a) Not take up the offer to purchase the land at 220 Neill Street Murrumburrah, NSW;*
- (b) Determine an alternate site already under council's care and control with a report to be provided back to Council at its September meeting;*
- (c) That the landscaping and base be incorporated into the Mirrumboola Creek masterplan costs; and*
- (d) The landowner and Committee be notified accordingly.*

*Councillors: Tuckerman/O'Connor Unanimous*

Cr Manchester declared a non-pecuniary interest

## 11.3 - 19/134 – COMMON SEAL – LEASE 314 ALBURY STREET HARDEN

*19/167 RESOLVED:*

*That Council:*

- (a) Delegate the General Manager authority to place the Council seal on lease document; and*
- (b) Delegate the General Manager authority to execute all documents required for this lease.*

*Councillors: Walker/Tuckerman Unanimous*

For: Councillors: Ingram, Armstrong, Flanery, Manchester, O'Connor, Roles, Tuckerman, Walker

Cr Wallace declared a non-pecuniary interest

## 11.4 - 19/135 – AWARD OF CONTRACT FOR INSTALLATION OF BOOROWA SHOWGROUND HORSE ARENA COVER

*19/168 RESOLVED:*

*That Council:*

- (a) Accept the tender of MA Steel, to the value of \$222,196.00, to construct a horse arena cover that covers half of the site.*
- (b) Delegate authority, to the General Manager, to execute all documentation as required for this contract*
- (c) Delegate authority, to the General Manager, to negotiate variations as required for the project*
- (d) Allocate funds from the remainder of the allocation for project management, supervision costs and variations.*

*Councillors: Tuckerman/Roles Unanimous*

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

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 May 2019, commencing at 5.30 PM

Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

## 11.5 - 19/136 – ROBERTS PARK AND HARDEN POOL FLOOD LIGHTING UPGRADE

**19/169 RESOLVED:**

*That Council:*

- a) *Defer the item.*

*Councillors: Manchester/Flanery*

For: Councillors: Ingram, Armstrong, Flanery, Manchester, O'Connor, Tuckerman,  
Walker, Wallace

Against: Councillor: Roles

## 11.6 - 19/137 – RFT 451 OF 2019 – CONSTRUCTION OF TENNIS COURTS AT THE BOOROWA SHOWGROUND – CONTRACT AWARD

**19/170 RESOLVED:**

*That Council:*

- (a) *Award Contract RFT 451 of 2019 to Court Craft Australia Pty Ltd for an upper limit fee of \$274,778.30;*
- (b) *Note the scope of the project is to include:*
  - i. *A Concrete Base*
  - ii. *A Rubberised Acrylic Sports Surface*
  - iii. *Installation of in ground electrical conduits to facilitate later installation of lighting*
  - iv. *Conventional tennis court fencing;*
- (c) *Delegate to the General Manager to enter negotiations with Court Craft Australia Pty Ltd for the provision of in ground conduits to facilitate lighting installation at a later date;*
- (d) *Note the project delivery to commence in June 2019 and is estimated to be completed in November 2019; and*
- (e) *Delegate to the General Manager to execute documentation as required.*

*Councillors: Tuckerman/Flanery*

For: Councillors: Ingram, Armstrong, Manchester, O'Connor, Roles, Tuckerman, Walker  
Against: Councillors: Wallace, Flanery

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General Manager

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Mayor

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## 11.7 - 19/138 – AUSTRALIAN MUSTARD OIL RIGHT OF WAY TRANSFER TO A PUBLIC ROAD, JAMES LANE, YOUNG

*19/171 RESOLVED:*

*That Council:*

- (a) Receive and note report;*
- (b) Conduct a Geotech report of the current right of way to ascertain detailed costs of upgrade prior to transfer from the 2018.19 budget;*
- (c) Accept the transfer of the right of way to Councils road register upon upgrade completion on the basis that the Development Application is lodged and future development proceeds;*
- (d) Acknowledge that total developer fees are estimated to be \$93327 of which \$28,000 are fees paid to a 3<sup>rd</sup> Party; and*
- (e) Endorse that the applicable components of fees for lots fronting James Lane including the Australian Mustard Oil Development Assessment fee of \$12,695 and the S94A fees of \$80,000 are allocated to do complimentary works on James Lane, Young to facilitate further development of the industrial estate.*

*Councillors: Manchester/Roles*

For: Councillors: Ingram, Flanery, Manchester, O'Connor, Roles, Tuckerman, Walker, Wallace

Against: Councillor: Armstrong

## 11.8 - 19/139 – LEGAL ADVICE BENDICK MURRELL ROAD, BENDICK MURRELL

*19/172 RESOLVED:*

*That Council:*

- (a) Receive and note the report.*

*Councillors: Manchester/Wallace Unanimous*

## 11.9 - 19/140 – CONFIDENTIAL REPORT – ELECTRICITY PROCUREMENT

*19/173 RESOLVED:*

*That Council:*

- (a) Acknowledge that there are extenuating circumstances surrounding the procurement of electricity due to the 2-day validity of offers from electricity retailers where anything longer than this is likely to include a price risk component and as such Council should be excused from the tendering requirements under S55(3)(i) of the LG Act for the procurement of electricity for small tariff sites, large contract sites and streetlighting which are due to commence on 1 January 2020;*

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General Manager

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Mayor

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- (b) Delegate the authority to execute the contracts for the supply of electricity for small tariff sites, large contract sites and streetlighting to the General Manager;*
- (c) contribute 20% (note – this percentage can be higher, but minimum is 20%) of Council's electricity load to a renewable energy Power Purchase Agreement where the pricing is financially advantageous; and*
- (d) Advise Central NSW Joint Organisation of Council's decision.*

*Councillors: Flanery/O'Connor*

*Unanimous*

Cr Walker left the meeting at 8.55pm

## 11.10 - 19/141 – RESULTS OF THE CODE OF CONDUCT INVESTIGATION – COUNCILLOR CONDUCT

### *19/174 RESOLVED:*

#### *That Council:*

- a) Formally and publicly censure the Subject Person for the breach under section 440G of the Act;*
- b) Refer the matter to the Office of Local Government for consideration of further action under the misconduct provisions of the Act;*
- c) Request advice from the Office of Local Government as to how to acquit its statutory obligation to provide Councillor Stadtmiller with access to information, including confidential information, necessary for him to acquit his responsibilities as a Councillor, when Councillor Stadtmiller has stated that he will not be 'gagged', indicating a reasonable likelihood that he will not comply with his obligations under those instruments, and particularly as they apply to the use and release of information under the provisions of the Code, the Local Government Act 1993 and the Local Government (Regulations) 2005;*
- d) That Councillor Stadtmiller issue a formal apology to Council, Councillors and Council staff in an open session of a Council meeting, for the harm his use of Council information and associated comments caused to Council, Councillors and employees;*
- e) That Councillor Stadtmiller undertake counselling by a suitably qualified person of the General Manager's choosing regarding, but not limited to:*
  - (i) His obligation not to use confidential and other Council information for purposes other than those specifically relating to his role as a Councillor. Specifically, the use of that information for political purposes.*
  - (ii) His obligation to ensure he acquits his functions as a Councillor honestly and with a reasonable degree of diligence and care.*
  - (iii) How to use social media, and specifically his obligation not to use social media as a platform to impugn or comment adversely on Council; Councillors; employees; other elected representatives or persons; and Council's policies and decisions.*

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

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Mayor

# HILLTOPS COUNCIL ORDINARY MEETING MINUTES

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- (iv) Ensuring Councillor Stadtmiller is fully cognisant that a continuation of this conduct will bring him into conflict with the provisions of the Code, Local Government Act 1993, and other relevant instruments, including but not limited to the ICAC Act 1988.*
- (v) Ensuring Councillor Stadtmiller is fully aware of the fact that a continuation of this conduct will result in a situation where he may be denied access to information where there is a reasonable degree of risk that the release of that information will bring the Council into conflict with its legislative responsibilities and obligations.*
- (vi) Ensuring Councillor Stadtmiller is fully aware that where he adversely names or, provides sufficient information to identify an employee of Council, that conduct may cause conflict with his obligations under the Work Health and Safety Act 2011.*
- (vii) Ensuring that Councillor Stadtmiller fully understands that this conduct is not in the interests of the community and nor is it in the public interest.*
- (viii) Provide Councillor Stadtmiller with tools and strategies to enable him to use the facilities of Council to progress his dissent to Council policies and decisions, including managing appropriately dissent with the actions of Council's administrative arm.*
- f) Councillor Stadtmiller undertake specific training to better equip him to acquit his roles and responsibilities as a Councillor. This training is to be determined by the General Manager;*
- g) That the findings of inappropriate conduct are made public and included in the minutes of this meeting due to the serious nature of these breaches;*
- h) Update all Councillors on their obligations in relation to WHS provisions of the Act especially bullying and harassment provisions;*
- i) All of the above recommendations should be implemented at the next Council meeting and no later than 45 days from the issue of this report.*
- j) That Council develop a social media policy and records management policy as soon as practicable.*

*Councillors: O'Connor/Manchester Unanimous*

Cr Tuckerman declared a non-pecuniary interest.

**19/175 RESOLVED:**

*That Council move out of Closed Council*

*Councillors: Manchester/Armstrong Unanimous*

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General Manager

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Mayor

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*19/176 RESOLVED:*

*That Council:*

*(a) moved out of Closed Council and resolutions made in Closed Council were read and moved as a block.*

*Councillors: Armstrong/Flanery                      Unanimous*

## **NEXT MEETING**

The next meeting of Council is an Extraordinary Meeting scheduled to be on Wednesday, 26 June 2019, Harden Chambers, commencing at 5.30pm.

## **TERMINATION**

There being no further business the meeting closed 9.07pm.

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General Manager

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Mayor