

HILLTOPS COUNCIL ORDINARY MEETING MINUTES

22 November 2017, commencing at 5.30 PM

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

ATTENDANCE

Mayor Cr Brian Ingram

COUNCILLORS

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

STAFF

A McMahon	General Manager
L Furness	Executive Director Corporate and Community
D Wymer	Director Infrastructure Services
S Langman	Director Sustainable Growth

PUBLIC FORUM

- Allied Grain - John White
- State of Garbage Tips; State of Tarred Roads, Footpath Murringo – Frank Baker

APOLOGIES

Cr Matthew Stadtmiller

17/316 RESOLVED:

That the apology be accepted.

Councillors: Flanery/Roles

SYMPATHY EXPRESSIONS

17/317 RESOLVED:

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

Patricia Bates, James Henman; Barbara Lawrence; Constance McFadyen; Nicole Doyle; Edward Forde; Joan Johnson; Fr John Airey; Bernice Sam; Haley Anderson; Maurice Gordon; Brian Johnson; Bonnita Woodham; Percy Pfeiffer; Barry Stratford; Robert Lee; Kevin Nelson; Mason Shean

Moved: Mayor Ingram

General Manager

Mayor

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CONFIRMATION OF MINUTES

17/318 RESOLVED:

That the minutes of the Ordinary Meeting of Council held on 25 October 2017, be confirmed as a true and accurate record with the following amendments:

- *That Cr Wallace withdraws his membership on the Arts Committee.*

Councillors: Manchester/Wallace

BUSINESS ARISING – MINUTES

Nil

DECLARATIONS OF INTEREST - CONFLICT OF INTEREST

Cr Flanery - non-pecuniary, Item 17/222 - Distribution of Council's Sponsorship Fund – wife is on committee receiving funds.

Remain in the Chambers and participate in the debate and vote on matter

Lee Furness - non-pecuniary, Item 17/222 - Distribution of Council's Sponsorship Fund – member of Rotary Club and sit on the Board receiving sponsorship

Remain in the Chambers and not vote or discuss matter

Sharon Langman – conflict of interest, Item 17/219 – 2017/DA-00142 – Extension of Operating Hours – 41 Rockdale and 2 Withers Roads, Young

Leave the chamber - Not vote or discuss matter

NOTICE OF MOTION

That Council direct funds of \$350,000 to the Harden Racecourse Precinct.

Motion put and lost

17/319 RESOLVED:

That standing orders change to deal with Item: 17/219 – 2017/DA-00142 – Extension of Operating Hours – 41 Rockdale and 2 Withers Roads, Young.

Councillors: Flanery/Horton

General Manager

Mayor

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17/219 – 2017/DA-00142 – EXTENSION OF OPERATING HOURS – 41 ROCKDALE AND 2 WITHERS ROADS, YOUNG

MOTION:

That Council;

- A. Further information in the form of a noise assessment report prepared by an appropriately qualified person be required for Development Application No 2017/DA-00142 for extended hours of operation at Lot 1 and 2 DP 1205380, 41 Rockdale and 2 Withers Roads, Young
- B. If the required noise assessment report is not submitted within 60 days the Development Application be refused on the grounds that, there is insufficient information to complete the assessment.
- C. If the noise assessment is provided and compliance with guidelines can be demonstrated within 60 days, the development be approved with the following conditions:
 1. The development being generally in accordance with development application 2017/DA-00142 submitted by the Applicant on 14th August 2017, as modified by any conditions of this consent.
 2. The operations shall comply with the Intrusive Noise Criteria and Amenity Noise Criteria established in the noise assessment report submitted with the Development Application.
 3. Any works required / recommended by the noise assessment are to be installed (and if necessary a construction certificate obtained), prior to the commencement of the extended hours.
 4. The hours of operation are generally restricted to:
 - Monday to Saturday 24 hours
 - Sundays and Public Holidays Nilwith the exception of any activities identified in the noise assessment report, as being restricted to less than 24 hours.
 5. A noise monitoring system shall be installed and maintained at the most affected residential property on the northern side of the rail line

General Manager

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and at the most affected point within 30m of the residential building, prior to the commencement of the extended hours

Noise level recordings are to be made available to Council on request to aid in the assessment of any noise complaint. Any recording in excess of the amenity or intrusive noise levels will result in a Penalty Infringement Notice being issued or other appropriate compliance action.

6. The following conditions contained in the identified development consents, which relate to the approved hours of operation, are modified, in accordance with Section 80A(1)(b) of the Environmental Planning & Assessment Act, 1979, by deleting the conditions, and inserting in their place, Conditions 2, 3, 4 and 5 above.

- 2006/DA-00081 - Condition 56
- 2012/DA-00145 - Condition 54
- 2014/DA-00103 - Condition 45
- 2016/DA-00061 - Condition 35.

Councillors: Wallace/Flanery

For: Councillors; Wallace, Flanery, Tuckerman, Roles, Manchester
Against: Councillors; Ingram, O'Connor, Horton, Walker, Armstrong
Absent: Councillor; Stadtmiller

Mayor, initiated casting vote against motion – motion lost

ALTERNATE MOTION FOR DA 2017-00142

17/320 RESOLVED:

1. *That Council approve an extension of the operating hours at the Allied Grains site, at Lot 1 and 2 DP 1205380, 41 Rockdale and 2 Withers Roads, Young, as follows:*
- *Monday to Saturday 24 hours*
 - *Sundays 7.30am to 4.00pm, with no machine, tool or vehicle noise occurring before 8.00am or after 4.00pm*
 - *Public Holidays 7.30am to 4.00pm, with no machine, tool or vehicle noise occurring before 8.00am or after 4.00pm (other than those with restricted trade limitations by the NSW Industrial Relations Commission).*

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2. *The following conditions contained in the identified development consents, which relate to the approved hours of operation, are modified, in accordance with Section 80A(1)(b) of the Environmental Planning & Assessment Act, 1979, by deleting the nominated hours of operation, and inserting in their place, the hours of operation identified in Recommendation 1, above.*

- 2006/DA-00081 - Condition 56
- 2012/DA-00145 - Condition 54
- 2014/DA-00103 - Condition 45
- 2016/DA-00061 - Condition 35.

3. *Insert the following condition into each of the following consents:*

- 2006/DA-00081 - Condition 56
- 2012/DA-00145 - Condition 54
- 2014/DA-00103 - Condition 45
- 2016/DA-00061 - Condition 35.

00. *The operator shall implement best management practice (BMP) on-site, including, but not limited to:*

- *use of the quietest equipment and machinery that can do the job,*
- *scheduling the use of noisy equipment and machinery at the least-sensitive time of the day,*
- *conducting all activities at night, within the confines of the sheds,*
- *ensuring the doors of the sheds are kept closed at night, when noisy activities are carried out,*
- *minimising vehicle deliveries at night.*
 - *For the purposes of this condition "night" is defined as that period from 10:00 pm to 7:00 am.*

Reason for the decision

Council has determined that the potential noise impacts associated with 24 hour operations is acceptable, based on the greater economic and social benefit to the Community provided by the increased operating hours.

Councillors: Ingram/Horton

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

Against: Councillors; Wallace, Tuckerman

Absent: Councillor; Stadtmiller

Item 17/219 - Sharon Langman - left the chamber and did not vote or discuss matter.

General Manager

Mayor

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GENERAL MANAGER'S REPORT

17/215 - ANNUAL REPORT 2016/17

17/321 RESOLVED: That Council;

- 1. Endorse the Hilltops Council Annual Report 2016/17 for provision to the Office of Local Government and that it be placed on Councils website; and*
- 2. Prior to the Annual Report being referred to the Office of Local Government, the Audited Financial statements be attached.*

Councillors: Manchester/O'Connor

17/216 - DRAFT HILLTOPS ECONOMIC DEVELOPMENT STRATEGY

17/322 RESOLVED: That Council;

- 1. endorse the Draft Hilltops Economic Action Plan to be placed on exhibition for a period of 60 days to allow for public feedback; and*
- 2. if no material changes to the plan are suggested through feedback the plan becomes adopted following the exhibition period.*

Councillors: Flanery/Manchester

17/217 – HILLTOPS COUNCIL PUBLIC SWIMMING POOLS – WAIVER OF ENTRY FEE AT DIVE IN MOVIE NIGHTS

17/323 RESOLVED:

That Council; endorse 'free entry' for Boorowa and Harden Swimming Pool for their Dive in Movie Nights proposed for December and donate the Section 68 Application fees.

Councillors: Armstrong/Tuckerman

17/218 – CHRISTMAS DECORATIONS

17/324 RESOLVED: That Council;

- 1. Allocate a budget of \$8,000 for the initial purchase of suitable Christmas decorations for the Boorowa and Harden Main Streets to be adjusted at the December quarterly budget review; and*
- 2. Allocate a budget of \$1,500 as yearly allowance for decoration renewals.*

Councillors: Horton/O'Connor

General Manager

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17/220 – MEMBERSHIP OF JOINT ORGANISATIONS

17/325 RESOLVED:

That Council resolve to become a member of the Canberra Region Joint Organisation of Councils.

Councillors: Horton/Tuckerman

17/221 – ACTION SUMMARY REPORT

17/326 RESOLVED: That Council;

- 1. note the status of Council resolutions from the Action Plan; and*
- 2. endorse the removal of completed items from the Action Plan*

Councillors: Manchester/O'Connor

17/222 – DISTRIBUTION OF COUNCIL'S SPONSORSHIP FUND

17/327 RESOLVED: That Council;

- 1. Provide the following sponsorships:*

<i>Organisation</i>	<i>Allocation</i>
<i>Young District Antique Engine and Tractor Club</i>	<i>\$500</i>
<i>Jugiong Art Exhibition</i>	<i>\$2,000</i>
<i>South West Slopes Fire Cadets</i>	<i>\$500</i>
<i>Rye Park Progress Association</i>	<i>\$1370</i>
<i>Boot the bag Hilltops</i>	<i>\$5,000</i>
<i>Young Dressage Association</i>	<i>\$2,500</i>
<i>Harden Kite Festival</i>	<i>\$5,000</i>
<i>Harden District Education Foundation</i>	<i>\$2,000</i>
<i>Young Darts Association</i>	<i>\$2,500</i>
<i>Young Bowling Club</i>	<i>\$2,500</i>
<i>Hilltops Choir</i>	<i>\$1,000</i>
<i>Dramatic Minds Festival</i>	<i>\$1,000</i>
<i>Boorowa Community Landcare</i>	<i>\$1,000</i>
<i>Young Rodeo Association</i>	<i>\$2,500</i>
<i>Young Aboriginal Education Consultative Group</i>	<i>\$1,000</i>
<i>Young Camera Club</i>	<i>\$1380</i>
<i>Wombat Progress Association</i>	<i>\$500</i>
<i>Rotary Club of Young</i>	<i>\$2,500</i>
<i>Army Cadets Young</i>	<i>\$1,000</i>

General Manager

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2. *Special conditions apply as follows:*

- *Boot the Bag Hilltops – Council logo to be put on the bags*
- *Young Dressage Association – Arena to be named Hilltops Arena*
- *Boorowa Landcare - \$400 for purchase of materials for students and \$600 towards transport*
- *Young Camera Club - \$360 towards venue hire, \$520 towards trophies and prizes and \$500 towards catering and hire charges*
- *Rye Park Progress Association – Council to have final sign off on the document produced;*

3. *That a further round of sponsorships be advertised with a focus on small grants and groups who have not had funding under the Sponsorships or Financial Assistance Policy; and*

4. *That a suitable event be organised for the Mayor and Councillors to give out sponsorships.*

Councillors: Flanery/Armstrong

17/328 RESOLVED:

That the Harden District Education Foundation be sponsored, \$4,500 rather than \$2,000.

Councillors: O'Connor/Horton

Item 17/222 - Cr Flanery remained in the Chambers, participated in the debate and voted on matter.

Item 17/222 - Lee Furness remained in the Chambers and did not vote or discuss matter.

17/223 – COUNCIL SUBMISSION TO THE MODEL CODE OF CONDUCT AND PROCEDURES.

17/329 RESOLVED:

That Council; endorse the draft submission prepared on the Model Code of Conduct and Procedures by the Canberra Joint Regional Organisation; with the modification of the mandatory training be once in every Council term.

Councillors: Horton/Flanery

General Manager

Mayor

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17/224 – HILLTOPS COUNCIL AND YOUNG PCYC (POLICE CITIZENS YOUTH CLUBS NSW)

17/330 RESOLVED: That Council;

- 1. consent to the renewal of the lease of the Police Citizens Youth Club (Young PCYC) subject to community consultation period of 28 days required under the Local Government Act 1993;*
- 2. if no submissions against the proposal are received that the General Manager or his nominee be delegated authority to execute all documents on behalf of Council; and*
- 3. The General Manager and Mayor be authorised to affix the Council Seal to the lease documents.*
- 4. That Council seek a valuation of what a commercial lease would be and accurately report back to the community.*

Councillors: Walker/Wallace

17/225 – HILLTOPS COUNCIL AND YOUNG DISTRICT ARTS COUNCIL INC.

17/331 RESOLVED: That Council;

- 1. consent to the renewal of the lease of the Young District Arts Council Inc for the use of the Southern Cross Cinema; and*
- 2. the General Manager and Mayor be authorised to affix the Council Seal to the lease documents.*
- 3. That Council seek a valuation of what a commercial lease would be and accurately report back to the community.*

Councillors: Flanery/Armstrong

17/226 – MODEL CODE OF CONDUCT COMPLAINTS STATISTICS REPORT 2016-2017

17/332 RESOLVED:

That Council; receive and note the Code of Conduct Complaints Statistics Report for the period, 1 September 2016 to 31 August 2017 as presented.

Councillors: Horton/Flanery

General Manager

Mayor

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17/227 – SITE SELECTION HILLTOPS CULTURAL, COMMUNITY AND EDUCATION PRECINCT- YOUNG

17/333 RESOLVED: That Council;

- 1. Delegate the General Manager to commence the process to acquire Lot 701 DP1021359 and Lot 1 DP 901476 for the site of the Cultural, Community and Education Precinct;*
- 2. Write to the Minister for Lands advising of the proposed project and seeking support to have the land matters resolved expeditiously and at no charge;*
- 3. Commence a further round of community engagement to determine the elements of what the precinct may include to meet the current and future needs of our community;*
- 4. Establish a Community Project Steering Committee; and*
- 5. Collaborate with the Department of Education for an initial scoping of the site in preparation for preliminary architects plans for the purposes of community engagement and feedback.*

Councillors: Horton/Walker

17/228 – CASH AND INVESTMENTS AS AT 31 OCTOBER 2017

17/334 RESOLVED: That;

- 1. the Statement of cash and investments as at 31 October 2017; be received; and*
- 2. S&P Credit Ratings be added in future reports.*

Councillors: O'Connor/Tuckerman

17/229 – DEVELOPMENT APPLICATION STATISTICS FOR OCTOBER 2017

17/335 RESOLVED:

That Council; receive and note the status and processing times for development applications, as at 31 October 2017.

Councillors: Tuckerman/Manchester

General Manager

Mayor

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17/230 – SUBMISSION TO NSW DPE – PRIMARY PRODUCTION AND RURAL DEVELOPMENT

17/336 RESOLVED:

That Council; receive and note this report and make a submission to the NSW Department of Planning and Environment on the proposed State Environmental Planning Policy (Primary Production and Rural Development) 2017 as outlined in this report.

Councillors: Flanery/Roles

17/231 - APPLICATION TO AMEND DEVELOPMENT CONSENT NO DA36-2015 FOR THE CONSTRUCTION OF A THREE BEDROOM DWELLING ON LOT 2 SECTION 7 DP758319 HARDEN STREET CUNNINGAR

17/337 RESOLVED:

That Council agree to modify Development Consent No. DA36-2015 by:

1. Amending condition 7 as follows:

<i>Plan Name</i>	<i>Date</i>	<i>Reference</i>
<i>Site</i>	<i>07/2015</i>	<i>1/6</i>
<i>Plan</i>	<i>07/2015</i>	<i>2/6</i>
<i>Elevation</i>	<i>07/2015</i>	<i>3/6</i>
<i>Window Schedule</i>	<i>07/2015</i>	<i>4/6</i>
<i>Electrical</i>	<i>07/2015</i>	<i>5/6</i>
<i>Section/Specification</i>	<i>07/2015</i>	<i>6/6</i>
<i>Site</i>	<i>07/2015</i>	<i>1/6 – date stamp 25/10/2017</i>
<i>Plan</i>	<i>07/2015</i>	<i>2/6 – date stamp 25/10/2017</i>

BASIX Certificate Number 639004S dated 03 July 2015, statement of environmental effects (Undated) prepared by Andy J Reidy, Andys Design and Drafting, and supporting documentation submitted with the application except as modified by any condition in this consent.

Councillors: Horton/Manchester

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

Against: Nil

Absent: Cr Stadtmiller

General Manager

Mayor

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17/232 – WASTE FACILITY OPERATING HOURS

17/338 RESOLVED:

That Council; amend the opening hours of the Murrumburrah Waste Transfer Station and Redhill Road Waste Management Facility as follows:

- 1. Murrumburrah Waste Transfer Station - 9.00am-4.00pm on Sunday; and*
- 2. Redhill Road Waste Management Facility - 9.00am – 2.00pm Monday-Saturday*

Councillors: Manchester/O'Connor

CORRESPONDENCE FOR ATTENTION

ACTION

- ◆ NSW Rural Fire Service Association (RFSA) - 40 Kilometre Per Hour Speed Limit at Emergency Incidents.

17/339 RESOLVED:

That Council; provide a letter of support to NSW Rural Fire Service Association.

Councillors: Wallace/Roles

- ◆ Frankston City Council - Homelessness in Australia.

17/340 RESOLVED:

That Council; provide a letter of support to Frankston City Council.

Councillors: O'Connor/Roles

17/341 RESOLVED:

That the balance of correspondence be noted; and Cr Tuckerman congratulated staff on preparations for the Boorowa Football/Netball Carnival.

Councillors: Horton/O'Connor

General Manager

Mayor

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COUNCIL COMMITTEE REPORTS

- ◆ Galong Progress Association - 19 October 2017

17/342 RESOLVED: That Council;

- 1. Erect a "No Through Road Sign" at the beginning of Station Street, Galong; and*
- 2. Options for collection of household good be considered as part of the Waste Management Strategy.*

Councillors: Horton/Flanery

- ◆ Hilltops Environmental Initiative Committee - 2 November 2017

17/343 RESOLVED:

That Council; adopt the recommendations of the committee.

Councillors: Flanery/Roles

17/344 RESOLVED:

That the balance of the committee reports be noted.

Councillors: Manchester/O'Connor

General Manager

Mayor

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CLOSED COUNCIL

17/233 – EXCLUSION OF THE PRESS AND PUBLIC

STATUTORY PROVISIONS

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning individuals (other than Councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it,
 - or
 - (ii) confer a commercial advantage on a competitor of the Council,
 - or
 - (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

General Manager

Mayor

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17/345 RESOLVED:

1. *That Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting.*
2. *That 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.*
3. *That 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: Tuckerman/Flanery

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.

ITEM 3: 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)

General Manager

Mayor

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17/234 – SALE OF BLOCKS GURNEY PLACE BOOROWA

17/346 RESOLVED: That Council;

- 1. Makes available for Sale Lots 1,2,3,4,5 in DP 1056072 – Gurney Place Boorowa;*
- 2. Sign a sales agreement with all Real Estate Agents in Boorowa with an advertising limit of 3.3% and set a sale price at the upper limit of \$75,000; and*
- 3. Authorise the General Manager to negotiate with any potential purchasers.*

Councillors: Manchester/Horton

17/235 – HILLTOPS POOLS MANAGEMENT

17/347 RESOLVED: That Council;

- 1. advertise an expression of interest for the 2018/19 swimming season for:*
 - Pool, facilities maintenance and kiosk operation at Harden and Boorowa; including the option for both;*
 - operation of the kiosk, and maintenance of toilets, changerooms and grounds at Boorowa, Harden and Jugiong pools for the annual management fee as advertised in 2017/18 increased by the CPI; and receive a further report on the results;*
- 2. advertise the tender for the contract operation of the Young pool under the current arrangements; being a three-year term with three-year option; and*
- 3. Advertise in the 2018/19 fees and charges a Hilltops pools season ticket at the proposed Young season ticket rate and a combined Harden – Jugiong -Boorowa season ticket at the proposed Harden and Boorowa season ticket rate.*

Councillors: Manchester/Horton

Staff leave meeting 8.17pm

General Manager

Mayor

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17/236 – GENERAL MANAGER'S CONTRACT

17/348 RESOLVED: That;

- 1. Council confirms receipt of the General Manager's correspondence dated 9 November 2017 and 21 November 2017 in relation to his current employment contract with the Hilltops Council, and will respond in writing. Council wishes to proceed in the following manner;*
 - a. Council proposes that the General Manager should continue to perform his duties in accordance with his employment contract.*
 - b. Council requests the General Manager to advise in writing whether he wishes to apply for an extension of his current contract in accordance with due process as outlined in the current contract with Council; and*
 - c. The Mayor is authorised to negotiate appropriate leave of up to 8 weeks.*

Councillors: O' Connor/Manchester

17/349 RESOLVED:

That Council move out of closed meeting.

Councillors: Flanery/Manchester

NEXT MEETING

The next ordinary meeting of Council is scheduled to be on Wednesday, 20 December 2017, Young Chambers, commencing at 5.30pm.

TERMINATION

There being no further business the meeting closed 9.00pm

General Manager

Mayor