ORDINARY MEETING AGENDA

22 JUNE 2016

To commence at 5.30pm, Wednesday, 22 June 2016
Hilltops Council, Boorowa Chambers, 6-8 Market Street, Boorowa
ORDINARY MEETING AGENDA
22 JUNE 2016
Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

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 and Ngunnawal 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 southern side of the building directly outside the Council Chambers;
     * Do not enter the stairwell;
     * Proceed to the footpath opposite the Council building.
   - 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. SYMPATHY EXPRESSIONS

5. CONFIRMATION OF MINUTES

6. BUSINESS ARISING FROM MINUTES

7. DECLARATIONS OF INTEREST

8. ADMINISTRATOR MINUTE (IF ANY)

9. NOTICES OF MOTION (IF ANY)

10. NOTICES OF RECISSION (IF ANY)

11. REPORTS
    - General Manager

12. QUESTIONS WITH NOTICE

13. CORRESPONDENCE REPORT

14. COUNCIL COMMITTEE REPORTS

15. CLOSED COUNCIL

16. PROPOSED NEXT
MOTION:

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

Mrs Robyn Anderson; Mrs Isabell Sheehan; Mr William Richens, Mr Laurence Prest, Mrs Judith Cockburn, Mr Peter Gales, Mrs Joan Shaw

Moved: Administrator Wendy Tuckerman
CONFIRMATION OF MINUTES

It is recommended that the minutes of the ordinary Council meeting held 8 June 2016, be confirmed as a true and accurate record.
HILLTOPS COUNCIL ORDINARY MEETING MINUTES
8 June 2016, commencing at 5.30 PM
Held in the Hilltops Council, Young Chamber, 189 Boorowa Street, Young

ATTENDANCE
Administrator  W Tuckerman

STAFF
A McMahon  General Manager
J Jordan  Assistant General Manager
D Wymer  Director of Operations
M Crisp  Director Technical Services
TDrowley  Director Corporate Services
C Filmer  Director Planning and Environment
S Langman  Director Environmental Services

PUBLIC FORUM
Mr Tony Wallace addressed Council regarding the Budget and specifically rate in the former Young Council area

APOLOGIES
D Aber  Deputy General Manager
P Grove  Acting Director of Utilities

Moved and declared carried by: Administrator W Tuckerman

SYMPATHY EXPRESSIONS
16/30 RESOLVED:
That Council staff and members of the public be upstanding for a minute silence to express our sympathy on the passing of;

Lui Polimeni, Mrs Evelyn Rudd, Mrs Laurel Morrow, Mrs Catherine Osborne, Mr Wayne Grinter, Mr Norman Patterson

Moved and declared carried by: Administrator W Tuckerman

DECLARATIONS OF INTEREST - CONFLICT OF INTEREST
Administrator Wendy Tuckerman declared no declaration of interest and no conflict of interest
CONFIRMATION OF MINUTES

16/31 RESOLVED:

That the minutes of the Extra-Ordinary Meeting of Council held on 24 May 2016 be confirmed as a true and accurate record.

Moved and declared carried by: Administrator W Tuckerman

GENERAL MANAGERS REPORT

16/19 – DRAFT OPERATIONAL PLAN

16/32 RESOLVED:

1. That Council endorse the draft Hilltops Council 2016/17 Operational Plan and Budget for public exhibition for a period of 28 days; and
2. Endorse the expenditure of up to one twelfth of the draft 2016/17 budget between the 1 July 2016 and such time as the budget is adopted.

Moved and declared carried by: Administrator W Tuckerman

16/20 – AMALGAMATION OF YOUNG TENNIS CLUB AND YOUNG BOWLING CLUB

16/33 RESOLVED:

That Hilltops Council, provide staff resources to prepare a business case and project plan for the proposed merger of the Tennis and Bowling Clubs and the development of a combined sporting facility in Young.

Moved and declared carried by: Administrator W Tuckerman
CLOSED COUNCIL

16/21 – EXCLUSION OF THE PRESS AND PUBLIC

16/34 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.

Moved and declared carried by: Administrator W Tuckerman

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:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

16/22 – TENDER ASSESSMENT REPORT – PAVEMENT AND DRAINAGE, APPS LANE REALIGNMENT

16/35 RESOLVED: that Council;

1. Accept the schedule of rates quotation from Hardy Bros Mining & Civil Construction Pty Ltd for the pavement courses and drainage structures components of the Apps lane curve realignment project in accordance with the requirements of request for tender 282 of 2016 and the clarifications received 31 May 2016;
2. Note the tendered amount of $464,435.17 (including GST) based on the quantities provided in the schedule of rates; and
3. Note the payments made under a schedule or rates contract will vary from scheduled amount in this report.

Moved and declared carried by: Administrator W Tuckerman
16/36 RESOLVED:

That Council move out of closed.

Moved and declared carried by: Administrator W Tuckerman

NEXT MEETING

The next meeting of Council is scheduled to be on Wednesday, 22 June 2016, commencing at 5.30pm.

TERMINATION

There being no further business the meeting closed 5.53pm.
## ADMINISTRATOR REPORT

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
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<tr>
<td>14-15 May</td>
<td>Department of Premier and Cabinet (DPC) Forums</td>
</tr>
</tbody>
</table>
| 16 May     | Media
  - Meetings with Staff at Harden                                                  |
| 17 May     | Teleconference DPC
  - Media
  - Implementation/Management Meetings                                             |
| 18 May     | Meetings with Staff at Young and Boorowa                                           |
| 19 May     | Meeting DPC Regional Officer - Boorowa
  - Meeting DPC re Making It Happen - Regional - Yass                               |
| 20 May     | Meeting Member for Cootamundra - Boorowa                                           |
| 21 May     | Launch of Central West Lifestyle Magazine feature on Boorowa - BINDA                |
| 24 May     | Teleconference DPC
  - Media
  - Launch Hilltops Antique and Handmade Trail - Murringo
  - Extraordinary Council meeting - HARDEN Chambers                                 |
| 25 May     | Hilltops combined staff meeting and launch of Hilltops Brand - Young
  - Meeting with Member for Hume at Boorowa                                         |
  - Meeting with Young Bowling Club and Tennis Centre re Project - Young              |
| 26 May     | Meeting at Harden re Gas Pipeline project
  - Media                                                                            |
| 27 May     | LRC/IAG Committees notification
  - Media                                                                            |
| 30 May     | Media
  - Meeting Management                                                              |
| 31 May     | Teleconference DPC
  - Meeting Management                                                              |
<p>| 1 June     | Meeting with DPC Regional Officer - Harden office                                  |</p>
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<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>2/3 June</td>
<td>Forums re Implementation DPC - Sydney, Meeting with Minister LG</td>
</tr>
<tr>
<td>6 June</td>
<td>Meeting with representative Young LHAC/Ice Forum, Meeting with representative Hilltops Sports, Meeting with representative DV Forum</td>
</tr>
<tr>
<td>7 June</td>
<td>Teleconference DPC</td>
</tr>
<tr>
<td>8 June</td>
<td>Harden Office, Meeting Local Land Service - Harden, Hilltops Ordinary Council Meeting - Young Chambers</td>
</tr>
<tr>
<td>9 June</td>
<td>Meeting NSW RFS SWS re Funding - Harden, Meeting IAG/LRC – implementation- Young</td>
</tr>
<tr>
<td>14 June</td>
<td>Teleconference DPC</td>
</tr>
<tr>
<td>15 June</td>
<td>Meeting Country University representatives, Draft Regional Environmental Plan Briefing from NSW Planning, Media DPC, NSW RFS District Representative Meeting - Young</td>
</tr>
<tr>
<td>16 June</td>
<td>Southern Slopes Noxious Plant Authority Board Meeting - Boorowa</td>
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<tr>
<td>17 June</td>
<td>Meeting Kruger Trust Representatives - Harden</td>
</tr>
<tr>
<td>18 June</td>
<td>Boorowa Gun Club Event</td>
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<tr>
<td>21 June</td>
<td>Teleconference DPC</td>
</tr>
<tr>
<td>22 June</td>
<td>Citizenship Ceremony, Hilltops Ordinary Council meeting – Boorowa Chambers</td>
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ORDINARY MEETING AGENDA

22 JUNE 2016

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

GENERAL MANAGERS REPORT

16/23 – SECTION 355 COMMITTEE STANDARD CONSTITUTION

Reference: 2.10.2
Responsible Officer: General Manager

PURPOSE

The purpose of this report is to present a draft Section 355 Committee Standard Constitution and Instrument of Delegation for consideration by Council.

REPORT

Under the Local Government Act 1993 (Section 355 and Section 377) a Local Council is able to delegate some of its functions to a Committee of Council.

Section 355 Committees increase Council’s transparency and accountability to the Community by ensuring that residents and ratepayers have an opportunity to participate fully in the Council decision making process. Likewise, these committees can be an effective aid to good governance and provide an important vehicle for Council to deliver on outcomes for the community.

The Draft Section 355 Committee Standard Constitution and Instrument of Delegation, provides mandatory guidelines laid out by Section 355 and Section 377 of the Local Government Act 1993, that define the functions that Council delegates to the Committee, the manner in which those delegated functions are to be undertaken by the Committee, and an administrative structure and procedure to ensure that the Council is able to monitor the conduct and performance of the Committee. This enables Council to effectively manage potential liabilities that might arise as a result of the activities of the Committee, in a similar manner to that which Council monitors others performing Council’s functions under delegation.

As was discussed at the initial combined Local Representative Committee (LRC) meeting, each of the LRC’s have been tasked with nominating representatives to participate in Section 355 Committees. It is anticipated that as the respective LRC’s progress with recommending to Council - which Section 355 Committees to reform, individual constitutions with completed schedules based on the template attached to this report will be presented for consideration.

STATUTORY PROVISIONS

The Local Government Act 1993 allows for Council to delegate certain functions to a Committee of Council. These Committees can be appointed and reappointed in accordance with the provisions of Section 355 and Section 377.
Section 355 refers to how a Council may exercise its functions while Section 377 refers to the general power of the Council to delegate specific functions (with exclusions listed in Section 377).

**ATTACHMENTS**

Attachment - Draft Hilltops Council Section 355 Committee Standard Constitution and Instrument of Delegation

**RECOMMENDATION**

It is recommended that Council endorse the draft Section 355 Committee Standard Constitution and Instrument of Delegation for adoption by Council.
Section 355 Committee
Standard Constitution
and
Instrument of Delegation
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<td>Section 355 Committee Standard Constitution and Instrument of Delegation</td>
<td>2.10.2</td>
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<th>Author/Reviewer</th>
<th>Review Period and Date</th>
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<tr>
<td>General Manager – Anthony McMahon</td>
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### Document History

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<tr>
<td>22 June 2016</td>
<td>Draft</td>
<td>0.1</td>
<td></td>
<td>Presented to Council for adoption</td>
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1. **OBJECTIVE**

The objectives of this Section 355 Committee Standard Constitution are:

- to ensure that all meetings of Council and its Committees are conducted in an orderly and proper manner;
- to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
- to assist with the conduct of discussion and debate during Council and Committee meetings;
- to increase Council’s professionalism, transparency and accountability to the community;
- to ensure that all Committee Members understand their rights and obligations during Council and Committee meetings;
- to ensure that all Committee Members have an equal opportunity to participate fully in the meeting;
- to ensure that Committee Members participate in meetings that engender a positive meeting environment that is without malice and avoids insulting, improper or defamatory statements; and
- to be an effective aid to good governance.

2. **DEFINITIONS**

**Constitution** means and includes this document along with all schedules and attachments referred to in this document, including but not limited to any policy adopted by Council and set out in Item 5 of the Schedule

**Chairperson** means:
- a) for a meeting of the Council – the Administrator;
- b) for a meeting of a Committee of the Council – a member of the committee whose appointment has been approved by Council

**Committee** in relation to the Council, means a Committee appointed or elected by the Council

**Council** means Hilltops Council

**Committee Member** means a Committee Member of the Hilltops Council

**Deputy Chair** means the Deputy Chair of the Committee

**Executive** means those members elected from time to time in accordance with Clause 7 of the Constitution

**EPA Act** means the Environmental Planning and Assessment Act, 1979 (as amended)

**Financial Year** means the period from 1 July year X to 30 June Year X + 1

**General Manager** means the person appointed or acting in the position of General Manager of Hilltops Council
Intellectual Property means and includes the copyrights, trademarks, registered designs, patents and databases. In particular, it refers to a range of Council resources including written material, design drawings, maps and plans, computer programs and databases.

Law means any statute along with any regulation, rule, planning instrument, policy or plan having effect under any such statute.

LGA means the Local Government Act, 1993 (as amended).

WHS Policy means any Work Health and Safety Policy or Procedure/s adopted by Council and includes any Manual or other document forming part of, or associated with any such Policy.

Personal Information means “information or an opinion...about an individual whose identity is apparent or can reasonably be ascertained from the information or the opinion.” Privacy and Personal Information Act (PIPPA) 1998, Section 4.

Record means recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

Responsible Officer means the person nominated by the General Manager.

Schedule means the Schedule to Constitution of s.355 (b) Committee attached to this Constitution.

Secretary means the Secretary of the Committee.

Treasurer means the Treasurer of the Committee.

Volunteer means a person who assists the committee (either on a regular or casual basis) in a voluntary capacity but is not a member of the committee.

3. PURPOSE OF THE CONSTITUTION

3.1 Under the Local Government Act, 1993 Council is able to delegate some of its functions to a Committee of Council. A Committee is appointed and reappointed in accordance with the provisions of Section 355 and Section 377 of the Local Government Act 1993.

3.2 A Committee of Council is in fact acting on Council’s behalf; the Committee is ‘Council’ and any action which the Committee undertakes is Council’s responsibility.

3.3 The Constitution provides a mandatory set of rules that defines the functions that Council has delegated to the Committee, the manner in which those delegated functions are to be undertaken by the Committee, and an administrative structure and procedures to ensure that the Council is able to monitor the conduct and performance of the Committee, particularly with regard to managing potential liabilities that might arise as a result of the activities of the Committee, in a similar manner to that which Council monitors others performing Council’s functions under delegation.
4. TERM

4.1 This Constitution operates for a term commencing from the date on which Council, by resolution, adopts this Constitution and concluding on the date set out in Item 6 of the Schedule or three months after the date of the Council election immediately following the date of commencement of this Constitution (whichever occurs first), unless terminated earlier in accordance with this Constitution.

4.2 Committee membership is on a quadrennial basis for the term of Council. Committees are formally appointed by the Administrator in office. Following a General Election of Councillors, the existing committee membership continues until such time as the new council appoints new committee members.

5. FUNCTIONS OF THE COMMITTEE

5.1 The Committee may, subject to sub-clauses 5.2 - 5.5 (inclusive), exercise any function of Council set out in Item 3 of the Schedule subject to any restrictions set out in Item 4 of the Schedule;

5.2 The Committee must comply with any law, including but not limited to the LGA, in exercising any function delegated by sub-clause 5.1;

5.3 When exercising any function delegated by sub-clause 5.1 the Committee must comply strictly with the terms of the Constitution and any Council Policy or Legislation including but not limited to:

- Work Health and Safety Act, 2011
- Work Health and Safety Regulations, 2011
- Privacy and Personal Information Protection Act 1998
- Government Information (Public Access) Act 2009
- Hilltops Council Code of Conduct
- Hilltops Council Code of Meeting Practice

Additional policies applicable to individual committees are set out in Item 5 of the Schedule

Notwithstanding anything contained in Item 3 of the Schedule, the Committee must not permit or cause any contractor or person to undertake any work on behalf of or at the direction of the Committee unless they are registered on Council’s list of service contractors who:

a) Have contracted with Council to provide services at quoted prices
b) Carry all appropriate insurances
c) Have provided Council with an ABN
d) Supply Tax Invoices.
e) Agree to abide by WorkCover and Council policies

5.4 Notwithstanding sub-clause 5.1, the Committee must not, give or purport to give any consent or approval (under the EPA A, the LGA or any other law) to any development or building works on any land but may, if requested to do so by Council, make recommendations in respect of any such development or building works for consideration by Council; and

Must not, by virtue of s.355 of the LGA, undertake or perform any of the following functions of Council

- the appointment of a General Manager
- the making of a rate under the LGA
• a determination unders.549 of the LGA as to the levying of a rate
• the making of a charge or the fixing of a fee
• the borrowing of money
• the voting of money for expenditure on works, services or operations of Council
• the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property
  (not including the sale of items of plant or equipment)
• the acceptance of any tender that Council is required to invite under the LGA
• the adoption of a Management Plan under the LGA
• the adoption of a Financial Statement included in an Annual Financial Report under the LGA
• a decision to classify or re-classify public land under Division 1 of Part 2 of Chapter 6 of the LGA
• the fixing of an amount or rate for the carrying out by Council of work on private land
• the decision to carry out work on private land for an amount that is less than the amount or rate
  fixed by Council for the carrying out of such work
• the review of a determination made by Council, and not by a delegate of Council, or an
  application for approval
• the power of Council to authorise the use of reasonable force for the purpose of gaining entry to
  premises under s.194 of the LGA
• the decision under s.356 of the LGA to contribute money or otherwise
• grant financial assistance to persons
• the power of Council under s.455 of the LGA in relation to attendance at meetings of Council
• the making of an application, or giving of notice, to the Governor of New South Wales or the
  power of delegation under s.355 of the LGA
• any function that is expressly required to be exercised by resolution of Council.

Must not, unless the Committee has obtained prior written approval from the General Manager, engage
or contract with any person or corporation to provide any good or service for payment of any consideration
or fee.

Limitations of Powers

5.5 The Committee must not do anything or allow any person acting under its direction to do anything
contrary to the interests of Council. For the purposes of this sub-clause this includes but is not limited
to prohibiting the following:

a) Acting contrary to any direction from Council, which includes a direction from the General Manager
or the Administrator;
b) Acting contrary to Council’s policies, whether as contained in Item 5 of the Schedule or otherwise;
c) Advising any person that they may have a legal right or action against Council or any Committee
Member, Council employee or Council contractor exercising a function of Council;
d) Making any admission of liability or accepting liability on behalf of Council or the Committee.
e) Acting contrary to Council’s Code of Conduct.
f) Acting outside the limits of the Committee’s delegation.
g) Acting or presenting the Committee as independent of Council.

5.6 Correspondence

  a) Committees are not permitted to forward official correspondence to government officials or
  government departments (eg. Governor-General, Government Ministers).
  b) All official correspondence must be signed by the General Manager.
5.7 Media
   a) Committee Members are not permitted to speak to the media on any Council matters in their capacity as a Committee Member unless otherwise approved. All such requests received must be referred to the General Manager whose decision is final.

5.8 No powers or functions may be delegated by the Committee to any other person or committee unless provided in this Constitution.

5.9 The Committee shall not vary the delegations or conditions of use of the Facility without prior consent of Council.

5.10 The Committee shall not:
   a) do anything that is not within the powers, duties and functions delegated in this instrument;
   b) exercise any of the functions included in 5.5 above which all require Council approval;
   c) employ any staff without the authority of the General Manager and/or Council.
   d) enter into any contracts or accept tenders.

5.11 The determination of fees and charges is always subject to the approval of the Council in accordance with Section 377 of the Local Government Act 1993. Accordingly, the Committee is not authorised to waive or discount fees without the prior consent of Council.

   Accordingly, the Committee cannot do any of the above.

5.12 Delegated Authority
   The Committee is authorised to elect a person(s) to exercise the function of booking officer for the use of the facility (where applicable for committees managing Council facilities) in accordance with the terms of Council’s Conditions of Hire.

   In all other instances, applications should be referred to the Committee.

5.13 The Committee is authorised to carry out routine inspections of the Facility (where applicable for committees managing Council facilities).

5.14 The Committee is appointed and authorised to operate strictly in accordance with the conditions and delegations outlined in this Constitution and Instrument of Delegation.

5.15 The Committee will advise the appropriate council officer of any major /external items of repair or maintenance required to the Facility (where applicable for committees managing Council facilities).

6. COMMITTEE MEMBERSHIP

6.1 The Committee will comprise not less than four (4) who have been duly appointed by Council. Council may increase the maximum number of members if circumstances warrant.

6.2 Where the committee manages a council facility, user groups of the facility may nominate for membership of the committee and when considering member appointments, Council will endeavour to limit membership of the committee to an equal number of members from each user group.
6.3 Persons under the age of eighteen years
   a) must have parent/guardian consent to become members of a committee
   b) must be in the care of a responsible adult (committee member) whilst participating in committee
      activities

6.4 The Committee may, subject to clause 6.12, appoint members to identified roles and/or form sub-
      committees to undertake the work of the Committee.

6.5 The Committee must contain at least the number of Local Representation Committee Members and/or
      the number of Council employees set out in Items 8 & 9 of the Schedule.

6.6 Transportation to and from committee activities is the responsibility of each committee member

6.7 Each committee member must complete and sign the Prohibited Persons Declaration where the
      volunteer work primarily involves direct contact with children and that contact is not directly supervised.

6.8 The names and addresses of any nominees are to be forwarded to Council for consideration of
      appointment in accordance with Section 355 of the Local Government Act 1993.

6.9 In the event of a vacancy occurring on the Committee for any reason, the Committee will seek
      nominations from the relevant group in a manner determined by Council.

6.10 Each member of the Committee exercises that capacity, and provides any labour, on an honorary
      and voluntary basis. No member of the Committee shall be entitled to any remuneration or wage
      from Council as a result of that person’s membership of the Committee, and there is no employer -
      employee relationship between Council and any member as a result of that membership.

6.11 The General Manager may, by notice in writing, terminate any person’s membership of the
      Committee. Such written notice must be provided to each member of the Committee and to the
      person whose membership has been terminated pursuant to this sub-clause. Such termination
      takes effect on the date specified in the notice regardless of any request under this sub-clause
      for a review. The General Manager may, at his or her absolute discretion, withdraw any notice
      issued pursuant to this sub-clause without prejudice to the General Manager’s ability to issue further
      notices under this sub-clause. Any member of the Committee may seek a review of the General
      Manager’s termination of any membership pursuant to this sub-clause by submitting notice in writing
      to the General Manager, who will then refer the matter to the next available meeting of Council for
      determination of that review by Council.

Sub Committees

6.12 The formation of any sub-committees or appointment of members to identified roles does not
      operate as a delegation to such members or sub-committees of any function of Council for the
      purposes of the LGA and all such sub-committees or members remain subject to the terms of this
      Constitution.

6.13 The Committee, in the case of a Sports Council, may form a Management Committee (sub-
      committee). This sub-committee will be specified in Item 7 of the Schedule.
Voting

6.14 Each member of the Committee is entitled to one (1) vote on any issue put to the vote of members at any meeting of the Committee.

6.15 The Chair at any meeting shall, in the case of an equal number of votes in any resolution put to the meeting, have a second or casting vote.

6.16 No member is permitted to participate in any debate before the Committee or vote put to the Committee where that member has, either directly or indirectly, a pecuniary interest in the issue(s) debated or subject of that vote.

6.17 Each member is required to notify the Committee in writing of the nature of any pecuniary interest referred to in sub-clause 6.16

The Executive

6.18 Only members of the Committee may be members of the Executive.

6.19 The Executive of the Committee will comprise a Chairperson, Deputy Chairperson, Secretary, Treasurer and Booking Officer (if applicable).

6.20 The Committee must, at its annual first meeting, elect an Executive having not less than three members.
   a) The Committee, at a minimum, must appoint a Chair, Secretary and a Treasurer.
   b) The Committee may appoint members to other positions, such as, Bookings Officer, Work Coordinator as determined by the membership.
   c) The Committee may appoint a combined Secretary/Treasurer position if the minimum requirement of three Executive positions is met.
   d) The Committee, in the case of Sports Councils, may vary the positions of the Executive to include President, Vice Presidents, and Booking Officers. These positions will be specified in Item 7 of the Schedule.

6.21 Any person may, by a vote of the majority of the members of the Committee, be appointed Chair of the Committee.

6.22 Notwithstanding the provisions of clauses 6.18, 6.20, 6.21 Council may, either by resolution of Council or by written notice signed by the General Manager, terminate the appointment of any member of the Executive.

6.23 Subject to clause 6.22 each member of the Executive shall hold the position on the Executive for a period of twelve (12) months from the date of such appointment or on the expiration of the Constitution, whichever occurs first.

6.24 A maximum of two (2) relatives of any one family can be office bearers on the same Committee at the same time.
a) Only one (1) of those bearers mentioned above in 6.24 is to sign cheques on behalf of the same committee at the same time
b) This means that relatives of the same family can be appointed to the same Committee simultaneously but only two can be office bearers and only one can sign cheques during the time that they are members.

6.25 The duties of the Executive shall be:

Chairperson
a) To call and preside at meetings and to act as spokesperson for the Committee;

Deputy Chairperson
b) To assist the Chairperson and, during her/his absence, assume the role of Chairperson

Secretary
c) To deal with all incoming and outgoing correspondence and table all correspondence at Committee Meetings for appropriate action
d) To provide notice and agenda of meetings to Committee Members
e) To accurately record minutes of each meeting and to promptly forward all minutes to the General Manager (Hilltops Council) and to all members of the Committee

Treasurer
In accordance with any Council document developed to assist the committee the Treasurer is responsible for the following:

f) To receipt of all moneys payable to the Committee and issuing receipts for same;
g) To keep correct accounts and books showing the financial affairs of the Committee;
h) To bank to the credit of the Committee all moneys received;
i) To submit financial statements at each Committee meeting;
j) To prepare and have audited: a Balance Sheet and Profit and Loss Statement of the Committee for presentation to the Annual General Meeting to Council;
k) To submit accounts for approval of payment by the Committee at each meeting
l) To prepare and submit monthly GST returns to Council

Booking Officer
m) To take enquiries, enter bookings into the bookings diary, send out application forms and conditions of use, issue receipts for hiring fees and insurance cover, issue keys, inspect the facility after use for cleaning and/or damage and informing the Treasurer before reimbursement. Council would prefer that the booking officer and the treasurer not be the same person.

6.26 Any member of the Committee shall cease to hold office:

a) if the Committee is dissolved by Council;
b) by resignation in writing lodged with the Secretary and forwarded to Council;
c) if absent without leave for three (3) consecutive meetings;
d) if the member holds any office of profit under or in the gift of the Committee;
e) twelve months after the General Election of Council, if so determined in accordance with Council’s review of organisation structure pursuant to Section 333 of the Local Government Act 1993.
Disclosure of Interest

6.27 The Committee is a Committee of Council and, as such, Chapter Fourteen (Honesty and Disclosure of Interests) of the Local Government Act 1993 applies to all its members.

6.28 The Committee’s attention is hereby drawn to the following sections of Chapter Fourteen of the Local Government Act 1993 (reproduced hereunder) 451, 453,454, 455 and 456:

451 (1) A member of a Council committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.
(2) A member must not take part in the consideration or discussion of the matter.
(3) A member must not vote on any question relating to the matter.

453 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

454 A general notice given to the General Manager in writing by a Member of a council committee to the effect that the Member, or the Member’s spouse, de facto, partner or relative, is:
(a) a member, or in the employment, of a specified company or other body; or
(b) a partner, or in the employment, of a specified person, unless and until the notice is withdrawn, sufficient disclosure of the Member’s interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

455 A Member of a council committee must not, if the council so resolves, attend a meeting of the council or committee while it has under consideration a matter in which the Councillor or member has an interest required to be disclosed under this Chapter.

456 (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
(2) The person is not required to disclose the person’s interest as an adviser.”

7. WORK HEALTH & SAFETY

In undertaking all of its activities Council will seek to ensure that the obligations of the Work Health and Safety Act, 2011 are observed. As an employer Council will endeavour to set a high standard of compliance.

7.1 Committee members and volunteers undertaking work or activities on Council land are subject to Work Health & Safety Legislation.

7.2 The Committee must ensure that any member of the Committee or volunteer on the work site meets the requirements of the Work Health and Safety Act, 2011 and Work Health and Safety Regulations, 2011. This includes:
a) Cooperate with Council by complying with all health and safety initiatives.
b) Ensure all activities undertaken are supported by sound Work Health and Safety practices and follow the risk management approach developed by Council.
c) Take reasonable care for the health and safety of others, including those who may be affected by the work site.
d) Utilise information instruction, training and supervision from Council to ensure volunteers/committee members understand Work Health and Safety and how it relates to the work undertaken.
e) Participate, in consultation within the committee about Work Health and Safety matters, to contribute to decisions affecting health, safety and welfare.

7.3 Ensure all committee members or volunteers comply with the following before undertaking activities on any work site:

a) The person must be a committee member or a volunteer registered with Council.
b) The person is aged not less than 15 years unless the person is part of a group (supervised by an adult/s) which is covered by its own insurance and is prepared to indemnify Council.
c) The person is aged no more than 90 years. Council’s personal accident insurance does not cover a person beyond 90 years.
d) The person must sign on/off each time they participate in activities.

7.4 Ensure all committee members or volunteers comply with the following before undertaking activities on any work site:

a) The work site and activity/activities are Council approved.

7.5 Any incidents or injuries to persons or property, including potential incidents or injuries, must be reported to Council within 24 hours.

b) Council’s Incident Report Form must be completed according to instructions inside the book.
c) Where there are witnesses to the injury or incident, the Committee must attempt to obtain and record the name, address and contact telephone number of each such witness.

7.6 The Committee shall ensure that all documents and records of compliance required by Council shall be tendered at the next ordinary meeting of the committee and shall form part of the minutes of that meeting.

7.7 Provide the General Manager or their delegated officer with information, documents and records of compliance in accordance with Council’s requirements and the State Records Act, 1998.

8. MEETINGS

8.1 At all meetings of the Committee 50% of the members shall constitute a quorum. A quorum must be present within fifteen minutes of the nominated commencement time. Proxy votes from members of the Committee shall be accepted if in writing and seconded by another member of the Committee.

8.2 At all meetings of the committee, a quorum must be present. (refer 8.1)

8.3 The Chair shall preside at all meetings of the Committee at which the Chair is present, and in the absence of the Chair, the Deputy Chair shall preside. If both the Chair and the Deputy Chair are absent, the first business of every such meeting shall be to elect an Acting Chair to preside over that meeting and, for the purpose of so presiding, that person shall have all the powers of the Chair.
8.4 Meetings are to be conducted in accordance with standard meetings procedure and the minutes of each meeting are to be forwarded to Hilltops Council.
   a) The Committee shall hold ordinary meetings at least once in every quarter, on a day and at a time to be decided upon by the Committee.
   b) The Committee shall hold an Annual General Meeting, to receive annual reports and elect a Committee Executive once every twelve months.

8.5 Where any Member objects to a resolution carried at a meeting of the Committee, such objections must be recorded in the minutes of the Committee and such resolution shall not be valid (and so must not be acted upon or implemented by the Committee) until Council resolves to confirm the resolution of the meeting of the Committee.

8.6 The majority of the members of a Committee may resolve that a member of the Committee is to be disqualified. Such resolution shall be recorded in the minutes of any such meeting and those minutes must be submitted to the General Manager by the Secretary within seven (7) days of the meeting at which the Committee made that resolution. Such resolution is of no effect unless confirmed by resolution of Council, whose determination shall be final and absolute.

8.7 If any member of the Committee is absent, without leave of the Committee, from three (3) consecutive meetings (other than special meetings) of the Committee, such member shall be disqualified from acting as a member of the Committee but shall be eligible for re-appointment.

8.8 Committee members and the general public are entitled to view the Committee’s Minute Book or receive a copy of the Minutes of the Committee resolved by the Committee.
   Note: Arrangements may be made to view the Minute Book at the Council Chambers.

8.9 At all meetings of the Committee only business included in the Agenda may be dealt with (excepting the Annual General Meeting) unless all the members of the Committee are present and they unanimously consent to such other business being transacted or if the Chairperson rules the matter is of an urgent nature.

8.10 Minutes of all meetings shall be recorded by the Honorary Secretary in an approved manner and a copy forwarded with Notice of Next Meeting to the General Manager of Hilltops Council.

8.11 All Committee members are entitled to attend all meetings of the Committee.

8.12 Committee meetings shall be open for attendance by members of the community and there should not be indiscriminate exclusion of anyone wanting to attend, however, the Committee may resolve to close a meeting or part thereof where matters under discussion would unnecessarily prejudice or embarrass individuals or organisations and/or potentially prejudice any business transactions.

8.13 The Committee is not obliged to give public notice of its meetings other than its Annual General Meeting.

Annual General Meetings

8.14 The Annual General Meeting shall be called by the Chairperson of the Committee or, if not so called, by the General Manager of Hilltops Council.

8.15 The Secretary shall give at least six weeks’ prior notice of an Annual General Meeting. The notice,
The Secretary may, upon receipt of written authority of the Chair or on receipt of a written request signed by no less than three members of the Committee, call a special meeting at a time and at a place determined by the Secretary provided that the time is not less than forty-eight (48) hours prior to the giving of notice of this special meeting by the Secretary. Any such notice must specify the agenda for the special meeting. Failure to receive notice of a special meeting shall not affect the validity of a special meeting.

8.21 Unless all members of the Committee unanimously consent to business other than that contained in the agenda for the special meeting being determined at that special meeting, no special meeting shall consider any business other than that for which the special meeting was convened and as contained in the agenda for that special meeting.

9. **DUTIES OF THE COMMITTEE**

Subject to Council’s policies and its power to override any decision of the Committee and the right of general control and direction of the Hilltops Council, the Committee is required to do the following:

9.1 Adhere to Council’s policies pertaining to the use of facilities.

9.2 Adhere to Council’s Conditions of Hire for public facilities.

9.3 Adhere to Terms & Conditions set out in any council document developed to assist the committee.

9.4 Collect a Public Liability Insurance charge for all hall bookings, from uninsured casual users of the
Facility and submit to Council a Public Liability Insurance Return form and insurance fees at the end of March, June, September and December, each year. However, sporting organisations, Commercial users and incorporated organisations cannot have access to this scheme, and must effect their own legal liability insurance, and produce evidence of its scope and currency to the committee before being permitted to use the facility.

9.5 Make available for any authorised officer of the Council any records of the Committee as requested.

9.6 Operate the Facility in a manner so as to ensure a balanced budget with expenditure at least being equal to income (the Committee may raise funds for the care, control and management of the Facility) in accordance with the Charitable Fundraising Act.

9.7 Prepare and submit to Council a Management Plan and Budget Request on an annual basis and in accordance with any council document developed to assist the committee.

9.8 Submit to Council for approval prior to any action being undertaken:
   a) any major work to be carried out at the facility
   b) submissions for grants or other forms of assistance (financial or volunteer contribution)
   c) major projects planned for the Facility
   d) fundraising activities of the Facility.

9.9 The Committee is required to make recommendations to Council regarding the following:
   a) Any aspect of the care, control and management of the facility that is outside the scope of this Constitution and Instrument of Delegation, noting that Council’s decision thereon shall be final.
   b) Any necessary structural maintenance to the Facility which is beyond the scope of this Constitution and Instrument of Delegation or the Committee’s resources.
   c) Hire charges for the use of the Facility (Note: The Committee shall have no power to waive or discount any charge or fee).

9.10 The Committee must co-operate with any authorised officer of the Council in the carrying out of his/her duties.

9.11 The Council shall have the right to veto any decision of the Committee.

10. VOLUNTEERS

10.1 The Committee may arrange for volunteers to carry out work necessary for the care, control, maintenance and development of the Facility.

10.2 The names of any volunteers must be forwarded to Council prior to any work being carried out.

10.3 All volunteers carrying out any work on, or associated activities in relation to, the Facility are required to give due regard to the safety of themselves and others, with respect to all activities/work being carried out and equipment being used, and shall receive cover in accordance with Council’s Public Liability and Personal Accident insurance.

10.4 The Committee is required to maintain a register of volunteers detailing the names and addresses of volunteers, duties performed, the date and time particular work was commenced and completed and details of any incident involving injury to a volunteer.
11. **FINANCIAL RECORDS - MANAGEMENT COMMITTEES**

11.1 Committees appointed under Section 355(b) of the Local Government Act are subject to the same standards of financial accountability as Council, and it is therefore important that Committees manage their finances well. All funds and assets held by the Committee belong to Council. The Committee is responsible for the care and control of these funds.

11.2 Committees who handle funds, on behalf of Council, are required to comply with Council procedures and instructions, which are designed to ensure that records and day-to-day transactions are handled according to required standards.

11.3 With the introduction of the Goods and Services Tax effective from 1 July 2000, all Section 355 Committees are obliged to comply with the new tax system.

   a) All committees are covered under Council’s Australian Business Number.
   b) Committees are responsible for administering the requirements of GST Legislation that is, charging GST on taxable supplies and correctly identifying input tax credits claimable from ATO.
   c) Accordingly each committee must supply Council with details of GST applicable to all financial transactions for inclusion in Council’s monthly Business Activity Statements (BAS).
   d) Compliance with this request will ensure Council’s obligation is met on time and will avoid any interest or penalty chargeable by Australian Taxation Office.

11.4 The Treasurer in addition to the duties set out in 6.29(f)-(l) shall be responsible for ensuring:

   a) The proper keeping of the books and accounts of the Committee, which shall be kept as directed by the General Manager and made available to the Council when required for that purpose by the General Manager.
   b) Accounts must be accessible by the General Manager who must be able to authorise, in his or her own right, withdrawals from any account held by the Committee.
   c) Forwarding monthly financial and GST reporting to Council’s designated Responsible Officer twice a year in a format as directed by the General Manager.
      ▪ This includes a cash book style financial record keeping system (manual or electronic), which is set up to record income, expenditure, GST and reconciliations in a simple format.
      ▪ The cash book is completed each month and the original forwarded to Council with copies of tax invoices, tax input receipts and bank statements.
      ▪ The totals of each month are entered onto the Annual Summary Reporting page which is forwarded to Council annually.
   d) Receiving monies on behalf of the Committee and maintaining accurate records of the receipt of such monies.
   e) Attending to the payment of accounts and other expenses approved by the Committee on behalf of the Committee, and maintaining an accurate record of such payments.
   f) Issuing of tax invoices.

11.5 All monies received by the Committee shall be deposited, within seven (7) days of receipt into an account in the financial institution set out in Item 10 of the Schedule. Any such account must have the names set out in Item 11 of the Schedule.

11.6 The Committee may only operate those accounts set out in Item 11 of the Schedule or as directed in writing by the General Manager.
a) The committee shall operate a dual signature-bank account in the name as listed in Item 1 of the Schedule. Three members of the Committee’s executive shall be designated as signatories with cheques to be signed by any two signatories provided that the signatories are not from the same family.
b) All Committees are required to advise Council of the details of the persons who are authorised signatories of the Committee’s bank account.

11.7 The Committee must not, at any time, incur any expenditure in excess of the amount held in the Committee’s credit in the account operated by the Committee in compliance with this Constitution. In any event, no expenses of any member of the Committee or the Committee shall be paid unless authorised by resolution of the Committee.

11.8 The Committee may authorise the transfer of an amount not exceeding the sum of $50.00, to be known as “petty cash”, which shall be held by the Treasurer subject to any direction by the Committee.

11.9 The financial year shall be the period from the 1st July to 30th June.

12. RECORDS AND RECORD KEEPING

12.1 Creation and retention of records
The Australian Standard on Records Management (AS 4390-1996, Part 1. Clause 4.2.1) defines a record as Recorded information, in any form, including data in computer systems, created or received and maintained by an organisation or person in the transaction of business or the conduct of affairs and kept as evidence of such activity.

12.2 The Secretary is responsible in addition to the duties set out in 6.29(c)-(e) for;
   a) Preparing agendas, notices of meetings and circulating same and minutes of meetings.
   b) Recording the minutes of all meetings. In respect of any meeting of the Committee, each Committee Member shall be required to sign an attendance sheet, which will form part of the minutes.
   c) Conducting all correspondence on behalf of the Committee.
   d) Retaining copies of all outgoing correspondence.
   e) Retaining the original of all incoming correspondence.

12.3 Committees need to be aware of the importance of minutes, because of their legal status and their liability to subpoena in court cases.
   a) An agenda is to be sent out to all Committee Members at least one week prior to the meeting.
   b) Minutes of the matters discussed will be kept and a copy forwarded to Council and to all Committee members.
   c) The Chair/Deputy Chair is required to sign the minutes of a meeting as the true record of proceedings of the meeting. The minutes must record all motions and amendments put to the meeting, and the results. There is no need to record what members said at the meeting, but there may be occasions when it is appropriate to record the thrust of the debate.
   d) The Chair/Deputy Chair and the Secretary are responsible for the form of the minutes for proper confirmation, and must check that there have been no un-authorised alterations to those minutes. The Chair/Deputy Chair signs the minutes after they have been confirmed by the appropriate meeting (usually the next committee meeting). The signing must not take place until the motion for confirmation has been completed. The motion to confirm the minutes can only be moved and seconded by a person in attendance at that meeting to which the minutes relate.
12.4 Ownership and legislation
   a) In respect to record keeping, the Committee must act in accordance with Council’s Records
   b) The Management Directive and procedures reflect the requirements of public offices in the
      creation, management, and protection of their records as legally required by the State Records Act
      of 1998.
   c) As determined by the State Records Act 1998, neither the Committee nor Council is the owner of
      records created and maintained by them. As a public office Council’s records are officially records
      of the state and must be managed by Council and Committees accordingly.

12.5 Destruction of records
   a) No incoming or outgoing correspondence may be destroyed, with the exception of advertising
      material, newsletters, and magazines.

12.6 Storage and custody of records
   a) Records should be stored in an area away from potential hazards, e.g. fuel, water, fire, vermin.
   b) Records should be stored in a secure location, e.g. locked cupboard or room.
   c) Release of original or photocopied records to any person, other than a current Committee member
      or an authorised officer of the Council, is prohibited.

12.7 Access to records
   a) Access to records by persons other than current Committee members or an authorised officer of
      the Council is prohibited.
   b) Request for access to records, for persons other than those stated above, must be made through
      Council’s Public Officer.
   c) The Committee acknowledges it has a responsibility under the Privacy and Personal Information
      Protection Act 1998 to protect the personal information and privacy of individuals in general. The
      Committee will not provide to any person other than a committee member any personal information
      unless it has been specifically collected for the purposes for which it is being requested. This
      includes contact details for a member of the Committee unless that member has agreed those
      details can be provided to members of the public.

12.8 Return of records to Council
   Any records still held by a Committee prior to 2002 must be returned to Council for archival storage.
   Access to these records can be arranged through Council’s 355(b) Committee Responsible Officers.
   a) Return of original records to Council is to be done annually following each individual Committee’s
      AGM.
   b) Photocopies of returned records will be provided, within reason, if required for ongoing business
      activities. Arrangements can be made through Council’s 355(b) Committee Officers.

13. REPORTS

13.1 Monthly - Financial Reporting and attachments
   To be forwarded to Council’s designated Responsible Officer twice a year in a format as provided by
   Council.

13.2 Annual - Financial Summary Statement
   To be forwarded prior to 31 July each year to the General Manager, for submission to Council in a
   format as provided by Council.
13.3 Annual Reports
To be forwarded prior to 31 July each year to Council’s designated Responsible Officer and include:
a) A summary of activities and projects undertaken by the Committee during the previous financial year proposed projects and activities to be undertaken by the Committee during that current financial year.
b) Elected Executive
c) Updated List of Account Signatories

13.4 Recommendations for Fees and Charges
a) To be forwarded to Council by 1st December each year.
b) The schedule of fees and charges is set by Council, taking into consideration the recommendations of the Committee and the operating requirements of the facility.
c) The Committee is not able to provide subsidies or waive hire fees.

14. INTELLECTUAL PROPERTY

14.1 The Committee acknowledges and agrees:
a) It is important for Council to develop, maintain, protect and manage the organisation’s intellectual property including copyrights, trademarks, registered designs, patents and databases.
b) The Committee, as a delegate of Council, has a duty to observe and help protect Council’s intellectual property by not copying or supplying such property without the express permission of Council.
c) Council retains ownership of all intellectual property created by Committee members in the course of their Committee work.

14.2 The Committee refer to the Responsible Officer any questions relating to intellectual property rights or the use of another organisation’s document.

15. DISPUTE RESOLUTION

15.1 Where the Committee is unable to reach a determination of any issue, the Committee must refer that issue to the Responsible Officer for determination. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Responsible Officer it may, by notice in writing to the Department Manager, request that the matter be referred to the Department Manager for determination of the dispute. Where the Committee resolves that it is dissatisfied with the resolution of that dispute by the Department Manager it may, by notice in writing to the General Manager, request that the matter be referred to Council for determination of the dispute by resolution of Council, whose determination of the dispute shall be final and binding upon the Committee.

16. AMENDMENT OF THE CONSTITUTION

16.1 The Constitution may only be altered by resolution of the Council.

16.2 The Committee may request Council to consider an amendment their Constitution Schedule once the proposed alteration is submitted to a General Meeting of the Committee and the notice convening such a meeting contains the proposed alteration or the effect thereof AND such proposed alteration is approved by at least three-fourths of the members present at such a General Meeting.
17. DISSOLUTION

17.1 Council may dissolve a committee at any time. Council may wish to dissolve a committee to carry out the control of the facility itself.

17.2 Council may also dissolve a committee if that Committee is not complying with the roles and responsibilities of the Committee.

17.3 The committee shall be dissolved in the event of membership dropping to less than four (4) persons. However, if a committee chooses to remain active with less than four members, it is given six months to re-establish a viable membership (i.e. minimum of four members).

17.4 If a committee or facility becomes inactive or inoperable, the Committee will be dissolved and all responsibilities will be taken over by the designated Council department (in this instance, consideration will need to be given to the long term viability of the facility or function).

17.5 On dissolution of the committee, the Secretary/Treasurer or the responsible member must forward immediately all records (minutes, correspondence, financial records) to Council.

17.6 The committee can also be dissolved by a vote of 75% of members entitled to vote present at an Extraordinary Meeting convened to consider this option.

17.7 Upon a resolution being passed by Council for the dissolution of the Committee, all assets and funds of the Committee shall, after payment of all expenses and liabilities, be handed over to Council for the future management of the facility or to be held in trust by Council until a Committee is re-established.
## Schedule to Hilltops Council Section 355 Committee Standard Constitution

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name of Committee</td>
</tr>
<tr>
<td>2</td>
<td>Name of Council Group</td>
</tr>
<tr>
<td>3</td>
<td>Functions delegated by Council to Committee</td>
</tr>
<tr>
<td>4</td>
<td>Restriction on functions delegated</td>
</tr>
<tr>
<td>5</td>
<td>Policies and legislation the committee is required to comply with in addition to those set out in clause 4.3 of the standard constitution</td>
</tr>
<tr>
<td>6</td>
<td>Date on which constitution concludes</td>
</tr>
<tr>
<td>7</td>
<td>Maximum number and make-up of committee members</td>
</tr>
<tr>
<td>8</td>
<td>LRC Members</td>
</tr>
<tr>
<td>9</td>
<td>Council employees</td>
</tr>
<tr>
<td>10</td>
<td>Name of financial institution and type of account</td>
</tr>
<tr>
<td>11</td>
<td>Name of any account operated by the committee</td>
</tr>
<tr>
<td>12</td>
<td>Area assigned to committee and/or map</td>
</tr>
<tr>
<td>13</td>
<td>Additional clauses or amendments to Standard Constitution or Schedule To be listed in full – body of constitution not to be altered</td>
</tr>
<tr>
<td>14</td>
<td>Changes to Standard Constitution or Schedule</td>
</tr>
<tr>
<td>15</td>
<td>Minimum number of meetings per annum</td>
</tr>
</tbody>
</table>
Nomination Form for Appointment to Committee

Name of Committee: ____________________________

Group Represented: ____________________________

Nominee’s name: ______________________________

Residential Address: ____________________________

Postal Address: ________________________________

Home #: __________________ Work #: ________________ Fax: ________________ Email: ________________

Reasons for wishing to join the Committee:

I acknowledge receipt of the Privacy and Personal Information Protection Act 1998 Pre-Collection (Section 10). I confirm that I have read the contents of the notice and agree that the personal information may be used for the purposes identified and provided to the recipients identified in the notice.

Nominee’s Signature: __________________ Date: ________________

Nominee’s under 18 years of age – Parent/Guardian Consent
I, __________________________ hereby consent to the nomination of __________________________ to the __________________________ Committee.

Nominee’s Guardian Signature: __________________ Date: ________________

Please return this form to Hilltops Council, Locked Bag 5, Young NSW 2594
Privacy and Personal Information Protection Act 1998
Pre-Collection (Section 10)

Hilltops Council Section 355 Committees

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998 (‘the Act’).

The intended recipients of the personal information are:

- Members of the public and Council staff requiring contact information in relation to your Committee.
- The personal information will appear in the Council Agenda at the time that your nomination will be considered by Council and the personal information will as a result be available to Council, members of staff and members of the public who obtain copies of the Council Agenda.

The provision of the information by you is voluntary.

The personal information will be used by the Council to choose members of the Committee.

Council is collecting this personal information from you in order to maintain an accurate contact list for members of the public, Council officers and other Council Committee members who may need to contact the appropriate members of your Committee.

If you do not provide this information, we will not be able to include details in the database.

You may make application for access amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Council is to be regarded as the agency holding the information.

Inquiries concerning this matter may be addressed to Councils’ General Manager.
The purpose of this report is to recommend adoption of a seal for Hilltops Council.

As a consequence of the proclamation of Hilltops Council on 12 May 2016 the Council is required to adopt a Common Seal. In addition, as a statutory corporation Council is required to have a common seal.

As an interim measure Council had previously resolved to adopt the Common Seal of the former Young Shire Council as the Common Seal for Hilltops Council until a new seal was finalised.

A new seal has now been designed reflecting Hilltops Council's new identity and brand mark.

The Local Government Act 1993, Section 22 and Schedule 6 (12) have provisions related to the requirement of a Council to have a common seal. As a statutory corporation Council is required under Section 50 of the Interpretation Act 1987 to have a common seal.

It is recommended that the new Hilltops Council common seal as attached to this report be adopted as the official seal of the Hilltops Council and be used for all statutory requirements.
Ordinary Meeting Agenda

22 June 2016

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

16/25 - Southern Slopes County Council

Reference: 2.10.2.1
Responsible Officer: General Manager

Purpose

The purpose of this report is to recommend that Council make a proposal to the NSW Local Government Minister to dissolve the Southern Slopes County Council, which trades as the Southern Slopes Noxious Plants Authority (SSNPA).

Report

Council has recently received correspondence from Yass Valley Council in relation to the future of the SSNPA.

The SSNPA is a County Council that was previously made up of the constituent Councils of the former Harden, Boorowa and Young Councils as well as Yass Valley Council.

Since the amalgamation of Harden, Boorowa and Young Council’s on 12 May 2016, the membership of the SSNPA now consists of Yass Valley and Hilltops Council.

As suggested in the correspondence from Yass Valley Council, there is now an opportunity to streamline the governance arrangements for weeds management across the Yass Valley and Hilltops Council areas.

From a governance perspective, the weeds County Council has effectively operated as a secondary Council, that had board members that were Councillors of each of the member Councils. The member Councils delegated responsibility for weeds management to the Council. The County Council is required to undertake the same planning and reporting requirements as a General Purpose Council.

From a practical perspective, there is no logical reason as to why the weeds management functions undertaken by the County Council cannot shift back under the Hilltops Council as suggested in correspondence from Yass. As an alternative to contractual arrangements with Yass Valley, there is also the potential to form a Section 355 Committee that has representatives from both Hilltops and Yass Valley overseeing the weeds management function.

From an operational perspective there is not considered to be any barriers to converting the operations of the SSNPA to a business unit of the Hilltops Council. It is anticipated this approach would lead to improved operating efficiencies in the management of weeds through streamlining of systems and technology already in place and being enhanced within Hilltops Council.
Given that the SSNPA is funded through a combination of Council rates, Government Grants and private works income, it is considered important that weed management services are delivered as efficiently as possible.

Should Council decide to proceed with a proposal to dissolve the SSNPA it would be recommended that Yass Valley Council be consulted further on future mutual arrangements for weeds management between Hilltops and Yass Valley Council’s.

Likewise, it is considered important that SSNPA staff be consulted, particularly on the transition process that would likely occur.

**STATUTORY PROVISIONS**

Part 5 of the NSW Local Government Act 1993 relates to County Council’s with Section 383 relating specifically to proposals to establish or dissolve a County Council or amend its constitution.

**CONSULTATION**

Should Council decide to refer a proposal to the Minister to dissolve the County Council, the proposal will be subject to section 384 of the Local Government Act which states: “The Minister must give at least 28 days’ public notice of a proposal made to the Minister that the Minister decides to proceed with or of a proposal initiated by the Minister”

In addition to the statutory consultation above, it is recommended that if Council decides to proceed with a proposal to dissolve the County Council, that Yass Valley Council and SSNPA staff be further consulted.

In addition to the above, the SSNPA General Manager has been advised that in response to correspondence received from Yass Valley Council, it would be recommended that Council make a proposal that the County Council be dissolved.

**FINANCIAL IMPLICATIONS**

The SSNPA is currently in a position where its assets exceed its liabilities and the financial risk associated with dissolving the County Council and moving its resources to Hilltops Council is considered low.

**CONCLUSION**

Provision of efficient and effective weed management services and regulation across the Hilltops Council area is extremely important for our natural environment and our agricultural sector. Given the SSNPA now only consists of
two members the County Council no longer appears to provide a logical governance model for weeds management.

**ATTACHMENTS**

Attachment - Correspondence from Yass Valley Council

**RECOMMENDATION**

It is recommended that Council:

1. delegate the General Manager to prepare a proposal to the Local Government Minister to dissolve the Southern Slopes County Council trading as the Southern Slopes Noxious Plants Authority; and
2. consult further with Yass Valley Council and the staff of the Southern Slopes County Council on transition arrangements should the dissolution proceed.
2 June 2016

Anthony McMahon
Interim General Manager
Hilltops Council
Locked Bag 5
YOUNG NSW 2594

Dear Anthony

Southern Slopes Noxious Plants Authority and Weed Services

Following the recent Council mergers, the Southern Slopes Noxious Plants Authority has been reduced from four Councils to two; Hilltops and Yass Valley.

There seems very little point in having a separate Authority to deal with weeds when there are only two Councils. On the surface this would seem to be a very inefficient way to deliver the service. The following strategies are suggested for consideration by your Council:

- The resources of the entire weed service of SSNPA be transferred into Hilltops Council
- Disbandment of the SSNPA (it is effectively disbanded if the organisation has no staff however OLG may be able to advise on the process)
- Agreement being reached on the disbursement of assets of the SSNPA
- Yass Valley Council entering into a 12 month Performance Agreement (PA) with Hilltops; 1 July 2016 to 30 June 2017
- Yass Valley Council to provide a financial contribution to Hilltops for 2016/2017 on a similar basis that was provided under SSNPA.
- PA to include deliverables for the Yass Valley LGA
- Yass Valley Council review the delivery of the service during 2016/17 prior to making an ongoing commitment

I have discussed the ongoing delivery of weed services in Yass Valley with Councillor Cec Burgess and from our perspective the main focus is to address our weed problems on the ground including a comprehensive inspection program. To date we have received good reports regarding the benefits of one of the SSNPA weeds inspectors being primarily allocated to the Yass Valley LGA. I am sure a similar arrangement can be organised under a PA.

Should your Council wish to consider going down a path similar to that outlined above I believe we should implement the changes for the 2016/17 financial year. This would require both Councils to adopt a formal position prior to the end of June. The next Yass valley Council meeting will be held on 22 June 2016.

I therefore seek you advice in this matter as soon as possible so we can progress the matter.

Yours sincerely

David Rowe
General Manager
16/26 – CHANGES TO RFS FUNDING ALLOCATION METHODOLOGY

Reference: 7.1.7
Responsible Officer: Corporate Services

PURPOSE

The purpose of this report is to advise Council of amendments to the Rural Fire Fighting Fund (RFFF) allocation methodology.

REPORT

Council has received advice from the NSW Rural Fire Service that it has adopted a new funding methodology which will be implemented for the 2016/2017 financial year and future years.

The new methodology was determined by prepared by Pricewaterhouse Coopers and is based on the estimated expenditure in a Rural Fire District as a percentage of the overall RFFF based on a 20-year history of allocations to that Rural Fire District.

The use of 20 year averages was adopted to ensure that Districts will have been through fleet and infrastructure replacement cycles and reflect more fairly the expected expenditure over time.

The benefits claimed for this revised methodology include;

- The annual contribution will be a fixed percentage of the overall RFFF and will only move by the annual percentage change in the overall RFFF.
- Timeliness of formal allocations will be improved, with an expectation that allocation letters will be able to be produced in August of each year immediately following the State Budget announcement and finalisation of the previous financial year results
- The NSWRFS will be able to provide Council the full allocation for approved infrastructure projects in a single allocation without affecting the overall statutory contribution paid.

Hilltops Council Councils percentage allocation of the RFFF based on a 20-year average is 1.430% Using the 2015-2016 RFFF allocation of $314,609,000 the 2015/2016 contribution for the Rural Fire District would have been $4,498,908 and the statutory component (calculated at 11.7%) would have been $526,372.

The 2015/2016 contribution level as determined under the old methodology for the South West Slopes Zone was $487,069.00 exclusive of programme charges of $198,592. The former Boorowa, Harden & Young Councils contributions amounted to $367,729 exclusive of programme charges, with the former Cootamundra Shire contributing $119,339 exclusive of programme charges.
There is an obvious negative impact in the first year of the new model with the ongoing impact difficult to quantify.

Of greatest concern in the future is the fact that the local zone will have no control over contributions determined with the state body determining the amount to be paid and also determining what is allocated back out to the zone.

From Council perspective, should the RFS Head Office determine in a given year to increase the overall fund increase by more than the rate peg, Council does not have the opportunity to increase its own revenue above the rate peg to offset its contribution.

**STATUTORY PROVISIONS**

The Rural Fires Act 1997 establishes a contributory scheme to meet the annual estimated expenditure of the Rural Fire Fighting Fund (RFFF). Local Government make an 11.7% contribution towards the RFFF based on the estimated expenditure in each Rural Fire District.

**POLICY IMPLICATIONS**

There are no policy implications directly affecting the adoption of this report.

**FINANCIAL IMPLICATIONS**

Council is likely to incur an increase in the statutory contribution component for the 2016-2017 year.

**ATTACHMENTS**

Correspondence from RFS

**RECOMMENDATION**

It is recommended that Council write to the NSWRFS Commissioner and Local Government NSW formally expressing its dissatisfaction with the revised funding methodology and its removal of local input in terms of financial capacity and allocation of funds to local firefighting operations.
Dear Mr McMahon

Amendment to Rural Fire Fighting Fund Allocation Methodology

As you will be aware, the Rural Fires Act 1997 (the Act) establishes a contributory scheme to meet the annual estimated expenditure of the Rural Fire Fighting Fund (RFFF). Local Government make an 11.7% contribution towards the RFFF based on the estimated expenditure in each Rural Fire District.

For many years, the estimated expenditure in a Rural Fire District has been calculated through a complex methodology that has resulted in a number of concerns being raised by both Local Government NSW and individual Councils. To address these concerns, the NSW Rural Fire Service (NSW RFS) has developed an alternate methodology. Following consultation and agreement with Local Government NSW, this methodology will be implemented for the 2016-17 financial year and future years.

The revised methodology is to determine the estimated expenditure in a Rural Fire District as a percentage of the overall RFFF based on the 20 year history of allocations to that District. PricewaterhouseCoopers actuarial practice was engaged to prepare these figures based on information held by the NSW RFS. The use of such a long term average has been adopted to ensure that Districts will have been through fleet and infrastructure replacement cycles, and the estimated expenditure will therefore reflect more fairly the expected expenditure in the District over time.

The benefits of this methodology for Local Government include:

- The annual contribution will be a fixed percentage of the overall RFFF, and will therefore only move by the annual percentage change in the overall RFFF. This will reduce the volatility of movements in contributions, and allow Councils to better anticipate and budget for movements in their statutory contribution.

Previously, when Councils requested a large allocation in a single budget bid for items such as Stations, fire fighting appliances or Fire Control Centres, the resulting impact on the overall allocation and contribution could be difficult to predict resulting in budget uncertainty;

- Timeliness of formal allocations will be improved, with an expectation that allocation letters will be able to be produced in August of each year immediately following the State Budget announcement and finalisation of the previous financial year results; and

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
15 Carter Street
LIDCOMBE NSW 2141

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au
The NSW RFS will be able to provide Council the full allocation for approved infrastructure projects in a single allocation without affecting the overall statutory contribution paid.

The NSW RFS will continue to work closely with Councils across NSW to determine the needs of Brigades, and in order to ensure transparency, will be developing over the next twelve months, medium to long term replacement programs for fleet and infrastructure which will be prioritised and annually reassessed before being finalised through the annual approval of the RFFF.

An annual allocation letter and contribution will continue to be provided by the NSW RFS to each relevant Council in accordance with the requirements of the Act, and detail of specific allocations such as maintenance and repairs grants, building infrastructure, fleet and other firefighting equipment will be maintained.

To assist Councils in their planning, I can advise that the 2015-16 RFFF was $314.609 million. Recent annual movements in the Fund have included both increases and decreases, with the five year average change being 3.72%.

It should be noted that past movements should not be considered to be necessarily representative of future movements in the RFFF.

The percentage allocation of the RFFF based on the 20 year average for your Council is 1.430%.

To calculate what your contribution for 2015-16 would have been under this methodology simply multiply your percentage by the RFFF to reach the allocation, and then by 11.7% to reach the Council contribution.

**Example 1:**
Council A has a 20 year average RFFF percentage of 2.000%. Based on the 2015-16 RFFF of $314.609 million, Council A's statutory contribution is calculated as follows:

\[ \$314.609 \text{ million} \times 2.000\% = \$6,292,180 \text{ (Rural Fire District Allocation)} \]

\[ \$6,292,180 \times 11.7\% = \$736,185 \text{ (Statutory Contribution)} \]

Where your Council is the lead Council for a Team or Zone and administers the financial arrangements for the Team or Zone on behalf of all Councils, this percentage is for the Team/Zone.

**Example 2:**
Councils W, X and Y are parties to a single budget known as Team/Zone Z. The Team/Zone 20 year average RFFF percentage is 3.819%. Based on the total RFFF for the 2015-16 financial year of $314.609 million, Team/Zone Z's statutory contribution is calculated as follows:

\[ \$314.609 \text{ million} \times 3.819\% = \$12,016,805 \text{ (Rural Fire District Allocation)} \]

\[ \$12,014,918 \times 11.7\% = \$1,405,745 \text{ (Team/Zone Statutory Contribution)} \]

The disbursement of the Team/Zone contribution across Councils W, X and Y is undertaken in accordance with the specific agreement between the parties, and remains managed by the lead Council.

I would take this opportunity to remind Councils that the NSW RFS is constrained by NSW Budget confidentiality and the requirements of the Act to adjust for over/under expenditure in the prior year in
framing the current year RFFF estimate. Combined, these factors mean that formal notification of the annual RFFF allocation cannot be made earlier than August of each year.

The NSW RFS would like to thank Local Government NSW for its engagement in facilitating this improvement to the allocation methodology.

The NSW RFS intends to conduct some question and answer sessions on the changes in the near future, and dates of these sessions will be provided once scheduled. We would welcome comment and feedback through this process. However, should you require further information in the meantime, please contact Mr Stephen O'Malley, Chief Financial Officer, on 02 8741 5523 or by email at stephen.omalley@rfs.nsw.gov.au.

Yours sincerely

Shane Fitzsimmons AFSM
Commissioner

cc: Ms Wendy Tuckerman
Administrator, Hilltops Council
District Manager, NSW RFS
**Purpose**

A monthly report detailing all Council investments of the three dissolved Councils in accordance with Clause 212 of the Local Government (General) Regulation 2005.

**Report**

The Councils of Boorowa, Harden and Young were dissolved on the 12 May 2016. Each report is provided separately and a summary of all investments is included in this report.

**Combined Investments**

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<th>Maturity Date</th>
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<td>Rate</td>
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<td>National Australia Bank</td>
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ORDINARY MEETING AGENDA
22 JUNE 2016
Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

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| Total                | 28,147,874 |

**Bank & Cash Managed Funds**

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<th>Amount</th>
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<td>IMB - On Call</td>
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<td>Commonwealth Bank - On Call</td>
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**Total Cash & Investments**

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<th>% of Total Value</th>
<th>Rating</th>
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<td>2%</td>
<td>A2</td>
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<tr>
<td>BOQ</td>
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<td>9%</td>
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<td>CBA</td>
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<td>Mysite</td>
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<td>St George Bank</td>
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<td>6%</td>
<td>A1+</td>
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<tr>
<td><strong>Total Term Deposits</strong></td>
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</tbody>
</table>

Year to Date Interest Earned $960,255 representing 92.9% of annual 2015/16 budget of $1,033,539.

“The year to date interest earned (including accruals to 31/5/2106) totaling $960,255.00 is 92.9% of the annual 2015/2016 budget estimate of $1,033,539.

A combined cash book balance at the end of May was $3,741,579.”
ORDINARY MEETING AGENDA

22 JUNE 2016

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

STATUTORY PROVISIONS

Council investments comply fully with section 625 of the Local Government Act (NSW) 1993, Local Government (General) Regulation 2005 paragraph 212 and Council’s Investment Policy.

Certification by Anthony McMahon, General Manager.

POLICY IMPLICATIONS

The investment policy was adopted by Hilltops Council on 24th May, 2016.

FINANCIAL IMPLICATIONS

Interest earned to date

ATTACHMENTS

Nil

RECOMMENDATION

That the Statement of cash and investments as at 31 May 2016 be received.
16/28 – LOAN BORROWING PROGRAM - HARDEN

Reference: SS11-33
Responsible Officer: Corporate

PURPOSE

The purpose of this report is to finalise the loan borrowing program of the former Harden Shire Council for the financial year ending 30 June 2016.

REPORT

In the 2015/16 Operational and Delivery Plan of the former Harden Shire Council the Borrowing Statement identified that Council approved loan borrowings of $566,000 to fund the following capital works projects:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harden Skate Park</td>
<td>$116,000</td>
</tr>
<tr>
<td>Streetscape Gardens – Neill Street, Harden</td>
<td>$50,000</td>
</tr>
<tr>
<td>Streetscape Tree Planting – Albury Street, Harden</td>
<td>$130,000</td>
</tr>
<tr>
<td>Murrumburrah CBD Toilet Block</td>
<td>$190,000</td>
</tr>
<tr>
<td>Carpark – Neill Street Harden</td>
<td>$50,000</td>
</tr>
<tr>
<td>Iris Street Park, Murrumburrah – Landscaping</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

Borrowing Program 2015/16 $566,000

At the November 2015 Harden Ordinary Council Meeting; Council resolved to change the location of the Murrumburrah CBD Toilet Block from Mill Park to History Hall. This option significantly reduced the cost of the toilet block to $60,000, providing a loan saving of $130,000. Council also resolved to transfer $77,000 of the loan savings from the toilet block to the Harden Skate Park. This increased the loan funding for the Harden Skate Park to $193,000. In December 2015, Harden Shire Council approved the tender for the Skate Park at a cost of $345,673, with funding of $193,000 identified to be sourced from loan funds. The remainder of the loan savings from the Murrumburrah CBD toilet block of $53,000 were committed to fund Council’s share of a gas feasibility study for Harden.

The construction of the Carpark in, Neill Street, Harden has not proceeded in this financial year due to the land acquisition for this site not taking place. Loan funding for the Gas Feasibility Study for Harden will also not be required this financial year as the costing and funding sources for the project are being reviewed. The remaining capital works projects for which the original loan program was provided are expected to be completed by 30 June 2016.
Based on the actual costs of these completed projects Council now requires to draw down funding for the projects set out below:

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harden Skate Park</td>
<td>193,000</td>
</tr>
<tr>
<td>Streetscape Gardens – Neil Street, Harden</td>
<td>52,000</td>
</tr>
<tr>
<td>Streetscape Tree Planting – Albury Street, Harden</td>
<td>110,000</td>
</tr>
<tr>
<td>Murrumburrah CBD Toilet Block</td>
<td>60,000</td>
</tr>
<tr>
<td>Iris Street Park, Murrumburrah – Landscaping</td>
<td>26,000</td>
</tr>
</tbody>
</table>

**Borrowing Program 2015/16** $441,000

The following capital works projects have been deferred in 2015/16 and are not required to be drawn down in this financial year:

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpark – Neil Street Harden</td>
<td>50,000</td>
</tr>
<tr>
<td>Gas Feasibility Study – Harden</td>
<td>53,000</td>
</tr>
</tbody>
</table>

**Deferred Borrowing Program 2015/16** $103,000

Council originally proposed to borrow the loan program from external financial lending institutions.

Due to the reduced level of the borrowing program there is an opportunity to fund the capital projects from a combination of Reserves and internal loans. Set out below is a revised funding program for the capital works:

<table>
<thead>
<tr>
<th>Reserves/Loan Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>External Reserves - Unexpended Loan Funds</td>
<td>$68,800</td>
</tr>
<tr>
<td>Industrial Sheds/ Industrial Development</td>
<td>2,800</td>
</tr>
<tr>
<td>Land Purchase Residential Development</td>
<td>25,000</td>
</tr>
<tr>
<td>Village Transfer Station Rehabilitation</td>
<td>41,000</td>
</tr>
<tr>
<td>Internal Reserves</td>
<td>$30,000</td>
</tr>
<tr>
<td>Harden Pool Storage Shelter</td>
<td>30,000</td>
</tr>
<tr>
<td><strong>SW Regional Waste Management</strong></td>
<td>$116,970</td>
</tr>
<tr>
<td>Retire Existing Loan No 99 and transfer to General Fund</td>
<td>$116,970</td>
</tr>
<tr>
<td><strong>Plant Replacement Reserve - Internal Loan</strong></td>
<td>$225,230</td>
</tr>
<tr>
<td>With repayment over 5 years from Section 94A Reserve</td>
<td>$225,230</td>
</tr>
</tbody>
</table>

**2015/16 Replacement Borrowing Program** $441,000 $441,000

The original purpose of the unexpended loan funds, shown in the External Reserves, and the Internal Reserve Funds for the Harden Pool Storage Shelter have now been completed for a number of years and these funds are now surplus to requirements.
At the last meeting of the South West Regional Waste Management Group Council was asked to obtain payout figures for Loan 99 originally raised to purchase new waste group trailers. The Group have sufficient funds to pay out the loan from External Reserves held within the Regional Waste Group. Payout penalties on the loan make early retirement of this loan uneconomic. However, if the General Fund took over the repayment of the remaining loan instalments the penalty for early retirement can be avoided. Transfer of the funding equivalent to the remaining loan principal of $116,970 will redeem the loan in the Regional Waste Group and reduce the requirement of the General Fund to take up new loan borrowings.

The Plant Replacement Reserve currently has a balance of $948,700 at June 2016. Net plant purchases in the 2016/17 plant acquisition program are shown in the Draft Budget in the amount of $677,441. The internal loan from the plant replacement reserve will not have any impact on the ability of the Council to complete the budgeted replacement program. Section 94A contributions budgeted over the next 2-3 years are expected to more than sufficient to fully repay the internal loan from the Plant Replacement Reserve.

**STATUTORY PROVISIONS**

There are no known statutory provisions that impact on this report.

**CONSULTATION**

It is recommended that consultation be undertaken with the South West Regional Waste Management Group (SWRWMG) members to advise the Group of the method that will be employed by Council to retire the SWRWMG Loan No 99.

**POLICY IMPLICATIONS**

The outcomes to this report enable the Council to achieve the capital works programs set out in the Harden Shire Council 2015/16 Operational and Delivery Plan.

**FINANCIAL IMPLICATIONS**

The outcomes and funding options identified in this report will enable the Council to fund the capital works programs set out herein and by funding the programs internally reduce the Council’s requirement to take out new external borrowings.
RECOMMENDATION

It is recommended that Council:

1. Fund the following capital works programs from the Harden Shire Council 2015/16 Loan Borrowing Program:
   - Harden Skate Park       193,000
   - Streetscape Gardens - Neill Street, Harden  52,000
   - Streetscape Tree Planting - Albury Street, Harden  110,000
   - Murrumburrah CBD Toilet Block       60,000
   - Iris Street Park, Murrumburrah - Landscaping     26,000

   Borrowing Program 2015/16            $441,000

2. Defer the following capital works programs from the Harden Shire Council 2015/16 Loan Borrowing Program:
   - Carpark - Neill Street Harden       50,000
   - Gas Feasibility Study - Harden       53,000

   Deferred Borrowing Program 2015/16            $103,000

3. Identify the following alternative sources of funding to replace external loan borrowings in 2015/16 for the capital works programs identified in part 1 of the recommendation:

   - External Reserves - Unexpended Loan Funds    68,800
   - Industrial Sheds/ Industrial Development  2,800
   - Land Purchase Residential Development  25,000
   - Village Transfer Station Rehabilitation  41,000

   - Harden Pool Storage Shelter  30,000

   - SW Regional Waste Management  116,970
   - Retire Existing Loan No 99 and transfer to General Fund  116,970

   - Plant Replacement Reserve - Internal Loan  225,230
     With repayment over 5 years from Section 94A Reserve  225,230

   2015/16 Replacement Borrowing Program      $441,000

16/29 – INDEPENDENT HEARING AND ASSESSMENT PANEL FOR DA T2015/078

Reference: T2015/078
Responsible Officer: Director, Planning

PURPOSE

This report is seeking approval to establish an Independent Hearing and Assessment Panel to consider elements of Development Application T15/078 for a piggery at Eulie Road, Harden.

REPORT

Background to the application
On 11 December 2015, a development application (T15/078) was lodged with the former Harden Shire Council for an Intensive Livestock Agriculture operation (piggery) at the holding known as ‘Eulie’, on Eulie Road in Harden.

In summary, the application proposes a piggery involving:
- A maximum capacity of 25,113 pigs (SPU – Standard Pig Units);
- The construction of 21 sheds in which to house the animals together with ancillary structures; and
- The disposal of waste materials from the piggery onto the land within the Eulie holding.

The application is Designated Development for the purposes of section 77A of the Environmental Planning and Assessment Act, 1979 (the Act) and is Integrated Development under the provisions of section 91 of the Act. General Terms of Approval is required from three State Government agencies to enable Council to issue any consent, should assessment of the proposal merit its approval. Those agencies are the Office of Environment and Heritage (Aboriginal heritage); Department of Primary Industries – Water (extraction of water); and the Environment Protection Authority (licensed premises for the purposes of waste disposal, including an assessment of odour impacts).

The land in question (‘Eulie’ which contains some 27 land parcels) is zoned RU1 – Primary Production under the Harden Local Environmental Plan 2011 (the LEP) and the proposed use is permissible in that zone. The land is also affected by a range of environmental ‘overlays’ under the LEP, namely ‘Biodiversity Protection’, ‘Riparian Land and Watercourses’ and ‘Groundwater Vulnerability’. As designated development, the Secretary of the Department of Planning and Environment has issued Environmental Assessment Requirements for the application that require the applicant to properly address a range of matters including: waste management, animal welfare, biosecurity and disease management; air quality and odour; hazards and risks; noise and vibration; water
resources; soil and water; traffic and transport; biodiversity; visual impacts; bushfire; and heritage.
The application has been publicly notified and advertised on two separate occasions as follows:
- From 16 December 2015 to 5 February 2016. In response, Council received 1140 submissions; and
- From 5 May to 6 June 2016. Final submissions are still being tallied but it appears some 1400 submissions have been received.

The issues raised in the first round of submissions include (as a high-level summary):
- Animal cruelty / welfare / opposition to factory farming;
- Negative impacts on waterways, wildlife and the broader environment;
- Odour impacts;
- Impacts on soil and nutrient loads;
- Effluent management, including the potential for waterways to be polluted;
- Biosecurity/disease spread/health risks for workers and the broader community;
- Impacts on the area’s reputation in terms of liveability and tourism;
- The lack of detail provided in the application;
- The unsuitability of the site in terms of environmental and amenity impacts;
- Incompatibility of the proposed land use in terms of existing surrounding uses;
- Extraction of water from the groundwater table and its impacts on surrounding residents and businesses;
- Fire risks;
- Aboriginal archaeology and heritage;
- Traffic and transport impacts;
- Drainage of water and waste from the site; and
- Amenity impacts on surrounding residents.

Assessment of the proposal
Council staff and Government Agencies have carried out a level of assessment on the application but have had to request additional information on a number of occasions. The proposed development is of a large-scale with a high level of complexity.

Before issuing any consent, should one be warranted, Council must be satisfied that all the matters under section 79C of the Act have been satisfactorily addressed by the application and any impacts can be appropriately negated, mitigated or managed. For integrated development, Council must refuse an application where a relevant State Government agency advises it will not issue General Terms of Approval [section 91A(4)] and Council cannot issue any consent until it has received General Terms of Approval from all relevant agencies [section 91A(2)].
As consent authority for this application, Council cannot rely solely on the issue of General Terms of Approval by relevant State Government agencies; it must itself be satisfied of the suitability of the development on the site and be satisfied that the impacts of the development have been appropriately identified and addressed and can be appropriately managed over the life of the development.

Section 23I of the Act allows Councils to establish Independent Hearing and Assessment Panels (IHAPs) including as ‘one-off’ measures, to provide guidance and assessment on development applications. IHAPs, as a panel of experts, can be constituted “to assess any aspect of a development application or planning matter referred to the panel by the Council” [section 23I(1) of the Act].

The IHAP must, in accordance with section 23I(2) of the Act, consist of “persons having expertise in at least 1 of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.” A Council that establishes an IHAP must provide facilities and staff to enable it to carry out its functions and panel members are entitled to be paid remuneration as determined by the Minister (or delegate) [sections 23I(6) and (7)]. An IHAP constituted under section 23I is not a deliberative body; it provides recommendations to the consent authority (ie Council) which it may use in its assessment and determination of a development application.

There are a number of areas where Council staff consider that an IHAP would provide an appropriate level of assistance and expertise in the assessment of the application, either because the level of detail supplied by the applicant is considered insufficient to enable a full assessment to occur; the level of expertise of Council staff in particular subject areas is not sufficient to ensure all relevant considerations have been appropriately made; or the assessment would benefit from an additional level of transparency given the level of public interest in the application. The subject areas where additional expert assessment would be of benefit, broadly relate to the following areas of impact:

- Groundwater usage and management. DPI-Water has issued general terms of approval on the basis that the stipulated amount of water is available for sale on the wider water market. It has not, however, carried out any impact of the extraction of the required amount of water on the water table, on adjoining land users or on broader environmental capacity;
- Odour. Objectors to the proposal have submitted an odour assessment that shows a very different outcome from that submitted by the applicant and while the EPA will review the issue of odour, Council must be satisfied that information it has in front of it adequately represents the impacts of the development. Odour impact on surrounding land users is a key amenity impact issue arising from the proposal;
Soil conditions and capability. Large amounts of liquid and solid effluent are proposed to be placed on the land and the nature, capacity and porosity of existing soils needs to be fully understood for Council to be satisfied that the site can support the development, including the disposal of effluent on site over the operational life of the development;

Traffic and road usage. The proposal seeks to use local and classified roads that serve adjoining land users and residents and has the ability to result in amenity impacts; and

Biodiversity. The impacts of the proposal in its entirety on biodiversity at its broadest and most integrated scale, including for flora, fauna, riparian corridors and waterways, soils and other related matters.

STATUTORY PROVISIONS
Section 23I of the Act provides for a consent authority to seek the input (recommendations) of experts in a range of fields to support its assessment of a development application.

CONSULTATION
Whilst the application has been placed on public exhibition on two occasions as indicated above; no consultation has been undertaken with the community in relation to the establishment of an IHAP. Nonetheless a panel may hear or receive submissions from interested persons; it would therefore be prudent to advise that an IHAP is being established for the purposes of providing independent advice to Council in regard to this application.

SUSTAINABILITY ASSESSMENT

Environment
As identified, there is the potential for environmental impacts to occur as a result of this proposal and Council must be satisfied that those impacts are able to be avoided, mitigated or managed so as to not to permit ongoing or irreversible negative impacts to the environment. There are some issues for which Council does not have expertise to adequately assess or interpret the impacts.

Social
As indicated by the type and number of submissions this application has generated a wider community interest, particularly in relation to the treatment of animals in intensive agricultural activities. Whilst the issue of animal welfare is not specifically outlined as a matter for consideration under Section 79C of the Act, the broader public interest is a matter that a consent authority must consider. The establishment of an IHAP for this application provides an additional level of transparency to consideration of the proposal.
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- Culture
  There has been an Aboriginal cultural assessment undertaken by both the applicant and some objectors with NSW Office of Environment and Heritage indicating that this application will require an Aboriginal Heritage Impact Permit. This will not necessarily be a matter for consideration by the IHAP members.

- Economic
  There will be a financial impact of conducting an IHAP hearing as the members are to be paid. However, the amount of payment is not governed by regulations, it is an amount that is determined by Council.

- Governance
  This process provides Council with independent expert advice, where there is a gap in the knowledge base within Council staff. It also provides an additional level of transparency to the assessment and determination process.

RELATIONSHIP TO INTEGRATED PLANS

This report addresses outcome 4.7 of the Harden Community Strategic Plan, which is: A Planning regime that supports the economy, utility and amenity of the Shire, while maintaining a sustainable environment. Receiving independent input into the assessment of the proposal will ensure that Council is in a position to make a fully informed determination of the application.

POLICY IMPLICATIONS

No policy implications are identified with the possible establishment of an IHAP to consider this development application, although it may provide a basis for Council to consider their use in the future for development applications.

FINANCIAL IMPLICATIONS

The members of the IHAP will require reimbursement for their activities. There is no guidance offered by the regulations or Department of Planning as to how much panel members are to be paid and it is a matter for Council to consider. There are only a handful of Councils, based in Sydney, that have established such panels and they operate on a four yearly or annual term rather than for a single application. However, it is estimated that costs may be in the range of $1,000 to $1,500 per member per day. Advice received is that the panel members do get all the work necessary for multiple applications completed in a single day.

DISCUSSION OF KEY ISSUES

The key issue for Council in the assessment of this matter is the conflicting information received from the applicant and objectors and the existing knowledge gap within Council to make an informed decision about a variety of
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matters. The establishment of an IHAP for this application would assist Council to make an informed assessment by the provision of professional advice by independent experts in their respective fields.

OPTIONS

The options identified in this report are for Council to either establish an IHAP for this application, seeking independent professional advice or for Council staff to undertake the assessment, relying on Government Agency input, submissions and information within the application.

REVIEW AND APPEAL RIGHTS

It is a decision for Council to establish an IHAP and what applications, or parts thereof, are referred for assessment. The applicant does not have an appeal right in this regard. However, the establishment of an IHAP does not negate the rights of the applicant to appeal for deemed refusal, nor does it impact upon the right of objectors to appeal an approval, should such approval be given.

CONCLUSION

This report seeks to establish an IHAP panel to assess aspects of the application for which there is a knowledge gap within Council. Council must be satisfied that all aspects of concern have been addressed and are capable of being avoided, mitigated or managed; or have sufficient understanding of how the impacts, if they can’t be avoided, mitigated or managed, will have a serious negative impact on the environment.

ATTACHMENTS

Nil

RECOMMENDATION

It is recommended that Council:

1. establish an Independent Hearing and Assessment Panel to assess the aspects of groundwater usage and management, odour, soil conditions and capability, traffic and road usage, biodiversity of development application T2015-078 for a piggery at Eulie Rd, Harden; and
2. delegate the General Manager to seek expressions of interest from suitably qualified and experienced professionals in the aforementioned areas, appoint panel members and make payment of $1,100 (Inc GST) per panel member per day.
16/30 – 2016/DA-00014 – SUBDIVISION – 10 BOYDS LANE, YOUNG

Reference: F149.01
Responsible Officer: Manager of Planning

PURPOSE

This report has been prepared and presented to Council, as the Applicant has verbally indicated that they do not wish to comply with Council’s adopted policy positions, with respect to the servicing of land in a Residential zone (although this issue has not been addressed in the submitted application). This report includes the full assessment, despite the vast majority of the considerations meeting either the performance outcomes, or acceptable solutions. This report reviews all matters and recommends approval, subject to conditions.

BACKGROUND

- 4th February 1991 Young Local Environmental Plan 1991 - Urban Lands comes into force, and land is zoned 1(c) Rural ‘C’, with a minimum subdivision area of 6000 m².
- 16th October 2006 2006/DA-00196 - Approval granted to the subdivision of the land into three (3) lots of approximately 5800 m² each.
- 16th October 2009 2006/DA-00196 - Development consent lapses.
- 3rd March 2010 2009/DA-00241 - Approval granted to the subdivision of the land into three (3) lots of approximately 5800 m² each.
  As the land was zoned rural, there was no requirement for sewer, however, certain road works were required along Boyds Lane.
- 2nd August 2010 Young LEP 2010 comes into force, and land is zoned R1 General Residential.
- 24th August 2011 DCP 3 - Rural and Residential Subdivision repealed, and Young DCP adopted. Note - Both DCPs required the servicing of land zoned Residential, to a conventional residential standard, including water, sewer, kerb and gutter, etc.
- 2nd February 2016 Following development application lodged
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22 JUNE 2016

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

DA No. 2016/DA-00014
APPLICANT Mr J & Mrs F Hewlett
PROPERTY Lot 1 DP 749602
10 Boyds Lane
YOUNG NSW 2594
OWNER Mr J A & Mrs F J Hewlett
PROPOSAL Subdivision - three (3) allotments of approximately 5800 m² each - See Figure 1.

Figure 1 - Survey Plan
The 1.7-hectare site is located approximately 3 kilometres south of the CBD, on the south-eastern corner of Boyds Lane and Kingsvale Road (see Figure 2). The surrounding area is essentially lifestyle allotments, with houses and sheds dotted across the landscape. There are also a few small orchards remaining in the area, but would not be considered commercial. The site itself is cleared, with no structures (See Figure 3).

The site is adjoined by two (2) lifestyle lots to the south, which each support a house. The land opposite across Kingsvale Road supports a house, while the land to the north across Boyds Lane, is cleared and undeveloped. The land to the east across Boyds Lane is Crown Land, is vacant, but supports a number of trees and encompasses a part of Sawpit Gully.

**Figure 2 - Locality plan**
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Figure 2a – extract from LEP zoning map LZN_017

Figure 3 – Aerial view
REPORT

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

SEPP’s 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 Young Shire as a whole, however, only the following SEPP has any relevance to the development.

State Environmental Planning Policy 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 has no record of the property being used for any potentially contaminating activity, such as fuel tanks, cattle dips, orchards, etc.

LEP

The applicable LEP is the Young LEP 2010, and the relevant provisions of the LEP are discussed as follows. Broadly, the site has not been identified as having heritage significance, nor is it within a heritage conservation zone. Furthermore, the land is not affected by the natural resources mapping (biodiversity or land). Finally, the land is not identified in the Floodplain Risk Management Study and Plan, as being at or below the flood planning level, and requires no flood planning consideration.
2.3 **Zoning**

The site is zoned R1 General Residential, and the proposed development (subdivision of land) is permissible with the consent of Council. The development is not inconsistent with the objectives of the zone, which are:

- to provide for the housing needs of the community.
- to provide for a variety of housing types and densities.
- to enable other land uses that provide facilities or services to meet the day to day needs of residents.

2.6 **Subdivision – consent requirements**

This clause provides that land may be subdivided, but only with development consent, unless it is exempt under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. This subdivision is not exempt and approval is required.

4.1 **Minimum subdivision lot size**

This clause provides that land may only be subdivided in accordance with the relevant lot size maps. The LEP does not establish a minimum lot size for this particular area; however, the DCP does introduce a set of desirable standards, which will be discussed elsewhere.

6.4 **Water**

This clause and the accompanying map set, identifies areas of groundwater vulnerability and riparian corridors. This site has a minor affectation pertaining to the riparian corridor (about 3%), based on its proximity to Sawpit Gully (see Figure 5). The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting water quality, natural water flows, the stability of the bed and banks of waterways, groundwater systems. Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact from the proposed development on the water quality of receiving waters, the natural flow regime, the natural flow paths of waterways, the stability of the bed, shore and banks of waterways, and the flows, capacity and quality of groundwater systems. Council is satisfied that the development will not adversely impact on the nearby Riparian Corridor, subject to appropriate conditions.
Draft EPI’s | There is no draft planning proposal that will impact on this proposed development.

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

The development is subject to the Young DCP 2011. There are a series of objectives throughout the DCP, and in order to attain these objectives, a number of performance outcomes (identified by the letter P at the start) should be achieved, and a series of acceptable solutions (identified by the letter A at the start) have been provided in the DCP, as one method of achieving the outcomes. Where a proposed development does not meet an acceptable solution, the applicant must provide justification for the variation, and demonstrate how the performance outcomes are still met.

An assessment of the proposal against the relevant sections of the DCP is as follows.

1.3 – DA Notification Policy

This section identifies a number of developments that will not be notified, and by default, all other forms of development require notification. A subdivision of this nature is not one of these developments, and accordingly notification was required and was carried out.

Thirteen (13) adjoining and adjacent land owners and occupiers were notified of the proposed development and given fourteen (14) days in which to make a submission. One submission was received, as follows:
Submission states that:

- there are two (2) Crown Public roads in the vicinity of the development that appear to be in use by residents as property access roads and these are Boyds Lane and McGlyns Lane,
- Kingsvale Road between Willawong Street and Normans Road is also a Crown Public road, which appears to be the main property access for a number of properties as well as forming part of the general road network in the area,
- aerial imagery indicates that maintenance works may have taken place on these roads and DPI Lands would like to take this opportunity to suggest that Young Shire Council may like to formally initiate a transfer of ownership to assist it with future maintenance,
- DPI Lands has no other comment on this development application.

These matters are noted and will be dealt with by the Operations Department, if warranted and when time permits.

Referrals

A referral was not required to Roads and Maritime Service as the land is not located on the Highway or a Regional Road. The land is partially bushfire prone land (about 1%), and the original subdivision application was referred to NSW Rural Fire Service, and the response was that the department was prepared to issue a Bush Fire Safety Authority with no specific conditions.

5.2 Subdivision in the General Residential

The objectives of this clause are:

To ensure that land is developed in a manner that is appropriate to the existing or preferred character of the area;

The proposed development in terms of lot size is appropriate to the existing character of the area, but is inconsistent with the preferred character of the area. This is dictated by the zoning of the land, as well as the provisions of this section of the DCP, where the expectation is that smaller lots would be created in the zone. However, if the acceptable solutions can be met, and the potential remains for the development of the lots, closer to the preferred lot size, then this is acceptable in the interim.

To ensure that land is developed in a way that will minimise impacts on the natural environment and will allow for the efficient and equitable distribution of public amenities and services.
If the land is appropriately serviced and constructed, then the impacts on the natural environment will be minimised. The issue of equitable distribution of public services is discussed in greater detail elsewhere in this report.

Compliance with the acceptable solutions are discussed as follows, with respect to the various performance outcomes to the left.

**PSD2.1** All intersections shall be deigned or safe traffic management

**ASD2.1** Avoid four-way intersections, and provide a minimum spacing between intersections of 40 metres (may be 20 metres for minor access roads and cul-de-sacs);

Not applicable. No new roads or intersections proposed, as the subdivision utilises existing roads, and as the land is not being subdivided to its potential.

Whilst Lots 1 and 3 could be re-subdivided utilising access to Boyds Lane and to Kingsvale Road, this proposed design has the potential to restrict the resubdivision of proposed Lot 2 into smaller residential lots (DCP minimum), at a future time. Under the current policy position there is insufficient width for a road, and potentially only a maximum of six (6) lots would be achievable. However, this would allow for two (2) larger lots, which provides a variety of housing densities, which is a positive thing.

**PSD2.2** Minimise the use of cul-de-sacs, and where these are provided provide adequate minimum frontages to facilitate reasonable access and dwelling construction

**ASD2.2** Avoid cul-de-sacs if possible

Not applicable. No cul-de-sacs proposed, as the subdivision utilises existing roads, and as the land is not being subdivided to its potential.

**PSD2.3** Provide road widths that are consistent with the character of the Young Township or the village concerned, within a logical hierarchy of roads

**ASD2.3.1** Provide minimum road carriageway widths as follows:
- Cul-de-sac or minor access road (up to 15 dwellings) - 9m
- Local Street (15-100 dwellings) - 11m
- Collector (above 100-300 dwellings) - 12m.

**ASD2.3.2** Provide verges to each side of road carriageways as follows:
- Cul-de-sac or minor access road (up to 15 dwellings) - 4.5m
- Local Street (15-100 dwellings) - 4.5m;
Collector (above 100-300 dwellings) - 4.5m.

There are no new roads; however, assessment of the existing roads against these criteria has been carried out.

Boyds Lane has a pavement width of about 4 metres, within a 20-metre-wide road reserve. Kingsvale Road has a sealed pavement width about 6 metres, also within a 20-metre-wide road reserve.

**ASD2.3.3 Road Construction:**
- all roads created as a part of the subdivision are sealed and provided with kerb and guttering, and are designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development,
- all existing street shoulders adjacent to the subdivision are sealed and provided with kerb and guttering,
- all roads created as a part of the subdivision are dedicated to Council to become public roads,
- any street and advisory signs that are required are manufactured, located and erected in accordance with Council’s Engineering Guidelines for Subdivision and Development.

Neither Boyds Lane nor Kingsvale Road, has kerb and gutter, and in addition, Boyds Lane is not sealed. Both roads will be required to be upgraded to meet the required standard, in width and construction improvements. This is consistent with all recent subdivisions approved in the Residential zone, including those that are remote from the existing road network, in particular:
- 2010 King subdivision on Back Creek Road (2 lots of 6049 m² and 1.610 ha),
- 2011 Keir subdivision at the top end of Cram Avenue (2 lots of 5500 m² and 7500 m²),
- 2012 Conroy/Peters subdivision, located at 189 Henry Lawson Way (2 lots of 5000 m² each),
  - 2014 Norris subdivision (Blue Still Café and Distillery), located 60 metres south of the subject land on Henry Lawson Way (3 lots of 3.28 ha, 1.2 ha and 5000 m²),
  - 2014 Kennard subdivision at the northern end of Hills Street (4 lots of 2388 m², 2422 m², 2983 m² and 2206 m²),
- 2014 Patterson subdivision at 32 Briggs Street (2 lots of 2.634 ha and 1088 m²),
- 2014 Kennard subdivision at 112 Hills Street (4 lots of 2388
m², 2422 m², 2983 m² and 2206 m²),
- 2015 Patterson subdivision, at 32 Briggs Street (2 lots of 2.5 ha and 1007 m²).

The principles behind providing kerb and gutter, in addition to being Council's preferred policy position, are:

- it contributes to the aesthetics of the locality,
- it collects water from crowned pavements and conveys it to points of collection, thus reducing the amount of water that gets under the pavement,
- it collects water from the pavement and other properties and upstream, thus minimising entry of stormwater onto the property (except in extreme rainfall events),
- it outlines the edges of pavement and provides easily definable borders between travelled and un-travelled surfaces,
- it confines and strengthens pavement structures, by improving compaction during construction, and helps maintain the integrity of edges under traffic,
- the added thickness given to edges of pavements by integral kerbs, increases strength and stiffness, reduce deflections induced by traffic loads and therefore extends pavement life and decreased maintenance,
- the reflective surfaces of kerbs delineate pavement edges and improves visibility for drivers at night, thus promoting safety, and more effectively channels vehicles,
- helps delineate the footpath area and provide for safe pedestrian travel (where existing),
- the land is on the edge of the 60 kmph and 80 kmph speed zone, and kerb and gutter will aid in defining this urban residential zone,
- it improves the efficiency of street sweepers by concentrating debris for easy mechanical pickup, as opposed to having it scattered along shoulders and drainage swales where it must be picked up by hand,
- unlike other types of infrastructure (such as a water main or sewer main), it is possible have an isolated section of kerb and gutter, that can at any future time, be connected to,
- it signifies the lands zone and that the developer has met their obligations to infrastructure, not leaving a poor precedent to adjacent similar zoned lands.

A footpath is also required along the Kingsvale Road frontage.
<table>
<thead>
<tr>
<th><strong>PSD2.4</strong> Minimise the use of battle-axe allotments</th>
<th><strong>ASD2.4</strong> Have no more than 5% battle-axe allotments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable. No battle-axe lots are proposed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PSD2.5</strong> Avoid long dead-end streets, so as to optimise access by service and emergency vehicles</th>
<th><strong>ASD2.5.1</strong> Have cul-de-sacs accessing no more than 15 dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable. No cul-de-sacs proposed (see discussion above).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ASD2.5.2</strong> Provide, where feasible, two access points for subdivisions of over 30 allotments (compulsory for subdivisions of over 200 allotments)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable. The subdivision does not exceed 30 lots.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PSD2.6</strong> Respond to natural features of the site, including grades, watercourses, aspect and soil types</th>
<th><strong>ASD2.6.1</strong> Orientate at least 70% of allotments north-south or east-west</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It is not possible to achieve strict compliance with this, due to the orientation of the lot to begin with. However, each lot is within 28° of north-south, which is considered acceptable, when coupled with their size.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ASD2.6.2</strong> Provide larger allotments on south facing slopes</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>There is a gradual fall to the north-east, so this is not applicable.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ASD2.6.3</strong> Provide a minimum lot width of 20m where cross-grades of allotments exceed 10%, or where lots are east-west</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Each lot exceeds the minimum width (50+ metres).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>ASD2.6.4</strong> Where terracing of cross-grade lots is required to provide level building envelopes, such terracing is provided by the developer, with the engineering design of retaining walls certified by an experienced practicing structural engineer and the geotechnical stability of sites is certified by a qualified and experienced geotechnical engineer</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable as terracing is not proposed.</td>
</tr>
</tbody>
</table>
ORDINARY MEETING AGENDA
22 JUNE 2016
Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

PSD2.7 Provide, where necessary, public open space of usable size, grades and shape, conveniently located to serve the residents of the subdivision OR alternatively contribute to the upgrading of public open space in the vicinity and/or access to that space in accordance with any contributions plan that may be in force.

ASD2.7.1 Maintain natural watercourses and incorporate within open space areas

Not applicable, as no natural watercourses traverse the site.

ASD2.7.2 Provide 10% of land as public open space for subdivisions of 30 allotments or more, or, alternatively contribute an equivalent amount (costed at residential land value) for open space purchase and/or embellishment and/or access to open space in the vicinity

Not applicable as the subdivision does not create more than 30 lots.

PSD2.8 Locate building envelopes so that there is an equitable distribution of views.

ASD2.8.1 Arrange layout so as to maximise access to existing views for both existing and proposed allotments

Satisfied.

To ensure that Site Design (undeveloped allotments) provides for:

PSD2.9.1 An energy efficient dwelling house and any ancillary buildings and facilities

PSD2.9.1 An average lot size of 700 m² and a minimum lot size of 650 m² is achieved or exceeded

Both the average lot size, and the minimum lot size, is exceeded for all lots. However, this proposal does not maximise the potential of zone. The Applicant has advised that they do not wish to develop smaller lots, as sewer is not available. They then indicate that future owners can site their dwellings to not hinder future residential subdivision. As discussed earlier, the further subdivision of Lots 1 and 3 would be relatively easy to achieve, but that Lot 2 may be hindered in regards to achieving the full potential on the zone.
ORDINARY MEETING AGENDA
22 JUNE 2016
Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

**PSD2.9.2 Outdoor landscaping and recreation space**

All allotments can accommodate a building envelope of 16m x 9m; such building envelope to be no closer than 1m to any side or rear boundary, or 6m to the front boundary, and located so that an 8m high dwelling on the envelope would not overshadow an existing dwelling so as to overshadow more than 50% of their private open space or north-facing roof between 9am and 3pm on 21st June.

Each allotment can comfortably contain a building envelope of 9 metres x 16 metres, which is located no closer than 1 metre to any side or rear boundary, and no closer than 6 metres to the street boundary.

**ASD2.9.3 Outdoor service space**

At least 70% of allotments are oriented within 15 degrees of north-south or east-west, with the majority of allotments being oriented north-south.

Each allotment is orientated within 28° of south-north, which is considered acceptable given the existing orientation of the land, when coupled with their size.

**ASD2.9.4 Onsite car parking**

All allotments have a minimum width of 18m at a point 6m back from the front boundary except east-west orientated lots (i.e. within 15 degrees of east-west) which have a minimum width of 20m at that same point.

All lots satisfy this criteria.

**PSD2.9.3 Outdoor service space**

This performance outcome does not have a specific acceptable solution. However, all allotments would have sufficient room for the storage of bins, positioning of water and gas meters, a water tank and a garden shed.

**PSD2.9.4 Onsite car parking**

This performance outcome does not have a specific acceptable solution. However, the size of each allotment would allow ample room for parking.

**PSD2.9.5 Buffering allowance from sensitive or offensive uses**

This performance outcome does not have a specific acceptable solution, but is not considered relevant in this instance, as there are no sensitive or offensive land uses adjacent.
ORDINARY MEETING AGENDA

22 JUNE 2016
Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

PSD2.10 Vehicular access is provided to and from the site

ASD2.10 Where battle-axe allotments are provided, no more than two such allotments may be serviced by a shared driveway

Not applicable. No battle-axe lots proposed.

PSD2.11 Site servicing, including any easements that may be required, and disposal of sewage and waste water

ASD2.11.1 Power is provided in the form of underground services, in accordance with Country Energy [sic] Requirements

Written Confirmation is required from Essential Energy that states, that satisfactory arrangements have been made for the provision of power.

Power in the area is overhead, but any extension required to service the subdivision, should be taken underground.

ASD2.11.2 Street lighting is provided in accordance with the requirements of Country Energy

This shall be conditioned.

ASD2.11.3 A layback is provided to each allotment created, consistent with the parking and access chapter of this DCP OR roll-over kerb is provided.

This shall be conditioned.

ASD2.11.4 All allotments created are provided with a sewer connection, the connection to which is designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development OR where sewer is not available, are able to satisfy the requirements of Council’s On Site Management Plan for waste water disposal

The Applicant seeks to service each lot via an on-site effluent disposal system and relies on a report prepared in 2006, by Earth Boring Services Pty Ltd. This report indicates that each lot could be serviced by an Aerated Wastewater Treatment System (AWTS).

The DCP requires subdivisions to be connected to services in the R1 zone; however, the acceptable solution allows Council to have regard to on-site disposal as per Council’s On Site Management Plan. This is considered an inappropriate
outcome in the R1 Residential zone, and is in conflict with
other sections of the DCP. Sewer is mandatory for subdivisions
in the R5 Large Lot Residential zone, where the minimum lot
size is 1 ha (ASD3.1.7), and sewer is required for a house in the
R5 Large Lot Residential zone (ASR5.1.2). However, on-site
disposal could be considered on lots in the R5 Large Lot
Residential zone, if greater than 2 ha in area (ASR5.1.3).

R1 zones are intended to be more dense residential areas,
that are sewered. This viewpoint is supported by both the
Department of Health and the Environmental Protection
Authority, whose policies indicate that sewer should be
provided to lots of 1 ha or less, particularly where town water is
available.

Given the public health, contamination and amenity issues
that the R1 zones with more density of development, are
trying to manage, it does not seem sensible to allow on-site
disposal. Council must have regard to broader overall
outcomes in its planning decisions and the issues raised in this
instance are discussed below, and ultimately recommends
connection of the property to sewer, not on-site disposal.

Council has required connection to sewer in R1 zoned
subdivisions, even for larger lots, as evidenced below:

- 2003/DA-00261 - 132 Willawong Street, Young – five (5) lots
  ranging in size from 6000 m² to 9000 m² – Decision by full
  Council to require sewer,
- 2009/DA-00063 – 194 Willawong Street Young – three (3) lot
  subdivision of 1.117 ha, 7560 m² and 6420 m²,
- 2008/DA-00145 – 67 Windemere Street, Young – six (6) lots
  subdivision (between 6000-7000 m²),
- 2011/DA-00076 – three (3) lot subdivision of land in Purchas
  Street (3870 m², 9000 m² and 2.38 ha),
- 2011/DA-00089 – two (2) lot subdivision of land in Cram
  Avenue, two (2) lots of approximately 5500 m² and 7500
  m²,
- 2011/DA-00128 - the subdivision of land on the Olympic
  Highway North, which only permitted a variation of the
  policy (provision of sewer), where the lots substantially
  exceeded the minimum (lots were 2 ha or greater),
- 2012/DA-00037 – erection of a dwelling house on land in
  an R1 zone – that was 7246 m² in area, and Council
  required the Applicant to consolidate the lot and
  adjacent land into a single lot of 2 ha, as an alternative to
  the extension of sewer,
- 2013 – potential development and servicing of 156
  Willawong Street,
- 2014/DA-00082 - 161 Henry Lawson Way, Young - three (3) lots of 3.28 ha, 1.2 ha and 5000 m².

Not requiring the extension of sewer to residential properties would be inconsistent with earlier Council decisions and would send the wrong message to potential developers. A decision to not extend the sewer now would be detrimental to the integrity of the development standard, Council’s interests and future land development in the R1 General Residential zone around town, and on these lots in particular. Each of these lots would be able to be further subdivided into 700 m² lots and it would not be feasible to provide an on-site effluent management system safely or practically on those lots.

Council’s sewer main is located approximately 1000 metres north-west of the site in Willawong Street. The developer does not want to supply sewer due to the cost of extending this service. If the subject land was immediately adjacent an existing sewer line, this would not be an issue in terms of cost. And whilst the issue of cost is a reasonable one, it is dealt with in Council’s recently adopted (19.8.2015) Development Servicing Plans for Water Supply and Sewerage (DSP), which applies to this land (see Figure 6 below which shows those areas to which the DSP applies).

Figure 6 - Appendix B from the Development Servicing Plans for Water and Sewerage, showing Sewerage DSP Servicing Areas

The R1 zoned residential areas appear to be where Council is...
currently receiving the most pressure for new residential redevelopment, as evidenced by past applications and by the DSP. Unfortunately, most of the middle to outer-lying areas of these new residential areas are deficient in many essential services. Land owners are therefore increasingly placing pressure on Council to allow them the profit benefit of the R1 zoning, with reduced lot sizes and an increased density and development potential, but without having to service the land to a suitable residential standard, e.g. without sewer, suitable road standard, stormwater systems, etc. This is often exacerbated by the propensity to ‘leap-frog’ development, resulting in development pressures at the extremities of newer R1 zoned areas, rather than development being undertaken in a logical sequential manner, with only minor (and cost effective) extensions of services required. This pressure is based purely on economic grounds, and not on any substantiated planning or engineering standards, or on any consideration of wider community benefit of cost.

As shown by Figure 6, the area to be serviced by sewer, has been divided into a number of development areas (the subject land is in Area 7). Designs and costings to service each of these development areas is presently underway. When this information is available, Council will need to determine the sequencing of servicing of these areas, based on a number of factors including, cost, engineering factors, developer demand, etc. This approach (and alternatives) was foreshadowed in a report to Council in 2013, in relation to an identical matter in Willawong Street (see Item 8.09, Ordinary Meeting of Council August 2013).

The DSP specifically caters for ‘out of sequence development’”, in Section 2.6, which states:

Council plans infrastructure development in accordance to a desired sequence of development. If a developer wishes to proceed with a development which is not in the same sequence, provided that there are no other constraints to the development, Council may approve the construction of the essential assets ahead of time. In such cases, the assets will be sized by the Council in accordance to the requirements of the DSP and the full capital cost would initially be met by the developer.

If the asset funded by this developer will serve other future development, the developer should be
reimbursed when the Council collects developer charges from the future development. The Council and the developer will enter into an agreement stating how the developer will be reimbursed in the future.

This puts an onus on the developer to initially fund the infrastructure, where it is out of sequence development or ‘leap-frogging’ development, but provides the opportunity for the developer to re-coup the funds over time, as other developers connect to the system, and make contributions. If someone wants to develop they do so at their own cost. This results in a market and economic driven outcome, and logically will result in a systematic development pattern from existing developed areas with services, outwards, allowing for sequential, and not a leap-frog, development. This approach also best provides for orderly, cost effective and efficient provision of infrastructure, as development emanates out from town core serviced lands.

It is considered that this development is out of sequence development, and as such the developer should be responsible for extending the service in the first instance, and recouping costs over time, as per the DSP. The alternate is that the developer waits to develop the land, based on Council’s sequence of servicing, or as the infrastructure moves towards the property.

Both Council’s DCP and DSP support good planning and infrastructure outcomes by requiring connection to sewer. These are clearly adopted policies that provide Council with a solid basis on which to insist on the provision of infrastructure that will benefit the developer.

It is noted that the owner has missed two (2) opportunities in the past to subdivide land when it was rural, with less servicing obligations (and therefore cost), because they failed to act on the past consents, and allowed them to lapse. However, these actions cannot be undone, and it is not a valid planning reason to accept a lesser standard in relation to the subdivision of residential land, now that the zoning has changed, and on the basis of missed opportunities.

Based on the current design, with a lower lot yield, the developer is potentially creating an unsustainable economic situation for themselves. As a general example, if the cost of extending the sewer was $300,000, then that is a cost of $100,000 per lot (plus any other development costs). If,
however, the zone potential was maximised and achieved a higher lot yield of 18 lots, this is a cost of $16,666 per lot (plus any other development costs). This cost is much easier to carry per lot and recoup as the land is sold, and as per the DSP reimbursement is possible as others connect to the infrastructure.

The provision of sewer should encourage the developer to maximise the potential of the zone, as it was intended to be, and to prevent the ad hoc expansion on the urban periphery, under-utilisation of residentially zoned land, and the subdivision of residential land into inefficient life-style lots, which stifle future residential development.

If the land was developed to a greater density, it would also assist in terms of the problem of underutilisation of infrastructure. When designing and constructing infrastructure, it is generally based on land being developed to its full potential, and if the land is underdeveloped, this results in the underutilisation of the infrastructure, and generally increased costs per development lot.

Allowing the land to be developed without sewer being connected, could place Council in a difficult position in the future. Every resultant land owner could apply to further subdivide their lot in half (2 x 2900 m² lots). If approved without sewer, then each subsequent land owner could apply to subdivide their lot in half again (2 x 1450 m² lots). At some point Council must decide that sewer is required. The later that occurs, the more difficult is the provision of retrofitted infrastructure, and the more inequitable it potentially becomes.

Similarly, each subsequent land owner could apply to build a dual occupancy, or a large number on units on each of the 5787 m² lots, as permissible in the zone. Alternatively, they could apply to build a child care centre, or hostel, or any number of other permitted land uses. Council would conceivably require sewer to be extended in these circumstances, but the question could legitimately be asked of Council by a potential developer, "why did Council allow a residential lot to be created, without being properly serviced?" Retrofitting sewer to suit these developments would be difficult, more costly and less equitable for future developers.

On this basis its recommended that the development be approved subject to the provision of sewer.

**ASD2.11.5** All allotments created are provided with a
connection point to Council’s water mains, the connection to which is designed and constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development.

Council’s water main is located Kingsvale Road and Boyds Lane, and water is already connected to all three proposed lots.

ASD2.11.6 All allotments created are drained directly to the street drainage system or to receiving waters OR are drained to the street system or receiving waters via an inter-allotment drainage system constructed in accordance with Council’s Engineering Guidelines for Subdivision and Development.

Note: inter-allotment drainage would be required for all allotments with a cross-fall where any portion of the allotment drains through an adjoining allotment, or where the allotment drains away from the street.

Stormwater from each lot can discharge to the road network (when upgraded), no specific conditions are required in this regard.

ASD2.11.7 Written confirmation is provided by a telecommunications carrier stating that facilities are available to each allotment or that otherwise suitable arrangements have been made.

Written confirmation is required from Telstra, stating that telephone services are available to each allotment created, or that satisfactory arrangements have been made to augment them as required.

ASD2.11.8 Written confirmation is provided by the natural gas company stating that facilities are available to each allotment or that otherwise suitable arrangements have been made.

Written confirmation is required from the authority that controls gas, stating that this service is available to each allotment created, or that satisfactory arrangements have been made to augment them as required.

ASD2.11.9 Easements are provided wherever necessary to permit unrestricted access for sewerage, water and drainage purposes. Note: easement widths provide at least 1m clear access either side of the facility protected by the easement.
Easements will be required over any water, sewer, stormwater and electricity services, all of which will be required as all services will traverse the land. The easements can only be finalised, when the services have been extended and the exact location of them determined. A standard condition of consent will be imposed.

ASD2.11.10 Development contributes, if required, headworks and/or development servicing plan charges.

The development is subject to the following charges, for each additional tenement created:
- Council’s section 64 sewerage contribution towards the augmentation of the sewage infrastructure.

There are no existing ET credits, so there are three (3) lots being created, which requires the payment of three (3) ETs. The contribution for this financial year (2015/2016) is:
- YSCS - $4,070 x 3 lots = $12,210.

This is in addition to construction costs and connection costs.

As water is connected, and headworks charge were paid previously, no additional water charges are applicable at this time.

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

Context and setting

Given the nature of the existing area and the proposed development, there will be little impact on the scenic qualities and features of the landscape in both a regional and local context.

The character of the area is rural-residential in nature with a number of larger lifestyle lots. It is considered that the density, design and scale of the development is in keeping with both the existing character of the area, but not with the likely future character of the area (smaller lots). However, it would appear that these lots could be further subdivided in the future, Lot 2 to a lesser extent, to achieve that future character.

In relation to overshadowing and acoustic privacy, etc., it is not considered that any of the existing residences in the area will be adversely impacted, with an ample sized building lots being proposed, to allow sufficient setbacks.
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access/transport traffic</td>
<td>These issues have been addressed throughout this report, in terms of the provision and construction of physical assets, and with reference to the capacity of the existing road network around the site, which is considered adequate, subject to the works required.</td>
</tr>
<tr>
<td>Public domain</td>
<td>It is not envisaged that this development will impact adversely on public recreational activities in the locality.</td>
</tr>
<tr>
<td>Utilities</td>
<td>The effect of the proposal in terms of water supply, sewer, gas, power and phone have been addressed elsewhere in this report.</td>
</tr>
<tr>
<td>Heritage</td>
<td>There are no heritage items listed in Council’s LEP, on the site, or in the immediate area. It is not considered that the development would have any impact in terms of historic, scientific, social, aesthetic, anthropological, cultural, spiritual or archaeological significance, and the site is not known to be a site of Aboriginal significance.</td>
</tr>
<tr>
<td>Other land resources</td>
<td>It is not believed that the development will have any affect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources or water supply catchments.</td>
</tr>
<tr>
<td>Water</td>
<td>These issues of water supply and stormwater disposal, have been addressed in the report elsewhere. There will be no effect by the proposed development on groundwater, drainage flows or water quality, provided sedimentation and erosion control measures are imposed during the construction phase.</td>
</tr>
<tr>
<td>Soils</td>
<td>The development has limited potential to impact on soil conservation in terms of - soil qualities or instability, management of soils, soil erosion and degradation, sedimentation and pollution of water bodies, contamination, or acid sulphate soils. However, it will be necessary to impose appropriate conditions pertaining to sedimentation and erosion control, during any construction works.</td>
</tr>
<tr>
<td>Air &amp; Microclimate</td>
<td>The development will not affect air quality and microclimatic conditions in terms of existing air quality or pollution, as there will be no long-term emissions of dust, particulates, odours, fumes, gases or pollutants.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
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<tr>
<td>Flora and fauna</td>
<td>There are no trees located on the site, but there several on the road reserve adjacent the site. It is likely that three (3) trees may require removal. This includes a large tree at the corner of Boyds Lane and Kingsvale Road, but which is an isolated tree. There are two (2) other smaller trees on Boyds Lane, along the eastern boundary of the site, but are relatively immature. Therefore, it is not considered that there is likely to be a significant effect on threatened species, populations, ecological communities or their habitat, if the trees were removed. Two (2) Street trees are required as part of this subdivision, being one tree per additional lot (minimum height of 1.2 metres).</td>
</tr>
<tr>
<td>Waste</td>
<td>There will be little waste associated with the development of the subdivision, rather any waste is likely to be generated at the building stage, and is best addressed then.</td>
</tr>
<tr>
<td>Energy</td>
<td>In terms of energy efficiency and conservation of energy, the size and orientation of the vacant allotment, will allow houses to be positioned to take full advantage of passive energy design principles, in terms of solar light and heating, and natural ventilation.</td>
</tr>
<tr>
<td>Noise and vibration</td>
<td>It is not considered that the development (when completed and utilised for residential purposes) will generate offensive noise pollution or vibrations. Noise relating to the construction phase will be conditioned, through hours of operation, etc.</td>
</tr>
<tr>
<td>Natural hazards</td>
<td>There are no known risks to people, property or the biophysical environment from – geologic or soil instability, flooding or bushfire.</td>
</tr>
<tr>
<td>Technological Hazards</td>
<td>There are no known risks to people, property or the biophysical environment from - industrial and technological hazards, land contamination and remediation or building fire risk.</td>
</tr>
<tr>
<td>Safety, security, crime prevention</td>
<td>It is not considered that the proposed development will impact on the security and safety of adjoining properties nor will the design of the subdivision encourage criminal activity.</td>
</tr>
<tr>
<td>Social and economic impacts</td>
<td>It is not considered that the proposed development will have a negative impact on the locality in economic and social terms.</td>
</tr>
</tbody>
</table>
### Site design

It is considered that the proposed development is sensitive to the environmental conditions and site attributes. The size, shape and design of the allotments is considered appropriate for the existing character of the area, but not for the intended character. This will always be the case for these types transitional developments, but there is an opportunity to redevelop the individual lots due to the extensive road frontage the existing lot enjoys.

### Construction

The environmental issues and impacts associated with the construction phase of the development (provision of services) have been addressed throughout this report as necessary, and includes such things as erosion and sedimentation control, where necessary.

### Cumulative impacts

One cumulative impact associated with this type of development relates to traffic generation. However, it is not considered that other similar development will result in unmanageable conditions.

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

| Does the proposal fit in the locality? | The proposed development can fit in the locality, given the nature of the area. There are no constraints posed by adjacent developments that would prohibit this proposal. |
| Are the site attributes conducive to development | Water exists, as does power, and whilst sewer is some 1000 metres away, justification for requiring an extension of this service has been discussed at length above. It has been demonstrated that the air quality and microclimate are appropriate for the development, there are no hazardous land uses or activities nearby, and ambient noise levels are suitable for the development. The site is not subject to natural hazards including flooding, subsidence, slip, mass movement or bushfires. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development will not prejudice future agricultural production and there are no known mineral or extractive resources on the site. |
79C(1)(d) - Any submissions made

Nil submissions received.

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, planning guideline or advisory document that is applicable to a development of this nature. Also, there are no covenants, easements, or agreements that affect the proposal.

CONCLUSION

The proposed development complies with Council’s LEP and DCP, in the majority of the areas. The following policy variations are sought, and are supported:

- orientate of allotments north-south or east-west (ASD2.6.1) - the lots are only 28° from north-south, which is considered acceptable,
- allotments are oriented within 15 degrees of north-south or east-west (ASD2.9.3) - the lots are only 28°, from north-south, which is considered acceptable.

It is considered that the subdivision, whilst not maximising the zone potential, will not unduly prejudice the further subdivision of the land into smaller residential lots, because the site has three (3) road frontages. From a planning or engineering perspective, there are no reasons warranting refusal of the application, however, the importance of providing an appropriate level of infrastructure cannot be understated. Therefore, it is recommended that the application be approved subject to conditions. These conditions are set forth below in the determination.

STATUTORY PROVISIONS

There are legal implications arising as a result of this report.

RELATIONSHIP TO INTEGRATED PLANS - FORMER YOUNG SHIRE COUNCIL

- Objective – 1.2 - Urban design, planning and building control that meets community needs

  Strategy - 1.2.2 Provide efficient and effective control of the built environment, through application, monitoring and compliance.

- Objective 2.2 - Governance and Leadership

  Strategy - 2.2.1 Ensure transparency of vision, policy and decision making.
ORDINARY MEETING AGENDA

22 JUNE 2016

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

ATTACHMENTS

Nil

RECOMMENDATION

That the following development application be determined by way of approval, subject to the conditions below:

- DA: 2016/DA-00014
- Property: Lot 1 DP 749605, 10 Boyds Lane, Young
- Development: Subdivision - three (3) allotments of approximately 5800 m² each

PART A - ADMINISTRATIVE CONDITIONS

Terms of approval

A1. The developer shall carry out the development generally in accordance with the:

  a) the following plans:

<table>
<thead>
<tr>
<th>Plan No.</th>
<th>Reference</th>
<th>Issue</th>
<th>Prepared by</th>
<th>Dated</th>
<th>Submitted</th>
</tr>
</thead>
</table>

Inconsistencies between documents

A.2 In the event of any inconsistency between the documentation referred to in Condition A1, the most recent document shall prevail to the extent of the inconsistency.

A.3 In the event of any inconsistency between conditions of this approval and documents referred to in Condition A1, the conditions of this approval shall prevail to the extent of the inconsistency.

Lapsing of approval

A.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.

Statutory Requirements

A.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**

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

**Prescribed Conditions**

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

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**PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

**Construction Environmental Management Plan**

B1. Prior to the issue of a construction certificate for the development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved by the Certifying Authority, and a copy submitted to Council. The Plan shall address, but not be limited to, the following matters:

(a) hours of work, as follows:
   (i) Mondays to Fridays - 7:00 am to 6:00 pm
   (ii) Saturdays - 8:00 am to 5:00 pm
   (iii) Sundays and public holidays - Nil
   (iv) Any other times - only with the prior written consent of Council;

(b) noise management - including minimising noise emissions from plant and equipment, by installing and maintaining, wherever practicable, efficient silencers and low-noise mufflers;

(c) management of dust to protect the amenity of the neighbourhood - all activities on the site shall be undertaken with the objective of preventing visible emissions of dust from leaving the site, including wind-blown and traffic-generated dust, in accordance with Part 6 of Council’s Engineering Guidelines for Subdivision and Development. Should such visible dust emissions occur at any time, the Developer shall identify and implement all practicable dust mitigation measures, including cessation of relevant works or dampening of site roads and work areas, as appropriate, such that emissions of visible dust cease;

(d) soil erosion and sediment control measures shall be designed in accordance Council’s Engineering Guidelines for Subdivision and Development.

(e) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site,

(f) construction waste management - including:
(i) storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin/skip;

(ii) any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

(iii) the Developer shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the development, to minimise the need for treatment or disposal of those materials outside the site;

(g) tree protection measures - all trees on the site or on the adjacent road reserve, that may be threatened by the works, are to be suitably protected in accordance with AS 4970-2009 Protection of trees on development sites, by way of tree guards, barriers or other measures as necessary in order to protect tree root systems, trunks and branches, during construction;

(h) site security.

B2. In the event of any inconsistency between the approval and the CEMP, the approval shall prevail.

Road design and access design plan

B3. A road design plan, shall be prepared by a Civil Engineer or other suitably qualified professional, in accordance with all relevant Austroads “Guide to Road Design”. The plan shall be submitted to, and approved by, Council or the Certifying Authority, prior to the issue of a construction certificate. The plan shall include but not be limited to details of design and construction for the following:

(a) the widening of Boyds Lane, adjacent the site, to achieve a pavement width of 5.5 metres, from the centreline of the existing pavement, in accordance with Council’s Engineering Guidelines for Subdivision and Development,

(b) the construction of kerb and gutter adjacent the site in Boyds Lane, in accordance with Council’s Engineering Guidelines for Subdivision and Development,

(c) the sealing of Boyds Lane, adjacent the site, in accordance with Council’s Engineering Guidelines for Subdivision and Development,

(d) the widening of Kingsvale Road, adjacent the site, to achieve a pavement width of 6 metres, from the centreline of the existing pavement, in accordance with Council’s Engineering Guidelines for Subdivision and Development,

(d) the construction of kerb and gutter adjacent the site in Kingsvale Road, including the sealing of the road shoulder, in accordance with Council’s Engineering Guidelines for Subdivision and Development,

(e) a 1.5-metre-wide concrete footpath, along the Kingsvale Road frontage of the property,
(f) signage and line-marking in accordance with Australian Standard AS1742 - Manual of uniform traffic control devices.

Sewer

B4. A comprehensive reticulated sewerage drainage system shall be designed by Civil Engineer or other suitably qualified professional, in accordance with Council’s Engineering Guidelines for Subdivision and Development. The plan shall be submitted to, and approved by, Council or the Certifying Authority, prior to the issue of a construction certificate. The plan shall include, but not necessarily be limited to, the following:
(a) extension of the existing reticulated sewerage system, to service each lot in the subdivision (this may incorporate either a gravity or pump sewer system, depending on the subdivision layout and the location of any existing mains),
(b) any sewer pump station shall be in accordance with Council’s policy at the time,
(c) the provision of a sewer junction for each allotment,
(d) appropriate sizing of truck mains for this locality – consultation required with Utility Services Department.

Power supply

B5. Prior to the issue of a construction certificate, design plans showing the location and nature of the proposed electricity infrastructure (street lighting, power lines, transformers, etc.), shall be submitted to the Principle Certifying Authority (PCA) and Council. The plans shall be prepared by an Accredited Service Provider, and certified that they comply with the following standards.
(a) underground backbone high voltage power mains and low voltage power mains shall be provided to service each allotment within the subdivision, (including multiple distribution substations as required) in accordance with the requirements of Essential Energy,
(b) street lighting shall be provided in Boyds Lane adjacent the subdivision, in accordance with the requirements of Australian Standard AS1158 Lighting for Roads and Public Spaces – Table 1.1 (category P4 for cul de sacs and collector roads).

Telecommunications

B6. Prior to the issue of a construction certificate, design plans showing the location and nature of the proposed telecommunication infrastructure to each allotment, shall be submitted to the PCA and Council. The plans shall be prepared by an Accredited Service Provider.

Gas

B7. Prior to the issue of a construction certificate, design plans showing the location and nature of the proposed gas infrastructure, shall be submitted
Street trees

B8. A street tree plan shall be submitted to, and approved by, Council, prior to the issue of a construction certificate. The plan shall include, but not necessarily be limited to, the following:
(a) provision of a minimum of one (1) street tree per lot,
(b) trees to be advanced specimens at the time of planting (minimum height of 1.2 metres measured from ground level when planted),
(c) details of the type of trees (including common and botanical name, height and width at the time of maturity),
(d) trees to be chosen from Appendix G of the Young DCP,
(e) trees to be located central to each lot,
(f) trees to be planted in accordance with Section 4.1 of the Engineering Guidelines for Subdivision and Development,
(g) maintenance/watering program, to ensure the survival of the trees for a minimum period of twelve (12) months, from issue of subdivision certificate.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Construction Certificate

C.1 A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing, for all construction works.

C.2 Full engineering design plans, prepared in accordance with Part B conditions, shall accompany the applications for construction certificates, and shall cover all civil and utility works.

Notice to be Given Prior to Commencement

C.3 The PCA and Council shall be given written notice, at least 48 hours’ prior to the commencement of works on the site.

C.4 Seven days prior to commencement of engineering works on the site, the person having the benefit of the consent shall notify Council and the PCA of:
(a) the appointed Project Manager
(b) the appointed Construction Contractor
(c) the intention to start site works,
(d) a 24-hour telephone number, for contact with the construction manager, to be operated for the duration of the construction works.
C.5 The Project Manager shall arrange an on-site meeting with the nominated Contractor, Council’s Engineering Representative and PCA, prior to work commencing.

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

C.6 Any works constructed or undertaken on public roads dedicated in the name of Young Shire Council, 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 obtained.

C.7 The following documentation and plans shall accompany the application for approval under the Roads Act 1993:
(a) a Traffic Control Plan (TCP prepared by an accredited person, which contains their Certification Number, origin of issue and the date of issue),
(b) the approved road design plans and accompanying construction certificate (where Council has not issued the construction certificate).

**Site notice**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of development details including, but not limited to:
(a) details of the Principal Certifying Authority;
(b) the approved hours of work;
(c) the name of the site/project manager and the primary contract the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries; and
(d) a statement that unauthorised entry to the site is not permitted.

**Construction environmental management measures**

C2. All measures contained in the CEMP (Condition B1), including, but not limited to the following, are to be implemented prior to the commencement of construction and be maintained throughout construction:
(a) sediment and erosion control measures,
(b) site security measures,
(c) tree protection measures.
PART D - DURING CONSTRUCTION

Construction environmental management measures

D1. All measures contained in the CEMP (Condition B1), including, but not limited to the following, shall be adhered to/maintained throughout construction:
   (a) hours of work,
   (b) noise management measures,
   (c) dust mitigation measures,
   (d) waste management measures,
   (e) erosion and sedimentation controls,
   (f) tree protection measures.

Approved Plans to be On-site

D2. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification, and all relevant environmental approvals, shall be kept on the site at all times, and shall be made available for perusal by any officer of Council or the PCA on request.

D3. A copy of the CEMP shall be kept on-site at all times, during the course of construction.

Setting out of Infrastructure / Structures

D4. The engineering works shall be set out by a registered surveyor to verify the correct position of the infrastructure in relation to property boundaries and the approved alignment levels. A report from the registered surveyor shall be furnished to the PCA and Council for verification prior to any inspections being carried out by the PCA.

Removal of trees

D5. No trees shall be removed from site unless separate consent is obtained from Council.

Certification and inspection of subdivision works

D6. The subdivision works must be inspected and tested by the PCA, at each relevant stage of construction to demonstrate compliance with the approved plans. Where Council is not the PCA, documentary evidence shall be provided by the PCA to Council, demonstrating compliance.

D7. The PCA is to be given a minimum of 48 hours' notice prior to any critical stage inspection or any other inspection nominated by the Principal.
ORDINARY MEETING AGENDA
22 JUNE 2016
Held in the Hilltops Council, Boorowa Chamber, 6-8 Market Street, Boorowa

Certifying Authority via the notice under Section 81A of the Environmental Planning and Assessment Act 1979.

Disposal of seepage and stormwater

D7. Any seepage or stormwater collected on-site during construction must not be pumped to any public road stormwater system or watercourse.

Installation of services

D8. Service conduits for electricity and telecommunications cabling shall not be trenched across any road pavements.

State Survey Marks

D9. 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.

PART E – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Completion of engineering works

E1. All engineering works (roadworks, water supply, sewerage and stormwater) shall be completed in accordance with the approved plans and construction certificate, prior to the issue of a subdivision certificate.

Services

E2. 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 and street lighting - from Essential Energy,
(c) gas - from the appropriate authority,
(d) water, sewer and stormwater - from YSC Utility Services.

Works as Executed Plans

E3. A set of final works as executed plans showing all works carried out on the site and the location of all services, shall be submitted to Council, prior to the issue of a subdivision certificate.
E4. The plans shall be clearly marked to show all variations of the completed works from the approved design plans. The plans shall also show contain the location and depth of any fill placed on any lot.

E5. The works as executed plans shall be signed by a licensed Surveyor or Engineer, or the relevant professional. The plans shall be clean, neat and suitable for long term storage, and an electronic version of the plans shall also be provided.

E6. A schedule of quantities (including cost) relating to the as constructed assets shall be submitted to Council.

**Fencing**

E7. Fencing shall be erected along all external boundaries of the subdivision. The developer shall ensure that all fences are located on the correct boundary alignments, by having the boundaries marked by a Registered Surveyor.

**Damage to infrastructure or services**

E8. 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.

**Street trees**

E9. Street tree planting shall be completed in accordance with the approved plan.

E10. A maintenance bond of $200.00 per tree shall be lodged with Council for a period of twelve (12) months from the issue of the subdivision certificate, to ensure the survival of the trees. At the end of twelve (12) months, the bond shall be refunded, less $200 per tree that did not survive. The residual bond money shall be used by Council to replant and maintain the trees.

**Street addressing**

E11. A street addressing number plate shall be erected on the kerb adjacent each lot by Council, at full cost to the developer, at the price listed in Council’s Management Plan, at the time of payment.

**Contributions**

E12. Evidence shall be submitted to Council that the Water and Sewer Supply Authority’s obligations have been met with regards to headworks and contributions for this development. Such Certificate of Compliance of
payment, or satisfactory arrangements, shall be furnished prior to issuing of
the subdivision certificate.

E13. The point of contact for the Water and Sewer Supply Authority for this
development is the Young Shire Council.

E14. The following contributions are applicable, if paid prior to the 30th June
2016:

<table>
<thead>
<tr>
<th>Name</th>
<th>No. ETs</th>
<th>Rate per ET (2015/2016)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>YSC S64 sewer</td>
<td>3</td>
<td>$4,070</td>
<td>$12,210</td>
</tr>
</tbody>
</table>

E15. Payment of the contribution will be at the ET rate nominated by at the time
of payment, which is subject to annual review.

**Defects Liability Period**

E16. For a period of twelve (12) months after the subdivision certificate is issued,
the subdivider must remedy any defects or omissions in the subdivision
works.

E17. Defects do not include reasonable wear and tear or damage caused to
the works by inappropriate use (e.g. damage or abuse from traffic
accidents or vandalism).

**Defects Liability Bond**

E18. The defects liability bond must be submitted with the subdivision certificate
application. The bond must be in the form of cash or unconditional bank
guarantee (no lapse date) for an amount of 5% of the agreed value of the
subdivision works or $5,000, whichever is the greater.

**Remedying Defects during the Defects Liability Period**

E19. At any time during the defects liability period, the consent authority may
direct the subdivider to rectify any omission or defect in the subdivision
works.

E20. The direction will identify the scope of works to rectification and state the
time by which the subdivider shall complete the work of rectification (or
stages of the rectification) and may state the time by which rectification
shall commence.

E21. If the subdivider fails conforming to the direction or part of the direction,
the consent authority may perform the works and charge costs to the
subdivider. The Council will deduct any costs incurred from the defects
liability bond.
Refund of defects liability bond

E22. At the expiry of the defects liability period the subdivider shall arrange Council to carry out an inspection of the subdivision works, and request a return of the defects liability bond.

E23. If Council determines that the subdivision works are satisfactory, Council will refund the balance of the defects liability bond.

E24. If unremedied subdivision work defects or omissions are detected by the Council during the inspection, the subdivider must remedy these works and re-apply for an off defects liability inspection. Council may retain some or all of the defects liability bond for a further period of twelve (12) months.

Final subdivision plans

E25. 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

E26. 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.

E27. The 88B Instrument shall be submitted to the PCA with the final plan of subdivision as a prerequisite to the endorsement of the subdivision certificate.

E28. The 88B Instrument creating restrictions as to user and easements shall contain a provision, enabling such restrictions or easements to be revoked, varied, modified or released only with the consent of Council.
The Purpose of this report is to seek Council consideration of an application to amend Development Consent 2015/DA-00175 for the erection of a carport on Lot 1 DP907607, 64 Wombat Street, Young. The report has been referred to Council as the decision on the original application was determined by Council.

An assessment of the proposal has shown that the proposed amendment is, like the original proposal, inconsistent with Performance Outcome PAD1 and Control AAD1.2 of the Young Development Control Plan and that it is inconsistent with matters considered under s.79C of the Environmental Planning and Assessment Act, 1979 in relation to: context and setting; site design and internal design; cumulative impact; and fit in the locality.

Description of Development
The application seeks approval to amend the effect of Condition 10(a) of the Development Consent 2015/DA-00175. Condition 10(a) stated:

“10) Prior to the issue of a Construction Certificate, the person having the benefit of this consent shall provide to Council:

a) revised construction, elevation, floor and section plans that show the maximum height of the carport to be no higher than those of the eaves of the existing dwelling on site;”

The applicant has submitted with the application to amend the consent, plans that seek to have the carport constructed at a height higher than the eaves of the existing dwelling, but 0.2m lower than originally applied for.
At its meeting of 17 February 2016, Council considered a report on Development Application 2015/DA-00175 for a carport at Lot 1 DP907604, 64 Wombat Street, Young. A copy of that report is at Attachment A to this report.

Council resolved at that meeting (Resolution 27/16) “An assessment of the proposal has shown that it is inconsistent with Performance Outcome PAD1 and Control AAD1.2 of the Young Development Control Plan and that it is inconsistent with matters considered under s.79C of the Environmental Planning and Assessment Act, 1979 in relation to: context and setting; site design and internal design; cumulative impact; and fit in the locality. The key issue that raises concerns is the height of the proposed carport; a lower height would see the visual impact of the development lessened and an outcome more consistent with the surrounding streetscape”.

As a result of those concerns about streetscape and visual impact of the proposal, Council imposed Condition 10(a) that sought to allow the carport but at a height that was more consistent with the streetscape and development already on the site. Condition 10(a) of the consent required for a Construction Certificate, plans that showed the height of the carport as “no higher than those of the eaves of the existing dwelling on site”.

The applicant has submitted revised plans (Figure 1) that show the carport lowered by 0.2m (to a height of 3.2 metres) but still substantially higher than the eaves of the dwelling on the site and inconsistent with the requirements of Condition 10(a) of the consent.

The assessment of the proposal by Council staff has not changed as detailed in the original report at Attachment A. The same issues of building height, bulk and scale, streetscape and street amenity are considered to still apply; lowering the carport by 0.2m makes the structure only marginally less imposing to the street.
The applicant has stated on the application form that the height is proposed as shown as:

- The land owner requires this height to fit his campervan under; and
- The carport will not impact on the neighbour as the neighbour’s carport is higher than is proposed with this application.

Comments
Neither of these statements is considered to validly support the application to amend the consent. The second statement is not a true one (Figure 2) and the statements appear to ignore the rationale behind the requirement to lower the height of the carport. Council staff have considered those statements and provide the following commentary.

- The size of the campervan is a choice of the owner’s. Council’s DCP cannot cater for the requirements of every campervan someone may own, however it can seek to manage the visual impact of developments and to ensure quality streetscapes for the benefit of the broader community;
- A site inspection by Council officers for the assessment of the DA has shown a carport built to 4.4 metres high exists at the rear of the site which was approved to be built to 4 metres, by consent 2012/DA-00014. That carport has access off a rear lane and at 4.4m, could cater for a large campervan. While there is no particular regulation that limits the number of carports on a site, amenity, streetscape and the bulk and scale of a development are all valid planning matters that were considered with the original assessment. This proposal does not provide an outcome that addresses those concerns;
- The lowering of the carport as a condition was intended to ensure the existing quality of the streetscape is maintained. The amended proposal does little to address those concerns and to blend the development in with the streetscape or minimise the visual impact of the structure. The carport is still substantially larger than other similar structures in the street;
- The impact on neighbours was assessed as part of the original DA. While many of the issues raised by the objector were considered as having limited, or no, planning merit, Council agreed with the objector in considering the height of the structure was too high and that the streetscape would be negatively affected;
- Despite the applicant’s statement, the carport on the neighbouring property is not higher than the carport proposed.
CONSULTATION

The proposal was notified to adjoining owners for a period of 14 days consistent with Council policy, and one submission (objection) was received. The submission received was exactly the same as that lodged against the original development application and have been addressed below.

The carport will unreasonably impact on the natural sunlight on the northern aspect of the property and will impact on ventilation and through-air from the northern aspect.

The dwelling to the south has no living or habitable rooms or windows on the northern elevation that would be affected, or overshadowed by, the proposed carport. Being an open (un-walled) structure, the carport would not likely restrict airflow.

The height of the carport is not in keeping with other structures in the street. As discussed in the original report, the height of the carport is considered to result in a negative visual and streetscape impact. In height, it is unlike any other structure in the street. Its height is also in contrast to the height of the carport on the boundary of the adjoining owner to the south (Figure 3). As discussed in the original assessment report, however, a reduction in height of the carport, consistent with the eaves of the existing dwelling, would lessen that negative impact.
The use of the carport has not been stated; the owner undertakes mechanical repairs on the site. The application to amend the consent, like the original application, does not seek use to use the carport for a use other than parking vehicles. There is no indication in the application documentation that car repairs are intended to be carried out under the carport. Council is required by law to only consider the application documentation; it cannot assume that activities other than those applied for, will be carried out on the site.

The carport is too close to the boundary fence and presents a fire risk. Council’s own policy requires a carport to be located 900mm from the boundary, however the Building Code of Australia – the key document that manages fire risk for built structures - allows for carports to be built to the boundary. There is no evidence to suppose that a fire risk is posed by the location of the building on the boundary and certainly no more risk than the carport that is located on the boundary of the objector’s property.

The owner already has ample storage on the property, including a carport at the rear of the site, a garage and a storage container. The amount of storage on the site is not considered relevant to this proposal, particularly as the application does not seek approval for storage. There is nothing that stipulates the maximum number of carports that are allowable on a site, other than a need to consider environmental impacts, including amenity and streetscape.

Council has failed to regulate the owner in relation to prior developments. Council must, by law, only consider matters that are raised by the development application. Any actions that Council may have taken in the past in relation to the property in relation to previous developments are not of relevance to this application.

**RELATIONSHIP TO INTEGRATED PLANS**

- Objective – 1.2 - Urban design, planning and building control that meets community needs
  - Strategy - 1.2.2 Provide efficient and effective control of the built environment, through application, monitoring and compliance.

- Objective 2.2 - Governance and Leadership
  - Strategy - 2.2.1 Ensure transparency of vision, policy and decision making.

**STATUTORY PROVISIONS**

The original assessment showed lack of compliance with Performance Outcome PAD1 and Control AAD1.2 of the Young Development Control Plan and inconsistencies with matters considered under s.79C of the Environmental Planning and Assessment Act, 1979 in relation to: context and setting; site
design and internal design; cumulative impact; and fit in the locality. This revised proposal does not alter that assessment or provide for a streetscape outcome that is consistent with the DCP or the existing amenity in Wombat Street.

**FINANCIAL IMPLICATIONS**

There are no budget implications for Council from this report or this development. The development will be at the applicant’s expense.

**CONCLUSION**

The application has been considered against s.79C of the Environmental Planning and Assessment Act, 1979. As discussed in the report and as originally assessed, the proposal does not comply with Outcome PAD1 and Control AAD1.2 of Council’s Development Control Plan. The height of the development has also been assessed as having a negative impact on the streetscape and visual amenity of the area. The slight lowering of the carport is not considered to address those concerns sufficiently to ameliorate the impact of the structure in the streetscape.

**ATTACHMENTS**

Attachment - Attachment A - Meeting report 17 February 2016, Council considered a report on Development Application 2015/DA-00175 for a carport at Lot 1 DP907604, 64 Wombat Street, Young

**RECOMMENDATION**

It is recommended that application 2015/DA-00175 REV01 to modify the consent for a carport on Lot 1 DP907607, 64 Wombat Street, be determined by way of refusal.
Purpose
To seek Council consideration of a Development Application for the erection of a carport on Lot 1 DP907607, 64 Wombat Street, Young. The report has been referred to Council as it has attracted one submission.

An assessment of the proposal has shown that it is inconsistent with Performance Outcome PAD1 and Control AAD1.2 of the Young Development Control Plan and that it is inconsistent with matters considered under s.79C of the Environmental Planning and Assessment Act, 1979 in relation to: context and setting; site design and internal design; cumulative impact; and fit in the locality. The key issue that raises concerns is the height of the proposed carport; a lower height would see the visual impact of the development lessened and an outcome more consistent with the surrounding streetscape.

Strategic Link
- Objective – 1.2 - Urban design, planning and building control that meets community needs
  - Strategy - 1.2.2 Provide efficient and effective control of the built environment, through application, monitoring and compliance.
- Objective 2.2 - Governance and Leadership
  - Strategy - 2.2.1 Ensure transparency of vision, policy and decision making.

Background
Application Number | 2015/DA-00175
Date Lodged | 18 September 2015
Applicant | Scott Mellross (Ranbuild Pty Ltd)
Landowner | David Thompson
Landowner’s consent | Yes
Property street address | 64 Wombat Street, Young
Lot and DP | Lot 1 DP907607
Description of development | The application seeks approval for the erection of a carport on the southern (shared) boundary of the site. The carport is proposed as 3.4m wide, 3.4m high and 7.3m long.

Discussion
Site
The subject site, which is zoned R1 Residential, is approximately 960m² in size and is some 800m (direct line) to the town centre. It is a regularly shaped, rectangular block that sits on the eastern (lower) side of Wombat Street, sloping gently down from Wombat Street to the rear lane. The site is close to the intersection with Allanan Street (Figure 1) and has two road frontages; to Wombat Street and to a rear lane that provides access to a number of properties along its length. It is developed with a dwelling and ancillary development,
including a garage adjoining the dwelling to the east (at the front of the site) a number of sheds and a carport structure at the rear of the site (Figure 2).

The broader street context is residential. Wombat Street is a wide road reserve, with a paved carriageway, footpaving and trees of substantial size and amenity lining its length. Houses in the location are a mix of styles, but are generally older, appearing to date from the 1920s to the 1970s. The house on the subject site (Figure 3) was approved in 1979, being a red brick style, with a garage added at a later stage. The house is partly screened from the street by plantings, however the garage and adjacent where the carport is proposed are clearly visible from the street.
Immediately adjoining land (62 Wombat Street to the north and 66 Wombat Street to the south) are both developed with dwellings of a similar age; 62 Wombat Street is of brick construction, while 66 Wombat Street presents as a Hardiplank or similar style dwelling.

Description of the development
The Development Application seeks approval for the construction of a carport (3.4 metres high, 3.4 metres wide and 7.3 metres long) on the southern side of the site (Figure 4). A zero setback is proposed from the southern boundary ie the carport is proposed to be located on the boundary.

Assessment under section 79C of the Environmental Planning and Assessment Act 1979

- The provisions of any EPI, draft EPI; DCP; and the regulations [s79C(1)(a)]

There are no draft SEPPs relating to a development of this nature, or to the site in particular. The only SEPP considered to be applicable to the proposal is discussed below.

State Environmental Planning Policy No 55 – Remediation of Land
Clause 7 of SEPP 55 requires the consent authority to consider, prior to granting consent to the carrying out of any development on land, whether the land is contaminated, and if so, whether the land is suitable for the proposed use in its current state or requires remediation.
Council has no evidence to indicate that the land is a site of possible contamination, given its residential use over an extended period. It is considered that no further assessment of contamination is required.

- **Young Local Environmental Plan 2010 (YLEP)**

The subject site is zoned R1 under the YLEP and is not subject to heritage, soil or water, salinity or groundwater mapping. The relevant provisions of the LEP are discussed below.

**Clause 2.3 - Zoning**
The site is zoned R1 Residential under the Young LEP 2010. No minimum lot size applies.

The objectives of the zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is not considered to be inconsistent with the objectives of the zone.

**Clause 5.9 - Preservation of Trees**
The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. It applies to species or kinds of trees or other vegetation that are prescribed by a development control plan as requiring approval for removal.

No trees are indicated as requiring removal from the site.

**Any other matter**
There are no other provisions in the LEP which affect this proposal. In addition, there is no draft LEP affecting this land that has any bearing on the development.

- **Young Development Control Plan 2011**
An assessment of the proposal against the relevant sections of the DCP follows:

**Section 2.2B – Ancillary development to single residential dwellings**

<table>
<thead>
<tr>
<th>Performance</th>
<th>Control</th>
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<tbody>
<tr>
<td><strong>PAD1</strong></td>
<td><strong>AAD1.2</strong> Ancillary development shall be no closer to side and rear boundaries than 900mm.</td>
</tr>
<tr>
<td>The development shall be sited to minimise visual impact on how the residential property addresses the streetscape; and</td>
<td>The proposal does not comply with this control. The application proposes a zero setback, with the carport to be built on the long boundary.</td>
</tr>
<tr>
<td>Ancillary development shall be sited to ensure practical serviceability.</td>
<td>The applicant has submitted the following matters in support of the reduced setback:</td>
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<td>- It will be set back from the existing dwelling;</td>
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<td>- It will not impose on existing structures;</td>
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<td>- Surrounding properties have a similar structure located on the boundary;</td>
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<td>- It is not inconsistent with the streetscape or character;</td>
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<td></td>
<td>- It is for parking purposes only; and</td>
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<td></td>
<td>- It will not produce noise impacts on surrounding properties.</td>
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</table>
It is not clear what is meant by the structure being set back from the existing dwelling or not imposing on existing structures. The development as proposed will butt immediately up against the existing garage structure on the property, but will be set approximately 1 metre behind the front building line.

The adjoining property to the south does have a carport located on the boundary. It is at a standard height, however, and does not protrude beyond and above the roof line of the dwelling on that site.

The issue of streetscape and character are discussed throughout the report, with the height of the structure considered to create a negative impact on both streetscape and character of the area.

The use of the carport for parking is expected.

The parking of cars under the carport is not expected to produce more noise than the parking of cars in the same area without a carport.

Council’s policy outcome is that development should be sited to minimise visual impact on the streetscape. The location of the carport on the boundary – not in accordance with Council’s policy - may be considered reasonable where the visual impact from its height was less. The issue of visual impact is discussed below, however it is considered that the proposed location, together with the height of the structure is not consistent with the DCP outcome of minimising visual impact. It is considered that a reduction in height of the proposed carport – to a height not greater than the eaves of the existing dwelling - would reduce the visual impact and therefore enable the development to better reflect Council’s policy position.

AAD1. Materials (such as reflective, zinc or tin finishes) are selectively used so that a glare nuisance is not caused to surrounding neighbours or public roads.

Should Council be of a mind to approve the development, a condition has been included to ensure that materials and colours do not result in glare or reflectivity nuisance.

Section 4.1 – Car Parking and Vehicle Access
The objectives of Section 4.1 are to ensure that sufficient parking is provided on site in a convenient and functional way that balances vehicular and pedestrian needs and is maintained in a suitable condition over the life of the development.

The relevant parts of Section 4.1 are discussed below.

PPA1 New car parks are sufficient in number and design to provide appropriately for the needs of new developments

APA1.1 Car parking is provided at the rate set out in Table 4.1:
The dwelling is already serviced by a garage at the front of the site and a carport at the rear of the site. This proposal would provide for a third parking area for a single residential dwelling, well above the requirements in the DCP.

APA1.2 Car parking is provided on the site of the development:
The dwelling is already serviced by a garage at the front of the site and a carport at the rear of the site. This proposal would provide for a third
parking area for a single residential dwelling, well above the requirements in the DCP.

**PPA2** Parking areas are designed to operate in a safe manner for drivers and pedestrians.

**APA2.1** Vehicles enter and leave the site in a forward direction;
Vehicles will be able to enter the site in a forward direction directly off Wombat Street, but will not be able to manoeuvre on site to be able to leave the site in a forward direction. While this does not comply with the DCP requirements, it is consistent with arrangements already on the site, with vehicles having to reverse from the site.

- **Impacts of the Development** [s79C(1)(b)]
  
  **Context & Setting**
  Wombat Street is a firmly residential street, with a mix of single storey, brick-and-tile or brick-and-metal roofed dwellings. Many houses in the vicinity of the subject site are older, early 20th century dwellings that are set back from the street and are well landscaped. The street is wide, with broad, grassed verges and mature trees. Dwellings are generally well set back with garden frontages, providing an overall high level of visual amenity (Figure 5).

  The proposed development is not considered to be consistent with the streetscape and the existing levels of visual amenity. While it is set back from the front boundary and behind the existing building line, it is a tall structure at 3.4 metres high and located on the higher end of the site.

  ![Figure 5 Wombat Street – general streetscape](image)

  Its design (Figure 4) is not sympathetic to existing structures on the site or the surrounding development. The roof of the carport will protrude at least a metre above the roof line of the existing garage and will sit not much lower than the ridge of the dwelling. There are no other such tall and visually prominent structures in the street and there has been no attempt in the design to ensure it blends into the either the site or the broader context.

  The structure could be considered more consistent with the streetscape and with Council’s policy with a decrease in height, to bring its height more into conformity with standard carport structures and surrounding development in the street.

  **Access, Transport and Traffic**
  The development will serve residential traffic generated by the existing dwelling and is not expected to generate traffic in its own right.

  **Public Domain**
  It is not envisaged that this development would impact adversely on public recreational activities in the locality.
Utilities
There are no anticipated effects from the proposal in terms of water supply, sewer, gas, power and phone.

Heritage
The subject site is not heritage listed and there are no heritage items listed in Council’s LEP that are within the vicinity of the development site. In addition, there would be no impact by the development in terms of historic, scientific, social, aesthetic, anthropological, cultural, spiritual or archaeological significance, and the site is not known to be a site of Aboriginal significance.

Other Land Resources
As an urban block, the proposed development is not considered to have any affect on conserving and using valuable land resources such as productive agricultural land, mineral extractive resources or water supply catchments.

Air and Microclimate
The development would not affect air quality and microclimatic conditions in terms of existing air quality or pollution, as there will be no long-term emissions of dust, particulates, odours, fumes, gases or pollutants.

Flora and Fauna
It is considered that there is likely to be no significant effect on threatened species, populations, ecological communities or their habitat.

Water
The development will not require water to be connected to it and stormwater could be addressed by way of condition of approval. There would likely be no effect from the proposed development on groundwater, drainage flows or water quality, with stormwater to be directed to a water tank and overflow directed to the street.

Waste
While some waste could be anticipated to be developed through the construction process, standard conditions of approval can manage that. Once developed, no waste is expected to be generated by the development.

Soils
The development would likely have no impact on soil conservation in terms of soil qualities or instability, management of soils, soil erosion and degradation, sedimentation and pollution of water bodies contamination, or acid sulphate soils. Standard conditions can manage sedimentation and erosion during construction works.

Energy
No BASIX certificate is required for the development and the development is not likely to require energy connection.

Noise and Vibration
It is not considered that the development would generate ongoing offensive noise pollution or vibrations.

Natural Hazards
There are no known risks to people, property or the biophysical environment from geologic or soil instability, flooding or bushfire.
**Technological Hazards**
There are no known risks to people, property or the biophysical environment from industrial and technological hazards, land contamination and remediation or building fire risk.

**Safety, Security and Crime Prevention**
It is not considered that the proposed development would impact on the security and safety of adjoining properties nor will the design of the subdivision encourage criminal activity.

**Social and economic Impacts in the Locality**
It is not considered that the proposed development would have any impact on the locality in economic and social terms.

**Site Design and Internal Design**
It is considered that the proposed development shows little sensitivity to the existing development on the site or the broader streetscape. As discussed above, the carport will sit very tall and high on the site and will be visually very prominent from within the site and from the street. The design has made no attempt to blend the development in with the existing house and garage on the site and no attempt to consider its impact on the general character and amenity of the area.

As discussed above, a reduction in height of the carport to a height consistent with, and no greater than, the eaves of the existing dwelling would bring the structure more into compliance with Council policy and considerably lessen the negative visual amenity and streetscape impact.

**Construction**
The applicant has applied for a Construction Certificate with the development application. The assessment of the development application has shown that the carport use is permissible and the proposed location of the structure is acceptable, but the height of the carport is not acceptable. A lower carport structure could be provided for by way of a condition of approval that requires, prior to the issue of a construction certificate, revised plans that show the carport at a maximum height that is no more than the height of the eaves of the existing building.

Any impacts associated with the construction phase of the development (relocation and/or provision of services, for example) can be addressed by way of condition, including for erosion and sedimentation controls.

**Cumulative Impacts**
There is expected to be an ongoing negative visual impact on the streetscape and character of the surrounding area from the development. As discussed earlier, the proposal has given little, to no, consideration to blending the development into the existing site or into the broader context. However, a reduction in height of the development would bring it into compliance with Council policy and would lessen the visual amenity and streetscape impact.

- **Suitability of the Site**  [S79C(1)(c)]

*Does the proposal fit in the locality?*
While a carport is a reasonable development to carry out on a residential property in conjunction with a house, it still must have regard to the context and setting. This issue has been discussed above and it is considered that the height of the structure as proposed does not allow for the proposal to fit into the locality. However, as also discussed a reduction in height of the structure could resolve this issue.
Are the site attributes conducive to development?
The site is not subject to natural hazards including flooding, subsidence, slip, mass movement or bushfires. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development would not prejudice future agricultural production and there are no known mineral or extractive resources on the site.

- Submissions [S79C(1)(d)]
The proposal was notified to adjoining owners and was advertised in the local newspaper for 21 days from 1 October 2015. One submission was received. The issues raised in the submission are summarised and discussed below.

The carport will unreasonably impact on the natural sunlight on the northern aspect of the property and will impact on ventilation and through-air from the northern aspect.
The dwelling to the south has no living or habitable rooms or windows on the northern elevation that would be affected, or overshadowed by, the proposed carport. Being an open (un-walled) structure, the carport would not likely restrict air flow.

The height of the carport is not in keeping with other structures in the street.
As discussed throughout the report, the height of the carport is considered to result in a negative visual and streetscape impact. In height, it is unlike any other structure in the street. Its height is also in contrast to the height of the carport on the boundary of the adjoining owner to the south (Figure 6). As discussed earlier in the report, however, a reduction in height of the carport, consistent with the eaves of the existing dwelling, would lessen that negative impact.

The use of the carport has not been stated; the owner undertakes mechanical repairs on the site.
The application states that the carport is to be used for parking cars; there is no indication in the application documentation that car repairs are intended to be carried out under the carport. Council is required by law to only consider the application documentation; it cannot assume that activities other than those applied for, will be carried out on the site.

The carport is too close to the boundary fence and presents a fire risk.
Council's own policy requires a carport to be located 900mm from the boundary, however the Building Code of Australia – the key document that manages fire risk for built structures - allows for carports to be built to the boundary. There is no evidence to suppose that a fire risk is posed by the location of the building on the boundary and certainly no more risk than the carport that is located on the boundary of the objector's property.

The owner already has ample storage on the property, including a carport at the rear of the site, a garage and a storage container.
The amount of storage on the site is not considered relevant to this proposal, particularly as the application does not seek approval for storage. There is nothing that stipulates the maximum number of carports that are allowable on a site, other than a need to consider amenity impacts.
Council has failed to regulate the owner in relation to prior developments. Council must, by law, only consider matters that are raised by the development application. Any actions that Council may have taken in the past in relation to the property in relation to previous developments are not of relevance to this application.

The Public Interest  [S79C(1)(e)]

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, planning guideline or advisory document that is applicable to a development of this nature. Also, there are no covenants, easements, or agreements that affect the proposal. As such, the proposal would not contravene the public interest.

Consultation

The proposal was notified to adjoining owners and the issues raised in the submission received have been addressed above.

Budget Implication

There are no budget implications for Council from this report or this development. The development will be at the applicant’s expense.

Recommendation

The application has been considered against s.79C of the Environmental Planning and Assessment Act, 1979. As discussed in the report, the key issue highlighted by that assessment has shown that the proposal does not comply with Outcome PAD1 and Control AAD1.2 of Council’s Development Control Plan. The height of the development has also been assessed as having a negative impact on the streetscape and visual amenity of the area. It is considered, however, that the impact of the carport structure can be lessened by a reduced height being provided; this can be achieved prior to the issue of a Construction Certificate with revised plans that show that lower height.

It is therefore recommended that 2015/DA-00175 for a carport on Lot 1 DP907607, 64 Wombat Street, be determined by way of approval subject to the conditions of approval below:
APPROVED DEVELOPMENT

General

1 The development shall be generally in accordance with development application number 2015/DA-00175 submitted by the applicant on 31 August 2015 and be in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

<table>
<thead>
<tr>
<th>Drawing No.</th>
<th>Revision/ Issue</th>
<th>Plan</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>Undated, A4 sized sheet with a hand-drawn diagram (at 1:250 scale) showing the site layout with the words “Wombat St Young” at the top of the page.</td>
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</table>

Statement of Environmental Effects prepared by Scott Mellross and received by Council on 6 November 2015.

as modified by any conditions of this consent.

2 The use not commencing until such time as the requirements of this consent have been carried out to Council's reasonable satisfaction, as signified in writing.

3 Any changes to the development will require the submission of an application to modify the consent, under section 96(1A) of the Environmental Planning and Assessment Act 1979.

BUILDING CODE OF AUSTRALIA AND HOME BUILDING ACT

4 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.

5 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.

6 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 or Home Owner’s Warranty Insurance.

PRIOR TO COMMENCEMENT OF WORK

Construction Certificate

7 A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

Principal Certifying Authority

8 Prior to commencement of work, the person having the benefit of the Development Consent shall:

(a) appoint a Principal Certifying Authority (PCA); and
(b) ensure a Construction Certificate is issued by the PCA;
(c) notify Council of their intention to commence the site works (at least 2 days notice is required).

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

Revised plans

9 Prior to the issue of a Construction Certificate, the person having the benefit of this consent shall provide to Council:

   a. revised construction, elevation, floor and section plans that show the maximum height of the carport to be no higher than those of the eaves of the existing dwelling on site; and
   b. engineering certification for the revised structure.

INSPECTION/CERTIFICATION

10 The Principal Certifying Authority shall determine the inspections and compliance certificate that are required.

11 Where Young Shire Council is nominated as the Principal Certifying Authority, the following requirements shall be satisfied before works commence:

   a. The Principal Certifying Authority Service Agreement shall be completed and signed by the applicant; and
   b. Terms and conditions of the Principal Certifying Authority Service Agreement shall be satisfied.

12 Where Young Shire Council is not the Principal Certifying Authority, the following requirements shall be satisfied before works commence:

   a. Principal Certifying Authority name, address and registration details (evidencing registration with the Building Professionals Board) shall be submitted to Council; and
   b. A Construction Certificate shall be registered with Council.
SITE PREPARATION

Site works

13 Prior to work commencing, a sign shall erected on the land, such that it can be viewed from Wombat Street, and shall contain the contact name and telephone number of the builder and Principal Certifying Authority.

Cut and Fill

14 The applicant shall ensure that any cut or fill on site is appropriately graded, drained, retained and vegetation commenced.

15 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.

16 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:

(a) Protect and support the adjoining premises from possible damage from the excavation; and

(b) Where necessary, underpin the adjoining premises to prevent any such damage;

(c) 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.

Erosion Control

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

18 The developer shall ensure that any cut or fill on site is appropriately graded, drained and vegetation commenced.

Builders’ toilet

19 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

Hours of construction

20 For reasons of residential amenity in the neighbourhood, work on the project shall be limited to the following hours:

a. Monday to Friday: 7.00am to 6.00pm

b. Saturday: 8.00am to 5.00pm

   c. No work on Sundays or public holidays.
Trees

21 No trees are approved for removal (on development site or on public footpath). Existing trees on site 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.

22 Retained trees on site will be protected in compliance with Australian Standard AS4970 Protection of Trees on Development Sites

Waste Disposal

23 The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle.

Storage of materials

24 No materials, goods, etc, shall be placed in Council's road reserve during the construction phase.

SURVEY

25 A document from a registered and practising land surveyor shall be submitted to Council at the following stages of construction:

   (a) Set out of the development and prior to construction commencing
   (b) completion of building after placement of eaves and gutters.

ACCESS

Works within a Council Road Reserve

26 Suitable provision shall be made on-site for construction vehicles, to alleviate any need to park on the adjacent road reserve.

OCCUPATION CERTIFICATE

27 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.
16/32 – DEVELOPMENT APPLICATIONS STATISTICS

Reference: 15.1.1
Responsible Officer: General Manager

PURPOSE

This report is a monthly report presented to Council for information only. It reports on the status of development applications (DAs) determined and outstanding as at 31 of May 2016.

REPORT

The DA statistics table provided below outlines the status and processing times of development applications between 1 May to 31 May 2016.

Complying development certificates are reported for information only and are not included in the processing figures as these have a 10-day timeframe as prescribed by legislation. There were four complying development certificates lodged and approved in May 2016; one in Boorowa, two in Young and one in Bulla Creek.

Gross Average Processing Time (for DA’s approved in May): 69 days
Net Average Processing Time (for DA’s approved in May): 23 days
Median Processing Time (for DA’s approved in May): 12 days

The Development Application figures provided in the table below indicate that at the end of the month, two applications were determined by the Administrator, fifty-five applications were outstanding and thirty applications were determined under delegated authority. It should be noted these figures are a monthly average, and aren’t a true indication of DA timeframes. However, they are a good indication of how staff are progressing.

STATUTORY PROVISIONS

Council is required to provide development application data to the Department of Planning and Infrastructure by 31 August each year. The data identifies all development applications and modifications determined by Council and all complying development certificates and ancillary certificates (such as occupation, construction and subdivision certificates) issued by Council. This data provided for information, helps in compiling the data to send to the Department of Planning and Infrastructure.

CONSULTATION

No consultation has been undertaken as part of the completion of this report.
RELATIONSHIP TO INTEGRATED PLANS

Boorowa Community Strategic Plan  
Objective 3.4 - Proactive and responsible planning supporting the community and the environment.

Young Community Strategic Plan  
Objective 1.2 - Urban design, planning and building control that meets community needs  
Commissioned Strategy - 1.2.2 Provide efficient and effective control of the built environment, through application, monitoring and compliance

Harden Community Strategic Plan  
3.2 Outcome - Urban design, planning and building controls that are sustainable and meet community and industry needs

This report provides transparency to the Hilltops Community regarding DA times which meets the objectives of this plan as this report is a courtesy, information only report.

DISCUSSION OF KEY ISSUES

In this report, Councillors are looking for timeframes of 40 days or less. Whilst a DA has a deemed refusal period of 40 days, this does not mean it has to be determined within 40 days.

CONCLUSION

This report is for information only and has given a brief overview of the legislative parameters regarding DA timeframes and the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

Attachment - DA Timeframes.

RECOMMENDATION

It is recommended that Council receive and note the status and processing times for development applications, as at 31 May 2016.
<table>
<thead>
<tr>
<th>DA Number</th>
<th>Date Lodged</th>
<th>Applicant</th>
<th>Site Address</th>
<th>Works</th>
<th>Status of Determination</th>
<th>Referred to External Agency</th>
<th>Date Determined</th>
<th>Processing time (Days incl. weekend &amp; Public Holidays)</th>
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<td>T2013/058</td>
<td>29/10/2013</td>
<td>M Dujik</td>
<td>Lot 687 Saleyards Rd Harden</td>
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<td>365 Albury St Murrumburrah</td>
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<td>D Tyrrell</td>
<td>171 Swift St Harden</td>
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<td>Processing time (Days incl. weekend &amp; Public Holidays)</td>
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<td>S Rose and C Coble</td>
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<td>Conversion and Extension garage</td>
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<td>S Woolford</td>
<td>17 Thomhill St Young</td>
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<td>D Jordan</td>
<td>14 Farm St Boorowa</td>
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<td>K Eastlake</td>
<td>23 Cherry Vale Pl Young</td>
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<td>S Mellross</td>
<td>64 Wombat St Young</td>
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<td>32-38 Dillon St Boorowa</td>
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<td>Processing time (Days incl. weekend &amp; Public Holidays)</td>
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<td>17/5/2016</td>
<td>C Cleverdon</td>
<td>4 Goldview Cl Young</td>
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<td>Harden Murumburrah Men’s Shed</td>
<td>Lot 1 Stair St Harden</td>
<td>Install Shipping Container</td>
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<td>23/5/2016</td>
<td>Press Australia</td>
<td>Lot 1 Riverside Dr Jugiong</td>
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ORDINARY MEETING AGENDA

22 JUNE 2016

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

CORRESPONDENCE FOR ATTENTION

ACTION
♦ Nil

INFORMATION
♦ Snowy Hydro SouthCare – acknowledge valued contribution Young Shire Council

♦ MEDIA RELEASE
   - Hilltops Council Launches Antique Trail – 24 May 2016
   - New Hilltops Council Adopts Contemporary Brand Mark – 25 May 2016
   - Three New Committees for Hilltops Council – 30 May 2016
   - Q&A with Hilltops Council Administrator, Wendy Tuckerman – 1 June 2016
   - Boorowa Water Restrictions Lifted – 14 June 2016

ATTACHMENTS
Correspondence - Snowy Hydro SouthCare

RECOMMENDATION

Information only
28th April, 2016

Dear Greg

Snowy Hydro SouthCare – your local aero-medical rescue helicopter

I write to acknowledge the valued contribution of local government to the Snowy Hydro SouthCare rescue helicopter and to seek financial support from Young Shire Council for the service in the year to come.

Our crews are currently experiencing unprecedented demand, particularly in holiday periods when many people are travelling through your region. Last year was a record for the service with more than 500 missions which takes our tally to some 6,500 missions since 1998.

Put simply, we are saving more lives across southern NSW and the ACT which means operational costs continue to increase which in turn places pressure on community fundraising.

Our helicopter offers a sense of security for your Shire’s residents and provides a critical service in times of dire community need. Whilst motor vehicle accidents and farm accidents feature in the media headlines, what you don’t often see reported are the many transfers of critically ill patients from regional areas to major hospitals such as The Canberra Hospital. With an ageing population there will be increasing numbers of such missions and more of your Shire’s residents under our care.

Whilst we are based in Canberra about 90% of our missions remain outside the ACT and we rely heavily on the support of our regional communities to continue this work. Whilst times get tougher and other causes get the limelight, we remain in the background, on call 24 hours a day, 365 days a year, ready to save lives in your Shire.

This service was built on a foundation of support from groups like Young Shire Council. The fundraising and community connection provided by councils in the early days helped get the local helicopter off the ground and the ongoing financial assistance has been fundamental to the growth of the service.

In recent years, with increasing pressures on councils, regrettably our financial support from local government has diminished. We understand the pressures placed on budgets and with amalgamations we appreciate it is a time of uncertainty for many councils across our region.

I encourage you to reflect on the role Snowy Hydro SouthCare plays in your community and to consider supporting the service financially.

Thank you for your consideration and your commitment to support the community we both serve.

Yours sincerely,

Chris Kimball CEO – Snowy Hydro SouthCare

Mr Greg Armstrong
General Manager
Young Shire Council
Locked Bag 5
YOUNG NSW 2594

PO BOX 66 FYSHWICK ACT 2669
P: 02 6207 9923 F: 02 6207 9927 E: info@snowyhdyrosouthcare.com.au
ABN: 68 084 155 895
www.snowyhdyrosouthcare.com.au
COUNCIL COMMITTEE REPORTS

FOR ACTION

♦ Nil

NO ACTION

♦ Young Shire Band – 9 May 2016
♦ Young Sports Advisory Committee – 11 April 2016

ATTACHMENTS

Minutes of each committee

RECOMMENDATION

That the balance of the committee reports be noted.
Young Shire Band Monthly Minutes for Monday 9th May 2016

Opened: 7.42

Present: John Walker, Rodney Clancy, Matt Ricketts, Sally Hosken, Kym Steele, Bec Donges, Liz Boland

Apologies: Tracey Clark

Minutes of Previous Meeting: Minutes from March meeting were circulated and read, with a minor correction in point 7) all instruments ordered were plastic (make correction on “all” as the flute is silver-plated, and “plastic” material is abs resin). And model of flute is YFL271D not YFL27ld

Moved: Matt, seconded Liz that the minutes be accepted. Carried

Business arising from previous minutes:

1) Rodney has brought the Filing Cabinet and we have had a working bee to sort out music and fill cabinet, Rodney is trying to get another one.

2) The 14 shelves have been picked up from Daztan but no shelf supports were received. Also we have decided to shorten the length of the hanging rail to utilise cupboard space better so this needs to be adjusted when we sort out position of shelving. Sally will go to Daztan to pick up 56 plugs (supports) so committee can fit the shelves ASAP.

3) Cherry Festival thankyou letters have been sent.

4) Cheque has been received from Kangaroo March Committee.

5) 25 Perspex shields have been purchased and already used at Anzac day and Relay for Life. Thankyou Rodney for organising this.

6) The 10 new polo shirts and 10 caps have been collected from YES Embroidery and already used at the Relay for Life for our new members.

7) The Flute, Clarinet and Piccolo have been ordered from M&M’s Music Store, it was decided to purchase the Yamaha student instruments as they will be satisfactory for all levels of members to use. The flute was corrected as being silver plated and Model no. YFL271D.

8) More discussion is required regarding the Musical Directors’ role and a separate meeting needs to be scheduled.

Treasurers’ Report:

The Financial Statement for period ended 30th April was tabled and read.
Closing balance is $14,117.32.
After expenses of instruments and Rodney’s wage, we will have around $9,000 left. This needs to be spent as it will not roll-over another year. A motion was moved that we purchase a suitable Tuba but a good one could cost well over $10,000 so we could pay a deposit now. Moved Matt, seconded Bec.

Musical Directors’ Report:

The report was tabled and read.

Band members able to attend the Concert coming up on the June long weekend may be down but hopefully Rodney can bring in some players from Canberra to fill in the gaps. YSB will play for about half an hour.
A motion was put forward that Young Shire Band and YRSM Choir of the Southern Cross split the profits from tickets sales and proceeds from the concert. Moved Rodney, Seconded Sally.
General Business:

1) The black folding chairs that were stored in the Shire band room belong to YRSM so need to be returned. A motion was put forward to purchase 30 chairs of our own. Moved Rodney, seconded Liz

2) The security of the Shire band room is not satisfactory as things have been moved around by someone other than committee members. This needs attention as we were assured by Greg Armstrong that our cupboard would not require locking as only Michael Croke and committee members were allowed in the room outside of band rehearsal time. John to follow this up. Moved Matt, seconded Kym

3) The YSB euphonium needs a service before Liam takes it to the Vienna Rehearsal Camp in July. Matt to follow up.

4) John congratulated the YSB and Liz and Keith for their participation in Anzac Day.

5) Rodney received an official document from YRSM regarding the Bandmasters‘ duties which was shown to some committee members. Rodney requests that we hold a further Special meeting to discuss the Musical Directors‘ role and finances but no date could be decided on. Rodney to email out a copy of this document to the Committee.

6) The Assistant Musical Directors‘ role needs to be discussed as Matt may need to be reimbursed for duties he has already performed, eg. transporting equipment and setting up for gigs, sending text messages etc. We need to allow some of the current budget to the Assistant or request an allocation into the next budget for these managerial duties. This needs to be included in the Special Musical Directors‘ meeting.

7) All band members need to be aware that it is their duty to help set up and pack away gear at each Monday night rehearsal as some members aren’t pulling their weight or don’t realise they need to help. Also members need to be reminded to attend rehearsals on time. Also Matts‘ role needs to be explained to everyone as well as Liz’s role as Band Rep. Rodney to follow this up at next rehearsal.

8) The second Swipe card and key that was requested by YSB from the Shire Council was allocated however only a swipe was issued but no key. John to follow up as a second key is required when Rodney is out of town or not available. Moved Matt, seconded Liz

Next meeting June 6th at 7.30pm at Young Town Hall

Meeting closed: 9.05pm
List of Young Shire Band Committee for 2016:

President: John Walker
Vice President: Kym Steele
Treasurer: Matthew Ricketts
Secretary/Public Officer: Tracey Clark
Band Representative: Liz Boland
Musical Director: Rodney Clancy
Committee Members: Sally Hosken, Rebecca Donges

Note: Only these members are allowed access to the Shire Band Room
MINUTES
for the GENERAL MEETING of the YOUNG SPORTS ADVISORY COMMITTEE held at
YOUNG SHIRE COUNCIL, COMMUNITY ROOM, Boorowa Street, YOUNG on
Monday 11th April 2016 at 6.00pm.

OPENING: Meeting opened by chair Robert Everdell at 6.02pm.

PRESENT: Robert Everdell (YSAC / Chair), Dirk Wymer and Brian Ingram (YSC), Peter Brown (Tennis),
Tim Bailey (Junior League), Pam Grant & June Gibson (Greyhounds), Paul Cameron
(Soccer), Dave Webster (Treasurer / Hockey), Robert Bush (Senior League), Cheryl
Matthews (Pony Club / RDA) and Steve Brill (Secretary).

APOLOGIES: Janine Hobson (YSAC / VP), Ben Cooper (Touch / President), Stuart Freudenstein (Bowls /
YSC) and Kere Mayo (Sports Awards Secretary).

PREVIOUS MINUTES: The General Meeting held Monday 14th March 2016 at Young Shire Council.
Moved: Pam Grant Seconded: Tim Bailey Carried
“These minutes to be taken as a true and correct copy of the meeting.”

BUSINESS ARISING: - Nil

TREASURER’S REPORT: There was an opening balance of $4,598.46, receipts of $4,622.00 and expenses of
$6,276.70 leaving a closing balance of $2,943.70. There is still a number of sponsorship
monies to come in from the Awards Dinner which will improve the accounts.
Moved: Dave Webster Seconded: Peter Brown Carried
“That the Treasurer’s report be accepted as tabled”

CORRESPONDENCE – IN and OUT Moved: Steve Brill Seconded: Tim Bailey Carried
“That the outward correspondence be confirmed and the inward correspondence be dealt
with as directed.”

COMMITTEE REPORTS:
• Walk of Fame Committee
  o Aircare have provided a quote for the 2016 Walk of Fame signs and the pricing slightly
    higher than 2015 but still a good price.

• Facilities Hire Committee
  o Facilities Use / Maintenance Report from Young Shire Council has been circulated to YSAC
    members.
  o Nil issues to report during the change over from summer to winter sports.

• Multi-Purpose Facility Committee
  o YSC Facilities Redevelopment – LIRS Funding report circulated to YSAC members.
  o The earthen wall embankment at Hall Bros has been reduced in size to allow for the
    construction of an Amenities facility to service the Hall Bros. field and the Netball courts.
    Excess soil has been taken to the Cranfield oval development.
  o Hall Bros. excavations – YSC will take any input on the batter off slope.
  o Lighting at Cranfield oval should start the third week of April and will be a four week project.
  o Sawpit Oval – the users need to decide if they need another two lights or development of the
    carpark.
  o Miller Henry Oval – AFL are working on the amenities at this ground.

• Sports Awards Committee
  o A brief Sports Award Dinner debrief was held but due to a number of apologies from the
    Sports Dinner organisers at tonight’s meeting a committee debrief with the S&C Club will
    need to be held at a later time.
  o Comments from the meeting regarding the Sports Awards Dinner were
Well done for Dinner – most successful ever
Tables and ticketing needs improving and the Young S&C have offered to help in this regard.
Meal was good
- Nominations of Sports Awards for April – Nil to report for this month.

GENERAL BUSINESS:
- Radio roundup held on 2LF each Friday morning, concern was expressed by some members of the meeting that the roundup from Young is a ‘gossip, chit-chat’ session whereas Boorowa, Harden and Cootamundra provide factual information relating to sport and their communities.
- Does the YSAC need to instigate something more factual for Young?
- Neil Langford has asked for Winter Sport coverage to do the full season but the YSAC are unsure on where this is up to with 2LF, even those sports who have confirmed they will be involved are unsure of the status.
- Hilltops Phoenix is a new ‘newspaper’ to the local region that is keen to promote sports and positive news stories across the region. All Publicity Officers from the local sporting clubs are encouraged to get in touch with Hilltops Phoenix to promote their club’s achievements.

CLUB REPORTS:
Tennis
- In the School holidays they will have a coaching clinic.
- Some of the seniors have just returned from New Zealand and are then off to Ulladulla followed by Norfolk Island.
- A meeting is scheduled for 4th May 2016 with Young Tennis, YSC and Tennis NSW regarding possible future development at the club.

Soccer
- Three weeks before the start of the soccer season.
- Currently there are 340 registrations including the Seniors.
- The Temora club are now playing under the banner of Young in 3rd Grade with Young fielding a First Grade and Women’s team in the seniors’ competition.

Junior League
- In town competition has started.
- The Group 9 competition starts this weekend.

Greyhounds
- The club held an entertaining race night at Easter.
- The Commission into NSW Greyhounds has been extended for another two months.

Pony Club
- The local gymkhana was held recently with disappointing numbers due to a clash of equine sports at Bribbaree.

RDA
- RDA is going well.
- They are in need another coach or few within Young before the rules change and make it much more difficult to become accredited. There is currently only one within Young.

Senior League
- Their competition started last weekend.
- Lower ages have lesser numbers than usual this year.
- League tag has increased numbers to around 30 for this year.

Harness Racing
- Recently held a very successful Carnival Cups, one of the best ever.
- A local horse recently one at Bathurst boosting the profile of Young Harness racing across the region.

Hockey
- Nothing further to report from the last meeting.

NEXT MEETING:
- At Young Shire Council – Community Room, General Meeting at 6.00pm, 9th May 2016.

MEETING CLOSE closed at 6.45pm
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.
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:

   (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

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:

   (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business