

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
HELD AT THE COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN  
AT 4.30 PM ON WEDNESDAY 15 OCTOBER 2008**

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

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

**PRAYER:** Pastor Paul Wilksch opened the meeting with a prayer.

## **CONFIRMATION OF MINUTES**

**1644 RESOLVED** [O'Neill/Evans]

That the Minutes of the Ordinary Meeting of Greater Hume Shire Council, held at Culcairn on Wednesday, 24 September 2008, as printed and circulated, be confirmed as a true and correct record of the proceedings of such meeting.

## **ACTION REPORT FROM THE MINUTES**

- 1602 – SISTER COUNCIL PARTNERSHIP WITH EUROBADALLA SHIRE COUNCIL  
Cr Scheuner queried progress in the matter. General Manager advised that Eurobadalla Shire has put a report to its Council but the matter was in abeyance whilst the local government elections were being conducted. Director Corporate & Community Services will take up the matter upon his return from annual leave.
- 1353 – FLOODING EVENT AT JINDERA – 5 FEBRUARY 2008  
Cr O'Neill queried progress in the matter. Director Engineering reported that quotes for the provision of a flood study of the Jindera Catchment have closed. Councillors will be advised shortly of the selected consultant with a summary of their proposal including a timeframe for completion.
- 1475 – ELM LEAF BEETLE  
Cr Ross queried whether the control program had commenced. Director Environment & Planning advised that the control agent had been registered for the off label use on Friday 10 October 2008 and that the control program would commence within the week.

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

### **GOVERNANCE**

**1. PRESENTATION BY ZEN TECHNOLOGIES (POWER AND ENERGY) PTY LTD**

**1645 RESOLVED** [Ross/McInerney]

That standing orders be suspended at 5.02pm to permit Council to receive a presentation by Richard Taylor, CEO of Zen Technologies on home based solar energy generation systems.

**1646 RESOLVED** [McInerney/Wilton]

That standing orders be resumed at 5.33pm.

### **ENVIRONMENT AND PLANNING**

**1. DEVELOPMENT APPLICATION 7-08/09 – USE ONLY – SHED AND CATTLE YARD – LOT 712 DP 773872 – 8 SAWYER ROAD JINDERA (P21837)**

**1647 MOTION** [McInerney/Wilton]

That the matter be deferred pending an on site meeting between councillors, senior staff and the proponent, farm manager and those persons who have responded negatively to the noise survey and in addition officers from NSW Department of Environment and Climate Change and Department of Primary Industries.

**AMENDMENT** [McDonald/Evans]

That the matter be deferred pending an on site meeting between councillors, senior staff and the proponent, farm manager, and those persons who have responded to the noise survey and in addition officers from NSW Department of Environment and Climate Change and Department of Primary Industries.

**ON BEING PUT TO THE VOTE, THE AMENDMENT WAS LOST, THE MOTION WAS THEN PUT AND CARRIED.**

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**2. DEVELOPMENT APPLICATION 40-08/09 – PROPOSED RESIDENCE ALTERATION AND ADDITIONS – VERANDAH, CARPORT AND FENCE – 78 DIGHT STREET JINDERA**

DIRECTOR ENVIRONMENT & PLANNING, MIKE DAVIES, DECLARED A NON PECUNIARY INTEREST IN THE MATTER NOW BEFORE THE COUNCIL PURSUANT TO SECTION 451(1) OF THE LOCAL GOVERNMENT ACT 1993 AND VACATED THE CHAMBER AT 6.03PM DURING DISCUSSION ON THE MATTER. THE REASON BEING MR DAVIES IS THAT THE PROPERTY OWNER IS HIS NEWPHEW.

**1648 RESOLVED** [O'Neill/Wilton]

That Council vary the setback contained in its *Building Setbacks Development Control Plan* to allow for a reduced front building setback of 5.4 metres (verandah) and 650 mm (open carport) from Dight Street in accordance with the proposal contained in Development Application 40-08/09.

**DEVELOPMENT APPLICATION 40-08/09**

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

The Director Environment & Planning, Mr Davies, returned to the chamber at 6.04pm.

Cr McInerney briefly left the chamber at 6.04pm.

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## **GOVERNANCE**

### **2. INAUGURAL MEETING OF THE AUSTRALIAN COUNCIL FOR LOCAL GOVERNMENT AND ALGA CONSTITUTIONAL SUMMIT**

**1649 RESOLVED** [Wilton/Scheuner]

That:

1. Council be represented by the Mayor, Cr Denise Osborne, at the Inaugural meeting of the Australian Council for Local Government and ALGA Local Government Constitutional Summit; and
2. conference fees and reasonable out of pocket expenses be reimbursed in accordance with Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy.

Cr McInerney returned to the chamber at 6.05pm.

### **3. HOLBROOK BYPASS – CONSIDERATION OF A SERVICE CENTRE**

**1650 MOTION** [McInerney/Evans]

That:

1. Council seek expressions of interest from major fuel companies and distributors and private developers with a view to establishing a service centre in the close proximity to Holbrook.
2. Council engage IRIS Research to undertake a Deliberative Poll on the issue of a Highway Service Centre at Holbrook
3. the Poll be funded from the existing Urban Design allocation; and
4. a further report on the issue be submitted to the December meeting of Council.

**AMENDMENT** [Ross/

That:

1. Council indicate its preference for a service centre to be established in close proximity to Holbrook
2. Council engage IRIS Research to undertake a Deliberative Poll on the issue of a Highway Service Centre at Holbrook
3. the Poll be funded from the existing Urban Design allocation and a
4. further report on the issue be submitted to the December meeting of Council.

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At this juncture, due to the lack of a seconder, the amendment was withdrawn.

AMENDMENT [McDonald/Scheuner]

That:

1. Council indicates support in principle for a for a service centre to be established in close proximity to Holbrook
2. Council engage IRIS Research to undertake a Deliberative Poll on the issue of a Highway Service Centre at Holbrook
3. the Poll be funded from the existing Urban Design allocation and a
4. further report on the issue be submitted to the December meeting of Council.

**ON BEING PUT TO THE VOTE, THE AMENDMENT WAS LOST. THE MOTION WAS THEN PUT AND CARRIED.**

**4. GENERAL MANAGER'S PERFORMANCE REVIEW**

**1651 RESOLVED** [O'Neill/Wilton]

That Councillor Scheuner be endorsed as the General Manager's nominee to the General Manager's Performance Review Committee.

**5. DISCLOSURE OF INTERESTS RETURNS**

**1652 RESOLVED** [McInerney/Wilton]

That the report be received and noted.

**CORPORATE AND COMMUNITY SERVICES**

**1. WIRRAMINNA ENVIRONMENTAL EDUCATION CENTRE - REQUEST FOR FINANCIAL ASSISTANCE**

COUNCILLOR DARRYL JACOB DECLARED A NON PECUNIARY INTEREST IN THE MATTER NOW BEFORE THE COUNCIL PURSUANT TO SECTION 451(1) OF THE LOCAL GOVERNMENT ACT 1993 AND VACATED THE CHAMBER AT 6.29PM DURING DISCUSSION ON THE MATTER. THE REASON BEING COUNCILLOR JACOB IS THE PROJECT COORDINATOR FOR WIRRAMINNA ENVIROMENTAL EDUCATION CENTRE.

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**1653 RESOLVED** [O'Neill/Ross]

That Council provide a loan of \$5,000 to the Wirraminna Environmental Education Centre repayable over a term of 5 years at a rate of interest equal to the average interest rate payable on Council investments at the time of drawing of the loan, currently 7.73%.

Cr Jacob returned to the chamber at 6.31pm.

**2. FINANCIAL STATEMENTS AND AUDITORS REPORTS FOR YEAR ENDED JUNE 2008**

**1654 RESOLVED** [McInerney/Wilton]

That:

1. the progress report on the completion of the audit be received and noted; and
2. Council auditors WHK Albury be invited to present the audited 2008/2009 Financial Statement to the November meeting of Council to be held at Community Meeting Room, Holbrook commencing at 4.30pm.
3. that the finance team be congratulated in completing the financial statements in a timely manner and for their efforts throughout the year.

**3. 2007/2008 ANNUAL AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [G.10.4]**

**1655 RESOLVED** [Wilton/Jacob]

That on the basis of the assurances provided by the General Manager:

1. the Mayor, one other Councillor, the General Manager and the Finance Manager be authorised to sign the Statement by Councillors and Management for the 2007/2008 Annual Financial and Special Purpose Financial Statements.
2. the Mayor be authorised to sign the Statement by Council for the 2007/2008 Hostel Financial Statements.

**4. WALLA WALLA CHILDREN'S SERVICES**

**1656 RESOLVED** [Scheuner/O'Neill]

That:

1. Council accept the variation of funding of \$38,583.00 from the NSW Department of Community Services to Walla Walla Children's Services for the 2008/2009 financial year.
2. Mayor and General Manager be authorised to sign the Variation to the 2008/2009 Service Agreement under the Common Seal of Council.

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## **ENGINEERING**

### **1. FUNKS GRAVEL PIT AGREEMENT [1397.3022]**

**1657 RESOLVED** [Ross/McInerney]

That the Mayor and General Manager be authorised to execute the Quarrying Agreement for the extraction of gravel from "Funks Pit" with Barry Funk of "Red Hill" Jindera under the common seal of Council.

### **2. LOCAL GOVERNMENT TENDERING**

**1658 RESOLVED** [McInerney/Wilton]

That Council adopt item (a) of Local Government (General) Regulation 2005 – Regulation 166 whereby *the open tendering method by which tenders for the proposed contract are invited by public advertisement* as the tendering method before entering into a contract as required under Section 55 of the Local Government Act.

### **3. VILLAGES WATER SUPPLY EXTENSION**

**1659 RESOLVED** [Wilton/McDonald]

That the report be received and noted.

### **4. YENCHES ROAD B- DOUBLE APPLICATION**

**1660 RESOLVED** [McDonald/McInerney]

That an onsite meeting be held on 5.30pm Thursday 23 October on site with property holders of Yenches Road, representatives of Willmott Forests, Councillors, and members of the Local Traffic Committee to discuss the issues relating to the application for the use of B-Doubles on Yenches Road.

### **5. BITUMINOUS SPRAY SEALING TENDER – TENDER NO. 2009/1 [G.128.2.67]**

**1661 RESOLVED** [Ross/McDonald]

That:

1. the Mayor and General Manager be authorised to execute the Bituminous Spray Sealing agreement for spray sealing of pavements within the Greater Hume Shire Council area for the period of October 2008 to October 2011 with Downer EDI Works
2. all tenderers be advised of the decision.

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

**1. PUBLIC LIABILITY CLAIM – MORVEN GEROGERY ROAD [35A]**

**1662 RESOLVED** [Wilton/Ross]

That the matter be referred to Closed Council in accordance with section 10A 2(g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**2. RELOCATION OF THE CULCAIRN LIBRARY**

**1663 RESOLVED** [McInerney/McDonald]

That consideration of tenders for the relocation of the Culcairn Library and establishment of a Customer Service Office be referred to Closed Council in accordance with section 10 A (2)(d)(i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## **OFFICERS' REPORTS - PART B – FOR INFORMATION**

### **GOVERNANCE**

**1. REVIEW OF THE OPERATION OF THE WYMAH FERRY**

**2. DEPARTMENT OF LOCAL GOVERNMENT CIRCULARS [G.320.3]**

**3. LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS OF NSW (LGSA) – WEEKLY CIRCULARS [G.330.1]**

### **CORPORATE AND COMMUNITY SERVICES**

**1. STATEMENTS OF BANK BALANCES AS AT 30 SEPTEMBER 2008. COMBINED INVESTMENT ACCOUNTS AS AT 30 SEPTEMBER 2008.**

**2. CUSTOMER REQUEST MODULE**

### **ENGINEERING**

**1. SEPTEMBER REPORT OF WORKS**

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## **ENVIRONMENT AND PLANNING SERVICES**

1. **DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF SEPTEMBER 2008**
2. **ACTING SENIOR WEED OFFICERS REPORT - OCTOBER 2008**
3. **RANGER'S REPORT – SEPTEMBER 2008**

**1664 RESOLVED** [Scheuner/O'Neill]  
That Part B of the Agenda be received and noted.

## **PART C – COMMITTEE REPORT**

**1665 RESOLVED** [Ross/McDonald]  
That Part C of the Agenda be received and noted.

## **MATTERS OF URGENCY**

Nil.

## **QUESTIONS WITHOUT NOTICE**

1. FIRST HOME BUYERS SCHEME – INCREASE IN FEDERAL GOVERNMENT SUBSIDY  
Cr McInerney queried has management considered how it can tap into this opportunity to encourage construction of new homes in the Shire, as a result of recent Federal Government announcements. General Manager indicated that he had not considered this opportunity to date due to the recency of the announcement, but would investigate possible initiatives.

Cr Osborne also raised 'Housing Affordability Fund' initiative of the Federal Government. Cr Osborne added that Round 1 had closed, but perhaps there is an opportunity for Greater Hume when Round 2 opens. General Manager noted the matter.

2. SECTION 355 COMMITTEES – ADVERTISING FOR 3 COMMITTEES IN HOLBROOK  
Cr McInerney questioned why Council advertising placed this week seeking expressions of interest for recruitment to only three specific section 355 Committees, and why Council didn't take the opportunity to advertise for other section 355 committees in the Shire simultaneously.

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General Manager indicated that Greater Hume Shire has continued to follow the approach of the former councils where the majority of committees were requested to provide details of their members for consideration by Council.

3. STONEHAVEN ROAD, HOLRBOOK

Cr McInerney questioned whether the Director Engineering was aware of current poor condition of Stonehaven Road. Director Engineering indicated that he would undertake an inspection this week and report back to Council.

4. WORKS SCHEDULE – NORTH WALLA ROAD

Cr Jacob queried what work schedule was planned for this road. Director Engineering indicated he would investigate and report back to Council.

5. COUNCIL'S INVESTMENTS – DEGREE OF EXPOSURE WITH CURRENT FINANCIAL CRISIS

Cr Jacob queried if Council has any exposure with its financial investments given the current world wide crisis in the financial and banking sectors. General Manager indicated that Greater Hume Shire has no direct exposure to the overseas financial markets. He further added that the Federal Government's recent decision to guarantee deposits held in Australian banking institutions and non bank institutions ensures that Council's funds are guaranteed.

6. CULCAIRN 125<sup>TH</sup> CELEBRATIONS

Cr Scheuner thanked Council for its tireless efforts in preparation for the 125<sup>th</sup> Year Celebrations at Culcairn.

7. COUNCIL LAND ON HENTY CROSSING ROAD

Cr Ross indicated that 10acre block of land requires spraying, as Pattersons Curse is rampant on the block.

## **CLOSING THE MEETING**

At this juncture there were no members of the public nor press present.

**1666 RESOLVED** [7.04pm] [Wilton/Ross]

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

## **COMMITTEE OF THE WHOLE SECTION**

**1667 RESOLVED** [Wilton/Scheuner]

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:

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▪ **PUBLIC LIABILITY CLAIM – MORVEN GEROGERY ROAD [35A]**

**RECOMMENDATION** [Wilton/Ross]

That the report be received and noted.

▪ **RELOCATION OF THE CULCAIRN LIBRARY**

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

That Council accept the tender from GT Constructions Option 2 as detailed in the (inclusive of the cost of raising the floor) for \$328,388 (exc. GST).

## **ORDINARY MEETING RECONVENED**

**1668 RESOLVED** [7.16pm] [McInerney/Ross]

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

## **COMMITTEE REPORT**

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

1. Public Liability Claim
2. Relocation of Culcairn Library

## **RECOMMENDATION OF CLOSED COUNCIL (COMMITTEE OF THE WHOLE)**

**1669 RESOLVED** [McDonald/Ross]

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

There being no further business, the meeting concluded at 7.17pm.

THESE MINUTES WERE CONFIRMED at the Council meeting held on 19 November 2008, at which time the signature hereon was subscribed.

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Cr Denise Osborne  
Mayor - Greater Hume Shire Council