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**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
TO BE HELD AT COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
ON WEDNESDAY 16 SEPTEMBER 2009**

OFFICERS' REPORTS PART A – FOR DETERMINATION

GOVERNANCE

1. MAYORAL ELECTION

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To detail the procedures for the conduct of election of the Mayor for the ensuing 12 months.

DISCUSSION

Section 290(1)(b) of the Local Government Act provides that the election of the mayor by the councillors must be held during the month of September.

Clause 394 of the Local Government (General) Regulation 2005 requires that the election of mayor by the councillors be conducted in accordance with the provisions of Schedule 7 as follows:

“Returning Officer

The General Manager, or a person appointed by the General Manager, is to be the returning officer.

Nomination

A councillor may be nominated without notice for election as mayor or deputy mayor.

The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer.

The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Election

If only one councillor is nominated, that councillor is elected.

If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, ordinary ballot or open voting. (Preferential ballot and ordinary ballot are both conducted as “secret” ballots. Open voting means voting by show of hands.)

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MAYORAL ELECTION [G.195.15] [CONT'D]

Result

The result of the election is to be declared by the returning officer at the meeting at which the election is held."

Voting by ordinary or preferential ballot is also detailed in Schedule 7 and a copy has been included as **ANNEXURE 1** for Councillors' information.

Nomination papers are enclosed with this agenda.

BUDGET IMPLICATIONS

Mayoral allowance of \$8,988 per annum has been approved with adoption of 2009/2010 Management Plan and Estimates of Income and Expenditure. At the August meeting, Council approved a payment of \$1,500 to the Deputy Mayor from the mayoral allowance.

CONCLUSION

A statutory requirement under section 290 of the Local Government Act, 1993.

RECOMMENDATION

That:

1. in the event of more than one nomination being received, Council determine, by resolution, the method by which the election of the mayor is to be conducted.
2. Council elect a mayor for the period September 2009 to September 2010.

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2. ELECTION OF DEPUTY MAYOR

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To detail the procedures for the conduct of election of the Deputy Mayor for the ensuing 12 months.

DISCUSSION

Section 231 of the Local Government Act 1993 provides that councillors may elect a person from among their number to be the deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

Nominations for the position of deputy mayor are to be made on the same basis as for mayor.

Nomination papers are enclosed with this agenda.

BUDGET IMPLICATIONS

A payment of \$1,500 will be made to the Deputy Mayor from 2009/2010 mayoral allowance of \$8,988.

CONCLUSION

Section 231 of the Local Government Act, 1993 enables Council to elect a Deputy Mayor and this is normal practice in Local Government in NSW.

RECOMMENDATION

That:

1. in the event of more than one nomination being received, Council determine, by resolution, the method by which the election of the deputy mayor is to be conducted.
2. Council elect a deputy mayor for the period September 2009 to September 2010.

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1. COUNCIL MEETING VENUES AND MEETING TIMES

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To set the frequency, time and venue for Council's meeting schedule, for the period October 2009 to September 2010.

DISCUSSION

At the first meeting of Greater Hume Shire Council held on 16 March 2005, the following resolution was passed: -

"That the venue for Council meetings be rotated between Culcairn and Holbrook with two meetings per year to be held at other centres in the Shire to be determined".

At the November 2008 meeting, Council further resolved:

"That:

- 1. Council hold the February meeting at Woomargama and the April meeting at Bungowannah*
- 2. Council defer the June meeting to the 4th Wednesday to enable compliance with legislative requirements for public exhibition of the Management Plan and*
- 3. a meeting not be held in January 2009, unless deemed necessary".*

Hence, during the past year meetings have rotated between the townships of Culcairn and Holbrook with one meeting held at Woomargama (February 2009) and another held at Bungowannah (April 2009).

Council has recently received correspondence from Burrumbuttock and Walla Walla Community Committees offering to host a Council meeting in the ensuing 12 months.

Council has been meeting on the third Wednesday of each month with a public forum immediately preceding the meeting and commencing at 4.30pm.

Section 365 of the Local Government Act, 1993 requires a Council to meet at least 10 times each year, each time in a different month. Council will still be in compliance with Section 365 of the Local Government Act, should Council resolve not to schedule a meeting in January 2010.

BUDGET IMPLICATIONS

Adequate allocations have been made within the 2009/2010 Estimates of Income and Expenditure for the conduct of Council meetings, Extraordinary meetings and Workshops.

CONCLUSION

Council's meeting frequency, venues and times worked well over the past 12 months.

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COUNCIL MEETING VENUES AND MEETING TIMES [CONT'D]

RECOMMENDATION

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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5. APPOINTMENT OF DELEGATES

Report prepared by General Manager - Steven Pinnuck

REASON FOR REPORT

Appointment of delegates, in accordance with section 377 of the Local Government Act 1993.

DISCUSSION

The delegates were authorised by resolution to represent the Council on the respective organisations at the September 2008 meeting and it is now timely that the appointed delegates be reviewed.

This report has listed the Committees in three categories:

- Council Committees
- Community Committees (including Management Committees of Council Facilities) and
- External Committees

BUDGET IMPLICATIONS

Nil

CONCLUSION

This is a procedural matter requiring consideration by Council.

RECOMMENDATION

That Council determine its delegates to the respective organisations listed in **ANNEXURE 2**.

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6. DELEGATIONS OF AUTHORITY

Report prepared by General Manager - Steven Pinnuck

REASON FOR REPORT

Review of delegations in accordance with Department of Local Government Promoting Better Practice Program.

DISCUSSION

Section 377 of the Local Government Act provides that a council may, by resolution, delegate to the general manager, or any other person or body (not including another employee of the council), any of the functions of the council other than those listed in section 377(1). The general manager may sub-delegate a function delegated to the general manager by the council to another employee of the council.

Council's delegations have been subject to a peer review by Coolamon Shire Council and the delegations review report will be further considered by Internal Auditors, Acumen Alliance. The delegations, as attached as **ANNEXURE 3**, have been revised as part of and following the peer review.

In relation to the Mayoral delegation, it is similar to previous years, however wording proposed to be deleted is highlighted by a strike-through and additional wording is shown highlighted in red/orange type.

Certain Council functions such as the management of public facilities, provision of advice and fundraising activities are delegated by Council to community based management committees appointed under section 355 of the Local Government Act.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

Section 380 of the Local Government Act, 1993 states that all delegations must be reviewed within 12 months of a council election.

RECOMMENDATION

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 attached as **ANNEXURE 3**.

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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]**

Report prepared by Director Environment & Planning - Mike Davies

REASON FOR REPORT

This application was submitted to Council's August meeting and the motion moved was lost. However, no determination was made on the application.

DISCUSSION

The result of the lost motion at the August meeting is that this application is now in limbo; neither refused nor approved.

The applicant and objector have been advised that the matter has been deferred to this meeting as they had previously been advised it was to be submitted to the August meeting.

Council has previously approved similar subdivision of rural land in the former Holbrook Shire as follows:

- 74 - 06/07 Withers; 10 lots Mirrabooka Rd
- 21 – 07/08 Peardon; 7 lots Tunnel Rd
- 148 – 07/08 Keogh; 11 lots Jingellic Rd
- 192 – 07/08 Hicks; 23 lots Annandayle Rd

The Withers subdivision actually adjoins the subdivision currently under consideration.

The report confirms compliance with the Holbrook IDO and the independent planning assessment recommends approval. In the circumstances Council will need to have well founded reasons for refusal, and be aware of the difficulty of defending a refusal if the applicant was to take the matter to appeal in the Land and Environment Court.

Notwithstanding the above Council have two courses of action:

1. Refuse the application and provide reasons for refusal, this was clearly the intent of Council at the August meeting or
2. Submit a notice of rescission of the negated decision made at the August meeting in accordance with Section 372(3) and (4).

The full text of the previous report is as follows:

Report prepared by Town Planning Consultant - James Laycock

REASON FOR THE REPORT

Development Application No. 100-08/09 (DA) has been reported to Council because one objection to the DA has been received.

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

DISCUSSION

Introduction

The DA is for a twelve (12) lot subdivision of seven (7) existing lots in four (4) stages comprising approximately 1,586 hectares of rural land in the Mirrabooka Road and Yarra Yarra Road area to the northeast of Holbrook.

The land is zoned "Rural 1(a) Zone" under *Interim Development Order – Holbrook* (LEP), and the subdivision of the land in the way proposed is permissible subject to Council approval.

It is recommended that Council approve the DA subject to conditions.

Background

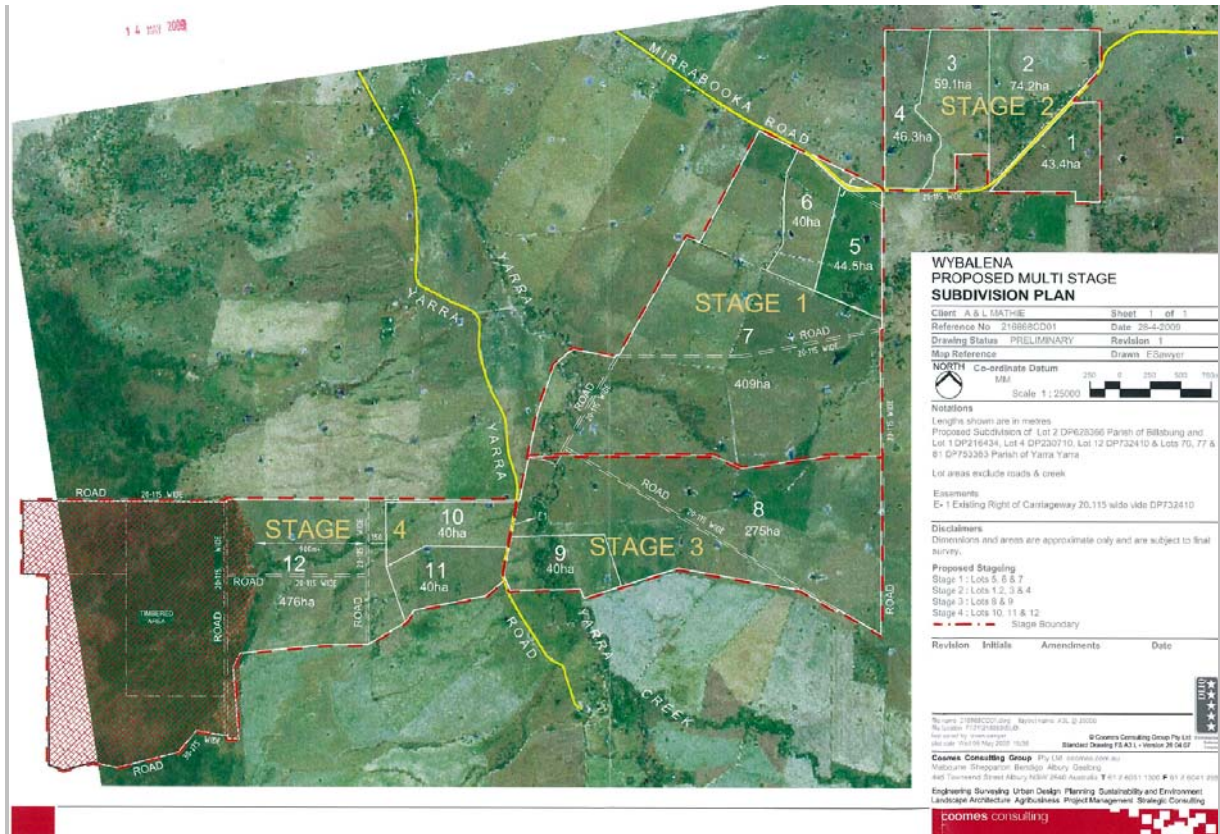
- DA received (for a 17 lot subdivision) from Applicant: 19 January 2009
- DA referred to Rural Fire Service (RFS): 22 January 2009
- DA advertised to adjoining landowners: 23 January 2009 to 2 February 2009
- Notices placed in local newspapers: 28 January 2009 and 31 January 2009
- Objection received: 10 February 2009
- RFS reply received requesting further information: 2 March 2009
- Further information requested from Applicant: 2 March 2009
- Preliminary assessment completed and additional information requested from Applicant: 12 March 2009
- Further information supplied from Applicant (DA amended to a 12 lot subdivision): 7 May 2009
- Amended DA referred to RFS: 14 May 2009
- RFS reply received raising no objections to the amended DA, subject to conditions: 30 June 2009

Site description

The land comprises the 'Wybalena' agricultural holding as shown in the aerial photograph (2007) below and is currently used for agricultural production. A clearer A3 size colour plan is available for inspection on the DA file which will be available at the meeting.

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



Description of proposal

As mentioned above, the DA is for a twelve (12) lot subdivision in four (4) stages comprising approximately 1,586 hectares of land. ‘Stage’ 1 is proposed to comprise 3 lots; ‘Stage 2’ – 4 lots; ‘Stage 3’ – 2 lots; and, ‘Stage 4’ – 3 lots.

Lot areas are proposed as follows with an average across the 12 lots of 132.3 ha.

Lot 1	43.4 ha
Lot 2	74.5 ha
Lot 3	59.1 ha
Lot 4	46.3 ha
Lot 5	44.5 ha
Lot 6	40.0 ha
Lot 7	409.0 ha
Lot 8	275.0 ha
Lot 9	40.0 ha
Lot 10	40.0 ha
Lot 11	40.0 ha
Lot 12	476.0 ha

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Access to the land is via Mirrabooka Road and Yarra Yarra Road. The construction of any new accessways required for any new lots can be dealt with via separate application approval processes if necessary.

Consultation & referral process

The application was notified to adjoining/adjacent landowners from 23 January 2009 to 2 February 2009. Notices were also placed in local newspapers on 28 January 2009 and 31 January 2009. One submission was received objecting to the proposal on 10 February 2009 – a copy of which is **ENCLOSED SEPARATELY**.

Assessment

Assessment of the DA has been undertaken in accordance with the LEP and section 79C of the *Environmental Planning and Assessment Act 1979*.

The proposed subdivision is permitted in accordance with clause 12 of the LEP and is considered to satisfy clause 8 of the LEP.

Submissions

The following town planning assessment issues were identified from the submission and are considered relevant to section 79C(1) of the *Environmental Planning and Assessment Act 1979* (listed in no particular order of importance):

▪ loss of farming land;	<u>Comment:</u> Only land subdivision is proposed in the DA i.e. no change in land use.
▪ right-to-farm issues;	<u>Comment:</u> It is considered that the shape, design, and areas of proposed lots are commensurate with minimising right-to-farm complaints, noting that any future dwellings will be subject to separate development applications such that any related siting and design issues can be addressed at that time.
▪ part of the land is a 'wildlife refuge'	<u>Comment:</u> A search of all land Titles did not reveal the identification of any part of the land as a "wildlife refuge" within the meaning of the <i>National Parks and Wildlife Act 1974</i> .
▪ environmental impacts;	<u>Comment:</u> The proposed shape, design, and areas of all lots is considered to be environmentally satisfactory, subject to the recommended conditions.
▪ bushfire risk	<u>Comment:</u> The RFS has issued a Bushfire Safety Authority for the DA under section 100B of the <i>Rural Fires Act 1997</i> .

BUDGET IMPLICATIONS

Nil.

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

CONCLUSION

The proposal and the submission have been assessed against the LEP, specifically clauses 8 and 12, and also assessed against section 79C(1) of the *Environmental Planning and Assessment Act 1979*.

It is considered that the proposal warrants approval, subject to conditions.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

As reported at the August meeting the application complies with the Holbrook IDO, is supported by the independent assessment and is similar to a number of applications previously approved. However clearly the intent of Council at the August meeting was to refuse the application.

RECOMMENDATION

For Council's Determination.

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

Report prepared by Habitat Planning – Warwick Horsfall

REASON FOR REPORT

Council is in receipt of an application to use and develop land on Bowna Road (former Hume Highway), Mullengandra as a waste transfer station. The subject land has previously been utilised as a concrete batching facility by the Hume Highway Southern Alliance. The existing concrete batching facility has been gradually decommissioned following the completion of the Woomargama to Table Top section of the new Hume Highway duplication project.

The applicant is Greater Hume Shire and the land owners are the *Roads and Traffic Authority of New South Wales* ("the RTA"). The proposal also includes an access across adjoining Lot 52 DP1001471, and as such owners consent has been sought from the Department of Lands (now the *Land and Property Management Authority*).

This report represents an assessment of the application under the Environmental Planning and Assessment Act 1979 ("the Act") by town planning consultants Habitat Planning on behalf of Council.

The proposal is being reported to Council as Greater Hume Shire Council is the applicant in this matter.

DISCUSSION

The subject land is identified as Lot 14 DP1110642 and exists as an irregular shaped allotment between the Hume Freeway road reserve, the Bowna Road reserve (former Hume Highway) and public land in the form of a travelling stock reserve ("TSR"). The lot has a total area of approximately 1.823 hectares.

The site is located approximately 5.1 kilometres south west of Mullengandra with frontage to both the Hume Freeway and Bowna Road (former Hume Highway). The subject land previously formed part of a larger rural property to the north west, however has been acquired by the RTA as part of the Hume Highway duplication project. Following acquisition, the southern extent of the allotment has been excised from the northern portion, which now includes the Hume Freeway alignment.

The land has been used historically for grazing purposes as part of a larger rural entity, however has been utilised more recently as a concrete batching plant by the Hume Highway Southern Alliance as part of the Hume Highway duplication process. As such, the land has been subject to recent disturbance, with significant areas of exposed soils and earthworks within the subject land. The infrastructure associated with the batching plant has been removed from the site, with hardstand areas and access points retained.

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Land to the west of the subject land includes the new alignment of the Hume Freeway, with rural lands extending further west and north west beyond this alignment. Rural activities in the area are generally defined by grazing, with surrounding rural properties generally characterised by cleared and undulating land. North of the subject land also includes the Hume Freeway alignment, with land towards Mullengandra also consisting mostly of cleared rural grazing land. The former Hume Highway is located along the eastern extent of the subject land and separates the subject land from cleared rural grazing land to the east. A cemetery is also located south east of the subject land and is surrounded by relatively dense vegetation.

A travelling stock reserve managed by the Hume Livestock Health and Pest Authority, is located adjacent to the subject land to the south. Low residential development is located further south beyond the TSR within relatively well vegetated portions of land.

The proposal is for development of a waste transfer station (WTS), to service the surrounding localities of Mullengandra, Woomargama, Mountain Creek, Bowna and Wymah. The development also includes provision of a small site office, landscaping works, drainage and signage in association with the WTS.

Access to the site is proposed from its existing location on the south eastern portion of the allotment. The access previously provided access to the former landfill site in the adjacent Lot 52, which has now been removed to allow the Hume Freeway to be constructed. The existing access point was retained to service the Southern Alliance's concrete batching plant, to reduce the number of access points along the former Hume Highway and to make use of existing infrastructure. The proposal also seeks to retain this access point given it has been designed appropriately for heavy vehicles.

As such, the proposed access point to the WTS from Bowna Road, is made from the north eastern corner of adjoining Lot 52 (refer **ANNEXURE 4**). Given adjoining Lot 52 is held in public ownership, it is considered of little consequence in terms of management given adequate access arrangements are provided.

Internally, the accessway gently curves from the road frontage at a width of 6 metres and splays to 11.1 metres within the site. The internal road provides a two-way movement and splits at its widest point to extend either side of the internal site office. The central lane extends up a gentle slope to the unloading and circulation area at a width of 7 metres. At the north western extent of the central lane, the road loops both south east and south west; the former to allow egress of cars and trailers, with the latter to allow truck access to the waste bin collection area. The truck lane is provided at width of 15.2 metres at its widest point of the curve to allow a semi-trailer truck to negotiate turning manoeuvres. The car laneway is provided between 3 and 5 metres to allow for one-way movement. Both laneways link with the primary access point at Bowna Road and allow all vehicles to travel through the site in a single forward motion. The design also allows heavy vehicle movements to be separated from smaller vehicle movements within the site, and also ensures truck loading and unloading of waste bins are separate from the public access areas (refer **ANNEXURE 4**).

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The waste transfer facility itself consists of an elevated car and trailer unloading area, located in the central portion of the site (refer **ANNEXURE 4**). The unloading area provides approximately 717m² of circulation area on the south western side of the central internal roadway. An additional 490m² is provided on the north eastern side of the internal accessway for additional circulation area. Three large waste bins are proposed on the south western side of the unloading area which collect the waste. The unloading area is provided with a 3 per cent crossfall to ensure adequate drainage from the unloading area.

A 5 metre high earthen barrier is proposed along the northern interface of the subject land with the freeway environs to provide a visual barrier to the proposed WTS. The barrier is designed with a maximum height of 5 metres, with a 1:2 batter, and is proposed to be vegetated with clusters of native species, including native shrubs between 1.5 and 6 metres in height and native overstorey trees in excess of 8 metres (refer **ANNEXURE 4**).

Drainage from the majority of the site is proposed to be directed to a new sediment dam in the western extent of the site. This dam will collect run-off from the majority of the central and western portions of the site, including part of the earthen barriers, the waste bin areas, truck loading areas, vehicle unloading and circulation areas and part of the internal road network (refer **ANNEXURE 4**). This portion of the site is identified as being 100 per cent gravel construction or 'hardstand' area. The run-off from these areas will be directed to the sediment dam by constructed drainage lines and an existing open spoon drain. The remaining portions of the site are identified as three separate catchments. The eastern portion of the site includes part of the internal accessways and as such is defined as having 50 per cent hardstand area. This area is provided with constructed drainage services directing stormwater to existing culverts along Bowna Road. The remaining two catchment areas are defined by 100 per cent grassed or 'permeable' areas. Given these areas contain no additional hardstand and any subsequent increase in run-off, no constructed drainage is provided, with stormwater to drain from these areas as overland flow.

A 1.2 metre high sediment fence is proposed along the north western boundary of the property and the southern boundary of the property to prevent transport of sediment external of the site. The fence is proposed with 1.2 metre high steel posts, with a geofabric filter fabric attached to steel or wire mesh.

Seven residents in the surrounding area were notified in writing of the proposed development. No submissions were received.

In addition, and due to the nature and location of the proposed development, the following agencies were also consulted:

- Department of Environment and Climate Change (former), now the Department of Environment and Climate Change and Water (referred to herein as DECCW)
- Department of Lands (former), now the Land and Property Management Authority (referred to herein as LPMA)
- Roads and Traffic Authority (RTA)
- NSW Rural Fire Service (RFS)

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- Hume Livestock and Pest Authority (HLPA)

A total of four responses have been received from the above agencies at the time of preparing this report.

DECCW responded on 17 August, with a consolidated response incorporating considerations under the *National Parks and Wildlife Act 1974*, *Threatened Species Conservation Act 1995*, *Environmental Planning & Assessment Act 1979* and the *Protection of the Environment Operations Act 1997*. The response advised of Council's statutory and non-statutory responsibilities with regard to the proposal and provided advice to Council rather than any standard conditions.

The LPMA responded on 24 August advising Council of the status of Lot 52 DP1001471 as a reserve for camping and travelling stock. The LMPA advised of the Crown Land manager as the former *Hume Rural Lands Protection Board* (now the *Hume Livestock and Pest Authority*), and directed Council to seek comment from the HPLA. The LPMA also provided several conditions which have been incorporated in the draft conditions of consent attached.

The RTA on 7 September and raised no objection to the proposal. The RTA noted the location of the site adjacent to the new Hume Freeway and advised that this road will be classified as a Controlled Access Road ("CAR"), meaning access to the Highway would be restricted to locations absolutely necessary and safe for through traffic. The RTA advised that CAR conditions would apply to the boundary of the subject land to the Hume Highway, and access would be restricted only to the local road of Bowna Road. The RTA also provided several operational conditions which have been incorporated within the draft conditions attached.

RFS responded with "no concerns or issues" and HPLA did not respond to the application. The application does not require concurrence with any of these agencies, and as such it is considered that the development is satisfactory to the requirements of these agencies.

Council's Engineering Department has inspected the site and made no comments regarding the proposal.

ASSESSMENT

The following represents an assessment of the application as required by Section 79C of the EP&A Act by Council's planning consultants Habitat Planning.

State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 is applicable to the proposed development given the location of the subject land adjacent to a 'classified road'. A 'classified road' under the SEPP means:

- (i) *a main road,*
- (ii) *a highway,*

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- (iii) *a freeway,*
- (iv) *a controlled access road,*
- (v) *a secondary road,*
- (vi) *a tourist road,*
- (vii) *a tollway,*
- (viii) *a transitway,*
- (ix) *a State work.*

The former Hume Highway (now Bowna Road) extends along the eastern portion of the subject land and is identified as a 'classified road'. It is soon to be reclassified to a local road, with the recently completed alignment of the Hume Freeway to the north west of the site to become a 'classified road'. As such, the provisions of the SEPP Infrastructure are applicable.

Part 3 of SEPP Infrastructure provides specific development controls for infrastructure works identified within the SEPP. Division 17 of Part 3 refers to 'Roads and traffic', with subdivision 2 referring specifically to 'development within or adjacent to road corridors and road reservations'.

Clause 101 of SEPP Infrastructure refers to development with frontage to a classified road, and states:

- (1) *The objectives of this clause are:*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

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On Wednesday 16 September 2009**

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This clause is applicable given the land is located adjacent to an existing classified road (former Hume Highway – Bowna Road), and a future classified road (Hume Freeway). The proposed development is located adjacent to the road corridor of both Bowna Road and the Hume Freeway and as such is required to have carefully consideration to the ongoing function of the two roadways. The design of the WTS is such that both vegetation and visual barriers are provided to screen the development from the adjoining roadways. The nature of the proposed development means that the use of land is not a 'sensitive' land use which would be affected by traffic noise or emissions.

Access to the site is provided only from Bowna Road which is a preferred access point. The location utilised for access has been provided as part of the use of land for the former batching plant, and as such will retain use of existing infrastructure, of which is designed for a greater frequency of heavy vehicles entering and exiting the subject site. Given highway traffic has now been relocated to the new Hume Freeway alignment to the north west, Bowna Road now services only local traffic and consequently subject to significantly lower traffic movements. The provision of the site access from this roadway is considered to represent an appropriate location as it utilises an exiting roadway (and future 'local road') with much lower traffic movements than the new freeway. Essentially, the proposal will have no direct impact upon a classified road, once the former Hume Highway is reclassified to a 'local road'.

Clause 104 of SEPP Infrastructure refers to 'traffic generating development, with the application of the clause qualified as follows:

- (1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
 - (a) *new premises of the relevant size or capacity, or*
 - (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) *In this clause, "relevant size or capacity" means:*
 - (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Schedule 3 to the SEPP identifies development of 'landfill, recycling facilities, waste transfer station' of any size or capacity with access to any road, to represent a traffic generating development. As such, the provisions of clause 104 must be considered under this assessment.

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Clause 104 continues as follows:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

The application was been referred to the RTA for comment on 5 August 2009, with the RTA subsequently responding to the application on 7 September and raised no objection to the proposed development. The RTA advised that new Hume Freeway reserve along the northern boundary of the subject land will be classified as a Controlled Access Road ("CAR"), meaning access to the Highway would be restricted to locations absolutely necessary and safe for through traffic. As such, the RTA advised that access would be restricted only to the local road of Bowna Road, as proposed. The RTA also provided several conditions which have been included within the draft conditions attached.

The site has previously been used as a concrete batching plant associated with the Hume Highway duplication project. As such the site has been provided with road infrastructure capable of accommodating frequent heavy vehicle access and circulation. The applicant acknowledges that there is significant existing infrastructure over and above that required by a waste transfer facility, having regard for the likely traffic movements to and from the site and in particular heavy vehicles. It is considered that use of the existing road infrastructure, including site access points represents an appropriate design having regard to the nature of the proposed development and the likely levels of traffic generated.

The applicant claims the location of the site is central to the surrounding settlements of Mountain Creek, Mullengandra, Bowna and Wymah. Consequently it is considered that the site's central location is preferred as it minimises the existing distances required by these smaller settlements to access waste disposal services (i.e. existing landfill and WTS locations in Albury or Woomargama, Culcairn, Jindera, Holbrook etc.).

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The location of the access point from Bowna Road is considered a preferred design outcome as it ensures traffic movement to and from the site is limited to a single location intersecting with a local road. While some vehicles may access Bowna Road from the Hume Freeway, this represents a secondary vehicular movement location, with the Bowna Road/Hume Freeway intersection provided with adequate merging lanes and crossings to allow safe access and egress between the Hume Freeway and Bowna Road, both south-bound and north-bound.

Division 23 of the SEPP Infrastructure refers to waste or resource management facilities. This division of the SEPP was introduced to allow more flexibility in terms of development of waste and resource management facilities than existing LEP's allow.

Clause 120 provides definitions of facilities applicable under this section of the SEPP. A 'waste or resource transfer station' is identified by the SEPP as:

A facility for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

This is considered to provide an adequate definition of the proposed development.

Clause 121 of SEPP Infrastructure states:

- (1) *Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.*
- (2) *Development for the purposes of a waste or resource transfer station may be carried out by any person with consent on:*
 - (a) *land in a prescribed zone, or*
 - (b) *land in any of the following land use zones or equivalent land use zones:*
 - (i) *B5 Business Development,*
 - (ii) *B6 Enterprise Corridor,*
 - (iii) *IN2 Light Industrial,*
 - (iv) *IN4 Working Waterfront, or*
 - (c) *land on which development for any of the following purposes is permitted with consent under any environmental planning instrument:*
 - (v) *industry,*
 - (vi) *business premises or retail premises,*
 - (vii) *freight transport facilities.*

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- (3) *Development for the purpose of the recycling of construction and demolition material, or the disposal of virgin excavated natural material (as defined by the Protection of the Environment Operations Act 1997) or clean fill, may be carried out by any person with consent on land on which development for the purpose of industries, extractive industries or mining may be carried out with consent under any environmental planning instrument.*

The proposed development involves a waste transfer station within the Rural (Agriculture) Zone. The Rural (Agriculture) Zone is identified as being the equivalent zone of the RU1 – Primary Production zone, under the Standard Instrument. The RU1 is identified within the definitions of the SEPP as being a 'prescribed zone' for the purposes of this Division. As such, the proposal is permissible with consent pursuant to subclause 2(a) above.

Local Environmental Plans

The land is zoned Rural (Agriculture) Zone under the *Hume Local Environmental Plan 2001* ("the HLEP"). Waste disposal or waste transfer stations in this zone require the consent of Council.

Clause 11 of the HLEP refers to matters for consideration generally, and states:

The Council must not grant consent to development unless it has made an assessment of the matters included in the Matters for Consideration Section of the Consideration of Applications Development Control Plan.

The relevant Development Control Plans, including the *Consideration of Applications Development Control Plan*, are considered in elsewhere within this assessment.

Clause 15 of the HLEP states the purpose of the Rural (Agriculture) Zone as being:

- (b) *to identify land used for agricultural purposes, and*
- (c) *to implement the Council's strategic directions for rural land, and*
- (d) *to encourage the sustainable use of land for agriculture, and*
- (e) *to avoid fragmentation of agricultural land in areas where large scale independent farm businesses are the predominant land use, and*
- (f) *to allow for farm restructuring, and*
- (g) *to encourage the continued use of rural land for agricultural purposes, and*
- (h) *to encourage protection and enhancement of the bio-diversity of the area, and*
- (i) *to recognise the complexities of family farm ownership, financing and management, and*
- (j) *to promote economic development that is compatible with rural activities, and*
- (k) *to encourage development of new sustainable rural enterprises, and*
- (l) *to ensure that development does not place an unreasonable burden on Hume's infrastructure and services.*

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The subject land is identified as agricultural land, however has been severed from the existing rural property by virtue of the land acquisition and subsequent construction of the Hume Freeway. The applicant has identified the non-agricultural nature of the proposal and claims that the development, while not agricultural, is appropriate as it has no adverse impact upon the function of surrounding agricultural properties. While the lot in isolation does not necessarily reduce the agricultural potential of the land, the location of the land between a major freeway and public land, means the potential to use the land effectively for any agricultural use is limited given the small size of the land, the former use of the land which involved heavy industrial processes and the obvious inability to consolidate the land with any large scale existing agricultural properties. The proposed development, while not agricultural in nature, is considered to be an 'appropriate' use of the subject land given the particular circumstances of the subject land.

The land is already fragmented owing to the acquisition of the land for the purposes of the new freeway alignment. As such, it is unlikely that the development will fragment existing rural land, given its existing condition.

The proposal includes measures to ensure the biodiversity and natural features of the site are enhanced through revegetation works and appropriate site drainage. The applicant has provided a detailed revegetation program including provision of native vegetation planting program and a weed mitigation strategy to ensure protection of both the subject land and the adjoining travelling stock reserve to the south. It is considered that the proposal is likely to improve the biodiversity and environmental condition of the site.

The applicant suggests that the proposal will have a positive economic impact for Greater Hume Shire through providing additional community infrastructure for the smaller rural settlements surrounding Mullengandra. The proposal results in a highly accessible waste transfer station, central to a number of small settlements. It also represents investment in sustainable infrastructure by Council, and is understood to be included in Council's current budget and future work plans.

Clause 15(2) of the HLEP provides details of 'development with consent and prohibited development'. This clause provides a list of development which requires consent, and development which is prohibited in the Rural (Agriculture) Zone. Specific conditions are provided with regard to development involving a 'dwelling' or 'subdivision', and also states consent is required for:

Any development that:

- (a) is designated development, or*
- (b) is not included elsewhere in this section of this Table as development that requires consent,*

but is not development that:

- (c) is exempt development, or*
- (d) is included in the "Prohibited" section of this Table as development that is prohibited.*

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In this instance the proposed development represents a 'waste transfer station', which is not included within the 'consent required' section of the Rural (Agriculture) Zone, however the 'prohibited' section of the Rural (Agriculture) Zone includes 'junk yard'. A 'junk yard' is not expressly defined within the definitions at clause 5 of the HLEP and as such, the definitions within the *Environmental Planning and Assessment Model Provisions 1980 (repealed)* ("the Model Provisions") are relied upon.

While the Model Provisions have been repealed, the Department of Planning has advised that they still provide the principal tool for land use definitions, where a local EPI does not include any definition. The new principal LEP for Greater Hume will include a comprehensive land use 'dictionary' derived from the NSW Department of Planning's standard instrument, at which time the Model Provisions will no longer be relevant as a statutory document.

Under the Model Provisions, a junk yard is defined as:

... land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

While the above does not categorically define the proposed development, certain elements within the definition are considered to be relevant to that of the proposed development. In addition, the Model Provisions provide no other 'best fit' definition of the development.

It is acknowledged that given the lack of definitive definitions for the proposal, subclause (a) above may be relied upon. It is not considered that the proposal represents a 'junk yard' given the specific nature of the development, however given the ambiguity of the definition provided above in context to the proposal, and the lack of any appropriate definition elsewhere within the model provisions, it is considered that the proposal should be defined as a junk yard under the provisions of the HLEP.

This effectively results in the proposed activity being prohibited under the provisions of the Rural (Agriculture) Zone of the HLEP. Despite this, the provisions of the SEPP Infrastructure (discussed earlier) permit development of 'waste or resource transfer facilities' within prescribed zones, of which the Rural (Agriculture) Zone is a 'prescribed zone'. The SEPP prevails over any local EPI, and as such the proposal is permissible with consent in the Rural (Agriculture) Zone under the provisions of SEPP (Infrastructure).

The provisions of any draft environmental planning instrument that is or has been placed on public exhibition

There are no draft Environmental Planning Instruments (EPI's) on exhibition that require consideration for this application.

The provisions of any development control plan that applies to the land.

The *Hume Shire Land Use Plan 2001* ("the HLUP") contains a number of applicable development control plans.

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Strategic Directions Development Control Plan

The Strategic Direction DCP outlines key strategic directions for townships within the former Hume Shire. The subject land is located outside the major settlements of the former Hume Shire, and is considered a smaller 'settlement'. As such, there is limited strategic direction provided with the DCP for the Mullengandra area.

The DCP acknowledges that these villages have developed as 'rural residential settlements' which have 'limited or no provision for community facilities or infrastructure'. In this regard, the proposed development is considered to represent an improvement to infrastructure which will service Mullengandra, as well as several other rural localities including Bowna and Wymah within the former Hume Shire, and Mountain Creek and the village of Woomargama within the former Holbrook Shire.

Key planning and land use issues are also identified within the DCP. Section 5.4 refers to 'Economic development and infrastructure provision. The proposal is considered to represent a development which will result in direct community benefit to the smaller settlements of the former Hume Shire, as well as offer economic benefits to Greater Hume Shire through more sustainable waste disposal services. The proposal makes efficient use of existing infrastructure, particularly roads, and has been considered under Council's 2009/10 budget and capital works program.

Consideration of Applications DCP

An assessment of the proposal against the relevant matters for consideration in this DCP is undertaken as follows:

Relevant Environmental Planning Instruments

- Consideration of legislation, planning instruments etc has already been addressed above.

Context & setting

- The land is located within the Rural (Agriculture) Zone of the former Hume Shire. The proposal represents a 'waste transfer station' which is inadequately defined under the HLEP. The proposal could be considered a 'junk yard', given some elements of the proposal fall within this definition, which is a prohibited land use in the Rural (Agriculture) Zone. Despite this, the proposed development of a 'waste transfer station' within a prescribed zone is permissible with consent under the *State Environmental Planning Policy (Infrastructure) 2007*, of which prevails over the HLEP.
- The subject land has been severed from its existing rural property, and now exists as a small allotment in isolation of existing rural activities, adjacent to two large road reserves and a travelling stock reserve held in public ownership. In addition, the land has accommodated heavy industrial uses for the past 12 months, as part of the Hume Freeway duplication project. As such, the agricultural potential of the parcel of land is considered to be negligible and the possibility of consolidation with adjoining properties highly unlikely.

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Access, transport & traffic

- The proposal is adequately buffered from adjoining residences, with the closest residence identified by the applicant as 250 metres north east. The proposal includes provision of vegetated visual barriers and a vegetated buffer to screen the development to surrounding properties. It is not considered that the proposal will affect function of rural activities given the nature of the proposal and buffers provided courtesy of the road reserve and TSR.
- The site is proposed to be accessed from Bowna Road which includes existing access infrastructure works undertaken as part of the previous concrete batching plant. Under this proposal, the predominant form of vehicles accessing the site is considered to be passenger vehicles, utilities and small single chassis trucks, with occasional access by semi-trailer trucks to collect waste bins. Given the design of previous infrastructure for frequent heavy vehicles, it is considered the existing traffic infrastructure provided to the site is adequate for the proposed development.
- The proposed access point to Bowna Road is considered to represent a preferred layout, as traffic directed to the local road rather than the classified main road of the Hume Freeway. The traffic movement along Bowna Road is considered to be substantially lower than the Hume Freeway, and as such represents a safer access location. While the proposal may still result in some vehicles utilising the freeway as a secondary roadway, appropriate facilities have been provided as part of the freeway design to allow safe linkages with Bowna Road.
- The applicant advises that one dedicated car parking space will be provided with the site for the use of the site supervisor. Given the proposal involves short visits by persons unloading waste, it is not considered necessary to provide for additional parking spaces.
- Internally, the proposal includes gravel accessways to provide circulation for both vehicles unloading waste, and larger trucks removing waste bins. The development has been proposed with clear delineation between unloading areas, collection areas and accessways. In addition, the applicant has provided clear description and demonstration of separated truck and vehicle access and movements within the site. The design of the waste transfer station is considered to represent a functional design having regard to safe and efficient traffic movements within the site.

Public domain

- The development will have little impact upon the public domain. Public land is located adjacent to the subject land in the form of a TSR, however is considered to be used relatively infrequently, and unlikely to be impacted upon by the proposed development. The proposal provides a shared access with the TSR, with this arrangement able to ensure effective access to both sites, and results in an improved access arrangement to public land.

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Utilities

- The applicant advises that the subject land does not require connection to any reticulated services. Electricity services are available along the Bowna Road reserve, however are not extended into the subject land.

Heritage

- A cemetery is located approximately 140 metres south east of the subject and is identified as a heritage item under the DCP. The 'St Lukes Anglican Church and ruins' is located approximately 1.9 kilometres north east of the site, with the "Mullengandra" homestead and outbuildings and "Mullengandra" farmhouse located between 2 and 2.5 kilometres north east. The latter two are located at a considerable distance from the subject land, with the cemetery located almost directly opposite the site. In determining whether there will be an unacceptable impact upon the heritage item, it should be considered whether the activities proposed are such that they will cause an unreasonable impact upon surrounding land. In this instance, the proposed development involves 'transfer' of waste between the site and as such the storage of waste is temporary only and contained within waste storage bins. The bins are covered and enclosed and as such have limited off-site impacts. The traffic movements generated by the development are also considered to be less frequent than the traffic movements associated with the former classification of Bowna Road as the Hume Highway. In addition, the development is buffered by vegetation and landscape works and is highly unlikely to present any outward impacts which will have a detrimental impact upon the existing cemetery.
- The subject has been used historically for agriculture, and more recently for industrial purposes, with no items, places or areas of significance understood to be identified during these uses.

Land resources

- The agricultural potential of the land is considered to be negligible given the recent industrial use of the land, constrained location between two road reserves and public land, small size of the lot and the inability to consolidate with existing agricultural properties.
- The proposal includes a sediment dam in the western portion of the subject land to collect any sediment or 'dirty water' draining from the site. The proposal also includes provision of a sediment fence along the northern, southern and eastern site boundaries, to prevent sediment transport external of the site.

Soils

- The subject land proposes a gravel and crushed rock base which will be compacted. Any 'dirty' runoff from within the site will drain to the sediment dam and/or sediment fence.

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Air

- The proposed development does not contain any elements likely to result in significant emissions. The gravel base of the site has the potential to generate dust, however the base is proposed to be compacted to reduce the likelihood of dust.

Flora and fauna

- The site has recently been utilised for industrial purposes, with the site fully cleared and devoid of vegetation. The applicant proposes to establish vegetation along the earthen visual barriers and the eastern site boundary. The development is considered to result in an improvement to the habitat potential of the subject land through revegetation works proposed.

Waste

- No reticulated waste services are necessary given the nature of the proposal.

Noise

- The proposal will generate noise through the movement of vehicles within the site, as well as access and egress of vehicles from the site. While the proposal will generate some noise, these impacts will be isolated to operating hours of the transfer station, and are not considered to be over and above the noise generated by the Hume Freeway. The closest dwelling is some 250 metres north east and buffered by vegetation, with the impacts at this location considered to be negligible.

Natural hazards

- The subject land is identified as bushfire prone land, and will require adequate access, internal circulation and water reserves. No assessment has been undertaken, and the RFS has not responded to the referral with any conditions. The vacant nature of the site is considered to further negate the potential risk of bushfire, in addition to the relatively infrequent nature of use of the site.
- These requirements will be sought through conditions of consent attached.

Social

- The proposal involves operational safeguards to ensure limited off-site impacts, including impacts upon health and safety of surrounding residents and visitors to the site. Internally, the site ensures separation between unloading areas and loading areas as well as separation of truck and small vehicle accessways. The proposal is not considered to result in any harmful emissions given the nature of waste to be collected at the site.

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Economic

- The development provides an additional community facility which services smaller settlements of Greater Hume Shire. The applicant notes that the development is unlikely to result in any additional employment opportunities internal of Council, however represents investment in sustainable and long term infrastructure provision for Greater Hume Shire.

Site and internal design

- The proposal represents a development which has no 'standard' design, and as such has been designed with regard to the physical and dimensional constraints of the subject land. The important elements of the design include efficient access and internal circulation, the safe provision of unloading areas for disposal of waste to internal bins, separated area for collection of waste bins and adequate drainage and sediment provisions. The applicant has provided a detailed concept description, with the proposal considered to adequately address these key issues appropriately (as discussed elsewhere in this assessment).

Construction

- The proposal will involve a relatively short construction process contained entirely within the subject land. Appropriate hours of construction will be enforced as part of any approved consent.

Hume, Riverina and Olympic Highways

- The subject land is located between Bowna Road (former Hume Highway) and the new Hume Freeway alignment. The design includes access and egress to Bowna Road to reduce potential conflict with Highway traffic. Bowna Road is subject to lower traffic movements and has existing access infrastructure provided, which is suitable for activities proposed within the subject land.

Any matters prescribed by the regulations.

There are no matters in the regulations that require consideration.

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposed development offers a waste transfer station which involves collection of waste in storage bins, and removal of waste bins from the site for processing and recycling. Given the nature of the proposed development, there is potential for environmental impacts within the site, and also external of the subject land. The discussion under *Consideration of Applications DCP* has assessed the majority of potential environmental impacts.

The proposal represents a waste storage facility, however is temporary in nature with waste removed from the site regularly, as opposed to landfill sites where waste is retained on the site and buried, compacted or burnt. As such, the potential for odour and visual appearance to surrounding land is substantially improved.

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The waste bins are designed to be wholly enclosed to ensure waste is contained securely and prevent litter of the surrounding area, or odour drifting to surrounding land.

The site is accessed from the former Hume Highway (now known as Bowna Road) which exists as a state highway standard road. The road is to be re-classified to a 'local road', with traffic movements along Bowna Road now substantially lower than during its classification as the Hume Highway. Given its former status, the roadway has been designed for high levels of traffic movements including frequent heavy vehicle movements. In addition, an accessway has been provided to the subject land from Bowna Road to provide heavy vehicle access for the former concrete batching plant. As such, the existing road network and infrastructure is considered more than adequate for the proposed development. An upgrade of the road surfaces at the access point is not considered necessary at this stage.

The existing environmental condition of the site is relatively poor given the previous industrial use. It is noted from a site inspection that final earthworks to provide for adequate site drainage and revegetation is being completed by the Southern Alliance. The proposal includes revegetation works including planting of native vegetation, which will enhance the environmental condition of the site and potential habitat value of the site.

The development represents greater investment in sustainable waste disposal services within Greater Hume Shire, with reduced reliance upon landfill sites within the Shire. The increased investment is considered to represent appropriate investment in sustainable community infrastructure.

The suitability of the site for development

The subject land exists as a small parcel of land situated between two road reserves and public land. As such, the allotment represents little potential in any future agricultural use, which is compounded by the fact the site has been utilised for industrial purposes over the past 6 to 12 months. Given the previous use, the land is provided with infrastructure capable of accommodating frequent heavy vehicle access to the site. Internally, the land offers adequate dimensions for circulation area and provision of hardstand areas separate from accessways.

The land is highly unlikely to be utilised for any agricultural purpose given the inability consolidate with adjoining rural land, and given the land has been highly disturbed as part of the Hume Highway duplication works. As such, the use of the land as a waste transfer station is considered an appropriate use of the land, which offers potential to improve the visual and environmental condition of the site, and improve available community infrastructure within the Shire.

The public interest.

The public interest is considered to be served by the development through provision of a community facility for the disposal of waste. The potential issues with regard to off-site impacts have been discussed elsewhere within this report and are considered negligible.

The development will not reduce access to the adjacent public land, and no submissions have been received from the adjacent public land owners.

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Any submissions made in accordance with the EP&A Act or the regulations.

No submissions to the proposal from nearby landowners have been received.

Three responses have been received from the referral agencies, listed above. Where appropriate, the responses provided to be adopted within the conditions of the consent.

CONCLUSION

In conclusion, the proposal is considered to generally satisfy the assessment criteria under Section 79C of the EP&A Act. The proposal provides for waste transfer facility to service a number of small settlements including Mullengandra. The existing condition and location of the site lends itself well to a waste facility as proposed, with adequate infrastructure provided to ensure minimal impact to the existing road network or function.

The application as proposed also provides significant potential for improvement in the environmental condition of the site following its recent industrial usage. The development will involve revegetation works and upgraded drainage infrastructure and services.

Consequently the application is recommended to Council for **approval** subject to conditions.

RECOMMENDATION

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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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 not 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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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.*

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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.*

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

Report prepared by Director Environment & Planning - Mike Davies

REASON FOR REPORT

The Minister for Planning has released guidelines for remuneration of JRPP members.

DISCUSSION

Council will recall that delegates to the JRPP have been swapped with Lockhart Council, thus fees adopted by Council will be paid to Lockhart's representative who will sit on Greater Hume's panel and Lockhart will reimburse time spent on Lockhart Shire's panel. Given that situation it is desirable that the reimbursement is consistent between the two Councils and verbal advice from Lockhart indicates agreement to nil reimbursement of staff and the suggested reimbursement of \$600 for Councillors as detailed below.

The full text of Minister's letter is included as **ANNEXURE 5**. In summary the suggested fees are as follows:

- *Council staff members: No fees should be paid, as participation in the Regional Panel would form part of the employee's regular duties, consistent with the Department of Premier and Cabinet Guidelines for NSW Board and Committee Members: Appointment and Remuneration ('the DPC Guidelines') on payment to Public Sector Employees.*
- *Elected councillors: As councillors already receive an annual fee set by the Local Government Remuneration Tribunal each year for performing their councillor duties, an additional per meeting fee of no more than \$600 appears reasonable, recognising that membership of the Regional Panel will bring additional responsibilities.*
- *Community members: Each council may determine an appropriate level of remuneration for that person, by arrangement with that member, but that a meeting fee not exceeding \$1,400 should be considered as a guide when determining appropriate remuneration rates. This is commensurate with the fee proposed for State appointed members.*
- *Alternates: Alternate members, when serving on the Regional Panel, should receive fees commensurate to those paid to comparable council-appointed members.*

Councils are also advised to refer to the DPC Guidelines when calculating travel and subsistence allowances for their nominees.

Council nominated Wayne Allen as an alternate delegate. Mr Allen has since left Council's employment and it is thus desirable to nominate another alternate. It is suggested that the alternate be a Councillor.

BUDGET IMPLICATIONS

JRRP operation will increase Council's costs of processing development applications.

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REMUNERATION TO JOINT REGIONAL PLANNING PANEL (JRPP) MEMBERS [CONT'D]

CONCLUSION

The resolution of remuneration and alternate delegate is necessary for the smooth operation of the JRPP.

RECOMMENDATION

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.
2. Council nominate a Councillor to be offered to Lockhart Shire Council as an alternate delegate to the Lockhart JRPP.

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4. USE OF JINDERA POOL MEETING ROOM

Report prepared by Director Environment & Planning - Mike Davies

REASON FOR REPORT

A number of issues have arisen in regard to the community use of the Jindera Pool Meeting Room outside the swimming season.

DISCUSSION

The Jindera Swimming Pool Committee recently provided their list of work required at the pool prior to the next season and some suggestions for the use of the \$15,000 allocation from Section 94 levies included in the current budget. Many of the issues related to the out of season use of the meeting room. This is a 6 by 8.5 metre room in an attractive setting with good parking, which is made available to community group free of charge.

A plan of the building is attached as **ANNEXURE 6**.

The following are some of the users;

- Neighbourhood Watch and Community Forum
- Tennis Club
- Stadium Committee
- Some Council sponsored workshops

However, the long list of one off and ongoing needs for this room and the availability of alternate facilities require Council's consideration of its continued use out of season.

Despite the fact that the facility is made available free of charge the following matters have been raised:

- The room requires regular cleaning
- The toilets require regular cleaning
- The room is alarmed so the code becomes readily available in the community and the disarm panel is in the kiosk
- No garbage service
- Users of the meeting room leave the pool entry gate open allowing unauthorised entry to the pool
- Pool items (toys etc) are stored in the meeting room
- Phone is not connected during winter
- Children moving between the meeting room and the toilets could fall in the pool
- There is not "kitchen" facility, so the kiosk is used
- Heating in the facility has recently been upgraded (at no cost to Council) by the Pool Committee.

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USE OF JINDERA POOL MEETING ROOM [CONT'D]

The matters are unrelated (and in some instances contradictory) to the main function of the facility as a swimming pool. In fact even the Swimming Pool Committee's recent AGM was held at the nearby hotel.

Alternate facilities available in Jindera include the Jindera School Of Arts, Jindera Hotel and RFS Brigade Station.

Work has commenced on agreed items for the \$15,000 expenditure including the main item of concreting between the pool surround and the plant shed awning.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

The continued use of the Jindera Swimming Pool meeting room requires significant change to the structure of the pool building and its operation when other facilities are available in Jindera.

RECOMMENDATION

That:

1. Council cease the practice of allowing unsupervised use of the meeting room at the Jindera Swimming Pool.
2. Council contact regular users of the facility and suggest alternate meeting facilities.

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5. HOLBROOK RAILWAY PRECINCT

Report prepared by Environmental Health & Building Surveyor - Bradley Peach

REASON FOR REPORT

Advise Council on the response from Australian Rail Track Corporation Ltd (ARTC) regarding subleasing of the Holbrook Railway Precinct to the Holbrook Lions Club.

DISCUSSION

Background

Council at its 20 May 2009 Ordinary Meeting resolved to:

- 1. Seek confirmation from ARTC to sub-lease Lot 1 DP 831081 and Lot 5 DP 804402 at the Holbrook Railway Precinct to the Holbrook Lions Club.*
- 2. Subject to ARTC approval, sub-lease Lot 1 DP 831081 and Lot 5 DP 804402 at the Holbrook Railway Precinct to the Holbrook Lions Club.*
- 3. Authorise the Mayor and General Manager to sign the Lease documentation under the Common Seal of Council.*
- 4. Provide a one-off grant of \$2000 for building maintenance and other improvements and meet the annual lease expenses from the ARTC.*

ARTC has advised that as the Agreements for Lot 1 and Lot 5 have expired, it will not allow sub-leasing at the Holbrook Railway Precinct under these agreements.

However, ARTC is prepared to offer a fresh lease to the Holbrook Lions Club at a community rental.

Council must then decide whether or not to relinquish its interest in Lot 1 and Lot 5 for the ARTC to lease directly to the Holbrook Lions Club.

It is not clear as to why the ARTC will not allow Council to sub-lease to the Holbrook Lions Club, however, the end result will be the same ie the maintenance of the Goods Shed and the Storage Shed and surrounding grounds.

BUDGET IMPLICATIONS

Council have resolved to provide a one off grant of \$2,000 for building maintenance and annual lease expenses.

RECOMMENDATION

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.

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GOVERNANCE

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

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To recommend a course of action and timeline for the preparation of a Community Strategic Plan for Greater Hume Shire Council.

DISCUSSION

A report was submitted to the March meeting of Council providing Council with an overview of the Integrated Planning and Reporting Framework and it was resolved:

“That:

- 1. Greater Hume Shire Council provide in-principle support for nomination to the Department of Local Government Integrated Planning & Reporting Framework Implementation Group 2.*
- 2. A final decision be deferred until such time as legislation and formal guidelines governing the implementation of the Integrated Planning & Reporting Framework have been released.”*

The guidelines have now been finalised and the legislation Local Government Amendment (Planning and Reporting) Bill 2009 has been introduced into State Parliament.

Management has been working towards nominating for Group 2 as detailed in the above resolution whereby a Community Strategic Plan is adopted by 31 March 2011 and a Delivery Plan adopted by 30 June 2011. Funding has been included in the 2009/2010 and 2010/2011 budgets for the implementation of the Integrated Planning and Reporting Framework.

In order to progress the matter, Management has sought a quotation from Steven Blackadder of Blackadder and Associates Pty Ltd.

In the proposal Steven Blackadder has identified 4 stages to the process:

- Stage 1: Information gathering and issues identification
- Stage 2: Consultation with key stakeholders
- Stage 3: Development of a draft community strategic plan
- Stage 4: Adoption of draft plan by the Council, further public consultation on draft plan, adoption of final plan and implementation and monitoring of progress.

The quotation received exclusive of GST is \$31,000.

A copy of the proposal has been circulated to Councillors **separate to the Agenda.**

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INTEGRATED PLANNING AND REPORTING FRAMEWORK- PREPARATION OF A
COMMUNITY STRATEGIC PLAN [CONT'D]

Steven Blackadder has extensive experience in working with councillors, community representatives and staff members gained by over 30 years of senior local government experience including General Manager appointments at two large Sydney Metropolitan Councils (Rockdale and Warringah).

Blackadder and Associates have completed community strategic plans for Balranald and Junee Shires and is currently completing plans for Brewarrina, Albury, Coolamon and Great Lakes Councils.

The following timeline is proposed:

Date	Action
November 2009 Council meeting	<ul style="list-style-type: none"> ▪ Presentation to Council by Stephen Blackadder. ▪ Consider appointing Blackadder and Associates to prepare Council's Community Strategic Plan.
March 2010	Commence community consultation.
June 2010	Community Strategic Plan adopted by Council.
July 2010 – December 2010	Preparation of 4 Year Delivery Plan.
February 2011 – May 2011	Prepare and finalise 1 year Operational Plan.

The above timeline will enable Council to comply with the requirement of the Integrated Planning and Reporting Framework for implementation by the 2011/2012 Financial Year (Group 2 Councils).

BUDGET IMPLICATIONS

Council has included funding of \$25,000 in each of the 2009/2010 and 2011/2012 Financial Years, however as this component of the Integrated Planning and Reporting Framework is estimated at \$31,000, additional funding will need to be brought forward to the 2009/2010 Financial Year.

CONCLUSION

Council's compliance with the Integrated Planning and Reporting Framework is mandatory and the timeline outlined in this report will enable its introduction by the 2011/2012 Financial Year.

RECOMMENDATION

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.

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7. DISPOSAL OF PART LOT 12 DP 791220 AT JINDERA

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Council of the proposal of the disposal of part Lot 12 DP 791220 at Jindera.

DISCUSSION

As reported to the August meeting Council has acquired Lot 12 DP 791220 at Jindera for the purpose of expanding the Industrial Park to the south along Urana Road to Hawthorn Road.

At the August meeting it was resolved that:

“That the General Manager be authorised to:

- 1. develop a concept plan of the Jindera Industrial Estate and a marketing plan for the disposal of surplus land for presentation to the September meeting.*
- 2. negotiate the acquisition of the Lot in the existing Industrial Estate for the creation of a link road.*
- 3. Council make contact with previous owners regarding acquisition of the gates with the word Hawthorn stamped/imprinted.”*

In this regard Council has engaged a Surveyor to prepare a preliminary concept plan. The concept plan allows for a 4.156 ha drainage reserve with a further 28.73 ha for the Industrial Park. The preliminary concept plan of the Industrial Park based on an area of 28.73 ha would have the capacity to generate approximately 58 Lots varying in size from 3000 m² to 9500 m².

It should be noted that the preliminary plan received will require some modification; however, the plan as developed to date is attached as **ANNEXURE 7**.

The concept plan also allows for a minor boundary adjustment (1,579 m²) to Lot 45 of the existing Industrial Park. This would result in an area of approximately 67.81 ha to be disposed of.

Given that there has already been some interest in the balance of the property not required by Council it is proposed that the 67.81 ha be disposed of by public tender with Council managing the sale in house in the first instance.

The following advertising is proposed.

Advertising medium	\$
3 advertisements in the Border Mail Domain	2,000
1 advertisement in the Sydney Morning Herald	1,000
Sign boards and installation	750
Council website	0
Total	3,750
say	\$4,000

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DISPOSAL OF PART LOT 12 DP 791220 AT JINDERA [CONT'D]

Council has recently acquired the property on the open market (supported by independent valuations) and therefore is aware of the value of the property and what it needs to return to Council.

The proposed timeline is as follows:

Commence advertising	Saturday 10 October 2009
Tenders close	Friday 6 November 2009
Report to Council for determination	Wednesday 18 November 2009

BUDGET IMPLICATIONS

As advised to the August meeting the development of the Industrial Park will necessitate the disposal of surplus land.

CONCLUSION

It would seem appropriate that Council manage the Tender process for the disposal of surplus in the first instance. Should this course of action not deliver the result required by Council then other options can be considered at that time.

RECOMMENDATION

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.

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

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To consider a request to refund Development Application fees for the establishment of a Men's Shed at the Sweetwater development at Henty.

DISCUSSION

Council has received correspondence from the Community Association DP 270552 requesting that Council refund development application fees in relation to proposed Men's Shed at the Sweetwater Development at Henty.

A copy of the correspondence is included as **ANNEXURE 8**.

Total fees paid in relation to the Men's Shed were \$1,582.86 of which \$360.18 are State Government levies resulting in Council levies of \$1,222.68.

The Henty Men's Shed has been discussed at Council previously and should the development proceed it is the intention that the wider Henty Community will have access to the facility.

BUDGET IMPLICATIONS

The refunding of the Development Application Fees will have a minimal impact on Council's Budget.

CONCLUSION

The development of a Men's Shed at Henty will provide a substantial benefit to the wider Henty Community as well as the Sweetwater development and the refund of Council Development Application Fees is supported.

RECOMMENDATION

That Council accede to the request of Community Association DP 270552 and refund Council Development Application fees of \$1,222.68.

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

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

For Council to consider a request for financial assistance for the Move the Mountain Dance event proposed to be held in October 2010.

DISCUSSION

Council has received correspondence from Roger and Elizabeth Patterson advising of a proposed modern dance event in October 2010 and seeking financial and in kind support from Council. A copy of the correspondence is included as **ANNEXURE 9**.

Roger and Elizabeth Patterson have engaged the services of Craig Dent Regional Events to create a dance event that will involve the Flying Fruit Fly Circus, DMB Dance Studios, Indigenous dancers, as well as sound and visual media by other artists from the region.

It is claimed that the event will generate significant benefits in the surrounding towns of Holbrook, Culcairn, Henty Gerogery and Jindera with target markets to both the north and south. It is also claimed that the Shire will benefit from post event marketing.

Whilst the proponents of the event will be seeking funding from Government Agencies such as the Department of State and Regional Development they are also seeking in kind support and a financial contribution of up to \$5,000.

Whilst Council has a Community Events allocation of \$5,000, it is the view of Management that the event proposed does not constitute a community event. Rather if Council was to consider providing financial support it is more likely an economic development initiative.

To date the General Manager and Executive Assistant – Economic Development, Tourism and Promotion have met with the proponents on several occasions to provide advice on the likely requirements for the proposed event.

BUDGET IMPLICATIONS

A financial contribution by Council would necessitate an additional allocation in the 2009/2010 Budget.

CONCLUSION

Whilst the proposed Move the Mountain Dance Event is an exciting development and should be supported, it is Managements view that any Council contribution should be limited to in kind assistance in the form of pre lodgement advice for any development applications required, advice in relation to the preparation of traffic management plans etc.

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MOVE THE MOUNTAIN DANCE EVENT (ROGER AND ELIZABETH PATTERSON) – REQUEST FOR FINANCIAL ASSISTANCE [CONT'D]

RECOMMENDATION

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 not be acceded to.

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10. CULCAIRN COMMUNITY AND BUSINESS FORUM

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Council of applications for membership for the Culcairn Community and Business Forum received from Kevin and Kirsty Wilksch.

DISCUSSION

Council has received an Expression of Interest form from Kevin and Kirsty Wilksch to join the Culcairn Community and Business Forum (CCBF); a copy is attached at **ANNEXURE 10**.

The Terms of Reference state that up to 12 community members can be appointed to the Committee and when formalised at the March 2009 meeting 11 community members were appointed. Further, a resignation from the Committee is imminent with one member relocating to Albury.

Kevin and Kirsty Wilksch have previously been valuable members of either the Culcairn Community Development Committee and/or the Culcairn Business Action Group. Kevin and Kirsty also have the ability to represent farming, business and family interests on the CCBF.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

The General Manager is of the view that Kevin and Kirsty Wilksch would be assets to the Forum and therefore their appointments are recommended. This view would be supported by the CCBF.

RECOMMENDATION

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

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11. REVIEW OF RESIDENTIAL AND AGED SERVICES

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Council of the appointment of consultants to prepare a review of residential aged services within the Shire and prepare a detailed proposal for the acquisition of 16 nursing home beds at Holbrook.

DISCUSSION

At the August meeting it was resolved:

“That:

- 1. the Terms of Reference of the Provision of Residential Aged Care and Community Care Programs be approved and distributed to suitably qualified consultants.*
- 2. following the receipt of Expressions of Interest, the General Manager be authorised to appoint a suitably qualified consultant to undertake the review under the Terms of Reference for the Review of Residential Aged and Community Care Programs for Greater Hume Shire Council.”*

At the closure of Expressions of Interest two submissions were received:

Guild Chartered Accountants	\$19,500 (exc. GST)
Robert O’Shea Management P/L	\$23,000 (exc. GST)

A copy of the successful tender submitted by the Guild Accountants Pty Limited is included as **ANNEXURE 11**.

Management was of the view that Guild Chartered Accountants provided the best overall ability to assess council’s ability to operate Residential Aged Care Facilities from both a care and financial perspective and also assess Council’s capability of operating nursing home beds.

Guild Chartered Accountants have advised that the earliest date that a draft report can be provided on the acquisition of the 16 Nursing Home Beds at Holbrook will be Thursday 17 September. Given that the deadline for submissions of detailed proposals on the acquisition of the nursing home beds is 10 am Monday 21 September it is an extremely tight timeframe.

Accordingly it may be necessary to convene a workshop on Thursday 17 September to formalise Council’s position in relation to the submission of a detailed proposal for the acquisition of 16 Nursing Home Beds at Holbrook.

BUDGET IMPLICATIONS

Whilst no budgetary allocations currently exist as advised at the August meeting it will be funded on a proportional basis by all aged care service programs.

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REVIEW OF RESIDENTIAL AND AGED SERVICES [CONT'D]

CONCLUSION

Whilst the timeframes are extremely tight the future ownership and operation of the 16 nursing home beds at Holbrook is a very important and therefore it is essential that careful consideration be given to the matter.

RECOMMENDATION

That the report be received and noted.

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CORPORATE AND COMMUNITY SERVICES

1. HENTY MEMORIAL HALL PROPOSAL

Report prepared by Director Corporate & Community Services – David Smith

REASON FOR REPORT

To inform Council of a proposal received from the Murray Conservatorium in relation to the future use of the Henty Memorial Hall.

DISCUSSION

At the February 2009 meeting of Council, a report was presented detailing the outcomes of a structural assessment undertaken on the hall and possible future costs associated with the demolition of the hall. On the basis of the report presented, Council resolved as follows:

That Council:

- 1. call tenders for the demolition of the Henty Memorial Hall;*
- and*
- 2. arrange for a full heritage assessment and historical record of the Henty Memorial Hall.*

To date, no action has been taken in relation to calling for tenders for the demolition of the hall.

Council has now been contacted by Dr Peter Ratnik, Director Murray Conservatorium regarding a proposal to develop a Rural, Regional Performing Arts Conservatorium based in Henty. The project is a partnership between Murray Conservatorium and Henty Public School.

Dr Ratnik believes that a rejuvenated Henty Memorial Hall would be a suitable venue for the Conservatorium and is seeking to enter into a partnership with Council to explore the possibility of utilising the main hall structure and associated meeting rooms. A copy of the correspondence received from Murray Conservatorium is attached as **ANNEXURE 12**.

As Councillors will note, the Conservatorium and Henty Public School have applied for seed funding to develop the Rural, Regional Performing Arts Conservatorium project. It is envisaged that should Council resolve to support the project partnership, the seed funding, if obtained, would be utilised to develop a master design plan for the hall including estimated costs of rejuvenating the main hall structure and demolishing the outer sections of the building that are structurally unsound.

Also, should the Murray Conservatorium and Henty Public School be successful in obtaining seed funding, Council may wish to explore opportunities for the future management and/or ownership of the hall to be transferred to the newly created Rural, Regional Performing Arts Conservatorium.

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HENTY MEMORIAL HALL PROPOSAL [CONT'D]

BUDGET IMPLICATIONS

Council may be required to provide some in-kind support during the project development phase, subject to the Conservatorium's application for seed funding being successful. Future budgetary implications will be depended upon the outcomes of the planning phase and future negotiations on management and/or ownership options for the hall and will be the subject of additional reports to Council.

CONCLUSION

The proposal as presented by the Murray Conservatorium represents an exciting opportunity for the development of performing arts in Greater Hume Shire. It is recommended that 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.

RECOMMENDATION

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.

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2. SISTER COUNCIL PARTNERSHIP

Report prepared by Director Corporate & Community Services – David Smith

REASON FOR REPORT

To provide further information to Council in relation to the proposed Sister Council arrangement between Greater Hume Shire Council and Eurobodalla Shire Council.

DISCUSSION

Over the past few years many Councils have taken the opportunity to develop Sister Council partnerships. Sister Council partnerships are an effective partnership model for knowledge sharing, organisational development, problem solving and cultural and community development. Partnerships can provide a platform for the mutual exchange of ideas and initiatives.

Greater Hume Shire Council considered the benefits of Sister Council arrangements at the September 2007 meeting of Council where it was resolved:

"That the Mayor and General Manager be authorised to investigate the feasibility of establishing a City/Rural Partnership including negotiating with interested Councils prior to a further report being submitted to Council for consideration."

This matter was further considered by Council at the August 2008 meeting, whereby Council resolved to enter into a Sister Council Partnership with Eurobodalla Shire Council. Since then, Council has attempted to progress partnership arrangements with Eurobodalla, however there have been a number of competing priorities that have prevented any tangible outcomes from being generated under the arrangement.

Despite the problems experienced, management remain committed to the Sister Council model and are keen to seek an alternative Council partner. That being the case, it is proposed that Council continue to explore opportunities to enter into a partnership with a large metropolitan council.

One area of particular interest that could be examined is the area of carbon offset, and how a rural council such as Greater Hume could facilitate environmental improvement activities in conjunction with a large metropolitan council as part of the metropolitan council's carbon offset activities. Such a partnership exists between Liverpool Plains Shire Council in northern New South Wales and Blacktown City Council.

BUDGET IMPLICATIONS

As previously reported to Council, it is anticipated that there may be some travel costs involved in a possible initial visit to a potential partner Council by Council representatives, however, that the main basis of the partnership, i.e. the exchanging of information and the potential formation of strategic alliances, would not result in significant cost.

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SISTER COUNCIL PARTNERSHIP [CONT'D]

It is envisaged that any staff exchanges or other direct resource sharing activities stemming from a partnership would be funded from existing budget allocations, such as staff training allocations, and as such would not result in additional expenditure.

CONCLUSION

Sister Council Partnerships represent a unique resource sharing initiative from which Council and the Greater Hume community could derive significant benefit. It is therefore recommended that Council continue to explore opportunities to enter into a partnership with a large metropolitan council.

RECOMMENDATION

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

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3. LEASE - JINDERA & DISTRICT PONY CLUB

Report prepared by Corporate Services Manager - Suzanne Klemke

REASON FOR REPORT

At the Ordinary Meeting of Council held 18 March 2009 a report was presented regarding the renewal of the existing lease of Jindera Reserve R94491 to the Jindera & District Pony Club.

DISCUSSION

Tammy Holzheimer from Commins Hendriks, has been liaising with the Department of Lands on Council's behalf seeking permission to renew the current lease between Greater Hume Shire Council and Jindera & District Pony Club.

The Department of Lands have indicated that it is unlikely that they would approve a lease for 20 years as they now consider this period too long. They have recommended a licence for a 5 year term with the option to renew for a further 5 years. This licence term would be more likely to be approved by the Minister for the Department of Lands.

The department has also advised that the minimum rental for Crown Reserves is currently set at \$400 per annum. Despite the requirement for market rent, the Department of Lands have indicated they would consider the minimum rent to be acceptable to obtain the Ministers consent, however, they would require the rent to be adjusted for CPI each year and would require a rental re-determination after a 3 year period. The current rental paid under the existing lease is \$100 per annum.

Council had previously resolved:

1. *Council resolve to extend the lease of the Jindera Reserve R94491 to the Jindera & District Pony Club for a further period of 20 years terminating 31 December 2030, and in accordance with the terms and conditions of the existing lease.*
2. *Correspondence be forwarded to the Department of Lands seeking approval to extend the Lease of Jindera Reserve R94491 to the Jindera & District Pony Club for a further period of 20 years.*
3. *Rental payable be reviewed every five (5) years during the term of the lease to reflect an increase equivalent to the CPI for the twelve months preceding the expiration of the five year anniversary and provided always that the increased rental shall not be less than the rental payable for the previous period.*
4. *The Mayor and General Manager be authorised to sign the Lease to the Jindera & District Pony Club for the Jindera Reserve R94491 under the Common Seal of Council.*

Council staff have been in contact with representatives of the Jindera Pony Club and explained the requirements as specified by the Department of Lands. The club have indicated that they will accept the revised terms including the increase in annual rental.

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LEASE - JINDERA & DISTRICT PONY CLUB [CONT'D]

Approval is now sought to proceed with the preparation of the new Licence in accordance with the recommendations by the Department of Lands. Upon completion the Licence will be forwarded to the Minister for consideration.

RECOMMENDATION

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.

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

Report prepared by Corporate Services Manager – Suzanne Klemke

REASON FOR REPORT

To seek Council approval to receive a gift of land from Mrs Dulcie Schmidt for the future benefit of residents of Burrumbuttock.

DISCUSSION

Council has received correspondence from Skinner & Associates on behalf of Mrs Dulcie Schmidt who has indicated her request to gift a parcel of land to council known as Lot A DP 379189, Burrumbuttock. The land covers approximately 619.7 square metres and is situated on the corner of Urana Road and Walla Road, Burrumbuttock. A copy of the correspondence from Skinner & Associates as well as a map detailing the location of the parcel of land is included as **ANNEXURE 13**.

Mrs Schmidt is prepared to assist with the transfer of title and has requested that Council waive the rates for the current 2009/2010 rating year. It would seem reasonable that as a form of compensation Council pay the rates in full for the 2009 / 2010 year.

The residents of Burrumbuttock have proven in the past to actively embrace community development projects and it is envisaged that the future development of the site would be undertaken largely by community volunteers. The central location of the land lends itself to the possible establishment of a small rest area for travellers passing through Burrumbuttock to use and as such it would appear appropriate for council to graciously accept this generous offer on behalf of the residents and surrounding community of Burrumbuttock.

BUDGET IMPLICATIONS

Assuming the Burrumbuttock community will assist in the development of the area the likely costs of accepting the gift would be minimal and possibly limited to annual rates and minor maintenance expenses.

RECOMMENDATION

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

Report prepared by Manager Community Services – Ian Gilbert

REASON FOR REPORT

To present to Council a recommendation from the Holbrook Submarine Museum and Visitor Information Centre Committee (the Committee) to transfer, on loan to the Australian War Memorial in Canberra, the gallantry Medals (the Medals) of Commander Norman Holbrook V. C. R. N. donated by Mrs Gundula Holbrook to the people of Holbrook.

DISCUSSION

The Committee supports ensuring the Medals are kept in the most appropriate storage to maximise their preservation, stored in a secure environment and to maximising the exposure of the Medals for the benefit of the Holbrook Submarine Museum. The medals are the original Medals bestowed on Commander Holbrook for his gallant efforts during WW1 and are known as:

1. Victoria Cross
2. 1914-15 Star
3. British War Medal 1914-1920
4. Victory Medal
5. Defence Medal
6. War Medal 1939-1945
7. George VI Coronation Medal
8. Elizabeth II Coronation Medal
9. Chevalier of the Legion of Honour (or, more correctly, 'Chevalier de la Legion d'Honneur')

Additionally a set of miniature Medals are also stored in a secure location.

The Manager Community Services has had initial discussions with the Senior Curator of the Military, Heraldry & Technology Section of the Australian War Memorial on the possibility of the Medals being loaned to the Australian War Memorial. Following these discussions Council received a letter from the Director, Australian War Memorial Museum, Major General Steven Gower AO AO(Mil) advising that the War Memorial would be most grateful to have the Medals on loan. Should the Medals be relocated to the Australian War Memorial, the insurance of the Medals would be the responsibility of the Australian War Memorial and would be indemnified to an agreed value between Council and the Australian War Memorial. A draft generic Loan Agreement: Incoming and Conditions Governing Loans of Historical Material is attached as **ANNEXURE 14**.

In a subsequent meeting between Council's Manager Community Services, the Head of Military and Technology and the Senior Curator of the Military Heraldry & Technology Section of the Australian War Memorial discussions evolved around benefits the Australian War Memorial could provide to the Holbrook Submarine Museum.

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HOLBROOK SUBMARINE MUSEUM AND VISITOR INFORMATION CENTRE COMMITTEE
[CONT'D]

These benefits include specialised advice on cataloguing and archiving, restoration and preservation of materials and artefacts and appropriate storage and display of the collection. The collection is of considerable value and historic significance therefore significant importance is placed on its preservation.

With the one hundredth anniversary of the First World War approaching, displaying the Medals within the Australian War Memorial in a prominent position would generate significant exposure for the Medals, the township of Holbrook including the Holbrook Submarine Museum and Visitor Information Centre and Council.

The Manager Community Services has had discussions with Mrs Gundula Holbrook regarding the relocation of the Medals to the Australian War Memorial and she is fully supportive of the relocation of the Medals to the Australian War Memorial.

At the Meeting of the Committee held on 8 September 2009, the Committee resolved to recommend to Council that the Medals be loaned to the Australian War Memorial under the following terms and conditions:

- a) 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 to the Australian War Memorial.
 - b) 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.
 - c) Either party may terminate the Loan Agreement by providing one (1) years notice in writing.
 - d) The Medals remain the property of the people of Holbrook, with Greater Hume Shire Council as Trustee.
 - e) 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.
2. 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 Australian War Memorial.
 3. That the Manager Community Services continues with 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.

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HOLBROOK SUBMARINE MUSEUM AND VISITOR INFORMATION CENTRE COMMITTEE
[CONT'D]

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

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.

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6. HOLBROOK SUBMARINE MUSEUM – HOLOGRAM

REASON FOR REPORT

To advise Council on the progress of the installation of the Hologram within the Holbrook Submarine Museum.

DISCUSSION

The installation of the Hologram within the Holbrook Submarine Museum is due for completion in the week commencing 14 September 2009.

The Holbrook Submarine Museum and Visitor Information Centre Committee has invited Mrs Gundula Holbrook to Officially Open the Hologram on Sunday 18 October 2009 commencing at 10:30am at the Submarine Museum, Submarine Park, Holbrook.

BUDGET IMPLICATION

Nil.

RECOMMENDATION

That the report be received and noted.

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ENGINEERING

1. STREET LIGHT AT BOWNA STORE

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To consider a request for the removal of the streetlight on the intersection of Wymah Road, and Bowna Road (Old Hume Highway).

DISCUSSION

Correspondence has been received from Mr Jeff Lewry (Yarakila's Boomerangs) requesting Council remove the streetlight adjacent to his property on the intersection of Wymah Road and Bowna Road (Old Hume Highway). A copy of Mr Lewry's correspondence is attached in **ANNEXURE 15**. He is of the opinion that it is not required as there is significantly less traffic following the completion of highway works and it an unnecessary nuisance.

Correspondence has also been received from the Bowna Wymah Rural Fire Brigade and Bowna Wymah Progress Association. A copy of this correspondence is also attached at **ANNEXURE 15** supporting the retention of the streetlight. Both organizations see the streetlight as valuable infrastructure and an important safety feature that assists users of the intersection. The correspondence states that the intersection was often fog bound in winter and there are a number of Wymah residents who are shift workers that return home late at night that utilize the intersection.

BUDGET IMPLICATIONS

The light is maintained by Country Energy on behalf of Council as part of Councils overall street-lighting maintenance agreement, the same as all other Council streetlights. The current fee for maintenance of this light is approximately \$25.00/month.

CONCLUSION

Although traffic volumes on Bowna Road (old Hume Highway) have dramatically decreased following the completion of the duplication works, the intersection is still a major intersection on Council's Road Network. The streetlight provides a distinct safety improvement by highlighting the location of the intersection to drivers in sometimes adverse weather conditions (fog, rain etc). It is also noted that most holiday makers accessing the Wymah Holiday Park, travel through this intersection.

Due to the minor cost of maintaining this light, and the significant safety improvements it provides, it is appropriate that Council maintain this streetlight at this location.

RECOMMENDATION

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).

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2. URANA ROAD/JELBART ROAD INTERSECTION WORKS

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To update Councillors on works at Urana Rd and Jelbart Rd intersection (Jindera Gap).

DISCUSSION

The intersection of Urana Rd and Jelbart Rd is located some 5km south of the town of Jindera on the boundary with Albury City Council. This location is also known as Jindera Gap. In 2008 the intersection was modified under Federal Blackspot Funding following a number of accidents close to and at the intersection.

The upgrade was a joint project, with Albury City Council undertaking survey work, the RTA undertaking the design, and Council constructing works onsite (both in Albury City and Greater Hume Shire) with the federal government funding the works through the Blackspot Program.

The initial blackspot works apart from the linemarking changes involved drainage modification, installation of guardrail and new signage. The works incorporated the retention of the school bus stops on either side of Urana Rd, however these have now been removed and the school bus stop relocated to the purpose built off road bus stop approximately 3km to the north adjacent to the Hueske Rd and Urana Rd intersection.

Following the completion of the works, some concerns were raised to Council about the modified layout of the intersection. Subsequently Council requested the RTA to undertake a road safety audit of the intersection, as it is responsible for the management of the black spot program on behalf of the Federal Government.

An onsite meeting was arranged with the RTA, Council, and an independent road safety auditor who was employed by the RTA to complete the safety audit as it had completed the design of the project. At this meeting the auditor was given a copy of correspondence received by Council from residents concerned about the modified layout of the intersection. The mayor was also in attendance at this meeting and gave the auditor a personal overview of the issues as advised to her from other concerned persons.

A draft report has been received by Council. The draft report identified two significant issues relating to safety at the modified intersection. These were northbound vehicles illegally overtaking vehicles turning into Jelbart Rd travelling on the painted separation median, and a lack of sight distance at the intersection.

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URANA ROAD/JELBART ROAD INTERSECTION WORKS [CONT'D]

As known, Council has incorporated further works within its Regional Road Budget to complete additional work this year, at the intersection following the relocation of the school bus stops. Council is now currently finalizing this work with the construction of a left turn lane into Jelbart Rd, and the installation of heavy duty raised lateral markers on the painted median. This is expected to help eliminate the illegal trafficking of the painted median by drivers. Further work will continue into the lack of sight distance at the intersection which may involve relocation of the intersection or application of a reduced speed limit at this location, however any relocation of the intersection would involve considerable expense, and the introduction of a lower speed limit needs considerable evaluation.

BUDGET IMPLICATIONS

As stated in the report Council has committed funding in this years budget to the upgrade of this intersection which is currently being completed. Clearly as traffic increases in the future, this intersection will require additional work to further accommodate the increasing traffic. Due to the topography of this location and road geometry at the intersection the cost to complete further work will be expensive.

CONCLUSION

The Jelbart Road/Urana Rd intersection is one of Council's most significant road junctions due to the volume of traffic that passes through it each day and the steep terrain where it is situated. Council staff is mindful of the intersections crash history and are continually assessing it for possible improvements. Clearly with the rapid development of the land nearby to Jindera, further works on the intersection will be required in the near future, however these will not be cheap to implement. Such works as widening and/or lowering of the road surface at the intersection and the installation of concrete medians and lighting will cost significantly, so the implementation of these works will require careful consideration. However the safety of users of the road network must be kept a priority and must be always being considered when future funds are allocated.

RECOMMENDATION

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

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3. PROPOSED CYCLING WALKING TRACK (JINDERA – ALBURY)

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To update Council on the proposed cycling walking track project from Jindera to Albury.

DISCUSSION

At the Council meeting on Wednesday 15 July 2009 it was determined:

That:

1. *the Director Engineering be authorized to initiate discussions with Albury City Council regarding the establishment of a cycling track between Jindera and Albury, and submit a preliminary report to a future meeting of Council.*
2. *Cheryl Ingrey of Action Group for the Jindera to Albury Cycling Track be advised of Council's determination.*

The author can now advise Council that ongoing discussions have been held with Albury City Council staff, and a preliminary design has been developed for the path (see **ANNEXURE 16**).

Staff from both Greater Hume and Albury City have “walked” the proposed route and determined the most appropriate location for the path. From the on-ground assessment a more refined estimate has also been calculated at \$2 million. The on-ground assessment has also confirmed a number of significant structures that are required to cross numerous waterways, as well as the installation of a road crossing on the Albury side of the path. It is considered a path width of 3.0m is suitable for the use expected, and that it will have an asphalt “hotmix” surface.

As the path will be utilized by both cyclists and walkers it is recommended that the project be called the “Albury – Jindera Recreational Path”, to help in the obtainment of grants from different sources (ie Walking/Cycling Programs). It is proposed that this name be used on all future grant applications as well as any publicity.

BUDGET IMPLICATIONS

As detailed the cost to construct the path is significant, it will require funding from external sources other than Council to complete.

CONCLUSION

The development of a consistent name for the project is important for future grant applications and publicity of the project. Council staff will continue to develop the concept of this project in conjunction with Albury City Council staff, with funding opportunities to be explored.

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PROPOSED CYCLING WALKING TRACK (JINDERA – ALBURY) [CONT'D]

RECOMMENDATION

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.

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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

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Council that Expressions of Interest under the above program were submitted for the Holbrook Service Centre/Industrial Park Project and the upgrade of Coppabella & Jingellic Roads.

DISCUSSION

In accordance with resolutions from the June and August meetings Expressions of Interest under the Building the Country – Local Infrastructure Support Fund were submitted for the Holbrook Service Centre/Industrial Park Project and the upgrade of Coppabella & Jingellic Roads.

Management has been continuing to develop the Holbrook Service Centre/Industrial Park concept and has recently completed an environmental and aboriginal cultural heritage assessment of the proposed site. Whilst some issues have been identified Management is confident that the project can be satisfactorily designed around the identified constraints.

The Holbrook Service Centre Expression of Interest document has been refined to include the recently announced Hume Highway Bypass route and the following timeline has been developed:

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
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

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BUILDING THE COUNTRY PACKAGE – LOCAL INFRASTRUCTURE SUPPORT FUND HOLBROOK SERVICE CENTRE/INDUSTRIAL PARK PROJECT AND COPPABELLA & JINGELLIC ROADS UPGRADE [CONT'D]

Key selection criteria requires prospective Developers to identify how the proposed tenancy mix can include opportunities for local businesses to start up or relocate to the site.

BUDGET IMPLICATIONS

Revenue neutral as any grants, funds or proceeds from the sale of land will most likely be used in the development of the Service/Centre Industrial Park site.

CONCLUSION

It is proposed that Council will approve a draft Expression of Interest document at the September meeting however as this may confer a commercial advantage on a person with whom the Council is conducting (or proposing to conduct) business it is recommended it be referred to Closed Council.

RECOMMENDATION

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.

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

Report prepared by General Manager – Steven Pinnuck

REASON FOR REPORT

To inform Councillors of a request to waive legal fees for unpaid rates and charges.

DISCUSSION

Council has received a request to waive unpaid rates and charges. As this matter relates to personal matters concerning particular individuals (other than Councillors) it is appropriate that the matter be referred to Closed Council.

BUDGET IMPLICATIONS

Negligible.

RECOMMENDATION

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).

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PART B – FOR INFORMATION

GOVERNANCE

1. DEPARTMENT OF LOCAL GOVERNMENT CIRCULARS [G.320.3]

REASON FOR REPORT

To ensure Councillors are updated with changes to legislation or the strategic direction of Local Government in NSW.

DISCUSSION

ENCLOSED SEPARATELY with the agenda is a listing of DLG Circulars No 30 to 32/2009. Copies of DLG Circulars are available from the website www.dlg.nsw.gov.au or alternatively by contacting Council.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

For Councillors' Information.

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

REASON FOR REPORT

To ensure Councillors are updated with changes to legislation or the strategic direction of Local Government in NSW.

DISCUSSION

ENCLOSED SEPARATELY is a listing of Table of Contents of LGSA Weekly Circulars Issues 32 to 35/2009. Copies of LGSA Weekly Circulars are available from the website www.lgsa.org.au or alternatively by contacting Council.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

For Councillors' Information.

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3. UNION PICNIC DAY – TUESDAY 6 OCTOBER 2009

REASON FOR REPORT

To advise Council that the Union Picnic Day will be held on Tuesday 6 October 2009.

DISCUSSION

The annual union picnic day will be held this year on Tuesday 6 October 2009 which is the same day as previous years (the Tuesday after the long weekend).

All offices and customer service centres will remain open, but there will only be skeleton outdoor crews operating to maintain public facilities and other necessary services.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

For Councillors' Information.

4. COMMUNITY DEVELOPMENT REPORT – AUGUST 2009

The Community Development Report for the month of August 2009 is attached at **ANNEXURE 16B**.

CORPORATE AND COMMUNITY SERVICES

1. CUSTOMER REQUEST MODULE

For Councillors' information, a Customer Request Module report is **ENCLOSED SEPARATELY**.

2. STATEMENTS OF BANK BALANCES AS AT 31 AUGUST 2009. COMBINED INVESTMENT ACCOUNTS AS AT 31 AUGUST 2009

Attached, at **ANNEXURE 17**, are statements of bank balances as at 31 August 2009 and the summary of investments as 31 August 2009.

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ENGINEERING

1. AUGUST REPORT OF WORKS

Grants Program

State Roads Maintenance (RMCC):

General pavement maintenance has taken place on the Olympic Highway (MR78) and the Tumbarumba Road (MR284) in accordance with the RTA contract.

Works Proposals (WP) have been issued for heavy patching in segments 50 and 180 of Tumbarumba Road (MR284).

Regional Roads Block Grant:

Work is continuing on the construction of a left turn lane at the Jelbart Road and Urana Road (MR125) intersection.

General pavement patching has been carried out during the last month on all regional roads throughout the Shire.

Local Roads

Sealed:

Culvert widening is in progress on Tunnel Road.

Shoulder grading has been carried out on Cummings Road along with drainage work on Fellow Hills Road.

Shoulder grading on Yankee Crossing Road in conjunction with future bitumen reseals has been carried out.

Gravel:

Gravel resheeting has been completed on River Road, Bethel Road and Knox Road.

Heavy gravel patching has been completed on Burma Road, Newtons Road and Burrumbuttock Brocklesby Road along with drainage work on Coppabella Road and Rosewood Road.

The Following roads have been graded in the month of August:

Back Henty Road	Millswood Road
Bahrs Road	Mirrabooka Road
Balldale Walbundie Road	Mitchells Road
Bethel Road	Moorwatha Road
Bona Vista Road	Mullemblah Road
Brocklesby Road	Bendemeeer Lane
Burma Road	Munyaplah Settlement Road
Burrumbuttock Brocklesby Road	Narabilla Road

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REPORT OF WORKS [CONT'D]

Coppabella Road	Newtons Road
Courtney Lane	Okeeffes Lane
Diffeyes Road	Orange Promise Road
Fannings Lane	Reapers Road
Ferguson Road	Rodgers Road
Gretz Road	Rosemont Road
Hoggs Road	Scholz Road
Jacka Road	Camalot Lane
Jennings Road	Shady Grove Road
Kendalls Road	Sherwyn Road
Kings Bridge Road	Shippards Road
Kleemans Road	Shoemarks Road
Knox Road	Stonehaven Road
Kenya Road	Vile Lane
Lieschkes Road	Weamera Road
Majors Creek Road	Orange Flat Lane
Maloneys Road	Woods Road
Merri Merric Road	Yarra Yarra Road

Urban Streets

Work has been completed on the pedestrian safety improvements at the rail crossing in Balfour Street, Culcairn.

Construction of the Culcairn Walking Track is continuing.

Street sweeping program is being developed for Council's new street sweeper. All towns in the Shire are now being swept on a regular basis.

General

Work is continuing at the industrial shed in Gordon Street, Culcairn.

Rubber soft fall areas have been placed in nine (9) parks throughout the Shire.

General maintenance has been carried out in parks throughout the Shire with three (3) large trees being removed from Ten Mile Creek Park at Holbrook.

Work is in progress on the Village Green Park at Jindera with the planting of trees by community members.

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2. CHANGES TO WATER RESTRICTIONS

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To update Councillors on the changes to water restrictions for the Villages Water Supply.

DISCUSSION

It was resolved by Council at the July 2009 Council Meeting that:

- 1. the Villages Water Scheme water restrictions be aligned with restrictions implemented by Albury City Council.*
- 2. the Culcairn Water Scheme water restrictions be aligned with restrictions implemented by Riverina Water.*

Since the July meeting of Council, Albury City Council has relaxed their restrictions from stage 4 to stage 3A. Therefore, stage 3A water restrictions have now been implemented for the Villages Water Supply. See **ANNEXURE 18** for further information on stage 3A water restrictions.

Level 1 water restrictions are still in force for the Culcairn Water Supply in line with Riverina Water County Council. See **ANNEXURE 18** for further information on stage 1 water restrictions.

BUDGET IMPLICATIONS

Nil

CONCLUSION

For Councillors' Information.

ENVIRONMENT AND PLANNING

1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF AUGUST 2009

Attached, at **ANNEXURE 19** is the schedule of development applications processed for the month of August 2009.

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2. SENIOR WEED OFFICER'S REPORT - AUGUST 2009

Spray operations carried out during August has resulted in the continuation of the Horehound control program along the Berrigan-Walbundrie Road with approximately 6.5km left to spray. The funding for this program is from a Murray CMA grant to control Horehound in a significant native vegetation area. Roadside shoulder spraying has been ongoing with over a third of the sealed roads in the Shire sprayed. This will continue over the coming weeks.

The Holbrook Airpark runways and markers have been sprayed to remove all vegetation.

Follow up work on all areas where rabbit control was carried out in July has been completed with only 4 warrens found to be reopened. These were retreated at the time.

An end of year report on weed control coordination, financial return and a written report on outcomes and results against the performance indicators and activities for 2008/2009 has been completed and sent to the Industry & Investment Office (formerly DPI) in Orange.

Other reports completed include a Chilean Needle Grass report on actions against the four goals in the 2008/2009 strategic plan and a report on the follow up work completed for Gorse under the Memorandum of Understanding signed by Council.

Property inspections have been ongoing with Illyrian Thistle and African Boxthorn, the weeds evident at this time of year. Most broadleaf weeds are also growing at this time of year and landholders are given advice on the control of these weeds. A total of 15 inspections have been carried out.

Roadsides in the south western area of the Shire have been inspected for any early appearance of Chilean Needle Grass. No plants have been found at this time.

3. RANGER'S REPORT – AUGUST 2009

Companion Animals

No. of Complaints Received 21		Including 2 barking dog, 15 roaming dogs, 1 dog acting aggressive. 2 cat complaints.	
No. of Dog attacks:	1	Location: Holbrook	1 dog involved in incident chasing sheep on private property - 9 attacked, 4 put down and 5 injured.
Comments:	Owner issued Penalty Infringement Notice and warning letter. Dog was surrendered and put down.		
		Dogs	Cats
In Council's Facility at beginning of month		2	2
Captured & Returned to Owners		3	2
Captured & Impounded		12	2

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RANGER'S REPORT – AUGUST 2009 [CONT'D]

Released from Pound to Owners	6	2
Surrendered by Owners	3	
Rehomed	3	
Euthanized	7	2
Remaining in Council's Facility at end of month	1	0

Feral Cats

No. of Complaints:	4
No. Feral Cats caught:	9

Livestock

	Cattle	Sheep	Horses	Goats	Other
No. of Reports of Stock on Roads	5	4	1		
Instances - Returned to owners	5	4	1		
Impounded					
Vehicle accidents involving stock					

Other Livestock, Wildlife complaints

Complaint was received about kangaroos being chased or shot without authority. Investigation being conducted with other appropriate agencies, they have undertaken steps to address issues.

Abandoned Vehicles

1 vehicle remains – Impounded.

Other Vehicle Incidents

Nil.

Pollution and Environmental Incidents 5: 2 incidents dumping household waste in roadside bin (Henty Man) 3 incidents, rubbish dumped on the side of roadway.	
Inspection conducted: 4 owners not identified, 1 identified, Penalty Infringement issued	Henty Man - Household waste dumped x 2 bags. Owners not identified; on going investigation evidence filed, the waste was removed by Council employee. Holbrook 3 dumping of waste. 1 identified - penalty notice issued. 2 not identified -waste removed by Council employee.
Pollution: Noise	Nil.

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RANGER'S REPORT – AUGUST 2009 [CONT'D]

- Over the past month the Rangers have been completing a number of Dangerous and Restricted breed compliance inspections throughout the Shire.
- On going follow ups for unregistered dogs are continuing.
- Complaints were received in relation to unauthorised disabled parking at Culcairn.
- Truck parking complaints were received in relation to road damage at Holbrook and Culcairn.

Trees and Firewood Permits

No of Inspections 2	2 persons had appropriate permit.
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Training:

Charlie Clarke attended 4 days Protection of the Environment Authorised Officer Training during August.

The training covered:

- Investigating alleged breaches of legislation.
- Undertaking routine inspections and monitoring.
- Evidence gathering and processing.
- Implement strategies to minimise environmental pollution.
- Examined court cases, from the Land and Environment Court and analysed the outcomes.

PART C – COMMITTEE REPORTS

Attached, as **ANNEXURE 20**, are minutes/notes of the following Committee Meetings:

- Minutes of Culcairn Business and Community Forum Meeting held on 27 July 2009.
- Minutes of the Walla Walla Community Development Committee Meeting held on 3 August 2009.
- Minutes of RFS Hume Zone Liaison Committee Meeting held on 1 September 2009.

RECOMMENDATION

That Part C of the Agenda be received and noted.