



## EXTRAORDINARY MEETING AGENDA

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9 August 2017

To commence at 5.30pm, Wednesday, 9 August 2017  
Hilltops Council, Young Chambers, 189 Boorowa Street,  
Young

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# EXTRAORDINARY MEETING AGENDA

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## BUSINESS

1. OPENING OF THE MEETING
  - May I firstly acknowledge the traditional owners of land we meet on today – I humbly make my respects to the Wiradjuri people, their past, future and present elders.
  - I note there are a number of people in attendance. If you are asked to evacuate, the emergency procedure is to:
    - \* Exit via the door leading out of the building directly outside the Council Chambers; and proceed to the footpath opposite the Council Chambers.
  - The General Manager will be tape recording the Council Meeting for the purpose of ensuring the accuracy of the minutes.
2. PUBLIC FORUM
  - Persons interested in addressing Council are to be in the Meeting room fifteen (15) minutes prior to the commencement of the Council Meeting, and must convey to the General Manager their desire to address Council, and on what particular issue they wish to address;
  - Should there be more than one (1) person wishing to address Council on an issue, then those persons are to nominate one (1) person to represent the group;
  - Those presenting in public forum have five (5) minutes to address Council. During this time, no direct discussion will take place; all communication should be put through the Administrator.
3. APOLOGIES
4. DECLARATIONS OF INTEREST
5. REPORTS
  - General Manager

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## GENERAL MANAGER'S REPORT

### 17/02 – BUDGET REVOTES AND CARRY OVERS FROM 2016/2017 BUDGETS

Reference: File No. B1.4.3  
Responsible Officer: General Manager

#### PURPOSE

The purpose of this report is to transfer carryovers and revotes to the 2017/2018 budget from the 2016/2017 budget allocations.

#### REPORT

Council each year has projects that are unable to be completed by the 30 June of the year. These projects are either bought forward as carryovers or revotes.

*Carry over* of unspent funds from 2016/2017 budget to 2017/2018 financial year are done for the following reasons.

- Projects are already commenced and expenditure was committed
- Projects were incomplete as at 30 June 2017
- Grant funding has been received for projects spanning a timeframe beyond 30 June 2017

*Revotes* are projects that have not commenced but works are still required.

The following tables contain the amounts that are required to be carried forward or revoted, carry forward works were either underway or orders were provided to contractors.

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## Carry overs

Capital Program Carry overs	Amount	Revenue	Grant	reserve	
<b>Theme 1 : Community</b>	\$0	\$0			
Cemetery plinths	\$6,000	\$6,000			
Boorowa Mens Den	\$28,260	\$28,260			
New Library Investigations public libraries	\$50,000	\$50,000			
Signage as remote supervisor all parks	\$30,700	\$30,700			
Lazzarini Park: Children's Cycleway	\$20,000	\$20,000			
Trinity centre Electrical Upgrade	\$3,500	\$3,500			
Showground Power improvements	\$1,901,000	\$0	\$1,000,000	\$901,000	Infrastructure
Young Pool development	\$44,800	\$44,800			
Young Town Hall Upgrade	\$110,000	\$110,000			
Young Skate Park - Seating -	\$4,400	\$4,400			
Young Rotaract Park - Community Project	\$45,450	\$0		\$45,450	
Young sporting grounds	\$5,500	\$5,500			
Young Cranfield Oval Upgrade -	\$255,600	\$0	\$255,600		
Young Hall Bros Sports Facility Upgrade	\$530,000	\$25,700	\$204,300	\$300,000	Infrastructure
Young - Stations Upgrade - fire protection	\$50,000	\$0	\$50,000		
Young Adventure Playground	\$210,000	\$0		\$210,000	Property
Lighthorse Memorial water feature	\$16,000	\$16,000			
Galong Hall Upgrade - Sand Floors	\$5,000	\$5,000			
<b>Theme 2 Economic</b>					
Caravan park - hot water system Amenities Solar	\$8,000	\$8,000			
Lots 1-5 DP 1056702 Market St - Civil Design Plans	\$14,860	\$14,860			
Tourist Signage - industrial/commercial development	\$40,540	\$40,540			
<b>Theme 3 Environmental</b>					
Boorowa Transfer Station	\$593,420	\$193,420	\$400,000		
Young - Animal Control Pound(?)	\$196,200	\$100,000		\$96,200	Animal
Young Storm Water Drainage - Urban Stormwater Drainage	\$32,200	\$0		\$32,200	Stormwater
Young Strategic Stormwater Drainage Study	\$25,400	\$25,400			
HDN Bathurst St Stormwater Drainage upgrade	\$47,700	\$0		\$47,700	Stormwater
Young Victoria Street - Improvements	\$150,800	\$0		\$150,800	Waste
Young Victoria Street -Hard Stand Area	\$35,000	\$0		\$35,000	Waste
<b>Theme 4 Governance and leadership</b>					
HDN Demondrille Chambers Internal Upgrade	\$6,800	\$6,800			
<b>Theme 5 Infrastructure</b>					
YNG Bribbaree Road Burrangong Creek - bridges	\$561,100	\$0	\$561,100		
YNG Rear Lanes Sealing Program - urban rds	\$6,200	\$6,200			
YNG Apps Lane Sealing Project urban rds	\$100,000	\$100,000			
YNG Village Road (Improvement Program) - urban rds	\$103,500	\$103,500			
HDN Urban Reseals	\$45,000	\$45,000			
HDN Drinking water management plan implementation	\$10,900	\$0		\$10,900	Water
HDN Mains Replacement Albury St - Station to Redbank St	\$51,500	\$0		\$51,500	Water
HDN Mains Replacement Bathurst St Neill to Clarke	\$36,900	\$0		\$36,900	Water
HDN Mains Replacement Bathurst St North to Clarke	\$15,700	\$0		\$15,700	Water
HDN Mains Replacement Lucan St - Albury to North St	\$5,400	\$0		\$5,400	Water
HDN Mains Replacement North St - Bathurst to end	\$61,000	\$0		\$61,000	Water
HDN Mains Replacement Scott St - Station to Lucan Sts	\$70,960	\$0		\$70,960	Water
HDN Mains Replacement Short St Full Length	\$5,700	\$0		\$5,700	Water
HDN Mains Replacement Swift St East to Derby St	\$73,500	\$0		\$73,500	Water
HDN Mains Replacement Woolrych St - Albury St to North St	\$3,300	\$0		\$3,300	Water
Sewer CCTV	\$10,200	\$0		\$10,200	Sewer
YNG Cowra Road Water Main Renewal	\$213,700	\$0		\$213,700	Water
<b>Projects other than Capital</b>		\$0			
Lighthouse Plan Of Management	\$15,000	\$15,000			
Underground tank removal Boorowa	\$136,000	\$0		\$136,000	

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## Revotes

Capital Program Revotes	Amount	Revenue	Grant	reserve	
<b>Theme 1 : Community</b>	\$0	\$0			
Museum building renewal Boorowa	\$12,400	\$12,400			
New Beam Public Cemeteries	\$5,000	\$5,000			
New Computer Desks - public libraries	\$19,100	\$0	\$19,100		
Water Intrusions/Damp Proofing - public libraries	\$8,100	\$0	\$8,100		
Harden Pool Blanket Replacement Program	\$40,000	\$40,000			
Young Pool - Fencing	\$10,000	\$10,000			
Young Off Lesh Dog Enclosure	\$25,000	\$25,000			
Roberts Park Painting	\$5,000	\$5,000			
Harden Racecourse Shower Block Power Upgrade	\$6,000	\$6,000			
<b>Theme 2 Economic</b>					
Caravan park - washing machine / Dryer	\$2,000	\$2,000			
<b>Theme 3 Environmental</b>					
Ejector Trailers	\$175,000	\$175,000			
Pound Cattery improvements	\$10,000	\$0		\$10,000	Animal
Noise Meter	\$20,600	\$0		\$20,600	Uncompleted works
Harden Stormwater Drainage Swift St - Bunyip School	\$95,800	\$0		\$95,800	Stormwater
Galong Tip Land Fill rehab	\$5,000	\$0		\$5,000	Waste
Murrumburrah Land fill Cleanup	\$20,000	\$0		\$20,000	Waste
Murrumburrah Land fill Fencing	\$5,000	\$0		\$5,000	Waste
<b>Theme 5 Infrastructure</b>					
YNG Passenger Shelter Lynch Street	\$27,232	\$0	\$27,232		
YNG Pedestrian Access Mobility Plan	\$45,160	\$22,580	\$22,580		
YNG RMS Active Transport - Transport & Communications footpaths	\$32,720	\$16,360	\$16,360		
YNG New Lights/Poles - Transport & Communication street lighting	\$33,780	\$33,780			
R2RShoulder Widening & reconstruct pavement Maimuru Rd stage 2	\$235,200	\$0	\$235,200		
Old Forbes shoulder widening stage 1	\$413,800	\$0	\$413,800		
Galong Main Replacement mains work	\$95,000	\$0		\$95,000	Water
HDN Mains Replacement Bathurst St Albany lane to Neill St	\$92,000	\$0		\$92,000	Water
HDN Mains Replacement Clarke St - Vernon to Bathurst	\$35,750	\$0		\$35,750	Water
HDN Mains Replacement Neill St - Lyons to Vernon St	\$31,250	\$0		\$31,250	Water
HDN Mains Replacement North St Lane - Bathurst to dead End	\$13,000	\$0		\$13,000	Water
HDN Mains Replacement Vernon St - North St to Clarke St	\$24,700	\$0		\$24,700	Water
HDN Street Tree Planting Program	\$20,000	\$20,000			
Jugiong Reservoir duplication	\$428,140	\$0		\$428,140	Water
Jugiong Reservoir rising main replacement related to reservoir project	\$200,000	\$0		\$200,000	Water
Relocate Standpipe	\$15,000	\$0		\$15,000	Water
Reservoir metering (Magflow)	\$10,000	\$0		\$10,000	Water
Sewer Main Relining pa	\$100,000	\$0		\$100,000	Sewer
Telemetry Upgrade	\$43,600	\$0		\$43,600	Water
Uv ponds desludge No 4 Pond	\$60,000	\$0		\$60,000	Sewer
Water mains replacement	\$50,000	\$0		\$50,000	Water
Water Meter Replacement Program	\$20,000	\$0		\$20,000	Water
Cherry Capital Centre	\$300,000	\$300,000			
Court House building renewal	\$9,500	\$9,500			
Court house Lighting	\$4,000	\$4,000			
Original Council Chambers building renewal	\$9,300	\$9,300			
YNG Building Improvements - Town Hall - Corporate Buildings & Land	\$5,000	\$5,000			
YNG Buildings & Improvements Central Locker Area	\$112,500	\$0		\$112,500	Uncompleted works
Plant purchases	\$504,116	\$0		\$504,116	Plant reserve
Plant sales	-\$148,000	\$0		-\$148,000	Plant reserve

## STATUTORY PROVISIONS

- Local Government Act

## RECOMMENDATION

It is recommended that Council approve the carryovers and revotes from the 2016/2017 financial year to the 2017/2018 financial year

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## 17/03 – DA009/2017 MOD1: COMMUNITY FACILITY (BOOROWA MEN'S DEN)

Reference: File No. DA009/2017 MOD1  
Responsible Officer: Director Sustainable Growth

### PURPOSE

The purpose of this report is to seek Council's determination on a Section 96(1A) modification application under the *Environmental Planning and Assessment Act, 1979* to modify Development Consent No. DA009/2017. Council is the Applicant for the development and the land owner, therefore the original Development Application was determined by Council. Accordingly, the modification application is being presented to Council for determination.

### REPORT

#### Approved development

The original Development Consent No. DA009/2017 approved the erection of a workshop and amenities building, and associated storage shed, shade structure and rainwater tanks to be used as a community facility by the Boorowa Men's Den. The storage shed is to be sited 5m from the northern and eastern property boundaries, and 7m from the workshop building.

#### Proposed modification

The proposed modification is to relocate the storage shed to be sited 6.5m from the eastern property boundary and the workshop building. The revised site plan is reproduced below:

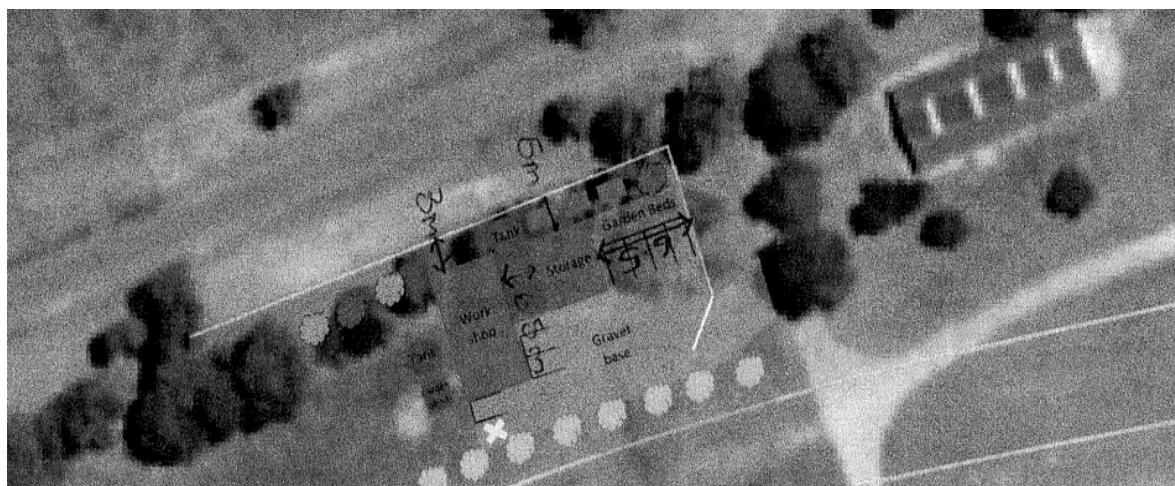


Figure 1 – Modified Site Plan



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## Site and surrounds

The site, known as Boorowa Showground, has an area of 25 hectares and a frontage to Ballyryan Road of 650 metres. The site is currently utilised as the Boorowa community and sports precinct, where improvements include ovals, netball courts, stables, racecourse, grandstand, pavilions and several amenity buildings. The site comprises several parcels all of which are classified as community land under the *Local Government Act, 1993*.



*Figure: Aerial view of site and surrounds*

## Environmental Assessment

Under Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (the Act), Council may modify Development Consent No. DA009/2017 if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*

**Comment:** The proposed modification simply proposes to relocate the storage shed by 0.5m to the west of its approved location. The relocation is required to avoid an area of land found to be unsuitable for the building foundations by a Geotechnical Report. On this basis, it is considered that the modification is of minimal environmental impact.

- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).*

**Comment:** The proposed modification is materially the same as the approved development. There would be no increase in intensity on site and all essential feature of the approved development would be retained. The modified development would be substantially the same development for which the consent was originally granted.



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- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent.*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

**Comment:** In accordance with the Boorowa Development Control Plan 2013, modifications involving minimal environmental impact are not notified. Further to this, it is considered that the proposed modification would not affect the enjoyment of any other land.

- (e) *In determining an application for modification of a consent, Council must also take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the development the subject of the application.*

**Comment:** The modified development is largely consistent with the assessment of the original development. The modified proposal would ensure the site, and its soils, is suitable for the development. An assessment of the matters relevant to the aspects modified under 79C(1) is provided below.

### ***Any environmental planning instruments (EPIs) or draft instruments or any development control plan (DCP)***

The matters contained in these documents were assessed as part of the original assessment; all comments made in that assessment relating to EPIs and the Boorowa DCP 2013 remain valid for the modification.

### **The likely environment, social and economic impacts in the locality**

The modified proposal is unlikely to cause significantly greater impacts than the development that was originally approved. The modified site layout improves the setting by increasing landscaping areas between internal roads, pavilions and planned future developments under the *Boorowa Showground Regional Community & Sports Precinct 2015-2025 Masterplan*.

The buildings are able to comply with the requirements of the Building Code of Australia. No changes to services are required as a result of the modification.

### ***The suitability of the site for the development***

The modified proposal is appropriate as it ensure that the site, and its soil, would be suitable to cater for the development.

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### *The public interest*

The modified proposal does not present any issues that are contrary to the public interest.

### CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under sections 96(1A) and 79C of the *Environmental Planning and Assessment Act 1979*, and all relevant environmental planning instruments, and is considered to comply with all relevant items. It is recommended that the application be approved as recommended within this report.

### STATUTORY PROVISIONS

The application has been assessed against sections 96(1A) and 79C of the *Environmental Planning and Assessment Act, 1979* and its Regulations, Boorowa Local Environmental Plan 2012 and relevant State Environmental Planning Policies and Boorowa Development Control Plan 2013.

### RECOMMENDATION

**It is recommended that Council, approve Modification Application DA009/2017 MOD 1 on Lot 1 DP327058 and Lot 74 DP2493, 'Boorowa Showground' Ballyryan Road, Boorowa for a community facility (Boorowa Men's Den), as follows:**

#### APPROVED DEVELOPMENT

1. Amend condition no. 1 of the consent to reflect the modified site plan.

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## 17/04 – 2017/DA-00122 – DISMANTLING OF CRANFIELD OVAL GRANDSTAND – 40 BINALONG STREET, YOUNG

Reference: F29.02 (Y)  
Responsible Officer: Director Sustainable Growth

### PURPOSE

The report is presented to Council as approval is sought for the dismantling of the existing grandstand at Cranfield Oval, and Hilltops Council is both the applicant and landowner. This report reviews the circumstances of this request and recommends approval, subject to conditions.

### REPORT

#### Application

- DA no. 2017/DA-00122
- Applicant: Hilltops Council
- Owner: Hilltops Council
- Property: Lot 1 DP 724419, 40 Binalong Street, Young, NSW, 2594
- Development: Community facility – dismantling of the existing grandstand at Cranfield Oval (see Photos 1 and 2 following)

#### Photo 1 – view of grandstand from front (internal of site)



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Photo 2 – view of grandstand from rear (Binalong Street façade)

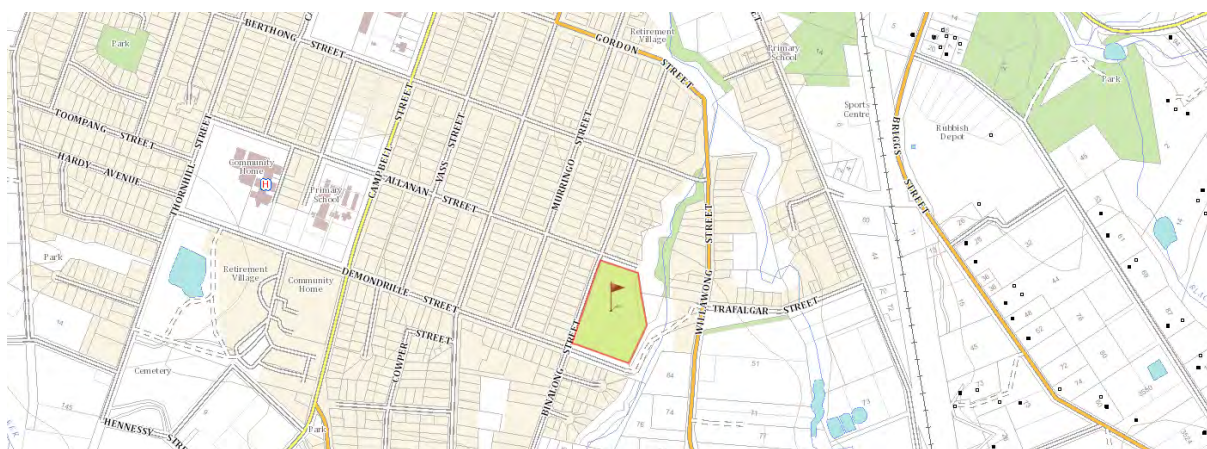


## Site

The site is in the south-east quadrant of the Young township on the eastern side of the Binalong Street, and between Allanan and Demondrille Streets. Petticoat Gully is located adjacent the eastern boundary. There is an existing sporting oval on the site, along with the grandstand, cricket nets, amenities block and clubhouse.

The surrounding area is predominantly residential, with varying degrees of density.

Figure 1 – Locality plan





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Figure 2 – Aerial view (grandstand circled)



## Discussion

These matters need to be considered under section 79(C) of the Environmental Planning and Assessment Act, 1979, as part of the assessment of the proposal.

### **79C(1)(a)(i) & (ii) - The provision of any EPI or draft EPI**

#### *State Environmental Planning Policies (SEPPs) and deemed SEPP's*

There are no draft SEPP's or deemed SEPP's (formerly REP's) specifically relating to a development of this nature, or to the area as a whole. There are a number of SEPP's which relate to Hilltops Council as a whole, however, only the following SEPPs have any relevance to the development.

#### State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Council is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required.

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## *Local Environmental Plan (LEP)*

The applicable LEP is the Young LEP 2010, and the relevant provisions of the LEP are discussed as follows. Broadly, the site is not affected by the water, land or heritage mapping, nor is it flood affected.

### 2.2 Zone

The site is zoned RE1 – Public Recreation. The dismantling of the grandstand is permissible with consent.

### 2.3 Zone objectives

The objectives of the zone are:

- to enable land to be used for public open space or recreational purposes,
- to provide a range of recreational settings and activities and compatible land uses,
- to protect and enhance the natural environment for recreational purposes,
- to maintain areas of high conservation value vegetation.

Whilst the demolition does not actively work towards the objectives, it certainly does not compromise them. The dismantling of the grandstand will allow it to be erected again elsewhere on the site if required, or for a more modern structure to be provided.

### 5.7 Demolition

The clause states that “the demolition of building or work may be carried out only with development consent”, unless exempt by other legislation. Therefore, this clause is satisfied.

### 6.5 Biodiversity

This clause and the accompanying map set, identifies areas of high biodiversity, which aims to protect native flora and fauna and the ecological processes for their continued existence. The entire site has been identified as being an area of high biodiversity.

Council must not grant consent to development of land to which this clause applies, unless they are satisfied that the development is designed to avoid any adverse impact. The dismantling of the grandstand will not require the removal of any vegetation on-site, and it is not considered that the proposed development will impact adversely on native ecological communities, flora or fauna or their habitats.

Some vegetation may require removal as part of the overall upgrade of Cranfield Oval, but it does not form part of this application.

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### **79C(1)(a)(iii) - Development control plan**

The Young DCP 2011 is applicable to this development, and an assessment of the proposal in accordance with this Policy has been carried out, and the following aspects are applicable to this development.

#### *1.3 – DA Notification*

This section identifies a number of developments that will not be notified, including alterations that are minor in nature. Accordingly, this development was not notified.

### **79(C)(1)(a)(iiia) - planning agreement or draft planning agreement**

The developer has not entered into any planning agreement under section 93F of the Act, nor has the developer offered to enter into any draft planning agreement under section 93F.

### **79(C)(1)(a)(iv) – matters prescribed by the Regulations**

The following matters prescribed by the Regulations under Clauses 92, 93, 94A or 288, are not applicable to this application.

#### Clause 92 (Additional matters for consideration): -

- Hilltops Council is not a local government area to which *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, applies,
- the application is not for the carrying out of development on land that is subject to a subdivision order made under Schedule 5 to the Act,
- the development is not located within the local government area of Coonamble, City of Dubbo, Gilgandra or Warrumbungle (to which the Dark Sky Planning Guideline applies).

#### Clause 93 (Fire safety and other considerations)

- not applicable to the dismantling of the grandstand.

#### Clause 94 (Consent authority may require buildings to be upgraded)

- not applicable to the dismantling of the grandstand

#### Clause 94A (Fire safety and other considerations - temporary structures)

- the development is not for a temporary structure.

#### Clause 288 (Special provision relating to Sydney Opera House)

- the development does not relate to the Sydney Opera House.

However, the following prescribed matter is relevant



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Clause 92 (Additional matters for consideration): -

- the development application does involve the demolition (albeit dismantling) of a building, and accordingly appropriate demolition conditions will be imposed requiring compliance with AS 2601.

### **79C(1)(a)(v) - any coastal zone management plan**

Not applicable.

### **79C(1)(b) - The likely impacts of that development**

#### *Context and setting*

The site is an open sporting field, nestled in a residential area. The scenic quality of the area will not be affected by the development, and it could be argued that it would be improved, with the removal of the structure. The issue of character, bulk and scale and overshadowing, visual and acoustic privacy, are irrelevant in this situation.

#### *Access / traffic*

There will be no change to the amount and type of traffic generated as a result of the dismantling of the grandstand and no changes to the current access arrangements.

#### *Public domain*

This development will not impact adversely on public recreational activities in the locality, or on the amount, location, design or use of public spaces.

#### *Utilities*

Water and sewer is connected to other buildings on the site, but does not service the grandstand.

#### *Heritage*

There are no heritage items on site or in the immediate area.

#### *Other land resources*

The development will not have any effect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources or water supply catchments.

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### *Water*

Not affected by the proposed development.

### *Soils*

No impacts are expected in this regard during the dismantling of the grandstand, although suitable erosion and sedimentation controls will be required as part of the works.

### *Air & Microclimate*

The development will not affect air quality and microclimatic conditions in terms of existing air quality or pollution, with no emissions of dust, particulates, odours, fumes, gases or pollutants.

### *Flora and fauna*

No tree removal is proposed or required, and the development will not have any impact on critical habitats, threatened species or populations, ecological communities or any other protected species, or on native fauna or vegetation.

### *Waste*

There will be no impact on existing waste streams. There will be some minor demolition and construction waste, although it is intended to salvage as much of the building fabric, for possible reuse.

### *Energy*

No issues arise in this regard.

### *Noise and vibration*

Some minor noise may be generated during the dismantling of the grandstand, but work will be carried out during normal construction hours, and the event will be short lived.

### *Natural hazards*

There are no known risks to people, property or the biophysical environment from – geologic or soil instability, flooding or bushfire.

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### *Technological hazards*

There are no known risks to people, property or the biophysical environment from - industrial and technological hazards or building fire risk.

### *Safety, security, crime prevention*

Only a positive impact is expected in this regard, as natural surveillance opportunities are improved and the concealed area of the grandstand is eliminated.

### *Social and economic impacts*

There are no negative social impacts associated with the development.

### *Site design*

No impact is expected in this regard.

### *Construction*

There is likely to be some minor noise, dust, traffic and other construction type impacts whilst the dismantling works are being carried out, and appropriate conditions will be included in the consent with regards to this matter.

### *Cumulative impacts*

There are no cumulative impacts anticipated.

### **79C(1)(c) - The suitability of the site for the development**

#### *Does the proposal fit in the locality ?*

Not relevant to the dismantling of the grandstand.

#### *Are the site attributes conducive to development ?*

Not relevant to the dismantling of the grandstand.

### **79C(1)(d) - Any submissions made**

Nil received.

# EXTRAORDINARY MEETING AGENDA

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## 79C(1)(e) - The public interest

Staff are not aware of any policy statements from either Federal or State Government that are relevant to this proposal, nor any planning studies or strategies. There is no management plan or planning guideline that is applicable to a development of this nature. There are no covenants, easement or agreements that affect the proposal.

## CONCLUSION

The proposed development is part of Council's long-term strategic plan for improving and enhancing this sporting precinct. The dismantling of the grandstand from its current position will further open up the oval, and opportunities exist to re-erect the grandstand elsewhere on the site, or replace it with another form of grandstand seating.

## STATUTORY PROVISIONS

The development application has been assessed in accordance with the matters for consideration under section 79C of the *Environmental Planning & Assessment Act 1979*, all relevant environmental planning instruments and policies.

## POLICY IMPLICATIONS

There are no policy implications arising from the approval of this development application.

## FINANCIAL IMPLICATIONS

Nil as a result of this application, with funding already allocated to the proposed works.

## RECOMMENDATION

That Council approve the following development application, subject to the conditions identified below:

- Application No.: 2017/DA-00122,
- Property: Lot 1 DP 724419, 40 Binalong Street, Young
- Development: Community facility – dismantling of the existing grandstand at Cranfield Oval

1. Approval for the dismantling and removal of the grandstand is granted subject to the following conditions:

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- (a) Demolition of the subject building shall be carried out in accordance with the requirements of Australian Standard AS2601: The Demolition of Structures;
  - (b) The demolisher shall comply with the requirements of the *Work Health and Safety (WHS) Act 2011* and its subordinate documents, and shall prepare and maintain on-site, a safe work method statement in accordance with the *WHS Act 2011* and the *WHS Regulations 2011*.
  - (c) Precautions shall be taken in accordance with the requirements of the WorkCover Authority of NSW in respect of:
    - i) Protection of site workers and the public;
    - ii) Asbestos handling and disposal where applicable. In particular, a Licensed Asbestos removal agent shall be used to perform these works, whom in turn shall give appropriate notice to the Landfill that disposal will be required.
  - (d) Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and noise;
  - (e) Protection shall be afforded to the users of any public place by the provision of hoardings adjacent to any public places;
  - (f) Adequate and satisfactory arrangements shall be made to ensure the disposal of any rubbish generated and such arrangements are in compliance with Council's policies on rubbish and waste disposal.
2. It is the responsibility of the person having the benefit of this consent to notify the adjoining neighbours two (2) days prior to commencing work of the intention to carry out demolition works. The notification shall detail the type of machinery to be utilised, hours of operation, likely duration of works, and safety measures taken to protect property and persons from damage.
  3. Appropriate erosion and sedimentation controls shall be implemented, before demolition commences, and during demolition as required, and shall be well maintained to prevent material moving off-site.
  4. 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.

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## CLOSED COUNCIL

### 17/05 – 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 particular 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.

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## RECOMMENDATION

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.

### **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: 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