

#213573

**MINUTES**

**OF THE**

**ORDINARY MEETING OF COUNCIL**

held in the Council Chambers, Town Hall, Boorowa Street, Young  
commencing at 5.00 pm, on Wednesday, 20<sup>th</sup> April, 2016

**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**

David Aber (General Manager), Craig Filmer (Director – Planning & Environment), Dirk Wymer (Director – Operations), Greg Armstrong (Director – Corporate Services), Leanne Hardy (Personal Assistant), 1 member of the Press and 11 in the gallery.

**APOLOGIES**

Nil

**CONFIRMATION OF MINUTES**

**83/16 RESOLVED** on the motion of Councillors Cooper and Stuart Freudenstein that the minutes of the Ordinary Meeting of Council held on Wednesday, 16<sup>th</sup> March, 2016, be confirmed as a correct record of the proceedings.

**84/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Wallace that the minutes of the Extra-Ordinary Meeting of Council held on Wednesday, 18<sup>th</sup> March, 2016, be adopted.

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General Manager

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Mayor

## **OBITUARIES**

ELSIE ELDRIDGE  
HUGH ROXBURGH  
ROBERT HONEMAN  
IAN CALDWELL  
ARNOLD FULLER  
DAVID MITCHELL  
DOUGLAS MELLIS  
KENNETH VIRGO  
FRANCIS ENGLISH  
MAURICE HARCUMBE  
RUSSELL DORMAN  
SALVADOR CASTELO  
BRIAN FAVERO (former Alderman and Mayor of Young Municipal Council)  
DOROTHY BOOKER ('better known as BETTE') (former Alderman and  
Councillor of Young  
Municipal Council and  
Young Shire Council)

## **RECOGNITION OF COMMUNITY ACHIEVEMENT**

**85/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Cooper that a letter of thanks be sent to Twomey's Chartered Accountants for the information morning they put on for Seniors Week.

**86/16 RESOLVED** on the motion of Councillors Cooper and Stuart Freudenstein that Mark Foreman be thanked for being MC for the Young Sports Awards Dinner.

## **OPEN FORUM**

Nil

## **DELEGATES REPORTS AND CIVIC DUTY**

**87/16 RESOLVED** on the motion of Councillors Cooper and Stuart Freudenstein that the verbal Delegates Reports and Civic Duties be noted.

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General Manager

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Mayor

## **COMMITTEE REPORTS**

### **Young Shire Band – 8.2.16**

**88/16 RESOLVED** on the motion of Councillors Walker and Sandy Freudenstein that the minutes of the Young Shire Band meeting held on 8<sup>th</sup> February, 2016 be received and adopted.

### **South West Regional Library Committee – 8.3.16**

**89/16 RESOLVED** on the motion of Councillors Walker and Sandy Freudenstein that the minutes of the South West Regional Library Committee meeting held on 8<sup>th</sup> March, 2016 be received and the following recommendations adopted:

- (i) That members of other public libraries be given free membership of South West Regional Library Service.*
- (ii) The Director of Riverina Regional Library is advised the South West Regional Library Service in its current form intend to continue membership of the South West Zone Digital Library beyond 30 June 2017, and agree to the increase in contribution and the application of an administration fee. However, due to the proposed amalgamations, this commitment could not be guaranteed post merger.*

### **Fruit Industry Committee Young & Harden – 10.3.16**

**90/16 RESOLVED** on the motion of Councillors Stuart Freudenstein and Sandy Freudenstein that the minutes of the Fruit Industry Committee Young & Harden held on the 10<sup>th</sup> March, 2016 be received and the following recommendations adopted:

- (i) Council receive and note the actions in community and backyard fly management.*
- (ii) Continue its commitment to support the continuation of S.I.T. within the Young urban area.*

### **Young Sports Advisory Committee – 14.3.16**

**91/16 RESOLVED** on the motion of Councillors Cooper and Stuart Freudenstein that the minutes of the Young Sports Advisory Committee meeting held on 14<sup>th</sup> March, 2016 be received and adopted.

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### **Fruit Industry Committee Young & Harden – 7.4.16**

**92/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Miller that the minutes of the Fruit Industry Committee Young & Harden held on the 7<sup>th</sup> April, 2016 be received and the following recommendations adopted:

- (i) *Council receive and note the actions in community and backyard fly management.*
- (ii) *Continue its commitment to support the continuation of S.I.T. (Sterile Insect Technique) within the Young urban area.*

### **GENERAL MANAGER'S REPORT**

<b>ITEM 8.01</b>	<b>FINANCE AND PERFORMANCE FOR MARCH/APRIL</b>
<b>Prepared by:</b> General Manager	<b>File Number:</b> 162.00

**93/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Cooper that the reports for the Finance and Performance for the month of February be received and noted.

### **ITEM 8.02 TOWN APPROACHES ROADSIDE VEGETATION MANAGEMENT**

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**Prepared by:** Director Operations

**File Number:** F112.15

**94/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Mullany that Council consider the town approaches roadside vegetation works for funding in the third quarter review to be presented to Council's May meeting

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General Manager

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Mayor

**ITEM 8.03            LANDFILL WASH BAY**

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**Prepared by:** MANAGER –  
ENVIRONMENTAL & PUBLIC HEALTH

**File Number:** 164.01

**95/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Walker that this item be open for discussion.

It was moved by Councillors Stuart Freudenstein and Cooper

1. That Council provide a user pays wash bay to the Victoria Street Waste Management Facility.
2. The project be funded from the rehabilitation reserve.

LOST

The General Manager advised that a further report on this project will be provided to the Council as requested.

**ITEM 8.04            DRAFT SECTION 94 AND DRAFT SECTION 94A  
DEVELOPMENT CONTRIBUTIONS - POST EXHIBITION**

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**Prepared by:** Director Planning  
Environment and Strategic Services

**File Number:** F154.18

**96/16            RESOLVED** on the motion of Councillors Sandy Freudenstein and Mullany that Council resolves to:

1. Adopt the Young Shire Council Section 94 Developer Contribution Plan and the Young Shire Council Section 94A Developer Contribution Plan as exhibited, without change excepting the insertion of adoption and implementation dates;
2. Council publicly notify the proposed developer contributions raised in the Plans nominated in 1.) above, within the proposed 2016/2017 Operational Plan for exhibition in the upcoming months in order that these charges may be ultimately adopted in the Operational Plan of Council for this next financial year;
3. Council formally repeal the existing Carparking & Stormwater Young Shire Council Section 94 Plan (21 July 1993);
4. The Council Policy No. 00020 – Rural-Roads Contribution Policy be amended by addition of a further paragraph immediately after that which exists which shall read –

*“This policy shall only apply to lands in the RU1, RU4 and RU5 zones of Young Shire LEP which have the following minimum lot size inscription on the Young Local Environmental Plan 2010 LSZ Map Series*

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**General Manager**

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**Mayor**

- RU5* - *included in this policy but no nominal lot size set*
- RU4* - *AB1 and AB2 tagged lands*
- RU1* - *AB1, AB2, and AD tagged lands”*

5. Young Shire Policy No 20 be exhibited for a minimum of twenty eight (28) days with the above inclusion before being reported back to Council for decision
6. The Young Shire Council Section 94 and 94A Developer Contributions Plans 2016 and also the changes to the Young Shire Council Policy No 00020 have implementation dates of 1 July 2016.
7. The NSW Minister for Planning’s Delegate at the NSW Department of Planning’s Wollongong Office be provided a copy of the Contributions Plans at Council’s earliest convenience.

**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	For
Clr Ben Cooper	For	Clr Brian Ingram	For
Clr Brian Mullany	For	Clr Sandy Freudenstein	For
Clr John Walker	For	Clr Allan Miller	For

**ITEM 8.05            TEMPLEMORE ST STORMWATER DRAINAGE**

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**Prepared by:** A / Director of Utility Services

**File Number:** F33.00

**97/16            RESOLVED** on the motion of Councillors Walker and Mullany that Council accept the proposal by the property owner to complete the work detailed above for an estimated cost to Council of \$79,500

**ITEM 8.06            LEED ENGINEERING, TEMPORARY SEWER CONNECTION**

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**Prepared by:** A / Director of Utility Services

**File Number:** F127.11

**98/16            RESOLVED** on the motion of Councillors Stuart Freudenstein and Mullany that Council approve, post construction, the waiving of the sewer connection fee because the works were completed by Leed Engineering and at no cost to the Council.

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General Manager

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Mayor

**ITEM 8.07                      ROADSIDE DRAINAGE MILVALE ROAD**

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**Prepared by:** Director Operations

**File Number:** property file 181 and 183  
Milvale Road

**99/16 RESOLVED** on the motion of Councillors Walker and Sandy Freudenstein

1. That Council approve the creation of an easement to drain stormwater across portions of 181 and 183 Milvale Road under the following terms of agreement:
  - i) blackmaxx or similar recycled plastic pipeline laid as shown in the diagram to pipe all public infrastructure on private land
  - ii) blackmaxx or similar recycled plastic pipeline used to pipe 30m of the Milvale Road frontage
  - iii) a shallower dish drain to be constructed along the alignment of the plastic pipeline to cater for heavier rainfall / overflow event
  - iv) the remainder of the table drain to be realigned onto public land
  - v) replacement tree to be provided along the frontage of 183 Milvale Road to replace the removed trees
2. That the seal of the Council of the Shire of Young be applied to the 'Deed of Agreement' formalising the creation of the drainage easement

**ITEM 8.08                      2016/DA-00014 – SUBDIVISION – 10 BOYDS LANE, YOUNG**

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**Prepared by:** Manager of Planning

**File Number:** F149.01

**This item has been deferred at the written request of the Applicant.**

**ITEM 8.09                      PROPOSED PROPERTY ACQUISITION - 2 MAIN STREET,  
YOUNG**

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**Prepared by:** Director Operations

**File Number:** Property file 2 William  
Street

**100/16 RESOLVED** on the motion of Councillors Walker and Mullany that the Seal of the Council of the Shire of Young be applied to the 'Deed of Agreement' formalising the land acquisition at 2 Main Street Young under the following terms

- (i) Council meeting all legal costs
- (ii) Council purchasing the area land at its pro-rata rateable value (the area of acquisition proposed is 15m<sup>2</sup> at a value of \$770 incl GST)
- (iii) The construction of a 5m wide concrete driveway from the William Street kerb line to the property boundary

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**General Manager**

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**Mayor**



**ITEM 9        CORRESPONDENCE**

9.01    #209975    17.06/130.00

AUSTRALIA REMEMBERS

The motion was deferred till the next meeting.

9.02    #210203-02    157.00/23.03

SOUTHERN SLOPES TRANSPORT WORKING GROUP,

**101/16 RESOLVED** on the motion of Councillors Walker and Sandy Freudenstein that Council receive and note the Minutes of the Southern Slopes Transport Working Group meeting held 16<sup>th</sup> November, 2015.

9.03    #210321-01    78.06

HIGH GROUND CONSULTING

**102/16 RESOLVED** on the motion of Councillors Mullany and Cooper that Councillors receive and note the March 2016 report from High Ground Consulting.

9.04    #211314        21.01/130.00

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

**103/16 RESOLVED** on the motion of Councillors Walker and Stuart Freudenstein that the information be received and noted.

9.05    #211335        172.00

YOUNG LOCAL HEALTH ADVISORY COMMITTEE,

**Clr Walker declared an interest in this item.**

**104/16 RESOLVED** on the motion of Councillors Stuart Freudenstein and Cooper that \$500 donation be made to Young Local Health Advisory Committee.

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**General Manager**

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**Mayor**

9.06 #211439 F97.02

WESTERN REGION ACADEMY OF SPORT

**105/16 RESOLVED** on the motion of Councillors Walker and Cooper that this request is being made through the Section 356 Committee.

9.07 #212675-01 78.06

HIGH GROUND CONSULTING

**106/16 RESOLVED** on the motion of Councillors Sandy Freudenstein and Mullany that Councillors receive and note the April 2016 report from High Ground Consulting.

**107/16 RESOLVED** on the motion of Councillors Stuart Freudenstein and Mullany that the following late item of correspondence be dealt with as a matter of urgency.

9.08 #212508 NSW RURAL DOCTORS NETWORK

**108/16 RESOLVED** on the motion of Councillors Stuart Freudenstein and Mullany that Council does not donate to the NSW Rural Doctors Network.

**ITEM 10 CONFIDENTIAL REPORT**

**10.1 TENDER FOR THE CLOETE STREET PAVEMENT RECONSTRUCTION**

**10.2 PROPOSED TENDER FOR SELECT AND PAVEMENT LAYERS APPS  
LANE REALIGNMENT**

**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 public so much of its meeting as comprises the receipt or discussion of any of the following:

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General Manager

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Mayor

- (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,

**109/16 RESOLVED** on the motion of Councillors Mullany 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 FOR THE CLOETE STREET PAVEMENT RECONSTRUCTION**  
**10.2 PROPOSED TENDER FOR SELECT AND PAVEMENT LAYERS APPS**  
**LANE REALIGNMENT**

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.

**ITEM 10.1 TENDER FOR THE CLOETE STREET PAVEMENT RECONSTRUCTION**

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**Prepared by:** Works & Contracts  
 Engineer

**File Number: F93.01.277**

**110/16 RESOLVED** on the motion of Councillors Mullany and Stuart Freudenstein

1. That Council accept the schedule of rates tender from Fulton Hogan Industries Pty Ltd for the asphaltic concrete reconstruction of Cloete Street and Zouch Street, Young in accordance with the requirements of request for tender 277 of 2016.

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2. That Council note the payments made under a schedule or rates contract will vary from the scheduled amount in this report.
3. That Council note the tendered amount of \$507,258.00 (including GST) based on the quantities provided in the schedule of rates.

**ITEM 10.2            PROPOSED TENDER FOR SELECT AND PAVEMENT LAYERS  
                             APPS LANE REALIGNMENT**

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**Prepared by:** Director Operations

**File Number:** F72.13,F72.14, F112.00

**111/16        RESOLVED** on the motion of Councillors Mullany and Stuart  
Freudenstein:

1. Council tender for the delivery of the select, subbase and base pavement layers of the Olympic Highway Apps Lane project.
2. Due to the urgency of the project that Council shorten the statutory 21 day tender period to 14 days to:
  - minimise the time delay to project commencement for the community
  - the potential contract delay cost claims against it
  - demonstrate to the RMS that the pricing as submitted for the project is commercially based in the marketplace

**The meeting concluded at 6.51 pm.**

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Wednesday, 20<sup>th</sup> April, 2016.**

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**General Manager**

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**Mayor**