

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

24 July 2019, commencing at 5.30 PM

Held in the Hilltops Council, Young Chamber, 189 Boorowa Street, Young

ATTENDANCE

Mayor Cr Brian Ingram

COUNCILLORS

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

STAFF

E Marks General Manager
J Osland Director Infrastructure

APOLOGIES

Councillor Matthew Stadtmiller
D Rowland Director Sustainable Growth

19/213 RESOLVED:

That Council:

(a) Accept the apology of Cr Stadtmiller

Councillors: Manchester/Walker Unanimous

PUBLIC FORUM

- Item – 6.12 - 19/188 – Crown Road Access to Billaboola Ownership
Mrs Edwina Beveridge

DECLARATIONS OF INTEREST - CONFLICT OF INTEREST

- Cr Flanery - Non-Pecuniary Interest – Item 6.12 - 19/188 – Crown Road Access to Billaboola Ownership

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

- Cr Flanery - Non-Pecuniary Interest – Item 6.11 - 19/187 – Galong Road Fixing Country Road/Heavy Vehicle Safety And Productivity Program Funded Rehabilitation Project – Land Acquisitions

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

General Manager

Mayor

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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;

Barry Long; Patricia Curtis; Patricia Ryan; Joyce Simpson; Sister Genevieve McRae; Maureen Sam; Ian Clarke- Bruce; Bernice Fathers; James Montgomery; Garry Stevens; Susanne Dunbar Hawker; Jane Robertson; Patricia Stone; Stephen Hitchcock

Moved: Mayor Brian Ingram

4. CONFIRMATION OF MINUTES

19/214 RESOLVED:

That Council:

(a) Confirm the Minutes from the Hilltops Council Ordinary Meeting dated 26 June 2019 as a true and accurate record.

Councillors: Flanery/O'Connor

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

Against: Councillor: Walker

5. MAYORAL REPORT JULY 2019

5.1 - 19/173 - MAYORAL ENGAGEMENTS – JULY 2019

19/215 RESOLVED:

That Council:

(a) Receive and note the Mayors engagements, July 2019.

June – July 2019

27 June	Video Blog
27 June	Sod turning at Harden Hospital
27 June	Media interviews regarding Joint Use Library Facility
28 June	Travel to Sydney
29 June	Travel to China
30 June – 13 July	Official visit to China with Lanzhou Municipal Government of the People's Republic of China
15 July	Meeting with Young Showground Trust
16 July	Media interviews regarding water
17 July	Canberra Region Joint Organisation Extraordinary Meeting via video conference
17 July	Wombat Village Workshop
19 July	Official opening of the Harden Murrumburrah Visitor Information Centre
23 July	Audit, Risk and Improvement Committee training in Tumut
24 July	Hilltops Council Ordinary Meeting, Young Chambers

Councillors: Horton/O'Connor

Unanimous

General Manager

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5.2 - 19/174 - COUNCILLOR REPORT'S - MEETINGS ATTENDED AND COMMUNITY RECOGNITION

19/216 RESOLVED:

(a) That the reports be read and noted.

Councillor John Horton

25 June Art's Council Committee Annual General Meeting - Murrumburrah
25 June LEP High school presentation of awards - Harden
26 June Hilltops Council Ordinary Meeting, Harden Chambers
27 June Noxious plants control meeting - Yass
30 June Wombat bush poets recitals meeting - Young
1 July Young Town band meeting with Rodney Clancy -- Kite Festival - Young
2 July Kite Festival committee meeting - Murrumburrah
4 July Public meeting / display re: proposed Library - Young
5 July Library take five presentation - Young
6 July Men's Breakfast - Murrumburrah
9 July LEP Committee meeting - Young
10 July Retirement village musical recital for the residents - Young
11 July Showgrounds new power installations unveiled - Murrumburrah
11 July Bush Poets fund raiser for School visits and presentations - Young
17 July Village workshop - Wombat
19 July Visitors information centre opening - Murrumburrah
July Rotary x 3 meetings.
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor Margaret Roles

27 June HRDC meeting
29 June Nagurra Exhibition
4 July Boorowa Business Chamber Meeting - NSW Minister for Finance and Small Business Hon. Damien Tudehope addressed members.
10 July NAIDOC
17 July Wombat village workshop
19 July HMLVIC Opening
19 July Young Hospital Auxiliary - soup day
23 July Aboriginal Advisory Committee
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor Antony Wallace

Project Reference Group Meeting for the Library Project
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor Greg Armstrong

Meetings as minuted

27 June Hilltops ARIC Meeting
9 July LEP Working Committee Meeting
17 July Wombat Village Community Meeting
23 July Audit, Risk and Improvement Committee Training - Tumut
24 July Hilltops Council Ordinary Meeting, Young Chambers

General Manager

Mayor

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Councillor Tony Flanery

Meetings as minuted

- 3 July Hilltops Transport Group Meeting – Harden
HRDC Meeting
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor John Walker

Meetings as minuted

- 24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor Christopher Manchester

Meetings as minuted

- Wombat Progress Meeting
LEP Meeting
19 July Opening Tourism Office - Murrumburrah
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor Rita O'Connor

- 27 June Weeds Forum - Yass
9 July HWAG Meeting - Young
9 July Bronzing Bill the Bastard Meeting
11 July Meeting re: Tourism Brochure
16 July Local Health Advisory Committee
23 July Aboriginal Advisory committee meeting
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillor Wendy Tuckerman

Meetings as minuted

- 4 July Boorowa Business Chamber Meeting
5 July Joint Use Library Facility Meeting – Schools Infrastructure
24 July Hilltops Council Ordinary Meeting, Young Chambers

Councillors: Horton/Tuckerman

Unanimous

5.3 - 19/175 – 2019 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NATIONAL CONFERENCE – 15 to 17 MAY 2019

19/217 RESOLVED:

That Council:

(a) Receive and note the report from Councillor Roles on the ALGWA Conference 15-17 May 2019.

Councillors: Armstrong/Tuckerman

Unanimous

General Manager

Mayor

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5.4 - 19/176 – 2019 NATIONAL ASSEMBLY FOR LOCAL GOVERNMENT IN CANBERRA – 16 TO 19 JUNE 2019

19/218 RESOLVED:

That Council:

(a) Receive and note the report from Councillor Roles on the 2019 National Assembly for Local Government in Canberra – 16 to 19 June 2019.

Councillors: O'Connor/Armstrong Unanimous

19/219 RESOLVED:

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

Item 6.12 - 19/188 – Crown Road Access to Billaboola Ownership

Councillors: Wallace/Horton Unanimous

6.12 - 19/188 – CROWN ROAD ACCESS TO BILLABOOLA OWNERSHIP

Motion

That Council:

- (a) Does not accept ownership of the proposed road;
- (b) In accordance with Policy does not raise objection to the road being sold to the applicant; and
- (c) Council advise NSW Department of Industry of its' decision

Councillors:

Motion lapsed

Motion

That Council:

- (a) Encourage the applicant to approach the Crown to purchase the land. In accordance with the Admin of Crown Roads guidelines, on the basis that the Crown Road closure for the purpose of sale to a non-adjointing landowner.

Councillor: O'Connor/

Motion lapsed

General Manager

Mayor

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Motion

That Council:

- (a) Assume the ownership of the road, with a development application to be lodged for the construction of the road assuming all road maintenance liability for the road through a legal agreement to be drawn up with council.

Councillors: Manchester/Wallace

Motion put and carried

19/220 RESOLVED:

That Council:

- (a) Assume the ownership of the road, with a development application to be lodged for the construction of the road assuming all road maintenance liability for the road by Billaboola through a legal agreement to be drawn up with council.*

Councillors: Manchester/Wallace

For: Councillors: Ingram, Manchester, Roles, Walker, Wallace

Against: Councillors: O'Connor, Tuckerman, Armstrong, Horton

Cr Flanery did not vote – declared a non-pecuniary interest

Foreshadowed Motion

That Council:

- (a) In accordance with Policy does not raise objection to the road being sold to the applicant;
- (b) Council advise NSW Department of Industry of its' decision; and
- (c) Encourage the applicant to approach the Crown to acquire the road under special circumstances in accordance with the Admin of Crown Road Guidelines.

Councillors: O'Connor/

Foreshadowed Motion lapsed

Foreshadowed Motion

That Council:

- (a) Assume ownership of the road without dedication;
- (b) Close the road; and
- (c) Negotiate with the applicant with a view for sale of the closed road.

Councillors: Armstrong/

Foreshadowed Motion lapsed

General Manager

Mayor

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Motion

That Council:

- (a) Assume the ownership of the road, with a development application to be lodged for the construction of the road assuming all road maintenance liability for the road through a legal agreement to be drawn up with council.

Councillors: Manchester/Wallace

MAYORAL MINUTE

19/221 RESOLVED:

That Council:

- (a) Alter the adopted Code of Meeting Practice Policy in regard to Section 4. Public Forum by the way of deletion of dot point 4.1; and*
- (b) Council Meetings to be at 5.30pm and the first item is Public Forum.*

Councillors: Ingram/Flanery

Unanimous

6. GENERAL MANAGER'S REPORT

6.1 - 19/177 – AUDIT AND RISK IMPROVEMENT COMMITTEE (ARIC) SITTING FEE REVIEW 2019

19/222 RESOLVED:

That Council:

- (a) Acknowledge the ARIC Committee recommendations made at their 18 March 2018 meeting;*
- (b) Support the 2.5% increase of \$375 to the 2019 budget of \$15,000 for the ARIC Committee, noting its linkage to the NSW Local Government Remuneration Tribunal Review of Councillors annual fees; and*
- (c) Acknowledge that this will take the meeting fee to \$1537.50 (Chair) and \$1025 (member) per meeting.*

Councillors: Manchester/Wallace

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

Against Councillor: Tuckerman

General Manager

Mayor

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6.2 – 19/178 – ELECTION SERVICES 2020 COUNCIL ELECTION

19/223 RESOLVED:

That Council:

- (a) Pursuant to s. 296 (2) and (3) of the Local Government Act 1993 (NSW) ("the Act"), that an election arrangement be entered into by contract for the Electoral Commission to administer all elections of the Council;*
- (b) Pursuant to s. 296 (2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and*
- (c) Pursuant to s. 296 (2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.*

Councillors: Manchester/Horton

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

Against: Councillor: Flanery

6.3 - 19/179 – CASH AND INVESTMENT REPORT

19/224 RESOLVED:

That Council:

- (a) Receive the Statement of cash and investments as at 30 June 2019; and*
- (b) Council receive a comprehensive report for investments and investment strategy to accompany the QBR in September 2019.*

Councillors: Armstrong/Tuckerman Unanimous

6.4 - 19/180 – DEVELOPMENT APPLICATION STATISTICS FOR JUNE 2019

19/225 RESOLVED:

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

Councillors: Walker/Manchester Unanimous

6.5 - 19/181 – NEWSON PARK, HARDEN, LONE PINE PROJECT PROPOSAL

Motion

That Council:

- (a) Endorse the project and the planting of the Lone Pine with a surrounding fence; and*
- (b) Seek grant funding to support the full proposal.*

Councillors: Tuckerman/Horton

General Manager

Mayor

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Motion put and carried

19/226 RESOLVED:

That Council:

- (a) Endorse the project and the planting of the Lone Pine with a surrounding fence; and*
- (b) Seek grant funding to support the full proposal.*

Councillors: Tuckerman/Horton Unanimous

6.6 - 19/182 – MURRUMBURRAH PRECINCT LANDSCAPE MASTER PLAN UPDATE STAGE I CREEK WORKS

Motion

That Council:

- a) Notes and adopts the report; and
- b) Council make application for future grants as they become available to fund the second stage of the works, being 1B.

Councillors: Horton/Flanery

Motion put and lost

Motion

That Council:

- (a) Seek a report that provides comprehensive detail of existing works to meet available funds and completion of stage one funding at the next Council meeting.

Councillors: Flanery/Horton

Motion put and carried

19/227 RESOLVED:

That Council:

- (a) Seek a report that provides comprehensive detail of existing works to meet available funds and completion of stage one funding at the next Council meeting.*

Councillors: Flanery/Horton

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

Against Councillors: Wallace, Roles, Walker

General Manager

Mayor

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6.7 - 19/183 – MURRUMBURRAH MASTERPLAN – PLAYGROUND SECTION

Motion

That Council:

- (a) Vary the Murrumburrah Masterplan and build the playground adjacent to stage 1 of creek works.

Councillors: Roles/O' Connor

Motion put and lost

6.8 - 19/184 – HILLTOPS SCF SOLAR PROJECTS – FINAL SCOPE RECOMMENDATIONS

19/228 RESOLVED:

That Council:

- (a) Note the status of the project;*
- (b) Endorse the de-scoping the Trinity Centre due to structural concerns with the roof; and*
- (c) Seek clarification regarding the 6kw leading into the Harden Council Administration building and seek negotiation in conjunction with the tenderer a substantial increase into the export limit by way of negotiation with Essential Energy.*

Councillors: Walker/Horton

Unanimous

6.9 - 19/185 – RFT 451 OF 2019 – CONSTRUCTION OF TENNIS COURTS AT THE BOOROWA SHOWGROUND – CONTRACT AWARD

19/229 RESOLVED:

That Council:

- (a) Rescind Resolution 19/137 - all points, relating to RFT 451 of 2019;*
- (b) Reject all tenders received for RFT 451 of 2019;*
- (c) Adopts the recommendation that Council staff deliver the works with a combination of day labour and subcontractors; and*
- (d) Liaise with the Tennis Club with work in kind*

Councillors: Horton/Tuckerman

Unanimous

6.10 - 19/186 – BRIDGES UPDATE

19/230 RESOLVED:

That Council:

- (a) Receive and note the report;*
- (b) Award Focus Bridge Engineering a contract to complete the detailed design to 100% at Burrangong Creek No. 2; and*
- (c) Delegate to the General Manager to execute all necessary documentation*

Councillors: Horton/Roles

Unanimous

General Manager

Mayor

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6.11 - 19/187 – GALONG ROAD FIXING COUNTRY ROAD/HEAVY VEHICLE SAFETY AND PRODUCTIVITY PROGRAM FUNDED REHABILITATION PROJECT – LAND ACQUISITIONS

19/231 RESOLVED:

That Council:

- (a) Authorise the General Manager to engage a registered valuer to report on the appropriate value of the proposed land acquisitions;*
- (b) Authorise the General Manager to commence negotiations with the affected landowners to achieve a negotiated purchase; and*
- (c) Should these negotiations fail then:*
 - 1. Approves the acquisition of land purposes in*
 - i. Lot 47 of DP 753617 (1250m²),*
 - ii. Lot 1 of DP 1106504 (175m²),*
 - iii. Lot 1072 of DP 1170091 (25m²),*
 - iv. Lot 2 DP 789917 (330m²),*
 - v. Lot 6 DP7252 (50m²),*
 - vi. Lot 4 DP 7252 (50m²).**under the provisions of the Land Acquisition (Just terms Compensation) Act 1991 for the purposes of the Local Government Act 1993 and the making of the necessary application to the Minister and/or Governor*
 - 2. That the Council execute the Acquisition Agreement with the Landowners for the acquisition of the land within the abovementioned lots*
 - 3. That Council pay each Landowner compensation in an agreed amount (to be determined) or otherwise in accordance with the Land Acquisition (Just Terms Compensation) Act 1991*
 - 4. That Council delegate to the General Manager the authority to execute all necessary documentation on behalf of Council*

Councillors: Walker/Manchester

Unanimous

Cr Flanery did not vote – declared a non-pecuniary interest

6.13 - 19/189 – PROPOSED NAMING OF NEW ROAD, FROM 52 BENDICK MURRELL ROAD, BENDICK MURRELL

19/232 RESOLVED:

That Council:

- (a) Refuse the proposal to name the new road Cherry Blossom Close as the name is already in use by an existing commercial business within the Hilltops Local Government area and such use could be construed as having a commercial interest in the existing business; and*

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(b) Advise the applicant to submit three alternate street names as previously requested in accordance with the guidelines established by the NSW Geographical Names Board – Acceptable Road Names Manual.

Councillors: Wallace/Manchester

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

Against: Councillor: Tuckerman, Flanery, Walker, Horton, Armstrong

Mayoral casting vote – recommendation carried

6.14 - 19/190 – ACTION SUMMARY REPORT

19/233 RESOLVED:

That Council;

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

Councillors: Horton/Roles

Unanimous

Cr Armstrong briefly left the room and did not vote on item 6.14 – 19/90.

6.15 - 19/191 – HILLTOPS WORKS REPORT

19/234 RESOLVED:

That Council:

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

Councillors: Horton/Walker

Unanimous

7. CORRESPONDENCE FOR ATTENTION

ACTION

◆ Nil

INFORMATION

19/235 RESOLVED:

That Council;

- a) Note Circular 19-14 Recent amendments to the Local Government Act 1993; and*
- b) Note the media releases and dates of release from June-July 2019. All Hilltops Council media releases can be found on the Hilltops Council website: <https://hilltops.nsw.gov.au/>*

Councillors: Tuckerman/O'Connor

Unanimous

General Manager

Mayor

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8. COUNCIL SECTION 355 COMMITTEE REPORTS – REQUIRING ACTION

8.1 - 19/192 – MINUTES OF HILLTOPS NATIONAL CHERRY FESTIVAL SECTION 355 COMMITTEE REQUIRING ADOPTION

19/236 RESOLVED:

That Council:

- (a) Endorse Roger Carmody; Clare Grantham; Brianah Griffin; David Munnerley and Lisa Krebs as National Cherry Festival Committee Members;*
- (b) Endorse the removal of Julianne Duffey; Emma Blake, Jade Nolan and John Cini, from the National Cherry Festival Committee; and*
- (c) Endorse Brian Davis as Vice President of the National Cherry Festival Committee.*

Councillors: Walker/Manchester Unanimous

8.2 - 19/193 – MINUTES OF HILLTOPS COMMUNITY WELLBEING GROUP (HWAG) SECTION 355 COMMITTEE REQUIRING ACTION

19/237 RESOLVED:

That Council:

- (a) Endorse - The Hilltops Community Suicide Prevention Group as a subcommittee of HWAG and the terms of reference be accepted; and*
- (b) Endorse Kelly Rolfe, Gwen Gunning, Heather O'Hara, Maja Asmus, Peter Beath, Christopher McGregor, Rebecca Roberson, Melissa Banwell and Faith Rogers to the HWAG Committee.*

Councillors: Horton/O'Connor Unanimous

8.3 - 19/194 - COUNCIL SECTION 355 COMMITTEE REPORTS – REQUIRING NO ACTION

19/238 RESOLVED:

That Council;

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

Councillors: Walker/Manchester Unanimous

9. NOTICES OF MOTIONS/RESCISSION

Nil

General Manager

Mayor

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10. CLOSED COUNCIL

10.1 - 19/195 – EXCLUSION OF THE PRESS AND PUBLIC

19/239 RESOLVED:

That Council;

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

Councillors: Manchester/Horton

ITEM 1: PERSONNEL 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:

- (a) personnel matters concerning individuals (other than Councillors)

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.

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.

General Manager

Mayor

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10.2 - 19/196 - MAYORAL MINUTE - CANBERRA REGION JOINT ORGANISATION (CRJO) UPDATE

19/240 RESOLVED:

That Council:

(a) Note the contents of this report.

Councillors: Ingram/Manchester Unanimous

10.3 - 19/197 - SUPPLY AND INSTALLATION OF PREFABRICATED TOILET BLOCKS - RFT 479 OF 2019

19/241 RESOLVED:

(a) Defer report to future meeting of Council pending further information on financial implications and designs included as well as design of existing toilet block in Newson Park in Harden.

Councillors: Flanery/Ingram

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

Against: Councillor: Walker

10.4 - 19/198 - BOUNDARY ROAD MAST SITE RENEWAL OF LEASE

19/242 RESOLVED:

That Council:

(a) Defer the report to the next Council meeting advising of market rental rates.

Councillors: Wallace/Horton

19/243 RESOLVED:

That Council:

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

Councillors: Flanery/Tuckerman Unanimous

NEXT MEETING

The next meeting of Council is an Extraordinary Meeting scheduled to be on Wednesday, 28 August 2019, Boorowa Chambers, commencing at 5.30pm.

TERMINATION

There being no further business the meeting closed 9.09pm.

General Manager

Mayor