

#201195

MINUTES

OF THE

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Town Hall, Boorowa Street, Young
commencing at 5.01 pm, on Wednesday, 21st October, 2015

MINUTES

PRESENT

Councillors Brian Ingram (Mayor and Chairperson), Ben Cooper, Stuart Freudenstein, Brian Mullany, Tony Wallace, John Walker, Sandy Freudenstein and Allan Miller.

In attendance

Greg Armstrong (Acting General Manager), Craig Filmer (Director – Planning & Environment), Dirk Wymer (Director – Operations), Nicole Vonarx (Director – Utility Services), Leanne Hardy (Personal Assistant), 2 members of the Press and 18 in the gallery.

APOLOGIES

Nil

CONFIRMATION OF MINUTES

357/15 RESOLVED on the motion of Councillors Mullany and Cooper that the minutes of the Ordinary Meeting of Council held on Wednesday, 16th September 2015, be confirmed as a correct record of the proceedings.

358/15 RESOLVED on the motion of Councillors Mullany and Cooper that the minutes of the Extra Ordinary Meeting of Council held on the 6th October, 2015 be adopted with the exclusion of Item 2.3 which will be referred to Confidential.

OBITUARIES

JOYCE VIOLET STEVENSON
PETER GEOFFREY MAYNARD
DR JAMES RICHARD BURSTAL
FRANCIS 'FRANK' FOLEY
MARIE CLARKE
COLIN CROWE
TERRENCE NELSON
AUDREY JARVIS
CLARENCE WILSON
JOHN BOYLE

This is Page No. 2 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

RECOGNITION OF COMMUNITY ACHIEVEMENT

359/15 RESOLVED on the motion of Councillors Cooper and Mullany that the Cherryatrics be recognized for organizing a hugely successful Masters Carnival.

360/15 RESOLVED on the motion of Councillors Cooper and Stuart Freudenstein that Debbie Robinson be recognized for fundraising efforts for local sports.

361/15 RESOLVED on the motion of Councillors Cooper and Stuart Freudenstein that Tori, Jai, Clayton, Destiny, Cassie, Val, Sue and Marissa be recognized for maintaining, weeding and watering Rotoract Park.

362/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Sandy Freudenstein that Adrian and Gabrielle Capra from Art of Espresso be recognized for their generosity with their commitment to ongoing support for mental health.

Art of Espresso continue to host the "Conversation" series presented by NSW Health.

363/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Cooper that Inspector Ashley Holmes be recognized on receiving his fourth clasp as his service with the NSW Police Force.

Young also needs to thank him for his approachable attitude for we the public to report/enquire what is happening in our community.

364/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Wallace that Senator Fiona Nash be recognized for her 10 years of service in July in the Australian Senate.

Young Shire is proud of and has reason to be proud of Senator Nash's contribution to her role in the Senate of NSW as Minister for Rural Health. Senator Nash's ten years is not only advantageous to Young but to the State.

Senator Nash is an approachable, likeable, caring person and well done to her new role under Prime Minister Turnbull's leadership.

365/15 RESOLVED on the motion of Councillors Walker and Mullany that members of the NSW Cherry Growers Association be recognised for cooperation, consultative advice and contacts within other levels of Government through the Fruit Industry Committee Young & Harden in formulating a fruit fly control program for Young and district in working with Council.

This is Page No. 3 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

OPEN FORUM

1. Mr Royce Rumble speaking against Item 8.04 Development Application 2015/DA-00166 – Multi Residential Development for three x 3 Bedroom, single storey dwellings and strata subdivision at Lot 11 DP1094011, 15 Giugni Place, Young.
2. Mr David Noakes addressing Council regarding the Mayoral Election last month.

366/15 RESOLVED on the motion of Councillors Mullany and Cooper that the item relevant to Open Forum be brought forward.

ITEM 8.04 DEVELOPMENT APPLICATION 2015/DA-00166 – MULTI-RESIDENTIAL DEVELOPMENT FOR THREE X THREE-BEDROOM, SINGLE STOREY DWELLINGS AND STRATA SUBDIVISION AT LOT 11 DP1094011, 15 GIUGNI PLACE, YOUNG

Prepared by: Town Planner

File Number: F29.00

The Mayor declared an interest in this item and left the Chair at 5.27 pm.

The Deputy Mayor, Ben Cooper then took the Chair.

367/15 RESOLVED on the motion of Wallace and Miller that this item be open for discussion.

It was moved by Councillors Stuart Freudenstein and Mullany that 2015/DA-00166 for a multi-residential development of three, three-bedroom dwellings, with associated parking and landscaping and the strata subdivision of the development (three lots and a common lot) be determined by way of approval subject to the conditions of approval below:

This is Page No. 4 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor

APPROVED DEVELOPMENT

General

- 1 The development shall be generally in accordance with development application number 2015/DA-00166 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:

Drawing No.	Revision/ Issue	Name of Plan	Date
Architectural/Design Drawings prepared by Samaro Homes.			
Sheet: 10 of 11	-	Site Plan	20/07/2015
Sheet: 11 of 11	-	Landscaping layout	20/07/2015
Sheet: 2 of 11	-	Elevations & Section Dwellings #1	20/07/2015
Sheet: 3 of 11	-	Elevations & Section Dwellings #1	20/07/2015
Sheet: 1 of 11	-	Floor Plan Dwelling #1	20/07/2015
Sheet: 5 of 11	-	Elevations & Section Dwellings #2	20/07/2015
Sheet: 6 of 11	-	Elevations & Section Dwellings #2	20/07/2015
Sheet: 4 of 11	-	Floor Plan Dwelling #2	20/07/2015
Sheet: 9 of 11	-	Elevations & Section Dwellings #3	20/07/2015
Sheet: 8 of 11	-	Elevations & Section Dwellings #3	20/07/2015
Sheet: 7 of 11	-	Floor Plan Dwelling #3	20/07/2015
Subdivision Drawing prepared by Samaro Homes.			
Sheet: 10 of 11	-	Strata Plan	20/07/2014
Statement of Environmental Effects prepared by Joanne Tapp Town Planning dated August 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

This is Page No. 5 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor

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 ISSUE OF A CONSTRUCTION CERTIFICATE

Stormwater design

- 7 Prior to the issue of a Construction Certificate, the person having the benefit of this consent shall provide to Council, and have approved by Council, detailed design drawings for a stormwater drainage system for the development.
- a. The design plans shall address hydraulic requirements, discharge details, pipe sizes, pit details and major flow escape paths.

Sewer design

- 8 Prior to the issue of a Construction Certificate, the person having the benefit of this consent shall provide to Council, and have approved, detailed design drawings for the stormwater drainage proposed for the development.

Retaining walls

- 9 Prior to the issue of a Construction Certificate, details of all retaining walls for the development shall be designed and certified by a suitably qualified, practising and insured Structural Engineer and submitted to the Principal Certifying Authority.

This is Page No. 6 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

Water contributions

- 10 Prior to the release of a Construction Certificate, evidence shall be submitted to Council's Planning, Environment and Strategic Services Department 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 the release of the plan of subdivision.

Advice to Applicant:

- (a) The Water and Sewer Supply Authority for this development is the Utility Services Department of Young Shire Council.
- (b) The Water and Sewer Supply Authority has indicated that the following contributions are applicable:
- i) The Golden Fields County Council Buy-in Contribution Charge per additional equivalent tenement (ET) created, being two ET (1 ET per additional dwelling in the development). Payment of the contribution will be at the ET rate nominated by Golden Fields County Council at the time of payment, which is subject to change. An ET for the current financial year is \$6,974, and if paid prior to 30th June 2014, the total contribution will be \$6,974 (subject to no further change by Golden Fields County Council).
- ii) The Young Shire Council's Section 64 Water Contributions per additional equivalent tenement (ET) created, being 2 ET (1 ET per additional dwelling in the development). Payment of the contribution will be at the ET rate nominated by Young Shire Council at the time of payment, which is subject to change. The cost of one ET is \$1090 until 31 December 2015, after which the fee until 30 June 2016 will be \$3180. If paid prior to 31 December 2015, the total contribution will be \$2180; if paid on or after 1 January 2016, the total contributions will be \$6360 (subject to no change by Young Shire Council).

Sewer Contributions

- 11 Prior to the release of a Construction Certificate, 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.

Advice to Applicant:

- (a) The point of contact for the Water and Sewer Supply Authority for this development is the Young Shire Council.
- (b) The following contributions are applicable:

This is Page No. 7 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

- (i) The Young Shire Council's Section 64 Sewer Contributions per additional equivalent tenement (ET) created, being 2 ET (1 ET per additional dwelling in the development). Payment of the contribution will be at the ET rate nominated by Young Shire Council at the time of payment, which is subject to change. The cost of one ET is \$1337 until 31 December 2015, after which the fee until 30 June 2016 will be \$4070. If paid prior to 31 December 2015, the total contribution will be \$2674; if paid on or after 1 January 2016, the total contributions will be \$8140 (subject to no change by Young Shire Council).

Stormwater Contributions

- 12 Prior to the release of a Construction Certificate, the person having the benefit of this consent shall pay to Council, contributions under its *Section 94 Stormwater Drainage Contribution Plan*.

The Young Shire Council's Section 94 Contributions are payable per additional equivalent tenement (ET) created, being 2 ET (1 ET per additional dwelling in the development). Payment of the contribution will be at the ET rate nominated by Young Shire Council at the time of payment, which is subject to change. The cost of one ET is currently \$608 and if paid prior to 30 June 2016, the total contribution will be \$1216 (subject to no change by Young Shire Council).

PRIOR TO COMMENCEMENT OF WORK

Construction Certificate

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

Principal Certifying Authority

- 14 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).

- 15 The following information shall be submitted with a Construction Certificate:
- a. Details of termite protection in accordance with Australian Standard *AS3660.1 Termite Management – New Building Work*.

This is Page No. 8 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

- b. Soil erosion and sedimentation control methods proposed to ensure that all soils remain on the property throughout the construction of the proposed development.
- c. Details of footing/slab design in accordance with Australian Standard *AS2870 Residential Slabs and Footings - Construction*.
- d. A soil classification report that complies with Australian Standard *AS2870 Residential Slabs and Footings - Construction*.

Floors/Frame/Walls/Roof

- 16 Timber framed construction shall comply with the requirements of *Australian Standard AS1684 – Residential Timber Framed Construction*.
- 17 Structural timber used externally shall be of a durability class 2 or better. Durability class 3 and 4 may only be used where they have acceptable preservative treatment.

Note: Douglas Fir (Oregon) shall not be used as an external structural material in a situation where it may be subject to weathering and deterioration.
- 18 Where threshold to the front entry doorway exceeds 190mm above adjacent surface, steps designed in accordance with the *Building Code of Australia* shall be incorporated.

Kitchen Exhaust

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

Smoke Alarms

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

This is Page No. 9 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

Stormwater drainage

- 23 A piped drainage system shall be extended to the land at the Developer's cost and in accordance with Council's *Engineering Guidelines for Subdivisions and Developments*.

NOTE: Condition 7 above requires full drainage design details to be provided to Council for approval prior to the issue of a Construction Certificate.

Wastewater drainage

- 24 The top of the yard gully is to be minimum of 150 mm below the finished floor level and a minimum of 75 mm above the finished ground level.
- 25 The top of the yard gully is to be minimum of 1200 mm above the finished mains sewer connection point.
- 26 All plumbing and drainage work is to comply with the requirements of Australian Standard *AS3500 Plumbing and Drainage* and *the Plumbing Code of Australia*.
- 27 All sanitary drainage and site drainage for slab on ground design is to comply with the provisions of *AS2870 Residential slabs and footings*
- 28 Cold water pipes and heated or hot water pipes shall not be installed under a slab, unless the pipes are installed within a conduit so that if the pipe leaks water it will be noticed above the slab or outside the slab and will not leak unnoticed under the slab.

NOTE: Water service pipes installed under concrete slabs should comply with the relevant requirements of AS/NZS 3500.1. Heated water service pipes installed under concrete slabs should comply with the relevant requirements of AS/NZS 3500.4.

Trench drainage

- 29 The base of trenches shall be sloped away from the building. Trenches shall be backfilled with clay in the top 300 mm within 1.5 m of the building. The clay used for backfilling shall be compacted. Where pipes pass under the footing system, the trench shall be backfilled full depth with clay or concrete to restrict the ingress of water beneath the footing system.

Plumbing penetrations

- 30 Closed-cell polyethylene lagging shall be used around all stormwater and sanitary plumbing drain pipe penetrations through footings. The lagging shall be a minimum of 20 mm thick on Class H1 sites and 40 mm thick on Class H2 and Class E sites. Vertical penetrations do not require lagging.

NOTE: Sleeves allowing equivalent movements may be used as an alternative to the lagging.

This is Page No. 10 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

31 Drainage under a slab shall be avoided where practicable.

NOTES:

1. Pipes may be encased in concrete or in recesses in the slab when provided with flexible joints at the exterior of the slab.
2. Methods used should comply with the AS/NZS 3500 series.

32 Drains attached to or emerging from underneath the building shall incorporate **flexible joints** (articulated not swivel) immediately outside the footing and commencing within 1 m of the building perimeter in compliance with AS2870.

33 Articulations and drainage fittings are to be fitted as per the engineers plan.

INSPECTION/CERTIFICATION

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

35 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.

36 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

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

Cut and Fill

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

This is Page No. 11 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

- 39 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.
- 40 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

- 41 Erosion and sedimentation control measures shall be implemented on the site prior to work commencing.
- 42 The developer shall ensure that any cut or fill on site is appropriately graded, drained and vegetation commenced.

Builders' toilet

- 43 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

- 44 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

- 45 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.

This is Page No. 12 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

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

Waste Disposal

- 47 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

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

SURVEY

- 49 41. 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.

WATER

- 50 A separately metered water connection shall be provided to each dwelling.

SEWER

- 51 Council's sewer main shall be extended to service the dwellings, at full cost to the developer and in accordance with Council's *Engineering Guidelines for Subdivision and Development*.
- 52 Each dwelling shall be separately connected to Council's extended sewer main.
- 53 If a new connection, or changes to the existing sewer system are required then this work shall be done by Council at full cost to the developer.

SERVICES

Power

- 54 Power shall be provided to, and within, the subdivision in the form of an underground service, in accordance with the requirements of Essential Energy.

This is Page No. 13 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

- 55 Written confirmation shall be submitted to Council from Essential Energy, stating that power has been provided to, and within, the subdivision, to their requirements and satisfaction.
- 56 Easements shall be provided over all power lines, as deemed necessary by Essential Energy.

Gas and telephone

- 57 Written confirmation is required from the authorities that control gas and telephone, stating that these services are available to each allotment created, or that satisfactory arrangements have been made to augment them as required.

AMENITY

- 58 The applicant shall provide a 1500 mm high fence of a type common to the area, to the western boundaries of the allotment. Additionally, a further 450 mm high lattice treatment of the same proprietary product as the fencing, shall be supplied from the rear north west corner of the site along the western boundary to level with the front of dwelling 1.

ACCESS

Works within a Council Road Reserve

- 59 Vehicular access shall be provided to the site, and constructed to Council's specifications, after submitting an application to Council, and having it approved, for Works in the Road Reserve. form and receiving Council approval of the application.
- 60 The developer shall forward the following documentation and plans to Council for approval, prior to undertaking civil works for this development on public road reserves:
- (a) Environmental Management Plan/s (EMP) in both written and drawn forms to indicate to Council procedures and checkpoints;
 - (b) Project Quality Plan/s (PQP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
 - (c) Construction Procedures Plan/s (CPP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
 - (d) Project Safety Management Plans (PSMP) in both written and drawn forms to indicate to Council the control procedures and checkpoints;
 - (e) Any other documentation required by relevant statutory authorities.

This is Page No. 14 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

- 61 The maximum grade of the nature strip area shall be 4% across the road reserve.
- 62 A kerb adaptor shall be incorporated into the new kerb for connection of property drainage to the gutter.
- 63 Suitable provision shall be made on-site for construction vehicles, to alleviate any need to park on the adjacent road reserve.

Car Parking

- 64 The visitor car-parking spaces on the site shall be increased from 2 spaces to 3 spaces and shall be sealed and linemarked.
- 65 All trafficable areas on-site (parking and manoeuvring areas) shall be sealed (concrete, bitumen or pavers) and shall be drained in an appropriate manner. Plans showing the proposed construction materials, fall of the land and stormwater drainage details shall be submitted to Council for approval, prior to the release of the construction certificate.

STORAGE ENCLOSURES

- 66 The common postbox and waste enclosure shall be built of materials that complement the dwellings and increased in size to hold a minimum of three garbage bins per occupancy.

SUBDIVISION

General

- 67 A final plan of subdivision (linen plan and seven copies) suitable for registration at the Land Titles Office shall be submitted for Council's certification.
- 68 A linen plan will not be released until such time as the requirements of the conditions of this consent have been carried out.

Restrictions as to user

- 69 Easements shall be provided over all services (water, sewer, drainage, power, etc) to the satisfaction of the relevant authority, wherever Council deems necessary to allow unrestricted access to the services

This is Page No. 15 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

SUBDIVISION

Street numbering

- 70 Each allotment's individual street number shall be erected on the kerb and gutter adjacent to the property. This shall be done by Council at full cost to the developer, at the rate listed in Council's Management Plan at the time of payment.
- 71 The lots shall be addressed as follows:
- § Dwelling #3 – 15A Giugni Place, Young.
 - § Dwelling #2 – 15B Giugni Place, Young.
 - § Dwelling #1 – 15C Giugni Place, Young.

Easements

- 72 Easements shall be created over all internal stormwater, sewerage and water lines as necessary.

By-laws

- 73 The visitor car parking space located in the common lot shall be designated as visitor parking in the strata plan by-laws.
- 74 A restriction, preventing the parking of vehicles within the driveway area (other than in the designated dwelling, or visitor parking spaces), shall be included in the by-laws.

Utility services

- 75 Power shall be provided to each allotment in the subdivision to the satisfaction of Essential Energy, and written confirmation shall be provided to Council from Essential Energy verifying this.

Water

- 76 Each allotment shall have a separate water connection and meter, which is located at the front of the property.

Sewer

- 77 All sewer drainage lines located on the property are, for the purposes of this subdivision only, private lines and are not Council sewer mains. All responsibility for the maintenance and repair of these lines rests with the owners of the lots.

This is Page No. 16 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

Stormwater lines

- 78 All stormwater drainage lines located on the property are, for the purposes of this subdivision only, private lines and are not Council stormwater mains. All responsibility for the maintenance and repair of these lines rests with the owners of the lots.

OCCUPATION CERTIFICATE

- 79 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

- 80 An occupation certificate will not be issued unless and until:
- a. a survey plan is submitted to Council, showing the location of all structures/buildings and retaining walls on the property with respect to boundaries of the allotments. Any dividing boundary shall be located so as to comply with the setback and fire-rating requirements of the Building Code of Australia;
 - b. A report, prepared and certified by a suitably qualified and structural engineer, has been submitted to Council, attesting to the structural adequacy of the retaining walls in the development;
 - c. Landscaping, consistent with the approved landscape plan, has been provided to the development.

PRIOR TO THE RELEASE OF THE FINAL PLAN OF SUBDIVISION

- 81 The linen plan not being released until such time as:
- a. the requirements of the conditions of this consent have been carried out to Council's reasonable satisfaction; and
 - b. a final occupation certificate has been issued with respect to the Development Application No. 2015/DA-00166.

This is Page No. 17 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

- 82 Proper plans of strata subdivision and seven copies, prepared by a Registered surveyor and suitable for registration by the NSW Land and Property Information, shall be lodged with Council for assessment, together with an application for a Subdivision Certificate.

OTHER APPROVALS:

Following is a list of section 68 *Local Government Act 1993* approvals granted under section 78A(5) of the *Environmental Planning and Assessment Act 1979*:

- § Water supply connection.
- § Sewer connection.

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

Clr Stuart Freudenstein	For	Clr Tony Wallace	Against
Clr Ben Cooper	For		
Clr Brian Mullany	For	Clr Sandy Freudenstein	Against
Clr John Walker	Against	Clr Allan Miller	Against

368/15 RESOLVED on the motion of Councillors Wallace and Sandy Freudenstein that a further report on drainage matters and more detail with regard to impacts on local land owners be brought back to Council at the next meeting of Council.

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

Clr Stuart Freudenstein	Against	Clr Tony Wallace	For
Clr Ben Cooper	Against		
Clr Brian Mullany	Against	Clr Sandy Freudenstein	For
Clr John Walker	For	Clr Allan Miller	For

The Mayor returned to the Chair.

DELEGATES REPORTS AND CIVIC DUTY

369/15 RESOLVED on the motion of Councillors Cooper and Sandy Freudenstein that the verbal Delegates Reports and Civic Duties be noted.

This is Page No. 18 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

COMMITTEE REPORTS

AGM of Young Sports Advisory Committee – 10th August, 2015

370/15 RESOLVED on the motion of Councillors Mullany and Sandy Freudenstein that the minutes of the AGM of the Young Sports Advisory Committee meeting held on 10th August, 2015 be received and noted.

Fruit Industry Committee of Young & Harden – 10th September, 2015

371/15 RESOLVED on the motion of Councillors Walker and Miller that the minutes of the Fruit Industry Committee Young and Harden meeting held on 10th September, 2015 be received and the following recommendations adopted:

4.1 NSW Department of Primary Industry Sterile Insect release proposal for Young

To consult with NSW DPI to ensure the proposed release of sterile Queensland fruit fly in Young township is undertaken with the approval of the DPI and Council.

5.1 Town and Grower Queensland Fruit Fly survey

Heleen Kruger finalise the community ad growers survey into an electronic version.

Grover committee members provide Heleen with contact information of all potential local growers.

Promote the community survey predominately via an electronic link advertise through the media, community groups and facebook.

Engage with the older member of the community with face to face survey methods.

Young Sports Advisory Committee – 14th September, 2015

372/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Mullany that the minutes of the Young Sports Advisory Committee meeting held on 14th September, 2015 be received and the following recommendations adopted:

Ben Cooper write an application seeking a grant from Stronger Communities Programme, up to the value of \$10,000 to be used for the YSAC Walk of Fame Project.

This is Page No. 19 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

Community Recognition Committee – 16th September, 2015

373/15 RESOLVED on the motion of Councillors Mullany and Walker that the minutes of the Community Recognition Committee meeting held on 16th September, 2015 be received and the following recommendations adopted:

3.1 Proposed Renaming of Curtis Lane, Bribbaree

That Council NOT name former Curtis Lane, Bribbaree as Purway Lane instead proposing it to be Lomond Lane in recognition of the adjacent property name.

3.2 Proposed naming of Private Right of Carriageway, off Forsythe Avenue

That Council not proceed with the renaming, and instead erect additional street signage in Forsythe Avenue, to clearly identify the property addresses.

Youth Council Meeting – 21st September, 2015

374/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Stuart Freudenstein that the minutes of the Youth Council meeting held on 21st September, 2015 be received and the following recommendations adopted:

That Young Shire Council support the Youth Council through in-kind sponsorship of the Cherry Chase, through the provision of staff for the Traffic Management and the setup of the event usually undertaken by Council staff.

That the Youth Council organises the upgrade of power at Chinaman's Dam as suggest at the 2014 event so that generators will be available for on course entertainment.

Fruit Industry Committee of Young & Harden – 1st October, 2015

375/15 RESOLVED on the motion of Councillors Walker and Stuart Freudenstein that the minutes of the Fruit Industry Committee of Young and Harden meeting held on 1st October, 2015 be received and noted.

Young Tidy Towns Committee – 7th October, 2015

376/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Miller that the minutes of the Tidy Towns Committee meeting held on 7th October, 2015 be received and noted.

This is Page No. 20 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

Environmental Initiatives Committee Meeting – 12th October, 2015

377/15 RESOLVED on the motion of Councillors Cooper and Stuart Freudenstein that the minutes of the Environmental Initiatives Committee meeting held on 12th October, 2015 be received and noted.

Young Healthy Shire Group – 12th October, 2015

378/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Walker that the minutes of the Young Healthy Shire Group meeting held on 12th October, 2015 be received and noted.

Youth Council Meeting – 12th October, 2015

379/15 RESOLVED on the motion of Councillors Cooper and Miller that the minutes of the Youth Council meeting held on 12th October, 2015 be received and noted.

Tourism Sub-Committee – 13th October, 2015

380/15 RESOLVED on the motion of Councillors Mullany and Walker that the minutes of the Tourism Sub-Committee meeting held on 13th October, 2015 be received and the following recommendations adopted:

That during daylight savings that the Tribute Garden open between 8am and 8pm and that opening times be shown at the entrance and that it is advertised as such.

Ask Director for a report on the status of the plans and funding of the carpark and entrance upgrade at the Chinese Tribute Garden at the next meeting.

ABACUS Concept

That Council establish a formal ABACUS Blackguard Gully Committee:

- Identify members to be stakeholders*
- Council to be asked to recognise the working group as a formal committee under Section 355 of the Local Government Act*
- That the Committee second other delegates as necessary*
- Committee to be known as the 'ABACUS Blackguard Gully Committee'*

This is Page No. 21 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

With the following Committee Structure:

- *Two Councillors*
- *Council's Heritage Advisor*
- *Tourism Manager*
- *Economic Development Officer*
- *Chair of Economic Development Committee*
- *General Manager and other Directors as necessary*
- *Representative of the Gold Trails Inc.*

That the Batinich family receive an official letter of thanks from the Mayor.

That Caravan Parking signs be installed at strategic roads into Young directing caravans and RVs to the Visitor Information Centre carpark.

That Council look into a full time Events Co-ordinator role

GENERAL MANAGER'S REPORT

ITEM 8.01	FINANCE AND PERFORMANCE FOR AUGUST/SEPTEMBER
Prepared by: General Manager	File Number: 162.00

381/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Sandy Freudenstein that the reports for the Finance and Performance for the month of September be received and noted.

ITEM 8.02 APPOINTMENT OF INDEPENDENT MEMBER YOUNG SHIRE COUNCIL AUDIT COMMITTEE

Prepared by: Director Corporate Services

File Number: F21.05

382/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Sandy Freudenstein that Council appoint Mr Gillard to the Young Shire Audit Committee to fill the casual vacancy created by the resignation of Mr Phillip Burgett.

This is Page No. 22 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor

ITEM 8.03 RECORDING OF COUNCIL MEETINGS

Prepared by: Acting General Manager

File Number: F23.00

It was moved by Councillors Stuart Freudenstein and Mullany that Council does not record meetings.

The motion was LOST.

ITEM 8.04 DEVELOPMENT APPLICATION 2015/DA-00166 – MULTI-RESIDENTIAL DEVELOPMENT FOR THREE X THREE-BEDROOM, SINGLE STOREY DWELLINGS AND STRATA SUBDIVISION AT LOT 11 DP1094011, 15 GIUGNI PLACE, YOUNG

Prepared by: Town Planner

File Number: F29.00

This matter was dealt with previously.

ITEM 8.05 EXEMPTION FROM ASPECTS OF POLICY – “STREET STALLS, RAFFLES, PUBLIC APPEALS (INCLUDING BUSKING)” – YOUNG LEGACY GROUP

Prepared by: Director – Planning,
Environment & Strategic
Services

File Number: F40.01

383/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Cooper that;

1. Young Legacy Group be permitted to have a public appeal station located on the public footpath, at the following locations:
 - a) adjacent the common wall between 100 and 102 Boorowa Street Young,
 and
 - b) adjacent the display central section of the Millard Centre;

for no more than two (2) days per year on dates to be nominated by Young Legacy Group, within Legacy Week; and
2. This be considered as a special standing variation to the Policy, ongoing unless changed after notice and consideration between the parties; and
3. Legacy provide a Certificate of Currency for Public Liability cover, at their booking time, each year.

This is Page No. 23 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor

4. The Street Stalls, Raffles and Public Appeals Policy be amended to permit the General Manager to be the nominated delegated officer in line with section 7 of that Policy.

ITEM 8.06 ELECTION OF COMMITTEES & SUB-COMMITTEES

Prepared by: Director - Operations

File Number: F36.04

384/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Stuart Freudenstein that Council determine Councillor Brian Mullany be Young Shire Council delegate for the Fruit Industry Committee of Young & Harden.

ITEM 8.07 POLICY – MANAGEMENT OF COUNCIL ASSETS

Prepared by: Acting General Manager

File Number: F24.00

385/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Wallace that Council adopt the Management of Council Assets Policy.

This is Page No. 24 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor



YOUNG SHIRE COUNCIL

**MANAGEMENT OF COUNCILS
ASSET USED EXCLUSIVELY BY
ONE GROUP POLICY**

No 104

DATE ADOPTED: 21.10.15

CONTENTS

1	INTRODUCTION/BACKGROUND	3
2	PURPOSE/OBJECTIVES.....	3
3	POLICY.....	3
4	RESPONSIBILITY.....	3

1 INTRODUCTION/BACKGROUND

Council at its meeting held on 17th June, 2015 resolved 170/15 “that Council develop a policy that governs the management of those Council assets used exclusively by one group at below commercial rent”.

2 PURPOSE/OBJECTIVES

To establish a clear documented understanding of the relationship between Council and those groups with exclusive use of Council’s buildings.

To ensure that the costs associated with the Council Assets are accounted for.

3 POLICY

The Lease/Licensee is to provide annual financial reports to Council. The report is to also include a Management report on the current and future outlook of the group.

The Lease/License shall be in accordance with the provision of the Local Government Act.

4 RESPONSIBILITY

The Director of Corporate Services be responsible for the Implementation of the Policy and reviewed every four (4) years.

ITEM 8.08 YOUNG FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

Prepared by: Director – Utility Services

File Number: F39.00/39.02

386/15 RESOLVED on the motion of Councillors Mullany and Stuart Freudenstein that Council adopt the Young Floodplain Risk Management Study and Plan incorporating the changes/additions as requested by the SES and OEH.

ITEM 9 CORRESPONDENCE

9.01 #197698 130.00/25.00

SENIORS WEEK COMMITTEE, forwarding the minutes from the Seniors Week 2015 Committee meeting held on the 11th August, 2015.

387/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Walker that Council receive and note the minutes from the Seniors Week 2015 Committee meeting held on the 11th August 2015.

9.02 #198161 130.00 SOUTHERN SLOPES TRANSPORT WORKING GROUP, forwarding the minutes of their meeting on 18th August, 2015. A copy of the minutes are attached.

388/15 RESOLVED on the motion of Councillors Walker and Cooper that Council receive and note the minutes from the Southern Slopes Transport Working Group meeting held on the 18th August 2015.

9.03 #198171-02 78.06

HIGH GROUND CONSULTING forwarding the Report on visit to Young Shire – September 2015 for Councillors information.

389/15 RESOLVED on the motion of Councillors Sandy Freudenstein and Mullany that Council note the September 2015 report from High Ground Consulting.

This is Page No. 25 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor

9.04 #198745-01 157.00

LACHLAN REGIONAL TRANSPORT COMMITTEE
forwarding minutes from the Lachlan Regional Transport
Committee Annual General meeting held 15th August 2015.

390/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Walker that Council receive and note the minutes from the Lachlan Regional Transport Committee Annual General meeting held 15th August 2015.

9.05 #197289 157.00

LACHLAN REGIONAL TRANSPORT COMMITTEE
forwarding minutes from the Lachlan Regional Transport
Committee ordinary meeting held 23rd May, 2015.

391/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Walker that Councillors receive and note the minutes from the Lachlan Regional Transport Committee ordinary meeting held 23rd May, 2015.

9.06 #199341 45.00/39.00

OFFICE OF ENVIRONMENT & HERITAGE advising that they have considered our justification provided regarding Funding under the 2012-13 Floodplain Management Program, continuation of flood study in Young and have approved an additional allocation of \$21,600 under the Floodplain Risk Management Grants Scheme for 2012/13 to enable the project to be completed.

A full copy of the correspondence is attached.

392/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Miller that the information be received and noted.

9.07 #199343 82.00/130.00

LOCAL LAND SERVICES RIVERINA, inviting Young Shire Council to nominate a representative who is at the appropriate decision making level to contribute to the Riverina Regional Weeds Committee on a strategy focussed Committee.

A full copy of the correspondence is attached.

393/15 RESOLVED on the motion of Councillors Walker and Sandy Freudenstein that the information be noted.

This is Page No. 26 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

394/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Sandy Freudenstein that correspondence from Property Beyond and IPART be dealt with as a matter of urgency.

9.08 #200396 15.09
PROPERTY BEYOND,

395/15 RESOLVED on the motion of Councillors Mullany and Sandy Freudenstein that the correspondence from Property Beyond be received and noted.

9.09 # 71.02/21.00
IPART

396/15 RESOLVED on the motion of Councillors Wallace and Cooper that the correspondence from IPART be received and noted.

ITEM 10 CONFIDENTIAL REPORT

- 10.1 TENDER 253 OF 2015 SUPPLY AND DISPOSAL OF ONE SMOOTH DRUM ROLLER CCF CLASS 12.5**
- 10.2 TENDER 255 OF 2015 EXTENSION & UPGRADE OF FACILITIES AT MILLER HENRY & GUS SMITH OVALS**
- 10.3 TENDER 257 OF 2015 REPLACEMENT OF BRIDGE, BURRANGONG CREEK, BRIBBAREE ROAD**
- 10.4 RECOVERY OF COSTS THROWN AWAY IN NSW LAND AND ENVIRONMENT COURT PROCEEDINGS**

PUBLIC ACCESS TO COUNCIL MEETINGS

In accordance with s10(1) of Local Government Act 1993 -

Everyone is entitled to attend a meeting of the Council and those of its committees except as provided by s10A(2).

s10A of the Local Government Act 1993 further provides that a Council, or a committee of the Council of which all the members are Councillors, may close to the

This is Page No. 27 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

public so much of its meeting as comprises the receipt or discussion of any of 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,
- (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,

(2) The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors),

397/15 RESOLVED on the motion of Councillors Stuart Freudenstein and Wallace that Council close the meeting to the public in accordance with s10A of the Local Government Act 1993 in order to consider the Confidential Reports:

- 10.1 TENDER 253 OF 2015 SUPPLY AND DISPOSAL OF ONE SMOOTH DRUM ROLLER CCF CLASS 12.5**
- 10.2 TENDER 255 OF 2015 EXTENSION & UPGRADE OF FACILITIES AT MILLER HENRY & GUS SMITH OVALS**
- 10.3 TENDER 257 OF 2015 REPLACEMENT OF BRIDGE, BURRANGONG CREEK, BRIBBAREE ROAD**
- 10.4 RECOVERY OF COSTS THROWN AWAY IN NSW LAND AND ENVIRONMENT COURT PROCEEDINGS**

Due 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,
- (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.

(2) The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors),

This is Page No. 28 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

10.1 TENDER 2015/RFTQ-00253 SUPPLY AND DISPOSAL OF ONE SMOOTH DRUM ROLLER CCF CLASS 12.5

Prepared by: Store and Plant Manager

File Number: F93.01.253

398/15 RESOLVED on the motion of Councillors Mullany and Stuart Freudenstein:

1. That Council accept the quotation of Westrac Pty Ltd for the supply and delivery of one Caterpillar CS64B Smooth Drum Roller, in the amount of \$160,930.00 inclusive of GST (\$146,300.00 ex GST).
2. That Council accept the quotation of Westrac Pty Ltd for the trade of Council Plant No. 170, 2002 Hamm 3414 Smooth Drum Roller in the amount of \$30,800.00 inclusive of GST, (\$28,000.00 ex GST).

ITEM 10.2 TENDER 255 OF 2015 EXTENSION & UPGRADE OF FACILITIES AT MILLER HENRY & GUS SMITH OVALS

Prepared by: Director Operations

File Number: F97.02088.001;
F97.00.03

399/15 RESOLVED on the motion of Councillors Wallace and Miller:

1. That in accordance with section 178.1(b) of the Local Government Regulation Council decline to accept any of the tenders received for tender 255 of 2015.
2. That Council advise the tenderers that the building proposals as tendered will be redesigned to such a level that either a new tender will be advertised or Council will project manage with sub contractors.

ITEM 10.3 TENDER 257 OF 2015 REPLACEMENT OF BRIDGE, BURRANGONG CREEK, BRIBBAREE ROAD

Councillor Miller declared an interest in this matter and left the meeting at 7.16 pm

400/15 RESOLVED on the motion of Councillors Mullany and Walker

1. That the tender for the replacement of Burrangong Creek Bridge in accordance with the requirements of request for quotation 257 of 2015 be awarded to Civil & Allied Construction for the lump sum price of \$664,470.00 Including GST

Councillor Miller returned to the meeting at 7.17 pm.

The meeting concluded at 7.22 pm.

This is Page No. 29 of the Minutes of the Ordinary Meeting of Council held on Wednesday, 21st October, 2015.

General Manager

Mayor