

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
HELD AT THE COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN  
AT 4.30 PM ON WEDNESDAY 16 SEPTEMBER 2009**

**PRESENT:** Councillors Osborne (Chairperson), Evans, Jacob, McDonald, McInerney, O'Neill, Ross and Scheuner.

**IN ATTENDANCE:** General Manager, Director Corporate & Community Services, Director Engineering, Director Environment and Planning and Executive Assistant.

## **PRAYER**

Pastor Darren Kupke opened the meeting with a prayer.

## **DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY INTEREST (CONFLICT OF INTEREST)**

Nil.

## **APOLOGY**

**2007 RESOLVED** [McInerney/McDonald]

That the apology for Councillor Wilton be received and leave of absence granted.

## **CONFIRMATION OF MINUTES**

### **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 19 AUGUST 2009**

**2008 RESOLVED** [McInerney/Evans]

That the Minutes of the Ordinary Meeting of Greater Hume Shire Council, held at Holbrook on Wednesday, 19 August 2009, as printed and circulated, be confirmed as a true and correct record of the proceedings of such meeting, subject to the correction to the record of councillors attending to include Councillor Wilton.

## **ACTION REPORT FROM THE MINUTES**

### **1290 – KILTEARN HOUSE HOSTEL ADVISORY COMMITTEE – ADDITIONAL AGED CARE BEDS FOR CULCAIRN**

Cr Ross asked if any further progress in the matter had occurred. General Manager advised that the Committee plans to undertake survey of community but that to date this had not occurred.

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1738 – CROWN LANDS – COMMUNICATION SITES

Cr Ross indicated that one of the affected properties has been sold and he suggested that contact be made with new owner regarding access.

1783 – PROPOSED SALE OF LOTS 189/190 DP 752724 – FORMER BROCKLESBY DEPOT

Cr Ross questioned if the sale had been completed. In reply, General Manager indicated that contracts had been signed last week, and he could see no reason why the matter wouldn't settle soon.

927 – HUME HIGHWAY BYPASS OF HOLBROOK

Cr McNerney queried progress in the matter. Director Engineering advised that discussion is continuing regarding options for relocation of Council's Depot site including Central Brigade Station.

1283 – RIGHT TO FARM POLICY

Cr McNerney asked if there was any progress in the development of 'right to farm' fact sheets/handbook. General Manager advised that REROC had been unsuccessful in its attempts to seek funding for this handbook.

1593 – RAILWAY LEVEL CROSSINGS

Cr Scheuner queried the current status for proposed railway crossings at Ashleigh Park and Baird Street, Culcairn.

General Manager advised that Director Engineering and/or himself have attended risk assessments for crossings at Baird Street, Culcairn and Ashleigh Park crossings. It is likely that ARTC will not honour commitments made to Council in correspondence dated 11 February 2009.

General Manager further advised that a report on the matter will be presented to Council at a future time, when more detailed information is to hand.

1609 – PROPOSED HOLBROOK ROTARY AND PLAYGROUND EXERCISE CIRCUIT

Cr O'Neill queried progress in the matter. Director Engineering advised that he is still awaiting further advice from Holbrook Rotary with regard to direction for the project.

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## **MAYORAL AND DEPUTY MAYORAL ELECTIONS**

AT this juncture, 4.54pm, Cr Osborne departed the chair.

### **1. MAYORAL ELECTION**

The Returning Officer (General Manager) reported that two nominations had been received for the position of Mayor from Councillors Osborne and Ross.

The Returning Officer called for further nominations. No additional nominations were received at this time.

#### **2009 RESOLVED [McInerney/Scheuner]**

That the Mayoral election be determined by Ordinary Ballot.

The Returning Officer reported that, following the conduct of the Ballot, Councillor Osborne elected as Mayor for the period September 2009 to September 2010.

### **2. ELECTION OF DEPUTY MAYOR [G.140.1]**

The Returning Officer reported that 2 nominations had been received for the position of Deputy Mayor - being Councillors Osborne and Ross.

As Councillor Osborne was elected Mayor, her nomination for Deputy Mayor was no longer valid.

The Returning Officer called for further nominations. No additional nominations were received at this time. The Returning Officer announced Councillor Ross elected as Deputy Mayor for the period September 2009 to September 2010.

Councillor Osborne resumed the Chair at 5.00pm.

#### **2010 RESOLVED [McInerney/McDonald]**

That Part A Officers' Reports Engineering Item 1 be brought forward for discussion and deliberation at this time.

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## **PART A OFFICERS' REPORTS - FOR DETERMINATION**

### **ENGINEERING**

#### **1. STREET LIGHT AT BOWNA STORE**

**2011 RESOLVED** [McDonald/McInerney]

That Council, in the interests of safety, not accede to the request to the removal of the streetlight on the intersection of Wymah Road and Bowna Road (old Hume Highway).

**2012 RESOLVED** [McInerney/Evans]

That the order of business return to that as printed in the agenda.

*At this juncture, the meeting returned to Governance Item 3 report.*

### **GOVERNANCE**

#### **3. COUNCIL MEETING VENUES AND MEETING TIMES**

**2013 RESOLVED** [McInerney/O'Neill]

That:

1. Council meet on the third Wednesday of each month excluding January and June 2010.
2. No ordinary meeting of Council be scheduled for January 2010. Should a matter of urgency arise, the Mayor shall call an extraordinary meeting in accordance with Council's Code of Meeting Practice.
3. Council defer the June 2010 meeting to the fourth Wednesday to enable compliance with legislative requirements for the public exhibition of the Management Plan and Revenue Budget.
4. The venue for meetings shall rotate between Culcairn and Holbrook except for the November 2009 meeting which will be held at Burrumbuttock and the February 2010 meeting which will be held at Walla Walla.

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**4. APPOINTMENT OF DELEGATES**

MOTION [Ross/McInerney]

That the Greater Hume Shire Economic Advisory Committee be a full committee of Council.

**2014 AMENDMENT [McDonald/Jacob]**

That the Greater Hume Shire Economic Advisory Committee be a committee of 5 councillors elected by Council.

On being put to the vote the AMENDMENT WAS CARRIED, BECAME THE SUBSTANTIVE MOTION AND WAS AGAIN PUT AND CARRIED.

At this juncture, Cr Evans withdrew her expression of interest in this Committee, resulting in Councillors McDonald, McInerney, O'Neill, Ross and Wilton being elected to the Greater Hume Shire Economic Advisory Committee for the ensuing 12 month period.

**2015 RESOLVED [McDonald/Jacob]**

1. That Council appoint the delegates to the respective organisations listed in the table reproduced below.
2. Murray Arts be informed that agendas/minutes for that organisation be forwarded to Council's delegate and alternate delegate.

<b>ORGANISATION</b>	<b>Delegate(s) 2009/2010</b>
Alliance of Councils and Shires of Upper Murray (ACSUM) Working Party – Albury City, Greater Hume, Indigo, Towong Shires and Wodonga City	Mayor and Deputy Mayor
Apprentices Trainees Employment Limited (ATEL) Board	Cr Osborne
Australia Day Committee	Crs Evans, McDonald, O'Neill (Cr Osborne ex officio)
Culcairn Community Housing Committee	Defer appointment, subject to report to Council.
Culcairn Community and Development Forum	Cr Scheuner

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APPOINTMENT OF DELEGATES [CONT'D]

<b>ORGANISATION</b>	<b>Delegate(s) 2009/2010</b>
Eastern Riverina Noxious Weeds	Cr Ross (alternate Cr McDonald)
Grants Committee	Crs McInerney, Evans & Jacob
General Manager's Review Committee	Mayor, Deputy Mayor & Cr Scheuner
Greater Hume Shire Economic Advisory Committee	Crs McDonald, McInerney, O'Neill, Ross & Wilton
Greater Hume Shire Economic Development Officer Project Steering Committee	Economic Development Committee, General Manager, Director Corporate & Community Services, Andrew Kotzur & John Ralph
Greater Hume Shire Tourism Advisory Committee	Crs Evans, Jacob and Scheuner
Greater Hume/Lockhart Shires Youth Steering Committee	Cr Scheuner (alternate Cr Osborne)
Greater Hume Shire Multi Service Outlet Steering Committee	Crs Osborne and O'Neill
Gum Swamp Reserve Management Committee	<i>Defer appointment until Nuala Jewitt returns to staff. Report on status of Gum Swamp Reserve Management Committee to be presented to future meeting of Council.</i>
Health Services Working Group Committee	Deputy Mayor and General Manager
Henty Community Development Committee	Cr Ross (alternate Cr Evans)
Holbrook Aged Services Committee	Cr Wilton (alternate Cr Osborne)
Holbrook Community Resource Centre Committee	Cr Wilton
Holbrook Sporting Complex Management Board	Cr McInerney
Holbrook Submarine and Museum and Visitor Information Committee	Cr Wilton
Internal Audit Committee	Mayor, Deputy Mayor, Cr Scheuner, Cr McDonald
Jindera Recreation Reserve Management Committee	Cr O' Neill

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APPOINTMENT OF DELEGATES [CONT'D]

<b>ORGANISATION</b>	<b>Delegate(s) 2009/2010</b>
Joint Regional Planning Panel (Greater Hume Shire representatives)	<i>Appointment not required on an annual basis</i>
Lake Hume Land On-Water Management Plan Community Reference Committee	Cr McDonald (alternate Cr Evans)
Local Emergency Management Committee	Cr McDonald (alternate Cr McInerney)
Local Environmental Plan Working Group	Crs Osborne, McInerney, Ross & McDonald
Local Traffic Committee	Director Engineering
Morven Community Committee	Cr Scheuner
Murray Arts Inc	Cr Osborne (alternate Cr Evans)
Murray Crossings Group	Director Engineering
Murray Darling Association	Crs McDonald and Jacob
Organisational Review Committee	<i>Review completed – no longer required.</i>
Riverina and Murray Regional Organisation of Councils	Mayor and General Manager
Riverina Eastern Organisation of Councils	Mayor and General Manager
Riverina Regional Library	Cr Evans (alternate Cr Ross) and Manager Community Services
Riverina Water County Council	<i>Not required on an annual basis.</i> (Crs Ross and McInerney)
Roads & Traffic Authority Liaison Committee	Mayor (alternate Cr McDonald) Director Engineering
Rural Fire Service Bushfire Management Committee and Hume Zone Liaison Committee	Cr McDonald (alternate Cr Ross)
Softwoods Working Party	Cr McInerney (alternate Cr McDonald) Director Engineering
Upper Murray Landcare Group	Cr McDonald
Upper Murray Partnership Agreement Joint Committee	Mayor Cr McInerney
Upper Murray Regional Library	General Manager (alternate Mayor)

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APPOINTMENT OF DELEGATES [CONT'D]

<b>ORGANISATION</b>	<b>Delegate(s) 2009/2010</b>
Walbundrie Progress Committee	Cr Evans
Walla Walla Community Committee	Cr Jacob (alternate Cr Evans)
West Hume Land Care Groups	Cr Jacob
Wirraminna Environmental Education Centre Committee of Management	Cr Jacob (alternate Cr Ross)

**5. DELEGATIONS OF AUTHORITY**

**2016 RESOLVED** [McInerney/Jacob]

That Council approve delegations to the Mayor and General Manager, pursuant to section 377 of the Local Government Act, the functions listed in the respective instruments of delegation reproduced below.

**DELEGATION OF AUTHORITY  
SECTION 378, LOCAL GOVERNMENT ACT, 1993  
MAYOR**

In order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities, Greater Hume Shire Council, as provided under Section 377 of the Local Government Act, 1993, hereby delegates to the person holding the position of Mayor and to the Deputy Mayor when acting in place of the Mayor, the following functions, duties and authorities as specified in Schedule 1 subject to the limitations specified in Schedule 2. This delegation shall commence on 16 September 2009 and remain in force until specifically altered or revoked in writing.

**SCHEDULE 1.**

1. To give effect to the provisions of the Local Government Act, 1993 and any other Act conferring powers or duties upon the Mayor and to any resolution of direction given to the Mayor by the Council.
2. ~~To sign in conjunction with the general manager all necessary documents on behalf of council under its common seal.~~ Cannot be delegated – requires a resolution of council.

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DELEGATIONS OF AUTHORITY [CONT'D]

3. To obtain legal advice from council's solicitor and/or the legal advisor of the NSW Shires Association.
4. To represent the council, in conjunction with the general manager, in deputations to government, inquiries, appropriate forums and at meetings of organisations which council has resolved to be a member of and for which an alternative delegate has not been specifically appointed.
5. To make media statements and issue media releases in respect of council decisions and relevant issues.
6. To carry out the general supervision, control and direction of the General Manager.
7. To determine applications by the general manager for various classes of leave.
8. To determine, in conjunction with the general manager, requests from community groups for minor subsidies of up to \$300 and requests for *in-kind* assistance to an estimated value of \$300.
9. To authorise appropriate presentations to be made to visiting dignitaries and to residents in recognition of achievements and milestones.
10. To exercise the powers of expulsion from meetings of council pursuant to section 10(2)(b) of the Local Government Act for persons guilty of acts of disorder as prescribed in the Local Government (Meetings) Regulation 1999.
11. In conjunction with the General Manager, to engage consultants to undertake projects, on behalf of Council, in those circumstances where the Council does not have the capacity or expertise to undertake the project. However, other than in an emergency the engagement of a consultant must be in accordance with a decision of the Council, or a general budgetary provision. If there is no budget provision, the consultancy is not to exceed \$10,000.
12. To authorise any works deemed urgent within the sums provided in the Council's budget at a cost not exceeding ~~\$10,000~~ \$20,000 in any particular situation.
13. To perform citizenship ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.
14. Approve attendance by Elected Members and Senior Staff at conferences and seminars, etc. within NSW and the ACT to a maximum of three days and within budget provisions.

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DELEGATIONS OF AUTHORITY [CONT'D]

**SCHEDULE 2**

**LIMITATIONS**

1. The following functions of Council are specifically excluded in accordance with Section 377 (1) of the Local Government Act, 1993.
  - The appointment of a general manager.
  - The making of a rate.
  - A determination under section 549 as to the levying of a rate.
  - The making of a charge.
  - The fixing of a fee.
  - The borrowing of money.
  - The voting of money for expenditure on its works, services or operations.
  - The compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment).
  - The acceptance of tenders which are required under this Act to be invited by the council.
  - The adoption of a management plan under section 406.
  - The adoption of a financial statement included in an annual financial report.
  - A decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6.
  - The fixing of an amount or rate for the carrying out by the 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 the council for the carrying out of any such work.
  - The review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 92 A of the Environmental Planning and Assessment Act 1979.
  - The power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194.
  - A decision under section 356 to contribute money or otherwise grant financial assistance to persons.
  - The making of an application, or the giving of a notice, to the Governor or Minister.
  - This power of delegation.
  - Any function under this or any other Act that is expressly required to be exercised by resolution of the council.

**End of delegation.**

**ADOPTED 17 AUGUST 2005  
MINUTE No. 344  
REVIEWED 26 SEPTEMBER 2007  
MINUTE No. 1170  
REVIEWED 24 SEPTEMBER 2008  
MINUTE No. 1622  
REVIEWED 16 SEPTEMBER 2009  
MINUTE No. 2016**

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DELEGATIONS OF AUTHORITY [CONT'D]

**DELEGATION OF AUTHORITY  
SECTION 378, LOCAL GOVERNMENT ACT, 1993**

**GENERAL MANAGER**

Greater Hume Shire Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities hereby delegates under Section 377 of the Local Government Act, 1993, to the person specified by resolution of the Council to have the functions of the GENERAL MANAGER, Steven Pinnuck and to the person holding the aforementioned position in an acting capacity the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2. This delegation shall commence on 16 September, 2009 and remain in force until specifically altered or revoked in writing in accordance with a resolution of the Council.

**SCHEDULE 1**

**General**

- Functions which relate to the role of the General Manager as specified in the Local Government Act 1993 its Regulations, Cognate and related legislation.

For the purposes of Section 381 of the Act, The General Manager's delegated authority to act on behalf of Council includes all functions and powers conferred or imposed by any of the legislation set out from time to time in Section 22 of the Act, including but not limited to the following:

Companion Animals Act 1998 and Companion Animal Regulation 2008  
Crimes Act 1990  
Community Land Development Act 1989  
Conveyancing Act 1919  
Crown Lands ACat 1989, Crown Lands Rgulation 2006 and Crown Lands (General Reserve) By-Law 2006  
Enviromental Planning and Assessment Act 1979  
Environmental Offences and Penalties Act 1989  
Fines Act 1996  
Fire Brigades Act 1989  
Food Act 2003  
Freedom Of Information  
Heritage Act 1977  
Impounding Act 1993, Impounding Regulation 2008  
Library Act 1939  
Local Government (General Regulation) 2005

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DELEGATIONS OF AUTHORITY [CONT'D]

Noxious Weeds Act 1993

Protection of the Environment Operations Act 1997, Protection of the Environment Operations Regulation 2000, Protection of the Environment Operations Amendment Act 2005 (POEO Amendment Act)

Public Health Act 1991

Recreation Vehicles Act 1983

Roads Act 1993, Australian Road Rules, Road Transport (Safety and Traffic Management) Act & Regulations 1999,

Road Transport (General Act) & Regulation 2005

Rural Fires Act 1997, Rural Fires Regulation 2008

State Emergency Service Act 1989

Swimming Pools Act 1992

Unclaimed Money At 1995

- Functions which relate to the role of the General Manager as specified in Council's adopted Codes, Policies and Procedures.
- Functions relative to the achievement of performance objectives as listed in the General Manager's employment contract.
  
- Authority to prepare submissions and make representations to Members of Parliament, Ministers of the Crown and Government Departments in accordance with policy and the best interests of Council.
  
- Authority to execute documents, contracts and agreements on behalf of Council including those requiring the affixing of the common seal of the Council.
  
- To affix the Common Seal of the Council in conjunction with the Mayor or Deputy Mayor to any necessary document pursuant to or consequent upon any decision of Council.

**Administration**

- To fulfill the responsibilities of Public Officer as defined in the Local Government Act 1993.
  
- To carry out the role of Privacy Contact Officer of Council.
  
- To carry out the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with any policy or resolution of the Council.
  
- To perform or authorise any action necessary to comply with any decision, policy or code of Council, any statutory requirements of the local Government Act or regulation or any other law, rule or regulation affecting Council.

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DELEGATIONS OF AUTHORITY [CONT'D]

- Reject any application within the prescribed period if it is not clear as to the approval sought or if it is not easily legible.
- Request any additional information that is reasonably necessary to determine any application.
- Subject to Council for its consideration any application or submission for a review of any decision or determination.
- To sign purchase orders on Council's behalf.
- To approve the use and arrange the lettings of the Council Chambers, and administrative buildings and approve or refuse such applications and apply any conditions of approval considered necessary.
- Authorised key personnel officer for the provision of Aged Care Services (as required by the Australian Government's Department of Health and Ageing) including authorisation to complete returns and legislative reports pertaining thereto.

**Animals**

- Nominated as the Authorised Officer under the Companion Animals Act 1998, No. 87.

**Approvals**

- To consider any application for approval for any item in the Table of Approvals in Chapter 7 of the Local Government Act 1993:
  - 1) If in the opinion that such application can be approved, grant such approval either conditionally or subject to conditions, or
  - 2) If of the opinion that such applications should be refused report such matter to Council for its determination.
- Submit to Council for its determination any application "for approval in principle" or "stage approval".
- To approve of the use of swimming pools, recreation areas, etc., for any legitimate purpose and to accept and arrange lettings of the Council Chambers, and Administrative Buildings and approve or refuse such applications and apply any conditions of approval considered necessary.

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DELEGATIONS OF AUTHORITY [CONT'D]

- Council Chambers, and Meeting Rooms.
- To grant approval for conduct of Street Stalls/Door Knock Appeals and allocate dates to applicant bodies.
- To approve the use of roads and streets for charitable and other legal purposes.
- Approve of the holding of festive celebrations such as Carols by Candlelight and the like in Council's Parks and Gardens.
- The power to determine an objection under Section 82(3) of the Local Government Act 1993 in relation to Council's Local Approvals Policy.

**Building**

- Make determinations in regards to the provisions of the Building Code of Australia (Administrative Provisions)

**Business Papers**

- To determine the matters which are to be included in the Business Papers subject to the inclusion of the following items whenever they arise, namely:-
  - a) Reports on matters which cannot be determined under Delegated Authority.
  - b) Reports required to be submitted under any Act or regulation.
  - c) Reference to any deputations which the Council has agreed to receive.
  - d) Matters requiring a determination of policy.
  - e) Reports directed by Council to be submitted.
  - f) Matters essential for the Council's information.
  - g) Matters requiring a vote of money.
  - h) Matters where the General Manager is of the opinion that any application should be refused.

**Certificates**

- To issue any Certificate for which provision is made for the issue of Certificates by the Council under any Act or Regulation.

**Child Care**

- Be authorised to undertake requirements as the Child Protection Disclosure Officer under the Child Protection (Prohibited Employment) Act, 1998 and Council's Child Protection Policy and Procedures.

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DELEGATIONS OF AUTHORITY [CONT'D]

**Communications**

- To respond to media publicity on Council matters and to issue media releases and make statements to the media on behalf of Council if the Mayor is unavailable or if the Mayor so authorises.

**Contracts**

- To sign Contracts for the sale and purchase of land where the sale or purchase has been approved by Council.

**Correspondence**

- To reply to all routine correspondence not involving a monetary vote by Council, not effecting Council policy and not requiring the consideration of Council.

**Dogs**

- To declare a dog "dangerous" in accordance with the Companion Animals Act.

**Environment**

- Be authorised to issue Self Enforcing Infringement Notices under the Environmental Offences and Penalties Act.

**Finance**

- To authorise the payment of salaries and wages of the employees of the Council within the sums voted by the Council for expenditure thereon.
- To authorise payment of accounts in respect of works or votes authorised by Council or associated with the functions of Council.
- Determine requests for in kind assistance from locally based, not-for-profit organisations and citizens of the Shire where such works can be reasonably accommodated with the programs and budget of Council.
- To approve applications for extension of time to pay accounts where acceptable case is made out.
- To invest surplus Council funds in accordance with section 625 of the Local Government Act, Local Government Regulations and Council Policies.

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DELEGATIONS OF AUTHORITY [CONT'D]

- To sign cheques drawn on Council's bank account and authorise and transmit electronic transfers from Council's bank account in conjunction with any other person authorised to sign cheques or electronic transfers on Council's behalf.
- Refund of Trust Fund Deposits including Contract Deposits on the recommendation and certification of the appropriate servant.

**Food Act 2003**

- Pursuant to Section 377(1) of the Local Government Act 1993 Council resolve to delegate to the General Manager the power to appoint authorised officers under Section 114 of the Food Act 2003.
- Pursuant to Section 377(1) of the Local Government Act 1993 Council resolve to delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the Food Act 2003.
- Pursuant to Section 378(a2) of the Local Government Act 1993, and conditional upon advice from the NSW Food Authority, Council resolve to approve the General Manager to sub-delegate the power to serve Prohibition Orders under Section 60 of the Food Act 2003 to the Director, Planning and Environment.
- Pursuant to Section 381(3) of the Local Government Act 1993 Council resolve to approve the NSW Food Authority's delegation to the General Manger to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and Standard 3.2.3 (clauses 10 and 14).
- Pursuant to Section 109E of the Food Act 2003, and conditional upon approval from the NSW Food Authority Council resolve to approve the General Manager to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code's Standard 3.2.2 (clauses 15 and 17) and standard 3.2.3 (clauses 10 and 14) to the Director, Planning & Environment.

**Grants**

- Submit grant applications on Council's behalf subject to any budgetary commitment being consistent with Council's Management Plan and Annual Budget.
- Sign Income and Expenditure Statements in relation to Grant applications.

**Impounding**

- To be an impounding Officer in terms of the Impounding Act 1993 and to implement the objects of the Act and carry out all functions of the Act as outlined in Section 3.

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DELEGATIONS OF AUTHORITY [CONT'D]

**Insurances**

- To affect appropriate and adequate property and indemnity insurance in respect to any property of or under the control and management of Council or any civil liability of Council which may arise in connection with the exercise of its powers and authorities, duties or functions.
- Sign insurance claim forms on behalf of Council.
- Negotiate settlement of all insurance claims up to the current excess applicable to each policy.

**Legal Proceedings**

- Institution of:-
  - a) To authorise the issue of any penalty notice on the laying of any information or complaint or the institution of any other proceedings pursuant to the Local Government Act for the recovery of any penalty or the making of any ORDER for or in respect of any offence, nuisance or any other matter or thing whatsoever which the Council might be entitled to recover to seek under any Act or Regulation.
  - b) In respect to the institution, conduct and defense of legal proceedings concerning Councils activities in any Court to instruct and engage Council's Solicitors and counsel where necessary.
  - c) Lay information and appear in Court on behalf of Council in respect of any offence which prosecution is authorised by Council or provided by section 684 and 687 of the Local Government Act.
- To obtain legal advice from Council's Solicitors or counsel where considered necessary.

**Loans**

- Make applications for loan funds on behalf of Council to various lending authorities up to the maximum borrowing limit as determined by the Department of Local Government and in accordance with the Council Management Plan and Council resolutions.

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DELEGATIONS OF AUTHORITY [CONT'D]

**Noxious Weeds**

- To be an authorised person to issue notices in terms of Section 18, 19 and 20 of the Noxious Weeds Act 1993. Limitations refer to Schedule 2.3
- To be an Inspector under the Noxious Weeds Act 1993 and to carry out the functions conferred upon that position by Section 39, 40, 43 and 44 of the Noxious Weeds Act 1993.

**Orders**

- In accordance with Section 124 of the Local Government Act 1993 and Section 121 of the Environmental Planning & Assessment Act 1979 to give notice to any person to whom in the opinion of the General Manager an Order should be given in respect of any matters contained in any Act or regulation that Council intends to issue an Order.
- To issue an order in accordance with the above notice and to report to Council the circumstances where an order has been issued.

**Note**

This delegation shall include but is not limited to the following Acts:-

- Companion Animals Act
- The Impounding Act 1993
- The Roads Act 1993
- The Food Act 1989
- Public Health Act 1991
- The Swimming Pools Act 1992
- Noxious Weeds Act
- EPA Act 1979
- Protection of Environment Operations Act 1997
- Waste Minimisation Act

**Planning**

- Sign linen plans of subdivision upon certification that all Council requirements have been complied with or that satisfactory bonding arrangements have been entered into.
- To approve of all Development Applications within the Greater Hume Shire Council and in accordance with Council's Local Environmental Plan subject to the following:
  - a) Confirmation report submitted to Monthly Meeting of Applications Approved.
  - b) Where objections are received following notification procedures, application be brought to Council's attention.
  - c) Any application recommended for refusal.

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DELEGATIONS OF AUTHORITY [CONT'D]

- d) Any application where the applicants seeks to depart from the standards contained in a development Control Plan or policy of Council (except for minor variations).
- e) Any application where the applicant is objecting to a development standard contained in a local planning instrument in accordance with State Environmental Planning Policy (SEPP) 1.
- f) Any application considered by the General Manager (in consultation with the Director, Environment and Planning) to be of significant public interest.

**Powers of Entry and Inspection**

- To grant from time to time to any employee of the Council the authority vested in Council under the provisions of the Local Government Act or any other Act to enter and inspect premises and to carry out works deemed necessary.

**Private Works**

- To reach agreement with the owner or occupier of any private land to carry out private works on the land in accordance with any fee scale set by Council.

**Rating**

- To categorise all rateable land according to Section 514 of the Local Government Act 1993.
- Determine the eligibility for farmland rating in accordance with section 515 of the Local Government Act 1993 subject to appeals against eligibility being referred to Council.
- To prepare and serve rate notices at any time following the making of the rate by Council.
- In relation to payment of rates by instalments to determine if extenuating circumstances exist when instalment payments are not made by the due date and decide whether the instalment will be accepted as a bonafide payment.
- To authorise the Institution of Legal Proceedings for the recovery of outstanding rates and other debts due to the Council.
- To amend or alter the rate book where necessary.
- To adjust, recover or refund rates in respect to land owned by the Crown.
- To issue rate notices requiring rents due and payable on land to be paid to Council in liquidation of outstanding rates.

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DELEGATIONS OF AUTHORITY [CONT'D]

- Authority to authorise the writing off of rates and charges where the amount of any individual rate or charge is less than \$1,000.

**Records - Destruction and Disposal of**

- Subject to any reasonable requests or lawful direction to the contrary to destroy or dispose of by other means, records of the Council subject to the requirements of any Act or regulation and the general records disposal schedule for Local Government Records in New South Wales.

**Roads**

- That the General Manager be an authorised Officer in terms of Section 251 of the Roads Act 1993.
- That the General Manager be the authorised Officer pursuant to Section 121(1) of the Road Transport (General) Act 2005 for the purpose of the following sections:

- Section 136: Direction to stop vehicle or combination: to enable exercise of other powers.
- Section 137: Direction to move vehicle or combination: to enable exercise of other powers.
- Section 138: Direction to move vehicle or combination: where danger or obstruction.
- Section 140: Manner of giving directions under this Division.
- Section 171: Authorised officer may require production of driver licence and name and address from driver or rider.
- Section 173: Authorised officer may require responsible person for vehicle and others to disclose identity of driver who commits offence.

**Service of Notices**

- To serve on any person or body on behalf of the Council in the prescribed format any notices required by or under any Act or Regulation or consequent to any decision of Council.

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DELEGATIONS OF AUTHORITY [CONT'D]

**Staff**

- To authorise approval of leave of absence for all Staff of the Council.
- To apply to wages and salaries any automatic award variations basic wage variation or cost of living adjustments subject to official notification from the Local Government and Shires Association of New South Wales, or Workchoices Legislation or total financial resource allocation in Council's Annual Budget.
- To approve attendance by Council Officers and Staff at Conferences and Seminars which are conducted by or endorsed by the Department of Local Government and other relevant authorities and/or the Local Government and Shires Associations.
- To approve attendance by Staff at training courses included in Council's Staff Training Programme together with associated User Group Meetings and for which funds are available in Council's Budget.
- To authorise Council Staff to attend Professional Conferences in accordance with Councils policy.
- Deal with industrial disputes.
- Grant authority for the placement or Work Experience students, subject to such authorisation being in accordance with Council's policy. Such authorisation is to be undertaken in conjunction with accepted Human Resource Management guidelines.

**Swimming Pools**

To exercise the functions of the Council under the Swimming Pools Act, 1992 including the power to appoint "inspectors" to perform the duties empowered by the Act.

**SCHEDULE 2.**

1. Council may by resolution direct the General Manager in the exercise of any function herein delegated.
2. The General Manager shall exercise the functions herein delegated in accordance with and subject to:
  - a) the provisions of the Local Government Act, 1993, as amended
  - b) the policies of the Council adopted by Resolution and current at the time of the exercise of the functions herein delegated.

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DELEGATIONS OF AUTHORITY [CONT'D]

3. Submissions received in response to a notice of intention to serve a Section 18 Notice being referred to Council for consideration

**ADOPTED 17 AUGUST 2005  
MINUTE No. 344  
AMENDED 16 NOVEMBER 2005  
MINUTE NO. 437  
REVIEWED 26 SEPTEMBER 2007  
MINUTE No. 1170  
AMENDED 21 NOVEMBER 2007  
MINUTE No. 1250  
AMENDED 24 SEPTEMBER 2008  
MINUTE No. 1622  
AMENDED 16 SEPTEMBER 2009  
MINUTE No. 2016**

**ENVIRONMENT AND PLANNING**

1. **DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION – ‘WYBALENA’, 450 MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK [P40053-5; P40053-21; P41705-02; P41680-5]**

MOTION [Ross/Evans]

That the application be formally refused.

**DEVELOPMENT APPLICATION NO. 100/08-09**

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Cr Evans Cr McInerney Cr Ross Cr Scheuner	Cr Jacob Cr McDonald Cr O'Neill Cr Osborne	Cr Wilton	

**On being put to the vote, the voting was tied, and upon the Mayor exercising her right to a casting vote, THE MOTION WAS LOST.**

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DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION – ‘WYBALENA’, 450 MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK [CONT'D]

At this juncture, a RESCISSION MOTION was tabled.

**2017 RESOLVED** [O'Neill/Jacob]

We, the undersigned, do hereby move that the negated decision (in relation to the lost motion) of Item 2 of Environment & Planning Officer's Report to the Ordinary Meeting held on 19 August 2009 which reads as follows be rescinded.

DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION - ‘WYBALENA’, 450 MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK

MOTION [McDonald/Jacob]

That Development Application No. 100-08/09 be approved subject to the following conditions:

*General*

1. The development is to be carried out generally in accordance with the approved plans endorsed DA 100-08/09 except where amended by the following conditions.
2. This approval shall expire if the subdivision, including each stage, is not commenced within five (5) years of the date of consent.
3. The following conditions of the Rural Fire Service (RFS) are to be complied with:
  - (a) At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s), to a distance of 10 metres, shall be maintained as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*. (Copies can be downloaded from [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au))
  - (b) Public road access shall comply with section 4.1.3(1) of *Planning for Bush Fire Protection 2006*.
  - (c) Property access roads shall comply with section 4.1.3(2) of *Planning for Bush Fire Protection 2006*.
4. Any new access crossovers from a public road are to be the subject of separate applications to Council for approval under section 68 of the *Local Government Act 1993* and constructed in accordance with Council's Standard Plan No. 2002-010, including cross-over pipes. Any such accessways are to be constructed to a '2-wheel-drive all-weather' standards suitable for emergency vehicle access in accordance with RFS requirements. Any such works are to be undertaken in accordance with Council's *Soil and Water Management Guidelines for Subdivisions* and the.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION - 'WYBALENA', 450  
MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK [CONT'D]

*Prior to the issue of a Subdivision Certificate*

5. Documentary evidence of compliance with the conditions of the Rural Fire Service as listed in this development consent are to be provided to Council. In relation to Condition 3(c) of this development consent, suitable documentary evidence should be provided by a suitably qualified civil engineer.
6. Prior to the issue of a Subdivision Certificate, documentary evidence is to be provided to Council regarding consultation with the Department of Water and Energy concerning the 'maximum harvestable water right' and the size and location of existing dams on the proposed lots and compliance of such lots and dams with the State Government's *Farm Dams Policy*. (Further information can be downloaded from [www.dwe.nsw.gov.au/water\\_trade/rights\\_farmdams.shtml](http://www.dwe.nsw.gov.au/water_trade/rights_farmdams.shtml))
7. The following documentary evidence is to be obtained and forwarded to Council: -
  - (a) A Notification of Arrangement issued by the relevant electricity supplier; and
  - (b) A letter of compliance from the relevant telecommunications carrier.
8. The Subdivision Certificate will not be issued until all conditions of this consent have been complied with to the satisfaction of Council.
9. Payment of \$100 per lot for provision of rural addressing plates.

*Conditions have been placed on the consent for the following reasons:*

1. To ensure the compliance with the terms of the Environmental Planning Instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorises the imposing of consent conditions.
3. Having regard to the comments made by referral authorities and submissions received from the public.
4. Having regard to the circumstances of the case and the public interest.

**On being put to the vote the motion was LOST, based on the following grounds:**

1. The proposed subdivision would fragment existing agricultural land which is considered contrary to sections 79C(1)(c) and 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed subdivision would create a number of rural lifestyle lots located remotely from community infrastructure which is considered contrary to section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*.

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DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION - 'WYBALENA', 450 MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK [CONT'D]

**ON BEING put to the vote, the voting on the motion of rescission was tied, and upon the Mayor exercising her right to a casting vote, THE MOTION WAS CARRIED.**

**DEVELOPMENT APPLICATION NO. 100/08-09**

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Cr Jacob Cr McDonald Cr O'Neill Cr Osborne	Cr Evans Cr McInerney Cr Ross Cr Scheuner	Cr Wilton	

**2018 RESOLVED** [McDonald/O'Neill]

That Development Application No. 100-08/09 be approved subject to the following conditions:

*General*

1. The development is to be carried out generally in accordance with the approved plans endorsed DA 100-08/09 except where amended by the following conditions.
2. This approval shall expire if the subdivision, including each stage, is not commenced within five (5) years of the date of consent.
3. The following conditions of the Rural Fire Service (RFS) are to be complied with:
  - (a) At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s), to a distance of 10 metres, shall be maintained as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document *Standards for asset protection zones*. (Copies can be downloaded from [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au))
  - (b) Public road access shall comply with section 4.1.3(1) of *Planning for Bush Fire Protection 2006*.
  - (c) Property access roads shall comply with section 4.1.3(2) of *Planning for Bush Fire Protection 2006*.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION – 'WYBALENA', 450  
MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK [CONT'D]

4. Any new access crossovers from a public road are to be the subject of separate applications to Council for approval under section 68 of the *Local Government Act 1993* and constructed in accordance with Council's Standard Plan No. 2002-010, including cross-over pipes. Any such accessways are to be constructed to a '2-wheel-drive all-weather' standards suitable for emergency vehicle access in accordance with RFS requirements. Any such works are to be undertaken in accordance with Council's *Soil and Water Management Guidelines for Subdivisions* and the.

*Prior to the issue of a Subdivision Certificate*

5. Documentary evidence of compliance with the conditions of the Rural Fire Service as listed in this development consent are to be provided to Council. In relation to Condition 3(c) of this development consent, suitable documentary evidence should be provided by a suitably qualified civil engineer.
6. Prior to the issue of a Subdivision Certificate, documentary evidence is to be provided to Council regarding consultation with the Department of Water and Energy concerning the 'maximum harvestable water right' and the size and location of existing dams on the proposed lots and compliance of such lots and dams with the State Government's *Farm Dams Policy*. (Further information can be downloaded from [www.dwe.nsw.gov.au/water\\_trade/rights\\_farmdams.shtml](http://www.dwe.nsw.gov.au/water_trade/rights_farmdams.shtml))
7. The following documentary evidence is to be obtained and forwarded to Council:  
-
  - (a) A Notification of Arrangement issued by the relevant electricity supplier; and
  - (b) A letter of compliance from the relevant telecommunications carrier.
8. The Subdivision Certificate will not be issued until all conditions of this consent have been complied with to the satisfaction of Council.
9. Payment of \$100 per lot for provision of rural addressing plates.

*Conditions have been placed on the consent for the following reasons:*

1. To ensure the compliance with the terms of the Environmental Planning Instruments.
2. Having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorises the imposing of consent conditions.
3. Having regard to the comments made by referral authorities and submissions received from the public.
4. Having regard to the circumstances of the case and the public interest.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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DEVELOPMENT APPLICATION NO. 100-08/09: 12 LOT SUBDIVISION – ‘WYBALENA’, 450 MIRRABOOKA ROAD (AND YARRA YARRA ROAD), HOLBROOK [CONT'D]

**ON BEING put to the vote, the voting was tied, and upon the Mayor exercising her right to a casting vote, THE MOTION WAS CARRIED.**

**DEVELOPMENT APPLICATION NO. 100/08-09**

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Cr Jacob Cr McDonald Cr O'Neill Cr Osborne	Cr Evans Cr McInerney Cr Ross Cr Scheuner	Cr Wilton	

**2. DEVELOPMENT APPLICATION 11/09-10 – COMMUNITY FACILITY – WASTE TRANSFER STATION – FORMER HUME HIGHWAY SOUTHERN ALLIANCE BATCHING PLANT, BOWNA ROAD (FORMER HUME HIGHWAY), MULLENGANDRA.**

Cr McInerney departed the chamber at 6.00pm and returned at 6.02pm.

**2019 RESOLVED** [O'Neill/Jacob]

That application 11-09/10 for a waste transfer station on land described as Lot 14 DP1110642 at Bowna Road (former Hume Highway), Mullengandra, be approved subject to the following conditions.

1. *Development shall be generally in accordance with the approved plans and accompanying information (including the Statement of Environmental Effects), except where modified by the following conditions.*
2. *Prior to commencement of the waste transfer station:*
  - (a) *Any licences required to be obtained from the Environment Protection Authority under the Protection of the Environment Operations Act 1997 be obtained.*
  - (b) *Revegetation of the site must be implemented in accordance with the 'work schedule', plans and particulars within document titled 'Vegetation Management Plan for Mullengandra Waste Transfer Station, Mullengandra NSW' (version 1) prepared by Red-Gum Environmental Consulting.*

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DEVELOPMENT APPLICATION 11/09-10 – COMMUNITY FACILITY – WASTE TRANSFER STATION – FORMER HUME HIGHWAY SOUTHERN ALLIANCE BATCHING PLANT, BOWNA ROAD (FORMER HUME HIGHWAY), MULLENGANDRA [CONT'D]

3. *During construction, all necessary precautions must be taken to ensure that pollution of adjacent land or watercourses does not occur during the construction phase of the development. Erosion and sediment control works should be put in place to minimise sediment loss.*
4. *During construction, measures must be taken to minimise and control the emission of noise and dust which may impact upon neighbouring properties.*

***Limits of approval***

5. *The waste transfer facility must not process more than:*
  - (a) *10,000 tonnes per annum of livestock, agricultural or food processing or similar waste; or*
  - (b) *30,000 tonnes per annum of glass, plastic, paper, wood, metal, rubber, building demolition material or similar.*
6. *The waste transfer facility must not purify, recover, reprocess or process more than*
  - (a) *5,000 tonnes per annum of solid or liquid organic waste.*
7. *Wastes classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste shall no be permitted within the waste transfer station. Signage must be erected adjacent to disposal bins to advise visitors.*

***RTA Conditions***

8. *Any entry gate to the site shall be located at least 30m from the edge of seal of the carriageway or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.*
9. *The driveway shall be sealed from the edge of seal of the carriageway to the entry gate or the property boundary whichever is the greater. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway. The remainder of the driveway access should be constructed using an all weather surface.*
10. *The layout of the internal roadways is to accommodate the swept path of the largest vehicle proposed to utilise the site and be designed to allow for all vehicles to enter and exit the subject site in a forward direction.*
11. *All activities including, loading and unloading associated with this development are to take place within the subject site.*
12. *Appropriate operational measures are to be implemented and structures installed to control litter and dust leaving the site to the adjoining road reserves and to address visual concerns with the build up of litter around the boundaries of the site.*
13. *Any works associated with the proposed development shall be at no cost to the RTA.*

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DEVELOPMENT APPLICATION 11/09-10 – COMMUNITY FACILITY – WASTE TRANSFER STATION – FORMER HUME HIGHWAY SOUTHERN ALLIANCE BATCHING PLANT, BOWNA ROAD (FORMER HUME HIGHWAY), MULLENGANDRA [CONT'D]

***Operational Conditions***

14. *Perimeter fences and lockable access gates should be installed to prevent unauthorised access to the site and ensure security of the buildings and any plant machinery within premises.*
15. *All accessways must be maintained to a standard which ensures safe movement of vehicles and allows clear demarcation of the road from the hardstand and unloading areas.*
16. *The residential amenity of the surrounding properties must not be detrimentally affected by the use of land.*
17. *All areas of the site must be maintained in a condition that minimises the generation of dust.*
18. *All loading and unloading of vehicles should be undertaken on-site.*
19. *Advisory road signage must be erected within the site at appropriate locations to allow clear directions for internal traffic movements and ensure safe efficient traffic movement within the site.*
20. *If Aboriginal objects or material are uncovered during operations, then works must cease and DECCW contacted immediately. If Aboriginal objects/places are known to be directly or indirectly adversely affected by an activity, the proponents will need to apply for, and be issued, a National Parks and Wildlife Act 1974 Section 87 Permit or a Section 90 Consent by the Director General of DECCW.*
21. *At the request of the Land and Property Management Authority, the development must ensure:*
  - (a) *there are no negative impacts on the use, function or any environmental features on any adjoining Crown Land; and*
  - (b) *development drainage, overflow or contaminated waste (contaminated run-off or septic) must not enter, or negatively impact in any way, any adjoining Crown Land.*
22. *No trees shall be removed from the land as a result of the development without the written permission of Council.*

***General***

23. *Written notice shall be given to Council seven (7) days prior to the commencement of any works associated with the subdivision.*
24. *This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date hereof.*

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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DEVELOPMENT APPLICATION 11/09-10 – COMMUNITY FACILITY – WASTE TRANSFER STATION – FORMER HUME HIGHWAY SOUTHERN ALLIANCE BATCHING PLANT, BOWNA ROAD (FORMER HUME HIGHWAY), MULLENGANDRA [CONT'D]

**Advice conditions**

- (a) *It is an offence to destroy, damage or deface Aboriginal objects without the written consent of the Director General, Department Environment Climate Change and Water ("DECCW"), or her delegate. It is in the interest of proponents to ensure that all reasonable precautions are taken to prevent damage to Aboriginal objects.*
- (b) *A licence may be required under the Threatened Species Conservation Act 1995 if a development/activity is likely to harm a threatened species, population or ecological community or damage critical habitat or the habitat of a threatened species, population or ecological community. Further information about the Threatened Species Conservation Act 1995 is available from DECCW website.*

**Reason for Conditions**

*The above conditions have been imposed:*

- (i) *to ensure compliance with the terms of the environmental planning instruments;*
- (ii) *having regard to Council's duties of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as well as Section 80A which authorises the imposing of the consent conditions; and*
- (iii) *having regard to the circumstances of the case and the public interest.*

**DEVELOPMENT APPLICATION NO. 11/09-10**

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Cr Evans Cr Jacob Cr McDonald Cr McInerney Cr O'Neill Cr Osborne Cr Ross Cr Scheuner		Cr Wilton	

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**3. REMUNERATION TO JOINT REGIONAL PLANNING PANEL (JRPP) MEMBERS**

**2020 RESOLVED** [Ross/Scheuner]

That:

1. employees of Lockhart Shire Council engaged on Greater Hume Shire Council's JRPP receive no additional remuneration and non-staff \$600 per meeting plus incidental expenses as per the DPC guidelines.

<b>COUNCILLORS FOR</b>	<b>COUNCILLORS AGAINST</b>	<b>COUNCILLORS ABSENT</b>	<b>COUNCILLORS DECLARING INTEREST</b>
Cr Evans Cr Jacob Cr McDonald Cr McInerney Cr O'Neill Cr Osborne Cr Ross Cr Scheuner		Cr Wilton	

**2021 RESOLVED** [Ross/Scheuner]

That Cr McInerney be offered to Lockhart Shire Council as an alternate delegate to the Lockhart JRPP.

**4. USE OF JINDERA POOL MEETING ROOM**

**2022 RESOLVED** [O'Neill/Evans]

That the meeting room at the Jindera Swimming Pool be continued to be used as a community meeting room.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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**5. HOLBROOK RAILWAY PRECINCT**

MOTION [O'Neill/McDonald]

That Council advise the ARTC that Council relinquishes its interest in Lot 1 DP831081 and Lot 5 DP804402 subject to the Holbrook Lions Club entering into a lease agreement for those lots.

AMENDMENT [McInerney/Scheuner]

That this matter be deferred pending further investigation.

At this juncture Cr O'Neill withdrew her motion. Therefore, the amendment became the motion.

**2023 RESOLVED** [McInerney/Scheuner]

That the matter be deferred pending further investigation, with ARTC with view of obtaining approval to sub-lease to Holbrook Lions Club.

**GOVERNANCE**

*Note - Items 1 to 5 dealt with earlier in the meeting.*

**6. INTEGRATED PLANNING AND REPORTING FRAMEWORK– PREPARATION OF A COMMUNITY STRATEGIC PLAN**

**2024 RESOLVED** [Ross/McInerney]

That:

1. the timeline for implementation of the Integrated Planning and Reporting Framework be approved in principle.
2. Stephen Blackadder of Blackadder and Associates Pty Ltd be invited to make a presentation to Council at the November meeting.

**7. DISPOSAL OF PART LOT 12 DP 791220 AT JINDERA**

**2025 RESOLVED** [O'Neill/McInerney]

That:

1. Council approval the disposal of approximately 67.81 ha of part Lot 12 DP 791220 by public tender; and
2. the process be managed in house by Council staff.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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AT 4.30 PM ON WEDNESDAY 16 SEPTEMBER 2009**

**8. COMMUNITY ASSOCIATION DP 270552 – REQUEST TO REFUND DEVELOPMENT APPLICATION FEES**

**2026 RESOLVED** [Ross/Jacob]

That Council accede to the request of Community Association DP 270552 and refund Council Development Application fees of \$1,222.68, following the receipt of written advice from the community association that the facility will be readily accessible by the Henty community.

**9. MOVE THE MOUNTAIN DANCE EVENT (ROGER AND ELIZABETH PATTERSON) – REQUEST FOR FINANCIAL ASSISTANCE**

**2027 RESOLVED** [Jacob/Evans]

That:

1. Council continue to support the Move the Mountain Festival “in principle” and provide in kind support in the form of pre lodgement advice for any development applications required, advice in relation to the preparation of traffic management plans etc.
2. the request for a financial contribution or support that would involve a direct financial cost not be acceded to.

**10. CULCAIRN COMMUNITY AND BUSINESS FORUM**

**2028 RESOLVED** [McInerney/Ross]

That Kevin and Kirsty Wilksch be appointed to the Culcairn Community and Business Forum.

**11. REVIEW OF RESIDENTIAL AND AGED SERVICES**

Cr McInerney left the chamber at 6.36pm

**2029 RESOLVED** [Scheuner/O'Neill]

That the report be received and noted.

Cr McInerney returned to the meeting at 6.40pm.

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REVIEW OF RESIDENTIAL AND AGED SERVICES [CONT'D]

**2030 RESOLVED** [McInerney/McDonald]

That an Extraordinary Meeting of Council be held at 5.30pm Thursday 17 September 2009 at Culcairn Chambers to determine Council's position in relation to submitting a detailed proposal for the 16 bed nursing bed facility at Harvey Jarvis Wing, Holbrook Hospital.

## **CORPORATE AND COMMUNITY SERVICES**

**1. HENTY MEMORIAL HALL PROPOSAL**

**2031 RESOLVED** [O'Neill/McDonald]

That:

1. The calling of tenders for the demolition of the Henty Memorial Hall be postponed pending the outcome of planning for the development of the proposed Rural, Regional Performing Arts Conservatorium project.
2. That Greater Hume Shire Council work closely with the Murray Conservatorium and Henty Public School to develop future management options for the proposed Rural, Regional Performing Arts Conservatorium project.
3. General Manager continue discussions with Dept Lands to forward the disposal of land to a third party.

**2. SISTER COUNCIL PARTNERSHIP**

**2032 RESOLVED** [McDonald/Jacob]

That Greater Hume Shire Council continue to explore opportunities to enter into a Sister Council Partnership with a large metropolitan council.

Cr McInerney requested that his opposition to the motion be recorded.

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**3. LEASE - JINDERA & DISTRICT PONY CLUB**

**2033 RESOLVED** [Jacob/O'Neill]

That:

1. Council enter into a new Licence of Jindera Reserve R94491 to the Jindera & District Pony Club for a period of 5 years, with the option to renew for a further 5 year term.
2. Correspondence be forwarded to the Department of Lands seeking approval from the Minister to enter into a new Licence of Jindera Reserve R94491 to the Jindera & District Pony Club for a period of 5 years, with the option to renew for a further 5 year term.
3. Rental payable will be \$400 per annum ex GST to be adjusted yearly in line with CPI and re-determined 3 years from the commencement date of the Licence and every 3 years thereafter.

**4. GIFTING OF LAND – LOT A DP 379189, ALBURY-URANA ROAD, BURRUMBUTTOCK**

Director Corporate & Community Services advised Council that a letter has been received from the proprietors of Farmers Inn, Burrumbuttock regarding the matter. The letter was distributed to Councillors for their perusal.

**2034 RESOLVED** [Jacob/O'Neill]

That:

1. Council endorse the proposal to accept the gifting of Lot A DP 379189, Albury-Urana Road, Burrumbuttock approximately 619.7 square metres from Mrs Dulcie Schmidt.
2. Council be responsible for the payment of all rates for the 2009/2010 rating year.
3. The Mayor and General Manager be authorised to sign the Memorandum of Transfer for Lot A, DP 379189, Burrumbuttock under the Common Seal of Council.

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**5. HOLBROOK SUBMARINE MUSEUM AND VISITOR INFORMATION CENTRE COMMITTEE**

**2035 RESOLVED** [McInerney/McDonald]

That:

1. the Medals as named being the Victoria Cross, 1914-15 Star, British War Medal 1914-1920, Victory Medal, Defence Medal, War Medal 1939-1945, George VI Coronation Medal, Elizabeth II Coronation Medal, Chevalier of the Legion of Honour ('Chevalier de la Legion) and the Miniature Medals be offered under a Loan Agreement for loan to the Australian War Memorial.
2. The term of the Loan Agreement be for an initial six (6) year period with an option to renew the Agreement on a five (5) year basis.
3. Either party may terminate the Loan Agreement by providing one (1) years notice in writing.
4. The Medals remain the property of the people of Holbrook, with Greater Hume Shire Council as Trustee.
5. Should the Medals be required to be returned to Holbrook for a specific purpose, notification in writing is required from Council to the Australian War Memorial 30 working days prior to the specific purpose. The period of the return of the Medals to Holbrook is to be for a defined period by written agreement between Council and the Australian War Memorial.
6. Further, that the Manager Community Services is authorised to visit the Australian War Memorial Museum in Canberra to meet with the staff of Australian War Memorial Military, Heraldry and Technology Section to ensure the Medals are displayed in a prominent and secure location within the War Memorial.
7. the Manager Community Services continues negotiations with the Australian War Memorial to acquire technical support for the Holbrook Submarine Museum collection in cataloguing and archiving, restoration and preservation of materials and artefacts and appropriate storage and display of the collection.
8. the Mayor and General Manager is authorised to execute a Loan Agreement under the Common Seal of Council for the loan of the Commander Norman Holbrook V. C. R. N. Medals to the Australian War Memorial.

**6. HOLBROOK SUBMARINE MUSEUM – HOLOGRAM**

**2036 RESOLVED** [McInerney/O'Neill]

That the report be received and noted.

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## **ENGINEERING**

*Item 1 dealt with earlier in the meeting.*

### **2. URANA ROAD/JELBART ROAD INTERSECTION WORKS**

**2037 RESOLVED** [Scheuner/Evans]

That Council note the contents of this report and endorse the work currently being undertaken to improve safety at this intersection.

### **3. PROPOSED CYCLING WALKING TRACK (JINDERA – ALBURY)**

**2038 RESOLVED** [Jacob/Evans]

1. That Council endorse the work undertaken by Council staff on this project.
2. Adopt the name of the project to be "Albury – Jindera Recreational Path Project".
3. Request Albury City Council to officially support the ongoing development of the project.
4. Continue to explore opportunities for funding for this project in conjunction with Albury City Council.

## **ITEMS TO BE REFERRED TO CLOSED COUNCIL**

### **1. BUILDING THE COUNTRY PACKAGE – LOCAL INFRASTRUCTURE SUPPORT FUND HOLBROOK SERVICE CENTRE/INDUSTRIAL PARK PROJECT AND COPPABELLA & JINGELIC ROADS UPGRADE**

**2039 RESOLVED** [McDonald/Ross]

That consideration of the draft Expression of Interest document for the proposed sale of land for a Highway Service Centre at Holbrook be referred to Closed Council (Committee of the Whole) for discussion, in accordance with the relevant section of the Local Government Act, 1993 section 10a (2) (c) information that would if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposing to conduct) business.

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**2. REQUEST TO WAIVE LEGAL FEES FOR UNPAID RATES AND CHARGES**

**2039 RESOLVED** [McDonald/Ross]

That the matter of waiving legal fees for unpaid rates and charges be referred to Closed Council (Committee of the Whole) for discussion, in accordance with the relevant section of the Local Government Act 1993 section 10a (2) (a) personal matters concerning particular individuals (other than Councillors).

**PART B – FOR INFORMATION**

**GOVERNANCE**

1. DEPARTMENT OF LOCAL GOVERNMENT CIRCULARS [G.320.3]
2. LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NSW (LGSA) – WEEKLY CIRCULARS [G.330.1]
3. UNION PICNIC DAY – TUESDAY 6 OCTOBER 2009
4. COMMUNITY DEVELOPMENT REPORT – AUGUST 2009

**CORPORATE AND COMMUNITY SERVICES**

1. CUSTOMER REQUEST MODULE
2. STATEMENTS OF BANK BALANCES AS AT 31 AUGUST 2009. COMBINED INVESTMENT ACCOUNTS AS AT 31 AUGUST 2009

**ENGINEERING**

1. AUGUST REPORT OF WORKS

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**2. CHANGES TO WATER RESTRICTIONS**

Director Engineering advised that since printing and distribution of the agenda papers, Murray Valley has announced an easing of water restrictions and as a result, Albury City has moved to Stage 3. In accordance with Council resolution, Villages Water Supply has moved to Stage 3 restrictions.

Cr McDonald left the chamber at 7.06pm and returned at 7.10pm.

**ENVIRONMENT AND PLANNING**

**1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF AUGUST 2009**

**2. SENIOR WEED OFFICER'S REPORT - AUGUST 2009**

**3. RANGER'S REPORT – AUGUST 2009**

**2040 RESOLVED** [Scheuner/McInerney]

That Part B of the Agenda be received and noted.

**PART C – COMMITTEE REPORTS**

**2041 RESOLVED** [O'Neill/Ross]

That Part C of the Agenda be received and noted with the exception of the Hume Zone Liaison Committee Meeting Minutes with adoption of these minutes deferred until full budgetary information is received.

**MATTER OF URGENCY**

**2042 RESOLVED** [McDonald/McInerney]

And ruled by the Chair that the matter of TRAFFIC SIGNAGE ON HUME FREEWAY/OLD HUME HIGHWAY (BLUE METAL HILL TO BELLS ROAD) be dealt with at this time.

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TRAFFIC SIGNAGE ON HUME FREEWAY/OLD HUME HIGHWAY (BLUE METAL HILL TO BELLS ROAD)

**2043 RESOLVED** [McDonald/McInerney]

That a tour of the Hume Freeway/Hume Highway (Blue Metal Hill to Bells Road section) to ascertain safety and signage/traffic issues be conducted by Director Engineering and any other interested councillors, and a subsequent report to be supplied to Hume Southern Alliance with a report on the matter to be presented to Council.

## **QUESTIONS WITHOUT NOTICE**

1. MUNDRAWADRA REQUEST FOR FUNDING FOR PLAQUE

Cr Ross queried if contact has been made or correspondence received requesting financial assistance to erect a suitable plaque to mark the Mundrawadra Settlement. Director Corporate & Community Services advised Council that he has received a copy of a letter sent to Darryl McGuire on the matter.

Council agreed, in principle, that the matter be supported with the General Manager to action.

2. REVIEW OF COUNCIL POLICIES

Cr Ross asked that a workshop be held to discuss Council policies. The Mayor suggested that a report be made to Council regarding the status of Council's entire policy portfolio, and if required, a workshop be convened at a future time.

3. BIKE FUN DAY, CULCAIRN – SUNDAY 27 SEPTEMBER 2009

Cr Ross queried why the Bike Week Fun Day had been switched from afternoon to morning on Sunday 27 September 2009. Director Engineering to investigate and advise.

4. RURAL ADDRESSING

Cr Ross questioned whether there will be changes to rural addressing numbers on roads affected by the bypass of Holbrook and the duplication of the Hume Highway. Director Engineering advised that rural addresses on Wagga and Culcairn Roads would not be affected, however some Hume Highway addresses will require alteration.

5. TABLE TOP QUARRY

Cr Ross questioned why the Table Top matter had been deleted from the Action Report. General Manager advised that this matter was reported in the July Action Report with the comment *'recommend that this item be removed and the issue of costs be dealt with when received'*.

6. IMPACT OF BORES ALONG BILLABONG CREEK

Cr Jacob raised the matter of bores on Billabong Creek. General Manager distributed correspondence received from Murray Darling Association Inc. on the matter to those Councillors in attendance.

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IMPACT OF BORES ALONG BILLABONG CREEK [CONT'D]

Cr Jacob requested that correspondence to be forwarded to Riverina Water County Council requesting information be provided on the status of bores servicing the Shire. General Manager to action.

**CLOSING THE MEETING**

At this juncture, as there were no members of the press present in the meeting room.

**2044 RESOLVED** [7.30pm] [Ross/Scheuner]

That the meeting be closed during the discussion of confidential matters listed in the agenda.

**COMMITTEE OF THE WHOLE SECTION**

**2045 RESOLVED** [O'Neill/McDonald]

That, in accordance with the provisions of the Local Government Act, 1993, Council enter into 'Committee of the Whole' for the discussion of the following items of business:

**1. PROPOSED SALE OF LAND AT HOLBROOK FOR THE PURPOSE OF ESTABLISHING A HIGHWAY SERVICE CENTRE**

**RECOMMENDATION** [McDonald/O'Neill]

1. That the Service Centre Expression of Interest document and Marketing Plan including a budget of \$20,000 be approved.
2. The timeline detailed below be endorsed.

Milestone	Date
Finalise preliminary lot layout	Completed
Finalise EOI document	Completed
Request for EOI's – Advertising to commence	Tuesday 29 September 2009
Closing date for submissions of EOI	13 November 2009
Assessment of EOI's	16-20 November 2009
Interviews with short listed applicants	30 November – 4 December 2009
Selection of successful Applicant	16 December 2009

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PROPOSED SALE OF LAND AT HOLBROOK FOR THE PURPOSE OF ESTABLISHING A  
HIGHWAY SERVICE CENTRE [CONT'D]

<b>Milestone</b>	<b>Date</b>
Contract signing	December 2009
Lodgement of development Application	February 2010
Determination of Development Application	March/April 2010
Settlement (60 days after determination of development consent)	May/June 2010
Commence construction	May/June 2010
Construction completion	By negotiation

**2. REQUEST TO WAIVE LEGAL FEES FOR UNPAID RATES AND CHARGES**

**MOVED** [Ross/Scheuner]

That the legal fees be waived and on being put to the vote, THE MOTION WAS LOST.

**ORDINARY MEETING RECONVENED**

**2046 RESOLVED** [7.50pm] [O'Neill/Evans]

That the Ordinary Meeting be reconvened for the purpose of determining the report of the matter dealt with in Committee.

**COMMITTEE REPORT**

The General Manager reported that the Committee of the Whole makes the following recommendations from the Committee Meeting regarding the following items:

**RECOMMENDATIONS OF CLOSED COUNCIL (COMMITTEE OF THE WHOLE)**

**2047 RESOLVED** [O'Neill/Scheuner]

That the foregoing report and recommendations from Closed Council (Committee of the Whole) be adopted.

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There being no further business, the meeting concluded at 7.55pm.

THESE MINUTES WERE CONFIRMED at the Council meeting held on 21 October 2009, at which time the signature hereon was subscribed.

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Cr Denise Osborne  
Mayor - Greater Hume Shire Council