



Greater  
Hume  
Council

To: «Name»

**Ordinary Meeting of Greater Hume Council**

Wednesday, 26 September 2018

NOTICE is hereby given that an Ordinary Meeting of the Greater Hume Council will be held at the Council Chambers, Balfour Street, Culcairn commencing at 6.00pm.

STEVEN PINNUCK  
**GENERAL MANAGER**

ORDER OF BUSINESS TO BE CONSIDERED  
REFER OVERLEAF

## **Ordinary Meeting of Greater Hume Council**

Wednesday, 26 September 2018

### **BUSINESS TO BE CONSIDERED**

**1. PRAYER**

**2. ACKNOWLEDGEMENT OF COUNTRY**

*"I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people, and pay my respect to elders both past and present".*

**3. DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY INTEREST  
(CONFLICT OF INTEREST)**

**4. APOLOGIES**

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- Minutes of the Ordinary Meeting of Council – 15 August 2018

**6. ACTION REPORT FROM THE MINUTES**

**7. NOTICE OF MOTION**

**8. REPORTS FROM OFFICERS**

**PART A For Determination**

- Environment and Planning
- Governance
- Corporate and Community Services
- Engineering

**PART B For Information**

- Governance
- Corporate and Community Services
- Engineering
- Environment and Planning

**PART C For Information**

**9. MATTERS OF URGENCY**

**10. COMMITTEE OF THE WHOLE – CONFIDENTIAL CLOSED COUNCIL REPORTS**

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**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN  
ON WEDNESDAY, 26 SEPTEMBER 2018**

## **NOTICE OF MOTION**

**1. NOTICE OF MOTION - CR MEYER – UPGRADE OF JINGELIC ROAD**

That a report be provided to Council on the steps required to develop of strategy to upgrade the entirety of Jingellic Road from Holbrook to the Shire boundary, including possible funding partners (Government and Industry) and financing models.

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## **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 the election of the Mayor for the ensuing 2 years.

#### **REFERENCE TO DELIVERY PLAN ACTIONS**

Nil.

#### **DISCUSSION**

Section 290(1)(b) of the Local Government Act 1993 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 [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 attached as **ANNEXURE 1** for councillors' information.

Nomination papers were distributed at the Workshop held on Wednesday 5 September. agenda.

**BUDGET IMPLICATIONS**

Mayoral allowance of \$25,880 per annum has been approved with adoption of 2018/2019 Delivery Plan and Estimates of Income and Expenditure. This includes a payment of \$4,133 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 elects a mayor for the period September 2018 to September 2020.

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**2. DEPUTY MAYORAL ELECTION**

**Report prepared by General Manager – Steven Pinnuck**

**REASON FOR REPORT**

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

**REFERENCE TO DELIVERY PLAN ACTIONS**

Nil.

**DISCUSSION**

Section 290(1) (b) of the Local Government Act 1993 provides that the election of the mayor (and Deputy Mayor is one is to be elected) by the councillors must be held during the month of September.

Council at the meeting held on 20 September 2017 Cr Matthew Hicks was elected as Deputy Mayor for the term of one year.

This report outlines the process required for the election of Deputy Mayor for the ensuing 12 month period.

Clause 394 of the Local Government (General) Regulation 2005 requires that the election of deputy 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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DEPUTY MAYORAL ELECTION [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 attached as **ANNEXURE 1** for councillors' information.

Nomination papers are enclosed with this agenda.

**BUDGET IMPLICATIONS**

A mayoral allowance of \$25800 per annum has been approved with adoption of 2018/2019 Delivery Plan and Estimates of Income and Expenditure. This includes a payment of \$4,133 to the Deputy Mayor from the mayoral allowance.

**CONCLUSION**

Council can choose to elect a Deputy Mayor if it so desires.

**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 elects the deputy mayor for the period September 2018 to September 2019.

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## **ENGINEERING**

### **1. REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE – CULCAIRN ARTC RESPONSE AND PRESENTATION**

**Report prepared by Director Engineering – Greg Blackie**

#### **REASON FOR REPORT**

To advise Council of a response received from the Australian Rail Track Corporation (ARTC) on the proposed removal of the pedestrian footbridge over the railway line in Balfour St (Olympic Hwy) Culcairn following Councils resolution to request the footbridge be lifted and retained.

#### **REFERENCE TO DELIVERY PLAN ACTION**

Outcome 4.1 Infrastructure and facilities meets the needs of our communities.

Action 4.1.1.2 Ensure the investment in the upgrade of infrastructure is targeted and prioritised.

#### **DISCUSSION**

At the August 15 Meeting of Council a report (Refer **ANNEXURE 2**) was submitted to Council to advise as part of the Inland Rail Project, the existing pedestrian rail bridge in Culcairn is proposed to be removed due to the following reasons:

- *It does not meet vertical clearance requirements for Inland Rail.*
- *The footbridge has been closed for a few years and is not in use*
- *A compliant pedestrian crossing exists near the footbridge ruling out any future requirement of the footbridge.*

At the meeting it was resolved:

*“That the Director Engineering write to ARTC (Australian Rail Track Corporation) requesting that the footbridge be lifted and a commitment sought to maintain and preserve the historical aspect of the bridge.”*

Following the Council meeting correspondence was sent and replies received from ARTC dated 6 and 12 September **ANNEXURE 2**.

The correspondence received advises that:

*We have considered Councils request and recognise Council and the community’s appreciation for the Culcairn footbridge structure. A proposed lifting/retention for any decommissioned asset in a rail corridor is impacted by the following factors.*

- *Safety consideration for any unused/decommissioned structure.*
- *Safety consideration if the structure is proposed to be retained within the rail corridor.*
- *Application of the current standards and regulations to the structure in the rail corridor, including compliance to AS5100 collision impact requirement.*
- *Current condition of the structure.*
- *Maintenance requirements of the structure. And*
- *Compliance with the Rail operator’s policy for a similar structure, as in this case a compliant active pedestrian crossing exists at the location.*

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REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE – CULCAIRN ARTC RESPONSE  
AND PRESENTATION [CONT'D]

*Following the consideration of the above issues, we do not believe it is feasible or safe enough for ARTC to lift and retain the structure within the rail corridor at the existing location.*

*Also if the bridge is to be considered for reopening in addition to lifting, considering public safety and public accessibility it would also require that the bridge be brought into compliance with current Disability Discrimination Act (DDA) requirements. This would require that ramps and or lifts be provided which would not align with the historical context of the bridge.*

*However as stated in our previous correspondence, we can certainly work with the Council to hand over part/s of the footbridge, if the Councils has any plans to utilise them outside of the rail corridor. A proposal to set a plaque close to the site commemorating the footbridges history can also be worked through.*

*We are willing to discuss this in person, if required, and are available to attend the Council's forum to discuss the issue in more detail at your earliest convenience.*

Following receipt of this correspondence the writer has arranged representatives from the ARTC – Inland Rail Project to attend the next Ordinary Meeting of Council on the 26 September to further discuss their response.

They will also take the opportunity to update Council on the Inland Rail Project and the impact in Greater Hume.

It is clear that retention and lifting of the structure is unlikely and the required modifications make the project not feasible both from a cost and heritage standing.

It is to be noted in the previous report to Council that the Culcairn Development Committee, did not comment on the retention of the structure at their meeting however that they *—In response to the removal of The Railway Footbridge, the committee would like to keep part or all of it, as it is part of the heritage of Culcairn. It would be stored for a future project.*

The correspondence received from ARTC in relating to the gifting states:

*I can confirm that we have reviewed Councils request and have no objection in principle to provide in part/s the relevant sections of the footbridge after the removal and dismantling of the bridge to preserve the historical aspect of the bridge.*

*We do recommend that Council consider a number of issues, including the following:*

- *The current state of the structure – as the bridge has been closed for a number of years, the current condition will impact how feasible it is to dismantle the bridge in one piece or more and what level of follow-up repair / reconstruction works required*
- *Responsibility for the follow on works required – including the installation works if any post removal and ongoing maintenance works in the new location will need to be considered from the Council.*
- *The management of any contamination – if applicable will also need to be considered as part of the dismantling and re- establishing process.*
- *The sections of the footbridge which will need to be relocated or stored are required to be considered outside of the rail corridor in Council Land.*

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REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE – CULCAIRN ARTC RESPONSE  
AND PRESENTATION [CONT'D]

As advised in the initial report to Council, if Council is gifted the bridge or parts of, there is a risk Council will be accepting a structure that has an unknown structural condition and possibly contaminated.

With this in mind if Council wishes to accept the gifted asset it should also be stored on Council owned land in an area that minimises the risk with the public. A location suggested is on land adjacent to the Culcairn Sewer Treatment Plant. The suggestion to store it in private property is not considered suitable due to inherent risks involved.

**BUDGET IMPLICATION**

No costs at this stage but if gifted to Council and subsequently placed for public use Council will incur some additional ongoing maintenance costs.

**CONCLUSION**

It is clear the removal of the bridge is required to allow for the development of the Inland Rail. As it has already been replaced with a compliant crossing there is no need for it to remain. A plaque recognising the bridge's history and value to the Culcairn Community which can be funded by Inland Rail is considered a suitable request to be made.

However possible retention of parts or all of the structure for other projects does raise some issues that Council need to consider.

Should Council come into possession of the structure (or parts of) a risk does emanate from its current condition and possible future use.

**RECOMMENDATION**

That Council suspend standing orders and allow representatives from Inland Rail to undertake a presentation on the Inland Rail Project and take questions on the proposed removal of the Pedestrian Bridge at Culcairn.

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## **ENVIRONMENT AND PLANNING**

1. **DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING  
DEMOLITION LOT3 DP544627 - 95 ALBURY STREET HOLBROOK**

**Report prepared by Director Environment and Planning - Colin Kane**

### **REASON FOR REPORT**

At the Ordinary meeting held on 15 August 2018 Council considered a development assessment report for the demolition of a commercial building at 95 Albury Street Holbrook described as Lot 3 DP544627 (“the subject land”) and the applicant is Public Works Advisory and landowner is Property NSW.

In response to the development assessment report it was the resolution of Council to request the applicant to provide additional information which has subsequently been supplied. Consequently it may be possible for Council to make a determination of this development application.

### **REFERENCE TO DELIVERY PLAN**

None relevant.

### **DISCUSSION**

As mentioned above at Council’s Ordinary Meeting held on 15 August 2018 Council considered an assessment report (**ANNEXURE 3**) for the demolition of a commercial building situated on the subject land. In response to this report Council made the following resolution:

**5037 RESOLVED** [Quinn/Hicks]

*That Council request Public Works Advisory investigate alternative methods of preserving the nature and heritage of the building.*

Additional information was requested from Public Works Advisory who responded with correspondence (**ANNEXURE 3**). It is apparent from the Public Works Advisory correspondence that the commercial building is unique from other buildings where Loose Fill Asbestos has been utilised and it would be possible to remove the Loose Fill Asbestos through a slower more selective demolition procedure. The correspondence notes that there would be a significant cost to undertake the selective demolition procedure, brace the remaining façade and subsequently redevelop the building for an alternate use. It was advised that the Public Work Advisory does not have a budget to accommodate these significant costs and alternate sources of funding would need to be found.

### **BUDGET IMPLICATIONS**

Nil.

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DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION  
LOT3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

**CONCLUSION**

It is considered that due to the significant costs associated with undertaking the selective demolition and retaining the façade that the reasons for the full demolition of the building that are discussed within the submissions section of the assessment report (**ANNEXURE 3**) are still valid. Consequently after considering the assessment requirements of Section 4.15 in the assessment report the application is supported for conditional approval.

**RECOMMENDATION**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 consent be granted to development application 10.2018.94.1 for demolition of a building at 95 Albury Street Holbrook described as Lot 3 DP544627 and Lots 1 and 2 DP544627 which is 99 and 97 Albury Street Holbrook subject to the following conditions:

**Part 1 Conditions applying before works commence**

**1 Protection of adjoining areas**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

**2 Toilet facilities**

1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

**3 Waste management**

1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.

2) The waste management plan must:

- a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and

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DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION  
LOT3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

- b) identify the quantity of waste material, in tonnes and cubic metres, to be:
    - (i) reused on-site, and
    - (ii) recycled on-site and off-site, and
    - (iii) disposed of off-site, and
  - c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
  - d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- 3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- 4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

**4 Adjoining Wall Structural Report**

Prior to demolition the applicant is to engage a suitable qualified structural engineer to provide for approval plans or an engineering certificate to Council outlining the proposed method of retaining or replacing the common wall between 95 and 93 Albury Street. Any cost associated with the retaining or replacing the common wall is to be payable in full by the applicant

**5 Rectification of Encroachment**

A registered surveyor is to be engaged to undertake survey work to rectify any encroachment of the common wall between 95 and 93 Albury Street Holbrook. Any cost associated with the rectification of the encroachment is to be payable in full by the applicant.

**6 Heritage Archival Record and Commemorative Placard**

The applicant is to engage a suitable qualified individual or company to undertake a Heritage Archival Record of the building in accordance with the guidelines prepared by the NSW Heritage Office. Suitable information and photographs arising from this process are to be prepared for a site based placard which is to be erected along the Albury Street frontage. The applicant is to liaise with Council regarding the requirements for the commemorative placard.

**7 Run-off and erosion controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas, and
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- c) preventing the tracking of sediment by vehicles onto roads, and
- d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

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DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION  
LOT3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

**Part 2 Conditions applying during the works**

**Note.** The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

**8 Hours for demolition**

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

**9 Compliance with plans**

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

**10 Demolition**

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

**11 Maintenance of site**

- 1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- 2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- 3) Copies of receipts stating the following must be given to the principal certifying authority:
  - a) the place to which waste materials were transported,
  - b) the name of the contractor transporting the materials,
  - c) the quantity of materials transported off-site and recycled or disposed of.
- 4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 5) During construction:
  - a) all vehicles entering or leaving the site must have their loads covered, and
  - b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- 6) At the completion of the works, the work site must be left clear of waste and debris.



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**2. DEVELOPMENT APPLICATION 10.2018.128.1 – SHIPPING CONTAINER LOT 5 SECTION 29 DP9695 – 9 WATTLE STREET CULCAIRN**

**Report prepared by Environmental Health & Building Surveyor – Sharyn Coulston**

**REASON FOR REPORT**

Council is in receipt of a development application for the installation of a shipping container. The site is 9 Wattle Street Culcairn described as Lot 5 Section 29 DP9695 (the subject land"). The applicant and landowner is A M Stein.

This report represents an assessment of the application under the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is being reported to Council because of an objection to the proposal being received.

**REFERENCE TO DELIVERY PLAN**

None relevant.

**DISCUSSION**

An application has been received for the installation of a shipping container which is currently located at the subject land. The zoning is RU5 Village and the development would be classed as an ancillary building to the dwelling and existing structures.

The placement of the shipping container is screened from the streetscape by existing landscaping and is not prominent from the streetscape. The owner intends to fence the area consisting of the proposed shipping container and existing shed structures off from his current residence.

Council in the past has received and approved a number of shipping containers in the RU5 Village zoning.

Consequently a development application has been received to install a shipping container and an objection was received to the development application for the installation of the shipping container on the subject land.

**ASSESSMENT**

A development application is required to be assessed by Council against the following matters for consideration listed in Section 4.15C(1) of the EP&A Act.

**The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations:**

***State Environmental Planning Policies***

Nil.

***The Greater Hume Local Environmental Plan 2012*** (the LEP") is the principal environmental planning instrument applicable to the property. The relevant matters of the LEP are addressed as follows.

The construction of any development or structure which would be permissible in the zone is permitted with consent. In this instance a shipping container, otherwise described as an ancillary building for storage, is permissible with consent in the RU5 village zones.

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**Development Control Plans**

This development application is for the installation of a shipping container and meets all requirements of the Greater Hume Development Control Plan 2013 (the DCP).

**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 following table assesses the likely environmental impacts of the development.

<b>ISSUE</b>	<b>ACCEPTABLE</b>	<b>RESPONSE</b>
Context & setting		The context and setting of Wattle Street will not change as the development will be screened from the streetscape by existing and additional maintained landscaping
Noise	✓	Conditions of consent will ensure that noise generated should not be detrimental to adjacent property owners
Access & parking	✓	Nil effect
Roads & traffic	✓	Nil effect
Utilities	✓	Nil effect
Heritage	✓	Nil effect
Archaeology	N/A	-
Stormwater	✓	Nil effect
Soils & erosion	✓	Nil effect
Flora & fauna	N/A	-
Flooding	✓	Nil effect
Bushfire	✓	The development is for a non-habitable structure
Technological hazards	N/A	-
Safety, security & crime prevention	✓	Nil effect
Privacy	✓	Nil effect
Landscaping	✓	Existing and additional maintained landscaping will screen development
Overshadowing	N/A	-
Land resources	N/A	-

**The suitability of the site for the development**

The development is in a residential area however there are structures of similar description on the property. The development is primarily for storage.

**Any submissions made in accordance with this Act or the Regulations**

As mentioned a submission has been received (**ANNEXURE 4**) that raises concerns that the applicant will use the development for commercial uses.

In response to the concerns about commercial use the development consent has conditions attached which clearly advise that the development is not to be used for commercial use.

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The submitter raises concerns about the proposed development being used for commercial purposes, creating more traffic flow and increased noise. It is advised that the conditions of consent do not allow for use of the development for commercial purposes.

**The public interest**

The question of public interest within the context of Section 4.15C—

- (1) essentially requires consideration of the weight in the assessment to be given to the general public benefit of the proposal versus that of the general public detriment.

In this case there is the possibility for public detriment. The objectors have stated that they fear the proposed development will affect their quality to lifestyle.

However the conditioning of the proposed development in regards to use, noise levels and hours of use should ensure that the lifestyle of the adjacent property owners is not affected.

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

In making a decision as the consent authority under the EP&A Act, Council can:

1. approve the application, with or without conditions;
2. defer the application for further information or redesign; or
3. refuse the application.

After considering the assessment requirements of Section 4.15C of the EP&A Act, the application is supported for conditional approval.

**RECOMMENDATION**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 consent be granted to development application 10.2018.128.1 for the installation of a shipping container at 9 Wattle Street Culcairn described as Lot 5 Section 29 DP9695 subject to the following conditions:

**RECOMMENDED CONDITIONS:**

1. **Use of Shipping Container**  
The shipping container shall not be used for industrial, commercial or human habitation purposes without further consideration by Council.
2. **Hours of Operation**  
All construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
  - a. Mondays to Fridays, 7.00am to 6.00pm
  - b. Saturdays, 8.00am to 1.00pm
  - c. No work is permitted on Sundays and Public Holidays.

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Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

In the event that the demolition/construction relates to works inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise then the works are not restricted to the hours stated above. The provisions of the Protection of the *Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works.

**3. Landscaping – Provide and Maintain**

Landscaping is to be carried out and maintained in addition to the existing landscaping. A plan of proposed additional landscaping and fencing is to be submitted to Council for approval. Once the landscaping and fencing is approved by Council then the works approved by the plan are to be completed within sixty (60) days.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 4.15C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

**4. Compliance with Plans and Conditions**

The development shall take place in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent.

**5. Hold Down of Shipping Container**

The shipping container is to be affixed by means of chaining to 4x400x400 mass concrete anchors recessed into the adjacent ground.

**6. No Materials to be Stored in Front of Landscaping/Fencing**

The area in front of the provided landscaping/fencing adjacent to the street is to be kept clear of all items/materials.

**7. Notify Council of Intention to Commence Works**

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

**8. Sign During Construction**

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

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Note: A \$600 on the spot fine may be issued for non-compliance with this condition

**9. Time Period of Consent**

This consent will lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

**PRESCRIBED CONDITIONS OF CONSENT**

**The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2000 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.**

10. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
11. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
12. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - in the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
  - in the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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- 13.** A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
  - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

**NOTE:** This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

- 14.** Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
  - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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**3. DEVELOPMENT APPLICATION 10.2018.138.1 – SUBDIVISION – REALIGNMENT OF 3 LOTS TO FORM 2 LOTS - LOT 1 DP106942, LOT 1 DP933189, LOT A DP376389 - 161 SCHNEIDERS ROAD WALLA WALLA**

**Report prepared by Director Environment and Planning - Colin Kane**

**REASON FOR REPORT**

Council is in receipt of a development application for a subdivision involving the realignment of 3 Lots to 2 Lots – Lot 1 DP106942, Lot 1 DP933189 and Lot A DP376389 Schneiders Road Walla Walla (the subject land”). The applicant is Walpole Surveying and the landowner Andrew Williams, Judith Williams and Andjud Nominees Pty Ltd.

This report represents an assessment of the application under the requirements of Division 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is being reported to Council because the proposal will not comply with a development standard relating to minimum lot size (mls) and the applicant is seeking to utilise Clause 4.6 of the Greater Hume Local Environment Plan 2012 (GHLEP 2012).

**REFERENCE TO DELIVERY PLAN**

None relevant.

**DISCUSSION**

The subject land is known as 161 Schneiders Road Walla Walla and contains an existing dwelling on Lot 1 DP106942. The proposal is to consolidate Lot 1 DP106942, Lot 1 DP933189 and Lot A DP376389 Schneiders Road Walla Walla to create a new subdivision configuration comprising lot 22 of 200 hectares and a residual Lot 21 containing the dwelling on 92 hectares. Access to the lot 21 will be direct to Schneiders Road and Lot 22 will have a Right of Access Easement to benefit Lot 22.

**ASSESSMENT**

A development application (**ANNEXURE 5**) is required to be assessed by Council against the following ‘matters for consideration’ listed in Section 4.15 of the EP&A Act.

**The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations:**

***State Environmental Planning Policies***

*State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* requires Council to consider the potential for any land proposed for development to be contaminated. The site is agricultural land and will continue to be used for this purpose should the subdivision be approved. Consequently the proposal aligns with the requirements of SEPP 55.

*State Environmental Planning Policy Rural Lands (2008)* must be considered in relation to this development application as the subject land is zoned rural and it will be possible for a dwelling to be erected on the proposed lots. Following is an assessment against the requirements of Clause 10(3):

- (a) the existing uses and approved uses of land in the vicinity of the development: *The land in the vicinity of the subject land is used for larger scale agriculture with associated dwellings. The proposal is compatible with this use.*

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- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development: *The proposal will not affect adjacent land uses which are the same as the proposal.*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b), *The proposal will be compatible with adjacent land uses.*
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone: *N/A*
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d). *None required.*

***The Greater Hume Local Environmental Plan 2012*** (the GHLEP2012”) is the principal environmental planning instrument applicable to the property. The subject land is zoned RU1 Primary Production and the objectives of this zone are provided below:

Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural landscape character of the land.

The proposal does not derogate from the objectives of the zone.

Clause 2.6 of the GHLEP 2012 is applicable and stipulates that development consent is required for this subdivision and that development consent for subdivision cannot be given in a situation which would result in a dwelling and a secondary dwelling being located on allotments beneath the minimum lot size. The applicant has applied for development consent and has requested that Council consider an exemption to the minimum lot size to permit the existing dwelling to be located upon Lot 21 which at 92 hectares which is beneath the minimum lot size of 100 hectares.

Clause 4.1 of the GHLEP 2012 stipulates that if development consent is required for subdivision of a lot (such as the subject land) that is shown on the lot size map, then the size of any lot resulting from that subdivision is not to be less than the minimum size shown on the Lot Size Map.

The objective of Clause 4.1 is ~~to~~ *ensure land use and development is undertaken on appropriately sized parcels of land consistent with the objectives of the relevant zone*”. The applicant contends that Clause 4.6 of the GHLEP allows for consideration of lots less than the minimum lots size which is discussed later. However, at 92 hectares in size the smaller lot in the proposal remains capable of being used for agricultural purposes just like any other rural lots in the vicinity of the subject land.



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The objectives of Clause 4.6 of the GHLEP 2012 are to:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The applicant suggests that these objectives are met as the proposed subdivision:

- creates large conventional rural lots to comprise sustainable agricultural pursuits for the area.

It is in sub clause 3 of this clause that contains stipulations that Council must consider in deciding to approve the requested variation and sub clause 3 states:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

In response to sub clause 3 the applicant indicates that the requirements are met because:

- This report represents the written request;
- The MLS is unreasonable in this circumstance as the minor variation will not result in development that is clearly different to that in the area;
- A variance will not result in any additional environmental impacts.

As this application is a subdivision subclause 6 relates and it indicates the following:

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
  - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
  - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The proposed subdivision satisfies sub clause 6 because:

- Only one lot is less than the minimum lot size; and
- At 92 hectares the area of the smaller lot is not less than 90 percent of the MLS of 100 hectares.

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In deciding to approve a variation under Clause 4.6 the consent authority must consider sub clause 4 which indicates

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
    - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*

On consideration of sub clause 4 the applicant's written request adequately addresses matters in sub clause 3 and it is considered that the proposal does not derogate from the objective of Clause 4.1 and the RU1 zone objective. The requirement to grant concurrence of the Secretary in this instance has been delegated to Council (PS 18-003) and the matters to be considered by Council in assuming this delegation is provided in Clause 5 which is provided below:

- 5) *In deciding whether to grant concurrence, the Secretary must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
  - (b) *the public benefit of maintaining the development standard, and*
  - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The applicant's proposal to subdivide the subject land in itself will not raise any matter of significance for state or regional environmental planning. There is no public benefit arising from maintaining the development standard for this subdivision.

Terrestrial Biodiversity Clause 6.2 of the GHLEP 2012 applies to this application. Sub clause 3 of the GHLEP 2012 requires Council to consider environmental impacts that may arise as a result of undertaking the development. Sub clause 4 requires Council to consider what can be done to mitigate any environmental impacts that could arise.

There are many mature trees located on the property however there is not an understorey of native plants as the property has been grazed. The proposed subdivision will not result in works that will result in any tree removal and therefore no impact on biodiversity.

**Greater Hume Development Control Plan 2013**

The Greater Hume Development Control Plan 2013 (the DCP) applies to all land within the Shire. Chapter 6 of the DCP relates to subdivision generally and sets out relevant considerations.

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DEVELOPMENT STANDARD	COMMENT
<p><b>Staging</b></p> <p>1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.</p> <p>2. Staging of subdivision should have regard to the existing and proposed provision of services and avoid staging development which would have negative impacts upon infrastructure provision and/or design.</p>	<p>No staging to occur.</p>
<p><b>Movement network</b></p> <p>1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. All development for subdivision must comply with the Council's standards for road design.</p> <p>3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</p> <p>4. All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances.</p> <p>5. Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.</p>	<p>Council's Engineers have assessed the application and provided their conditional approval.</p> <p>No roads will be created as part of this subdivision.</p> <p>N/A.</p> <p>Direct access to a public road will be provided to each allotment. Although an easement for access is to be provided for Lot 22 there should not be any adverse impacts arising from allowing the easement.</p> <p>N/A.</p>
<p><b>Lot design</b></p> <p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. Multi-lot subdivisions should provide for a range of lot sizes.</p> <p>3. Lots are to be provided with legal and practical public road access.</p>	<p>Council's Engineers have assessed the application and provided their conditional approval.</p> <p>N/A</p> <p>All lots are provided with frontage to a public road. The easement for access will negate the need for additional access to be created.</p>

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<p>4. Lots are to be designed to accommodate the type of development envisaged. Irregular shaped lots or lots too small will be regarded by Council as incompatible with objectives for this standard.</p> <p>5. For battle-axe allotments a minimum width of the access handle is to be 4.5m.</p> <p>6. Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling.</p> <p>7. Lots are to be designed to maximise solar access.</p>	<p>Lots are adequate.</p> <p>A battle axe handle is provided to Lot 21 that is at least 20 metres wide.</p> <p>N/A</p> <p>These lots will afford excellent solar access.</p>
<p><b>Infrastructure &amp; services</b></p> <p>1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. Where a reticulated external potable water supply is provided, all lots shall be connected.</p> <p>3. Where a reticulated external sewerage system is provided, all lots shall be connected.</p>	<p>Council's Engineers have assessed the application and provided their conditional approval.</p> <p>N/A</p> <p>N/A.</p>
<p><b>Hazards</b></p> <p>1. On land mapped as bushfire prone, compliance with the <i>NSW Rural Fire Service guide Planning for Bushfire Protection (2006)</i>.</p> <p>2. On land considered by Council to potentially being subjected to flooding, an investigation of the land as to the flood risk and consideration of the <i>Floodplain Development Manual: the management of flood liable land (2005)</i>.</p>	<p>N/A.</p> <p>N/A.</p>

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<p>3. On land that is, or has previously been used for a potentially contaminating activity, an investigation of the land in accordance with the requirements of <i>State Environmental Planning Policy No.55 – Remediation of Land</i>. An investigation should be in accordance with the process detailed in the State Government's <i>Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land</i> (1998).</p>	<p>N/A.</p>
<p><b>Site management</b> 1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>. 2. Compliance with <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils</i>.</p>	<p>Council's Engineers have assessed the application and provided their conditional approval.  No details were provided with the application in regards to soil and water management. Having regard for the characteristics of the lot and the low risk of erosion etc, it is acceptable that a condition be included on the consent to comply with these guidelines.</p>

- **4.15(1)(b)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 following table assesses the likely environmental impacts of the development.

ISSUE	ACCEPT-ABLE	COMMENT
Context & setting	✓	The adjacent land is zoned RU1 The proposed subdivision will be in keeping with the existing use of land in the locality.
Access & parking	✓	All lots will have access to a public road. Parking is not an issue for the proposal.
Roads & traffic	✓	All lots have frontage to a public road and the traffic impacts from the subdivision will not result in an adverse outcome in terms of the road network.
Utilities	✓	Existing arrangements for access to utilities should be adequate although easements may be necessary.
Heritage	✓	The lot is not a heritage place nor contains any heritage items.
Archaeology	✓	There are no known archaeological items on the lot. As disturbance of the site has already been incurred through agricultural activity this issue is not a concern for the subdivision.

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ON WEDNESDAY, 26 SEPTEMBER 2018**

DEVELOPMENT APPLICATION 10.2018.138.1 – SUBDIVISION – REALIGNMENT OF 3 LOTS TO FORM 2 LOTS - LOT 1 DP106942, LOT 1 DP933189, LOT A DP376389 - 161 SCHNEIDERS ROAD WALLA WALLA [CONT'D]

ISSUE	ACCEPT-ABLE	COMMENT
Stormwater	✓	The subdivision itself will have no impact on stormwater.
Soils & erosion	✓	
Flora & fauna	✓	The lots are mostly cleared of vegetation and hence the subdivision will have little impact on flora and fauna.
Flooding	N/A	
Bushfire	N/A	
Technological hazards	N/A	-
Safety, security & crime prevention	N/A	-
Privacy	✓	
Landscaping	N/A	-
Overshadowing	N/A	-
Land resources	N/A	-

- **4.15(1) (c) The suitability of the site for the development.**

The site is suitable for the subdivision, one of the lots is compliant with the minimum lot size of 100ha and the other is not. Both allotments would not derogate from the objective of the RU1 zoning and can easily accommodate new dwellings.

- **4.15(1) (d) Any submissions made in accordance with this Act or the regulations.**

A submission was received to the notification of the proposed subdivision. That submission was not an objection and supported the application due to improved access for Lot 21.

A further submission maybe received from John Holland concerning a disused rail line adjacent to the subdivision. It is not likely that an objection will be received.

- **4.15(1) (e) The public interest.**

Although one of the proposed lots is inconsistent with the minimum lots size for the RU1 zoning this subdivision undertaken in accordance with the applicable requirement of the Greater Hume Local Environment Plan 2012 is not against the public interest.

#### **BUDGET IMPLICATIONS**

Nil.

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**CONCLUSION**

In making a decision as the consent authority under the EP&A Act, Council can:

1. Approve the application, subject to conditions;
2. Defer the application for further information or redesign; or
3. Refuse the application.

To approve the application the Council must assume the concurrence of the secretary of Department of Planning and Infrastructure and so must be satisfied that the requirements of Clause 4.6 of the GHLEP have been met.

If Council is willing to assume the concurrence of the secretary of the Department of Planning and Infrastructure then there is no impediment to Council approving this development application.

**RECOMMENDATION**

That application DA10.2018.138.1 for a subdivision yielding 2 lots at Lot 1 DP106942, Lot 1 DP933189 and Lot A DP376389 Schneiders Road Walla Walla be approved subject to the following conditions:

- 1 The development is to be carried out generally in accordance with the approved plan and accompanying report endorsed DA10.2018.138.1 except where amended by any conditions of this consent.
- 2 Prior to the issue of a Subdivision Certificate for any lot the applicant shall provide to Council for approval:
  - a. Written advice from a Riverina Water confirming that they have no objection to the proposed subdivision.
- 3 All easements necessary to ensure the supply of services and access shall be provided.
- 4 No trees shall be removed from this land as a result of the subdivision without the written permission of Council.
- 5 Any works associated with this development shall be undertaken in accordance with Council's Soil and Water Management Guidelines for Subdivisions.
- 6 All Stormwater drainage shall be to natural drainage lines.
- 7 Written notice shall be given to Council seven (7) days prior to the commencement of any works associated with the subdivision.
- 8 This consent shall lapse if the development hereby permitted is not physically commenced within five (5) years of the date of consent.
- 9 Subdivision Certificate will only be issued upon completion of "Application for Subdivision Certificate" (form attached) and payment of the fee applicable when the subdivision certificate is issued.

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**4. DEVELOPMENT APPLICATION 10.2018.77.1 SHED EXTENSION, SOUND BARRIER WALL AND 24 HOUR OPERATIONAL EXTENSION – KOTZUR ENGINEERING LOT 23 DP 739198 SHORT STREET WALLA WALLA**

**Report Prepared By Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

Council is in receipt of a development application for the extension of an existing industrial shed within the Kotzur complex by 20 metres. The purpose of the extension is to house a laser cutting machine which is planned to be utilised 24 hours per day 7 days per week. To restrict noise from the use of the machine concrete tilt up panel walls will be constructed on the southern and western elevation of the building.

This report represents an assessment of the application under the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is being reported to Council because of an objection to the proposal being received.

**REFERENCE TO DELIVERY PLAN**

None relevant.

**DISCUSSION**

To accommodate a new laser cutting machine it is proposed to extend an existing shed within the Kotzur complex by 20 metres. The shed will have a wall height of 10.27 metres; the southern and western walls will be constructed of concrete tilt-up panels to act as a sound barrier for residences to the west and south.

There is a 40 metre distance of the shed to the western boundary, then there is a laneway and the adjacent dwellings are setback a considerable distance from their eastern boundary.

It is intended for the laser cutting machine within the shed to operate 24 hours per day and seven days per week. The activity is associated and integrated with other activities at the complex.

The applicant submits that this development proposal will generate one truck movement per day and will create an additional five jobs at the Kotzur complex. A copy of the development assessment report is included in **ANNEXURE 6**.

**CONSULTATION & REFERRAL PROCESS**

On the 24 May 2018 the application was notified to all surrounding and nearby landowners and 3 submissions were received during this public exhibition period. It was considered by the assessing officer that the original information submitted in support of this application and used in the notification process was inadequate. Additional information was requested to be supplied and when this information was received then the applications was re-notified on the 23 August 2018 and nearby residents were given another 14 days to make a submission in relation to this application. No further submissions were received from the notification of the additional information.

Consideration of the submissions is undertaken later in the report.

**ASSESSMENT**

A development application is required to be assessed by Council against the following ‘matters for consideration’ listed in Section 4.15(1) of the EP&A Act.



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**The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations:**

***State Environmental Planning Policies***

*State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* requires Council to consider the potential for any land proposed for development to be contaminated. In relation to this site and clause 7 of SEPP 55 the applicant indicates:

*The subject land has been historically used for agricultural and industrial purposes, and is not known to be contaminated, nor is it expected to be potentially contaminated. Consequently, the land is considered fit for use for its intended purposes (being additions to an industrial activity and therefore the relevant considerations of SEPP 55 are satisfied by the current proposal.*

The applicant response is considered to be an adequate assertion to SEPP 55.

***State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)***

SEPP 33 presents a systematic approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage. SEPP 33 ensures that only those proposals which are suitably located, and able to demonstrate that they can be built and operated with an adequate level of safety and pollution control can proceed.

SEPP 33 applies to any proposals which fall under the policy's definition of potentially hazardous industry or potentially offensive industry. Certain activities may involve handling, storing or processing a range of substances which in the absence of locational, technical or operational controls may create an off-site risk or offence to people, property or the environment. Such activities are defined as potentially hazardous or potentially offensive.

It is considered that the proposal would not meet the definition of potentially hazardous industry because there should not be significant quantities of dangerous goods stored at the site. Due to the proposal emitting both noise and air emission from the cutting then there is the possibility that the proposal is a potentially offensive industry which is defined as follows:

*potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.*

As the proposal could be a potentially offensive industry Council has requested the applicant to provide a noise assessment to determine the level of noise emitted. Council has also requested details on the emissions emitted from the cutting machine and whether Environmental Protection Authority (EPA) licensing is required which is calculated on the annual tonnage of metals processed by the entire facility.

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The noise assessment concluded that the level of noise emission from the operation of the laser cutter will be within the noise design goals at each receptor. The proponent has confirmed that the quantity of steel in tonnage processed by the entire facility is beneath the thresholds for licensing with the EPA. Further they make the following statement concerning emission to the atmosphere from the laser cutter:

*In regard to the effect that this development application and installation of the new laser coil cutting machine will have on our emission. The new machine will have air filtration devices fitted to remove any fumes at the point of cutting. This means the machine will have zero emissions to the atmosphere. We believe in the long term the nett emissions for our entire site will improve significantly as at least one of our current plasma cutting machines will in time be phased out with the installation of the laser coil machine.*

Consequently with respect to the requirements of SEPP 33 Council has satisfied itself that emissions from the facility can be controlled to a level at which they are not significant. Conditions of consent in relation to emission will be applied to ensure that the Council can take action in response to emission related issues.

**The Greater Hume Local Environmental Plan 2012** (the LEP) is the principal environmental planning instrument applicable to the property. The relevant matters of the LEP are addressed as follows.

The subject land is zoned RU1 Primary Production under the LEP and the proposal fits the LEP land use definition of „Industry“ being:

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

As the proposal is determined as not being an offensive industry then it is best categorised as being a general industry which is permissible in the zone.

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The objectives of the RU1 Primary Production zone are:

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural landscape character of the land.

The proposal does not derogate from the objectives of the zone.

There are matters within Chapter 3 “Industrial Development” of the *Greater Hume Development Control Plan 2013* (the DCP) that are directly relevant to the proposal, which are discussed in the following table.

Requirement	Objective or Standards	Response
Appearance	Buildings and sites to make a positive contribution to the streetscape. Buildings on sites fronting the Highway to be designed to a high standard. Outdoor areas to be to be screened and/or landscaped so as to make a positive contribution to the streetscape.	The location of this proposal is removed from adjacent streets and as such this requirement is not relevant.
Landscaping	To improve the visual quality and amenity of industrial development through the provision of effective, low maintenance landscaping. Landscaping as a means of screening outdoor areas from adjoining properties and from public places (including roads). A landscape buffer between industrial developments and adjoining or nearby non industrial land uses	Quite an extensive tree planting has been done along the western boundary.  The trees are quite advanced from most adjacent properties their back fence and the trees screen the proposal.  This matter is considered to be satisfactorily addressed by the proposal if additional landscaping or screening is provided.

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Requirement	Objective or Standards	Response
Parking and Access	Sufficient on-site parking for employees and visitors. Safe movement of vehicles and pedestrians within a site. High standard of construction areas associated with vehicle movement and parking.	5 additional staff will be employed as a result of the expansion of this business. The business has adjacent carparking and the cars of the additional employees should be able to be located in this carpark.
Outdoor areas	Enhance the visual amenity of industrial areas Screen outdoor storage and work areas as seen from public land and non-industrial land uses	The existing tree line and the rear fences of the adjacent residential properties adequately screen the proposed extension of the shed. Further screening and landscaping will be required.
Amenity	<p>1. All development is required to comply with the requirements of the Protection of the Environment Operations Act 1997 (as amended) and its Regulation.</p> <p>2. Applications for potentially hazardous or offensive development are to submit information demonstrating compliance with SEPP 33- Hazardous and Offensive Development.</p> <p>3. Outdoor areas must be treated and maintained to prevent dust rising.</p> <p>4. All stormwater is to be appropriately managed.</p> <p>5. A trade waste agreement is to be entered into with Council for disposal of liquid waste to Councils sewerage system for certain activities.</p>	<p>Information supplied by the applicant reveals that the proposal and the overall operation does not require licensing under the Protection of the Environment Operations Act 1997</p> <p>The above comments relating to SEPP 33 has demonstrated that the proposal is neither a hazardous or offensive development.</p> <p>The area around the building has a hard stand and Council has not previously received a compliant concerning dust</p> <p>To be addressed by a condition of consent.</p> <p>N/A</p>

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Requirement	Objective or Standards	Response
Amenity (cont')	<p>6. Industrial activities in land zoned primarily rural use should ensure appropriate operational conditions which ensure the primary agricultural capacity of the surrounding area is not compromised.</p> <p>7. Land uses or development considered by Council to potentially have a detrimental impact on adjoining properties through noise or air emissions (e.g. dust or odour) are to provide information in respect to the likely impacts and proposed mitigation measures of these impacts.</p>	<p>The adjacent land is connected to this development.</p> <p>Council has received a noise report which indicates that noise impacts will be acceptable. In relation to air emissions the applicant submits that: <i>The new machine will have air filtration devices fitted to remove any fumes at the point of cutting. This means the machine will have zero emissions to the atmosphere. We believe in the long term the nett emissions for our entire site will improve significantly as at least one of our current plasma cutting machines will in time be phased out with the installation of the laser coil machine.</i></p>
Pollution Control	<p>1. The emission of air impurities, as defined under the <i>Protection of the Environment Operations Act</i> (POEO Act), is to be controlled to the satisfaction of Council at all times.</p> <p>2. If the premises are subject to licence under the POEO Act, any conditions of such licences shall form part of any development approval.</p>	<p>See the abovementioned comments from Kotzur. Additional conditions of consent will be applied in relation to emissions.</p> <p>N/A</p>

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Requirement	Objective or Standards	Response
	3. Any machinery or activity considered to create a noise nuisance shall adequately sound proofed in accordance with the provision of the POEO Act.	Noise assessment has been received.

**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 following table assesses the likely environmental impacts of the development.

ISSUE	ACCEPTABLE	RESPONSE
Context & setting	✓	The extension will be acceptable in the proposed location.
Noise	✓	As discussed a noise assessment has been received which indicates that the level of noise emission from the operation of the laser cutter will be within the noise design goals at each receptor location
Access & parking	✓	This issue has been discussed in detail within the DCP assessment on parking.
Roads & traffic	✓	The applicant submits that there will be a small increase in the number of car and truck movements associated with the proposal. Trucks access the area through Short Street and should not impact upon nearby residents
Utilities	✓	Satisfactory
Heritage	✓	The nearest heritage item is the Walla Walla Literary Institute and Memorial Hall. It is located 100 metres from the development and separated by residential and related structures.
Archaeology	N/A	-
Stormwater	✓	To be addressed as a condition of consent...
Soils & erosion	✓	Any works associated with the construction will need to be undertaken in accordance with the <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils</i> . This will require the implementation of erosion control measures to prevent the transport of sediment in stormwater away from disturbed areas.
Flora & fauna	N/A	The environmental value of the land in the vicinity of the development is low. There is Biodiversity land mapped in the GHLEP as significant however it is located 500 metres from the development site and hence it will be unaffected by the proposal

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ISSUE	ACCEPTABLE	RESPONSE
Flooding	N/A	There is flood planning area mapped in the location of the extension of the shed. The existing shed however is not constructed with a floor height and it would not be practical to have a differing floor height in the extension
Bushfire	N/A	A portion of the allotment is mapped as being affected by bushfire. However the mapped area is 330 metres away from the proposed shed extension
Technological hazards	N/A	-
Safety, security & crime prevention	✓	-
Privacy	✓	-
Landscaping	N/A	Satisfactory existing tree lines
Overshadowing	N/A	-
Land resources	N/A	-

**The suitability of the site for the development**

The proposal is an extension to an industrial shed which is already located on the site. Council is not aware of any complaints arising from the current activities being undertaken within this shed. The proposed extension and the existing shed will incorporate tilt up concrete panels on both the western and southern elevations which will help to minimise noise impacts arising from the use of the shed. The applicant has advised that the air emissions from the laser cutter will incorporate filters to remove pollutants generated from the cutting of the steel. Consequently it is considered that the site is suitably to permit the extension and use of the shed to house a laser cutter to be operated over a 24 hour period.

**Any submissions made in accordance with this Act or the Regulations**

It is advised that re-exhibition of this application occurred because in the first instance there was insufficient information provided to support the application. There were three submissions made to the first exhibition of the proposal (**ANNEXURE 6**) and the issues raised are discussed in the following table:

ISSUE RAISED	DISCUSSION
Negative Impacts to Property Values	This is not a consideration of the Environmental Planning and Assessment Act. However reductions in property values could be as a result of the environmental impacts such as increased noise and air emissions which is discussed below.

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ISSUE RAISED	DISCUSSION
Noise Issues	<p>A noise assessment has been undertaken by the applicant. That assessment has concluded by indicating that noise levels at receptors should be within acceptable limits providing the recommended noise control recommendations are met.</p> <p>Some of the submissions raised issues relating to noise emanating from the existing business. It is not possible to address these concerns through the DA however under the Protection of the Environment Operation Act Council could take action to address noise issues.</p>
Traffic waiting adjacent to gates in Railway street causing difficulties in accessing laneway	Discussion with Kotzur personnel indicate that the shed extension will be accessed via Short Street and around the rear of the facility. The extension of the shed will reduce the likelihood that truck will be loaded on the hard stand that is adjacent to the extended shed. A condition of consent will require all access to the rear of the Kotzur development to be undertaken via Short Street.
No heights of Shed Extension shown on plans	There is a height shown on the submitted plans for the proposed building which 10.27 metres. The shed will be the same height as the existing shed. It will be a skillion roof that will fall back to an east west running box guttering. The tilt up concrete panels will be taken to the ridge of the building.
Air emission – From plasma cutting and spray painting	<p>In recent times the author has investigated air quality issues arising from the use of plasma cutters. At that time some rectification works and air monitoring was undertaken. The air monitoring found emissions to be compliant with EPA requirements.</p> <p>The applicant is claiming that the new laser cutting device will have no emissions to the atmosphere and may result in the ability to decommission a plasma cutter that does result in air emissions.</p>



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ISSUE RAISED	DISCUSSION
Future expansion of Kotzur should be on industrial land not in the middle of Walla Walla.	<p>The initial development of the Kotzur facility was prior to the implementation of town planning that utilised zoning. Considerable capital investment on the site has occurred. It is not reasonable or possible for Council to require operations on the site to cease.</p> <p>It is reasonable to permit future expansion that meets established guidelines.</p>
The expansion should not be considered in isolation and the entire operation should be considered	<p>The assessing officer undertook to determine whether the expansion of the business would result in a need for licensing under the Protection of the Operations Act 1997.</p> <p>The threshold for licensing is 10000 tpa of steel production and the applicant indicated that the tonnage produced was less than this amount.</p>
Uncertainty concerning exterior lighting and stormwater disposal	<p>Exterior lighting can be conditioned to prevent a nuisance.</p> <p>A site inspection revealed that Stormwater was disposed of at the eastern side of the building and was not directed towards other properties.</p>

**The public interest**

The question of 'public interest' within the context of Section 4.15 (e) of the Environmental Planning and Assessment Act essentially requires consideration of the weight in the assessment to be given to the general public benefit of the proposal versus that of the general public detriment.

In this case there is a public benefit of the Kotzur engineering expanding as it will provide employment for people. The public detriment will arise should the proposed extension and 24 hours operation of equipment adversely affects nearby residents. Council has requested a noise assessment to investigate the noise effects from the operation of the laser cutting machinery. In addition information has been requested on air emission emanating from the laser cutting machinery. The submitted information provides a degree of certainty that the proposal can be undertaken in manner that will not be detrimental to the environment. Other suitable conditions of consent will ensure that the development does not affect the amenity of the area surrounding the subject land.

**BUDGET IMPLICATIONS**

Nil.

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## **CONCLUSION**

In making a decision as the consent authority under the EP&A Act, Council can:

1. approve the application, with or without conditions;
2. defer the application for further information or redesign; or
3. refuse the application.

After considering the assessment requirements of Section 4.15 of the EP&A Act, the application is supported for conditional approval.

## **RECOMMENDATION**

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 consent be granted to development application 10.2018.77 for shed extension, sound barrier and 24 hour operational extension at lot 23 DP 739198 Short Street Walla Walla:

### **PLANNING CONDITIONS**

#### **APPROVED PLANS**

##### **1 Compliance with Plans and Conditions**

The development shall take place in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by a Certifying Authority. The Certifying Authority can be either Greater Hume Shire Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

##### **2 Landscaping Plans/Screening of the Hardstand area**

Prior to the issue of a construction certificate, plans for landscaping or screening of the hard stand area surrounding the extension of the shed is to be submitted to Council for approval

#### **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Greater Hume Shire Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

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**3 Construction Certificate Required**

Prior to the commencement of any works, a construction certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a construction certificate can be made to Council on (02)6036 0100

**4 Appointment of a Principal Certifying Authority**

Prior to the commencement of any works, the person having benefit of a development consent, or complying development certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

**5 Notify Council of Intention to Commence Works**

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

**6 Sign During Construction**

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

**7 Interim / Final Occupation Certificate Required**

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

**8 Landscaping/ screening of hard stand area to be completed**

The provision and maintenance of landscaping and screening is required in accordance with the approved landscaping plan.

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ON WEDNESDAY, 26 SEPTEMBER 2018**

DEVELOPMENT APPLICATION 10.2018.77.1 SHED EXTENSION, SOUND BARRIER WALL AND 24 HOUR OPERATIONAL EXTENSION – KOTZUR ENGINEERING LOT 23 DP 739198 SHORT STREET WALLA WALLA [CONT'D]

**GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Greater Hume Shire Council or an accredited certifier.

**9 Compliance with Construction Certificate**

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

**GENERAL CONDITIONS – DEVELOPMENT PLANNING**

**10 Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries and dispatch of material to the premises shall be made via Short St.

**11 Advertising Signs**

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

**12 Development not to interfere with Amenity of the Area**

The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.

**13 Hard stand Area**

Construction of the hard stand area shall be carried out to provide a graded, drained and dust-free surface. The stormwater drainage system shall incorporate silt and/or trash arrestors.

**14 Storage of Dangerous Goods**

Prior to the storage of any 'dangerous goods' on the premises, the obtaining of a license from WorkCover and submission of a copy of the licence to Council is required.

**15 Compliance with Approved Noise Report**

The development and the building extension is to at all times adhere to the recommended noise controls listed in section 6 of the Ray Walsh Acoustic Noise and Sound Report Ref 1704015E-R2.

**16 No adverse effects due to exterior lighting**

Any exterior lighting is to be either directed or shielded to ensure that nuisance light does not infiltrate into adjoining properties.

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**5. DRAFT GREATER HUME COUNCIL S7.12 FIXED DEVELOPMENT CONSENT  
LEVY DEVELOPMENT CONTRIBUTIONS PLAN 2018**

**Report by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

Council received a report at its July 2018 Ordinary Meeting which advised of the need to review the Greater Hume Shire Section 94A Levy Development Contributions Plan 2017 and in response to that report Council resolved to publicly exhibit the draft Greater Hume Council Section S7.12 Fixed Development Consent Levy Development Contributions Plan 2018 (the plan).

This report advises Council of the outcome of the exhibition of the plan and will recommend that it does not proceed in order to make provision within a S7.12 plan to incorporate the resolution of Council made at the August 2018 Ordinary Meeting.

**REFERENCE TO DELIVERY PLAN ACTION**

Objective: Our development and maintenance is sustainable, environmentally responsible, accessible and enjoyed by our community.

Outcome 4.1: Infrastructure and facilities meet the needs of our communities.

**DISCUSSION**

Council considered a report on the Plan at the July 2018 Ordinary meeting and that report explained that the Plan had been updated from the Greater Hume Shire Section 94A Levy Development Contributions Plan 2017 to utilise new terminology introduced within amendments to the Environmental Planning and Assessment Act 1979. The plan also provided the following schedule of works:

Description	Estimated Cost and Allocation under this Plan \$	Estimated Time Frame	Priority
Walla Walla swamp walking track	\$100,000	1 year	High
Gerogery drainage	\$350,000	1-2 years	High
Culcairn Balfour Street drainage	\$1,000,000	1-2 years	High
Jindera Hall & Multipurpose Stadium	\$2,500,000	2-3 years	Medium
Drainage and kerb, Albury Street Holbrook, south of Ten Mile Creek	\$1,000,000	2-3 years	Medium
Walking/bike tracks	\$500,000	2-3 years	Medium
Roundabout at intersection of Pioneer Drive & Jindera Street Jindera	\$104,000	3-5 years	High
Roundabout at intersection of Pioneer Drive & Urana Street Jindera	\$104,000	3-5 years	High

In response to the report to the July 2018 Ordinary meeting, Council resolved the following:

- 1 *In accordance with Clause 33 of the Environmental Planning and Assessment Regulation 2000 give notice of its intention to repeal the Greater Hume Council S94A Levy Development Contributions Plan 2017.*

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DRAFT GREATER HUME COUNCIL S7.12 FIXED DEVELOPMENT CONSENT LEVY  
DEVELOPMENT CONTRIBUTIONS PLAN 2018 [CONT'D]

- 2 *In accordance with Clause 28 of the Environmental Planning and Assessment Regulation 2000 (EPA Regs 2000) and Schedule 1 of the Environmental Planning and Assessment Act 1979 place the Greater Hume Council S7.12 Fixed Development Consent Levy Development Contributions Plan 2018 (the Plan) on public exhibition for a period of 28 days.*

It is advised that the plan was advertised in accordance with the resolution and no submissions were received.

A Notice of Motion concerning S7.12 contributions and solar farms was made to the August 2018 Ordinary Meeting to which Council resolved to adopt a motion that read as follows:

That Council adopt a policy that if a solar farm project is developed in the shire, the Section 7.12 contribution be expended on rural and regional roads.

As shown above in the July 2018 Ordinary Meeting resolution there is a requirement for the public exhibition of S7.12 plans. This requirement allows the public to make a submission on any aspect of the Plan such as to the contributions levied and where the raised funds will be expended. Clause 31 of the EPA Reg 2000 discusses the adoption of S7.12 plans and it states:

- (1) After considering any submissions about the draft contributions plan that have been duly made, the council:
- (a) may approve the plan in the form in which it was publicly exhibited, or
  - (b) may approve the plan with such alterations as the council thinks fit, or
  - (c) may decide not to proceed with the plan.

Clause 31 (1)(b) of EPA Reg 2000 gives Council the option of including words to give effect to its August 2018 resolution within the works schedule of the adopted S7.12 plan. The effect of taking this course of action will likely mean that insufficient funds will be raised to permit other items in the works schedule to be undertaken within the estimated timeframes.

Accordingly it is considered that Council should not proceed to adopt the plan which is an action permissible by the provisions of Clause 31(1)(c) of the EPA Reg 2000. Instead it is advocated that a Council workshop be held to reconsider a revised schedule of works that includes words to give effect to the resolution of Council made at the August 2018 Ordinary meeting. At the conclusion of that workshop Council may elect to recommence the process of preparing a S7.12 plan which would include re-advertising the revised plan.

**BUDGET IMPLICATIONS**

No immediate impacts to deferring the adoption of the plan.

**CONCLUSION**

The Council resolution made at the August 2018 Ordinary meeting has a material effect on the Plan and accordingly Council should utilise Clause 31(1)(c) to decide not to proceed with the plan. Clause 31(2) of the EPA Reg 2000 requires Council to publically advertise its decision not to proceed with the adoption of the plan.

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DRAFT GREATER HUME COUNCIL S7.12 FIXED DEVELOPMENT CONSENT LEVY  
DEVELOPMENT CONTRIBUTIONS PLAN 2018 [CONT'D]

**RECOMMENDATION**

That Council resolves to:

1. Not proceed with the plan in accordance with Clause 31(1)(c) of the EPA Reg 2000.
2. To comply with Clause 31(2) of the EPA Reg 2000, advertise that it has elected to not proceed with the plan.
3. Hold a workshop to determine a work schedule for a S7.12 plan that incorporates words that give effect to the Council resolution concerning S7.12 plans that was resolved at the August 2018 Ordinary meeting.

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**6. SOUTH JINDERA LOW DENSITY RESIDENTIAL INFRASTRUCTURE CONTRIBUTIONS PLAN**

**Report by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

Council received a report at its July 2018 Ordinary Meeting which advised of the preparation of the draft South Jindera Low Density Residential Infrastructure Contributions Plan (the draft Plan) and sought a Council resolution for the public exhibition of the draft plan.

This report advises Council of the outcome of the exhibition of the plan and will recommend that it be adopted in an unaltered form from the version that was publically advertised.

**REFERENCE TO DELIVERY PLAN ACTION**

Objective: Our development and maintenance is sustainable, environmentally responsible, accessible and enjoyed by our community.

Outcome 4.1: Infrastructure and facilities meet the needs of our communities.

**DISCUSSION**

It is advised that Council has adopted a Master Plan that sets out a development framework for four (4) existing lots described as Lots 4 & 6 DP240938 and Lots 30 & 31 DP1062153 which have a combined total area of 46.42 hectares on the southern fringe of Jindera. The purpose of the Master Plan is to ensure that Council can achieve an integrated and cohesive development outcome across multiple land ownerships.

At the July 2018 Ordinary meeting Council considered a report that advised of the preparation of the draft plan which for the master plan area establishes contributions for road and open space infrastructure and administrative costs under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and contributions for water, sewer and drainage infrastructure under Section 64 of the *Local Government Act 1993* (LG Act) and subsequently Section 306(2) of the *Water Management Act 2000* (WM Act). The contributions levied under the draft plan are calculated by determining the total infrastructure cost required and apportioning this appropriately to the development precinct.

In response to the report to the July 2018 ordinary meeting Council made the following resolution:

1. *In accordance with cl28 of the EP&A Regulation and Schedule 1 of the Environmental Planning and Assessment Act 1979 the draft South Jindera Infrastructure Contributions Plan be placed on public exhibition for a period of 28 days.*

Commencing on 6 August 2018 the draft plan was placed on public exhibition for a period of 28 days. It is advised that at the conclusion of the exhibition period no submission were received by Council.

In accordance with the provision of Clause 31 of the Environmental Planning and Assessment Regulation 2000 (EP&A Reg 2000) Council may now elect to:

- a. approve the plan in the form in which it was publicly exhibited, or
- b. approve the plan with such alterations as the council thinks fit, or
- c. decide not to proceed with the plan



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SOUTH JINDERA LOW DENSITY RESIDENTIAL INFRASTRUCTURE CONTRIBUTIONS  
PLAN [CONT'D]

Given that no submissions were received it is considered that Council may approve the plan in the form in which it was publically exhibited and should Council resolve to do so Clause 31(2) will require Council to provide public notice of this decision within a period of 28 days. The South Jindera Infrastructure Contributions Plan will come into effect from the date of publication of this notice.

**BUDGET IMPLICATIONS**

The adoption of the draft plan will enable Council ensure that infrastructure can be provided which in turn will ensure that integrated and cohesive residential development occurs across the master planned area

**CONCLUSION**

The exhibition of the draft plan resulted in no submission being received by Council so there appears to be no impediment to the adoption of the plan.

**RECOMMENDATION**

- 1 In accordance with Clause 31(1)(a) of the EP&A Reg 2000, Council adopt the South Jindera Infrastructure Contributions Plan in the same format that it was advertised.
- 2 In accordance with Clause 31(2) of the EP&A Reg 2000, Council place an advertisement in local newspaper advising of the adoption of the South Jindera Infrastructure Contributions Plan.

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## **GOVERNANCE**

### **3. 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 2018 to September 2019.

#### **REFERENCE TO DELIVERY PLAN ACTIONS**

Outcome	Leadership and advocacy is demonstrated and encouraged in our community
Action 1.1.2.3	Hold a minimum of two council meetings per annum at venues other than Culcairn or Holbrook

#### **DISCUSSION**

During the past few years meetings have rotated between the townships of Culcairn and Holbrook with two meetings being held at other centres across the shire. In the 2017/2018 year, the November meeting was held at Wymah and the March meeting was held at Bungowannah.

Whilst Council is not in receipt of any specific requests to host meetings at this time it has proved useful in providing access to the Council meeting process and accordingly Management supports the retention of this initiative.

It is suggested that a meeting could be held at Walla Walla in November 2018 and Carabost in March 2019.

Council has been meeting on the third Wednesday of each month with a public forum immediately preceding the meeting and commencing at 6.00pm.

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 2018 as has been the practice for several years.

The table below outlines the proposed meeting schedule taking into account the Henty Machinery Field Days in September 2019.

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COUNCIL MEETING VENUES AND MEETING TIMES [CONT'D]

DATE	LOCATION
Wednesday, 17 October 2018	Holbrook
Wednesday, 21 November 2018	Walla Walla
Wednesday, 19 December 2018	Culcairn
Wednesday, 20 February 2019	Holbrook
Wednesday, 20 March 2019	Carabost
Wednesday, 17 April 2019	Culcairn
Wednesday, 15 May 2019	Holbrook
Wednesday, 19 June 2019	Culcairn
Wednesday, 17 July 2019	Holbrook
Wednesday 21 August 2019	Culcairn
Wednesday, 25 September 2019	Holbrook

**BUDGET IMPLICATIONS**

Adequate allocations have been made within the 2018/2019 Estimates of Income and Expenditure for the conduct of Council meetings, extraordinary meetings and workshops.

**CONCLUSION**

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

**RECOMMENDATION**

That:

1. Council adopt the following meeting schedule with meetings to commence at commence at 6pm.

DATE	LOCATION
Wednesday, 17 October 2018	Holbrook
Wednesday, 21 November 2018	Walla Walla
Wednesday, 19 December 2018	Culcairn
Wednesday, 20 February 2019	Holbrook
Wednesday, 20 March 2019	Carabost
Wednesday, 17 April 2019	Culcairn
Wednesday, 15 May 2019	Holbrook
Wednesday, 19 June 2019	Culcairn
Wednesday, 17 July 2019	Holbrook
Wednesday 21 August 2019	Culcairn
Wednesday, 25 September 2019	Holbrook

2. a public forum immediately precedes each meeting.

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**4. 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.

**REFERENCE TO DELIVERY PLAN ACTIONS**

Nil.

**DISCUSSION**

The delegates were authorised by resolution to represent the Council on the respective organisations at the first meeting of the new term of Council.

It is a requirement that these delegations are reviewed annually at the September meeting.

A table of the respective organisations and appointed delegates is included below:

<b>ORGANISATION/COMMITTEE</b>	<b>Delegate(s) 2017/2018</b>
Alliance of Councils and Shires of Upper Murray (ACSUM) Working Party – Albury City, Greater Hume, Indigo, Towong Shires and Wodonga City	Mayor and Deputy Mayor
Australia Day Committee	Recommend a Councillor from each Ward Cr O'Neill Cr Schilg Cr Quinn Cr Wilton ex officio
General Manager's Performance Review Committee	Mayor, Deputy Mayor, Cr Schilg
Grants Committee	Cr Osborne Cr Weston Cr Quinn
Holbrook Submarine Museum Committee	Cr Wilton (alternate Cr Quinn)
Audit Risk and Improvement Committee	Crs Osborne and Stewart Cr Quinn (alternate)
Joint Regional Planning Panel (Greater Hume Shire representatives)	Cr Osborne & Brent Livermore
Lake Hume Land On-Water Management Plan Community Reference Committee	Cr Quinn (alternate Cr Weston)
Local Emergency Management Committee	Director Engineering (alternate Cr Osborne), with Manager Traffic & Infrastructure as observer.
Local Traffic Committee	Director Engineering (Cr Meyer as an observer) all councillors are to be advised when meetings are held.
Murray Arts Advisory Committee	Cr Schilg
Murray Darling Association	Crs Quinn and Weston

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APPOINTMENT OF DELEGATES [CONT'D]

ORGANISATION/COMMITTEE	Delegate(s) 2017/2018
<del>Riverina and Murray Regional Organisation of Councils</del>	Mayor and General Manager <del>No longer a member</del>
Riverina Eastern Regional Organisation of Councils	Mayor and General Manager
Riverina Regional Library	Cr Osborne Director Corporate & Community Services
Riverina Water County Council Appointed for a 4 year term	Cr Meyer Cr Quinn
Rural Fire Service Bushfire Management Committee	Cr Osborne (alternate Cr Meyer)
Softwoods Working Group	Cr Wilton (alternate Cr Weston)
Squirrel Glider Local Area Management Plan Project Committee	Cr Schilg
<del>Walla Walla Floodplain Risk Management Committee</del>	Cr Hicks <del>No longer required</del>

In addition to the above and in readiness for the commencement of operations of the Riverina Joint Organisation it is appropriate that Council consider the requirement of section 400 of the Local Government Act, 1993 in relation to Board of Joint Organisations.

*Section 400T states:*

*(1) The board of a joint organisation is to consist of:*

*(a) the mayors of each of the member councils, who are each entitled to 1 vote at a meeting of the board*

Section 400W allows the appointment of alternate voting representatives in the Board of Joint Organisations. In this instance the Deputy Mayor would be an appropriate alternate voting delegate.

**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 the table above.

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**5. 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.

**REFERENCE**

Statutory matter.

**DISCUSSION**

Section 377 of the Local Government Act 1993 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.

No changes have been proposed to the delegation for the Mayor. The General Managers delegation has been amended to include the clause highlighted on the annexure. Both the Mayors and General Managers delegations are included as **ANNEXURE 7** for Councillors information.

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**

It has been past practice to review delegations to the Mayor and General Manager on an annual basis.

**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 7**.

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**6. LAND AVAILABILITY AND RESIDENTIAL LAND DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS**

**Report by General Manager – Steven Pinnuck**

**REASON FOR REPORT**

1. To provide a report to Council on the availability of residential land in Culcairn, Henty, Holbrook and Walla Walla and
2. For Council to consider the disposal of remaining land adjacent to the Jindera Industrial Estate.

**REFERENCE TO DELIVERY PLAN ACTIONS**

**Outcome** Our towns and villages are revitalised

**Action 3.2.2.1** Investigate the cost of construction for residential developments

**DISCUSSION**

**Introduction**

In recent years Greater Hume Shire Council has undertaken subdivision development to promote industrial development in Holbrook and more recently Jindera. This year Council has expanded its land development activities into residential development with a small seven Lot development at Walla Walla.

More recently a review has been undertaken of the availability of residential land owned by Council and vacant land currently listed for sale in the townships of Culcairn, Henty, Holbrook and Walla Walla.

This high level review indicates that unless Council undertakes a proactive approach then a number of towns in the Council area will at best stagnate and at worse decline in population.

**Current status of the Land Development Reserve**

Table 1 below outlines the status of the Land Development Reserve at as 30 June 2018 and a current projection taking into account the expected expenditure on the Walla Walla Residential Estate and Jindera Industrial Estate along with revenues from confirmed sales of land at Holbrook and Jindera Industrial Estates.

**Table 1**

Balance as 30 June 2018	\$349,477
Plus known sales	
Holbrook Industrial Estate	\$34,000
Jindera Industrial Estate	\$96,500
Less Walla Walla Subdivision costs	-\$284,948
Less Culvert crossings sold industrial allotments	-\$12,000
Less residual electricity costs Walla Walla Residential Subdivision	-\$88,889
Estimated balance remaining as 31 August 2018	\$ 60,174
Holbrook Industrial Estate – List value of remaining unsold allotments (6 Lots)	\$241,000
Jindera Industrial Estate - List value of remaining unsold allotments (9 Lots)	\$1,090,123
Walla Walla Residential Subdivision – Under development (7 Lots)	\$383,750

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LAND AVAILABILITY AND RESIDENTIAL LAND DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS [CONT'D]

**Review of current residential land for sale and land development opportunities**

**Henty**

Table 2 below provides an overview of vacant land currently listed for sale in Henty.

**Table 2**

Address	Area Sqm.	Price
66 Comer Street	751	\$ 35,000
18 South Street	3471	\$ 55,000
29 Ivor Street	765	\$ 40,000
4 Fourth Street	1012	\$ 36,000
20 Kierath Street	1012	\$ 40,000
1 Third Street	1017	\$ 38,500
10 Smart Street	1690	\$ 29,000

Clearly there is limited vacant residential land listed for sale in Henty.

There are two parcels of land owned by Council that lend themselves to residential land development being Rosler Parade and Yankee Crossing Road.

The draft Plan of the Subdivision is included for Councillors information as **ANNEXURE 8**.

Council also owns 15 acres (3 Lots of 5 acres) on Yankee Crossing Road. This land is zoned RU5 Village and therefore could be subdivided down to 600 sqm. but realistically would most likely suit larger residential allotments. A plan depicting the allotments is included as **ANNEXURE 8**.

**Culcairn**

Table 3 provides an overview of vacant land currently listed for sale in Culcairn.

**Table 3**

Address	Area Sqm.	Price
46 McBean Street	1004	\$ 45,000
3-5 Hopetoun Street	2024	\$ 60,000
52 Munro Street	1141	\$ 38,000

As can be seen from the above table very little vacant land is listed for sale in Culcairn. Unlike Henty and Walla Walla, Council does not own any land in Culcairn that could be used for residential development. Any land acquisitions would need to be factored into the development cost.

There are limited opportunities for acquiring suitable residential land in Culcairn with possibilities in Hamilton Street and the southern part of the Stock Route on the western edge of the township.



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LAND AVAILABILITY AND RESIDENTIAL LAND DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS [CONT'D]

**Holbrook**

Table 4 provides an overview of vacant residential land available for sale in Holbrook or expected to come into the market in the short to medium term as a result of the Loose Fill Asbestos Insulation Voluntary Purchase and Demolition Scheme.

**Table 4**

Address	Area Sq.m.	Price
26 Bowler Street	1821	\$75,000
9 Welton Street	1021	\$80,000
59-65 Albury Street	4452	\$250,000
24-26 Bath Street	1290	\$85,000
73 Albury Street	1900	?
150A Albury Street	1012	\$42,000
164 Albury Street	1923	\$59,000
19 McInness Street	1012	\$42,500
48 Wallace Street	1012	\$37,000
22 Thorpe Street	2770	\$125,000
18 Bath Street	873	\$35,000
27 Nyhan Street	2972	\$65,000
3-5 Bowler Street	2000	\$80,000
Lot 3 Cnr Bruce and Wallace	1788	\$50,000
3 Spring Street	2643	\$60,000
<b>In addition the following properties are held by Property NSW as part of the Loose Fill Asbestos Insulation acquisitions</b>		
<b><i>NSW State Government land required to sold by public auction in the first instance</i></b>		
102 Albury Street		
104 Albury Street		
179 Albury Street		
14 Bardwell Street		
14 Bath Street		
33 Bowler Street		
19 Peel Street		
30 Peel Street		
32 Peel Street		
33 Peel Street		
6 Prospect Street		
10 Spring Street		
21 Swift Street		
56 Swift Street		
14 Wallace Street		
44 Wallace Street		
45 Young Street		

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LAND AVAILABILITY AND RESIDENTIAL LAND DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS [CONT'D]

Clearly there is sufficient vacant residential land in Holbrook for the short to medium term.

Council does own a parcel of land suitable for residential land development. This area is traditionally known as Camden Forest and would most likely suit larger residential allotments. It is well situated adjacent to the Holbrook Golf Course and bordered by Jingellic Road. The area comprises 5.2 ha and is included for Councillors information as **ANNEXURE 8**.

**Walla Walla**

Currently there are no vacant residential allotments advertised for sale on realestate.com.au which was the motivating reason for Council to undertake a small seven (7) Lot subdivision.

Council has had significant difficulty in negotiating a cost effective design for the provision of electricity to the subdivision which is of great concern, particularly in towns and villages where vacant land values are modest. A report on tenders received for the provision of electricity to the subdivision will be considered later in the Agenda.

**Other matters**

**Potential sale of Englobo land, Hawthorn Road, Jindera**

Councillors would be aware selling the remaining Council owned land on Hawthorn Road has been under consideration. With this in mind the area was rezoned RU5 – Large Lot Residential with a minimum Lot size of 4,000 sqm.

Council has commissioned a valuation from Taylor Byrne, a copy of which was provided to Councillors at a Workshop/Briefing session held on Wednesday 5 September.

The valuation was prepared on the basis of 17.21 ha of land suitable for development and whilst the valuation was lower than expected, Management are of the view that the market should be tested to ascertain its actual value.

One of the main drivers to consider the sale of the parcel is that any funds could be put to use to provide amenity to residents of the Shire, particularly in the Jindera area.

If Council was of a mind to call Expressions of Interest for the land then it is considered appropriate for Council to market the land with development consent as significant road and drainage works would be required. As Council would be the Vendor and the Regulator marketing the land with development consent would ensure full disclosure of all relevant factors.

**BUDGET IMPLICATIONS**

The full budget implications are not yet known, however it would be Management's recommendation that any future residential development in towns such as Henty and Culcairn be undertaken when sales of the existing land bank provide the capacity to do so.

Alternatively Council could undertake a loan borrowing with the loan being serviced by land sales.

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LAND AVAILABILITY AND RESIDENTIAL LAND DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS [CONT'D]

**CONCLUSION**

In the absence of a private developer there appears to be an imperative for Council to undertake residential land development in Culcairn and Henty in a similar vein as Walla Walla otherwise these towns will have little capacity to grow vibrant sustainable communities.

In relation to the vacant land held by Council adjacent to the Jindera Industrial Estate if this land is deemed to be surplus to requirements, then there is an opportunity to invest those funds into other community building infrastructure.

**RECOMMENDATION**

That Council approve the following actions to inform development opportunities across the Shire:

**Henty**

1. Develop costings for the 3 Lot subdivision on Rosler Parade.
2. Investigate options for the development of all or part of the Yankee Crossing Land prior to a further report to Council.

**Culcairn**

1. Undertake discussions with relevant landholders with the view of submitting a further report to Council for consideration.

**Walla Walla**

1. Complete the seven (7) Lot subdivision and submit a report to Council on marketing options.

**Jindera**

1. Seek development approval based on the preliminary subdivision layout for remaining land on Hawthorn Road.
2. Following development approval advertise expressions of interest for the sale of the englobo parcel of land on Hawthorn Road.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN  
ON WEDNESDAY, 26 SEPTEMBER 2018**

## **CORPORATE AND COMMUNITY SERVICES**

### **1. 2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL**

**Report prepared by Chief Financial Officer – Dean Hart**

#### **REASON FOR REPORT**

To present to Council the Draft General Purpose and Special Purpose Financial Statements for year ending 30 June 2018, which require certification and referral to Council's external auditors, Hill Rogers.

#### **DISCUSSION**

The Local Government Act 1993 (the Act) relating to the preparation of Council's annual financial reports requires that:

1. Section 413 – A council must prepare financial reports for each year, and must refer them for audit as soon as practicable after the end of that year.
2. Section 413(2) – A council's financial reports must include:
  - a. A general purpose financial report
  - b. Any other matter prescribed by the regulations
  - c. A statement in the approved form by the council as to the opinion of the general purpose financial report.

The Local Government Code of Accounting Practice and Financial Reporting requires that Council complete a Special Purpose Financial Report for all business activities declared by Council and that Council complete a Statement on its Special Purpose Financial Report. A copy of the required Statements are included as **ANNEXURE 9**.

3. Section 413(3) – The general purpose financial report must be prepared in accordance with the Act and the regulations and the requirements of:
  - a. The publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations, and
  - b. Such other standards as may be prescribed by the regulations.
4. Section 416 – A council's financial reports for a year must be prepared and audited within 4 months after the end of the year concerned.
5. Section 418 – Upon receiving the Auditor's Report, the Act requires the council to give at least 7 days public notice of the meeting at which it proposes to present its audited financial reports, together with the Auditor's Report, to the public. The public notice must include a statement that the business of the meeting will include presentation of the audited financial reports, the Auditor's Report, and a summary of the financial reports.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]

6. Section 420 – Any person may make submissions in respect of the Council's audited financial reports or the Auditor's Report. Such submissions must be in writing and lodged with Council within 7 days after the public meeting at which these reports are presented. Copies of all submissions received must be referred to Council's Auditor. The Council must take such action as it considers appropriate in respect to any submissions received, including giving notice to the Office of Local Government of any matter that appears to require amendment of the Council's Financial Statements. In order to facilitate the public notice, meeting and submission process, it is considered appropriate that Council delegate to the General Manager authority, upon receipt of the Auditor's Report by Council to:
  - a. Arrange for the public notice of this meeting, in the required format, to be placed in the Border Mail newspaper, advising of the meeting at which the Auditor's Report will be presented.
  - b. Arrange for the Council's audited financial reports and a copy of the Auditor's Report to be made available for public inspection on Council's website and at the Council's offices and libraries.
  - c. List the audited financial reports and Auditor's Report on the Agenda for the October 2018 Council Meeting.
  
7. Section 428 – The audited financial reports must be included in the Council's annual report.
  
8. Clause 215 of the Local Government (General) Regulation 2005, requires that the Statement under Section 413(2)(c) on the annual financial report must be made by resolution of the Council and signed by the:
  - a. Mayor
  - b. At least one (1) other Councillor
  - c. General Manager
  - d. Responsible Accounting Officer

Annual financial reports have now been completed for Greater Hume Council, Greater Hume Council Water Fund and Greater Hume Council Sewer Fund.

Council is responsible for the preparation of the financial reports and adequate disclosures. This includes the maintenance of adequate accounting records and internal controls, selection and application of accounting policies, and the safeguarding of the assets of Council.

The General Manager reports that the Annual Financial Statements have been drawn up in accordance with:-

- The Local Government Act 1993 (as amended) and the regulations made thereafter
- The Australian Accounting Standards and professional pronouncements
- The Local Government Code of Accounting Practice and Financial Reporting
- The Local Government Asset Accounting Manual

Further it is advised that they will:

- Present fairly the financial position and operating result for the year; and
- Accord with Council's accounting and other records.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]

The General Manager is not aware of any issue that would make the reports false or misleading in any way.

In relation to the Special Purpose Financial Statements, it is advised that the Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting and the:-

- NSW Government Policy Statement –Application of National Competition Policy to Local Government”
- Department of Energy, Utilities and Sustainability –Best Practice Management and Water Supply and Sewerage” Guidelines.

It is further advised that these reports:

- Present fairly the financial position and operating result for each of Council’s declared Business Units for the year; and
- Accord with Council’s accounting and other records.

In relation to compliance with National Competition Policy, the allocation of overhead expenses to water and sewerage undertakings continues to be applied.

Detailed below is a snapshot of Council’s financial position as at 30 June 2018 (subject to Audit)

	<b>2017/2018 \$,000</b>	<b>2016/2017 \$,000</b>
Operating Income	40,351	38,396
Operating Expenditure	29,636	30,713
<b>Result from Continuing Operations</b>	<b>10,715</b>	<b>7,683</b>
Capital Grants and Contributions	9,592	5,877
Net Gain / (Loss) on Disposal of Assets	(1,362)	(2,418)
<b>Result Surplus/(Deficit) from Ordinary Activities</b>	<b>1,123</b>	<b>1,806</b>
Operating Result from Discontinued Operations		
<b>Net Surplus for Year</b>	<b>1,123</b>	<b>1,806</b>
<b>Capital Expenditure (Net of disposals)</b>		
Total Current Assets	31,237	32,555
Total Current Liabilities	7,718	7,929
Total Non-Current Assets	485,782	471,746
Total Non-Current Liabilities	5,848	6,532
<b>Total Equity</b>	<b>503,453</b>	<b>489,840</b>

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]

**External/Internal Restrictions (Reserves)**

Council has maintained strong externally restricted reserves of \$6,394,556 (includes \$169,149 held in Trust) and internal restrictions of \$11,506,505.

External Restrictions are generally unexpended grants, water and sewerage funds and can only be used for the purposes for which they were raised. Council has more flexibility with internal restrictions whereby Council can, by resolution, vary the purpose of restriction or remove it all together.

An amount of \$2,147,052 has been restricted for uncompleted works across the Shire, this is down from \$3,400,331 the previous year.

**Statement of Performance Measures**

Detailed performance measures have been prepared as part of the financial statements. The performance measures assess Council's financial position across a number of measures and industry benchmarks. Details of the performance measures for the General Purpose Financial Statements and Special Purpose Financial Statements are as follows (subject to Audit)

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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**2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]**

Financial Statements 2018

Greater Hume Shire Council

Notes to the Financial Statements  
for the year ended 30 June 2018

Note 28(c). Statement of performance measures – consolidated results (graphs)

<p><b>1. Operating performance ratio</b></p> <p>Benchmark: — Minimum <math>\geq 0.00\%</math> Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of operating performance ratio</b></p> <p>This ratio measures Council's achievement of containing operating expenditure within operating revenue.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 ratio 8.08%</b></p> <p>Council's operating performance ratio continued to return a positive result this year and indicates a solid operating performance for the year.</p> <p>Ratio achieves benchmark Ratio is outside benchmark</p>
<p><b>2. Own source operating revenue ratio</b></p> <p>Benchmark: — Minimum <math>\geq 60.00\%</math> Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of own source operating revenue ratio</b></p> <p>This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 ratio 47.71%</b></p> <p>Greater Hume has a relatively high proportion of income from grants and contributions. A benchmark of 60% own source income is desirable, however, rural councils rely heavily on grants and contributions due to its large area and relatively small population. The result is consistent with previous years.</p> <p>Ratio achieves benchmark Ratio is outside benchmark</p>
<p><b>3. Unrestricted current ratio</b></p> <p>Benchmark: — Minimum <math>\geq 1.50</math> Source for benchmark: Code of Accounting Practice and Financial Reporting #25</p>	<p><b>Purpose of unrestricted current ratio</b></p> <p>To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 ratio 4.96x</b></p> <p>The unrestricted current ratio measures Council's ability to meet its short term financial liabilities. A measure above 2:1 indicates a strong financial capacity to meet liabilities. This ratio is indicative of Council's strong cash position.</p> <p>Ratio achieves benchmark Ratio is outside benchmark</p>



**ORDINARY MEETING OF GREATER HUME COUNCIL  
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2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]

Financial Statements 2018

Greater Hume Shire Council

Notes to the Financial Statements  
for the year ended 30 June 2018

Note 28(c). Statement of performance measures – consolidated results (graphs)

<p style="text-align: center;"><b>4. Debt service cover ratio</b></p> <table border="1"> <thead> <tr> <th>Year</th> <th>Ratio (x)</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>7.7</td> </tr> <tr> <td>2016</td> <td>9.3</td> </tr> <tr> <td>2017</td> <td>13.2</td> </tr> <tr> <td>2018</td> <td>12.4</td> </tr> </tbody> </table> <p>Benchmark: — Minimum &gt;=2.00 Source for benchmark: Code of Accounting Practice and Financial Reporting #26</p>	Year	Ratio (x)	2015	7.7	2016	9.3	2017	13.2	2018	12.4	<p><b>Purpose of debt service cover ratio</b></p> <p>This ratio measures the availability of operating cash to service debt including interest, principal and lease payments</p>	<p style="text-align: center;"><b>Commentary on 2017/18 result</b></p> <p style="text-align: center;"><b>2017/18 ratio 12.40x</b></p> <p>Council has a relatively low level of borrowings. This ratio indicates that Council is able to comfortably service its current debt level out of its EBITDA.</p> <p style="text-align: right;">Ratio achieves benchmark Ratio is outside benchmark</p>
Year	Ratio (x)											
2015	7.7											
2016	9.3											
2017	13.2											
2018	12.4											
<p style="text-align: center;"><b>5. Rates, annual charges, interest and extra charges outstanding percentage</b></p> <table border="1"> <thead> <tr> <th>Year</th> <th>Ratio %</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>9%</td> </tr> <tr> <td>2016</td> <td>7%</td> </tr> <tr> <td>2017</td> <td>7%</td> </tr> <tr> <td>2018</td> <td>6%</td> </tr> </tbody> </table> <p>Benchmark: — Maximum &lt;10.00% Source for Benchmark: Code of Accounting Practice and Financial Reporting #26</p>	Year	Ratio %	2015	9%	2016	7%	2017	7%	2018	6%	<p><b>Purpose of rates and annual charges outstanding ratio</b></p> <p>To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.</p>	<p style="text-align: center;"><b>Commentary on 2017/18 result</b></p> <p style="text-align: center;"><b>2017/18 ratio 6.09%</b></p> <p>Council's level of outstanding rates and charges showed an improvement as a result of proactive collection procedures. Continuous improvement on the current position is our goal for 2018-19.</p> <p style="text-align: right;">Ratio is within Benchmark Ratio is outside Benchmark</p>
Year	Ratio %											
2015	9%											
2016	7%											
2017	7%											
2018	6%											
<p style="text-align: center;"><b>6. Cash expense cover ratio</b></p> <table border="1"> <thead> <tr> <th>Year</th> <th>Ratio (mths)</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>12.4</td> </tr> <tr> <td>2016</td> <td>9.5</td> </tr> <tr> <td>2017</td> <td>13.0</td> </tr> <tr> <td>2018</td> <td>11.3</td> </tr> </tbody> </table> <p>Benchmark: — Minimum &gt;=3.00 Source for benchmark: Code of Accounting Practice and Financial Reporting #26</p>	Year	Ratio (mths)	2015	12.4	2016	9.5	2017	13.0	2018	11.3	<p><b>Purpose of cash expense cover ratio</b></p> <p>This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.</p>	<p style="text-align: center;"><b>Commentary on 2017/18 result</b></p> <p style="text-align: center;"><b>2017/18 ratio 11.32 mths</b></p> <p>Council's cash position is sound and the ratio indicates Council is able to pay all its commitments as and when they fall due.</p> <p style="text-align: right;">Ratio achieves benchmark Ratio is outside benchmark</p>
Year	Ratio (mths)											
2015	12.4											
2016	9.5											
2017	13.0											
2018	11.3											

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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**2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]**

Special Schedules 2018

Greater Hume Shire Council

Special Schedule 7 – Report on Infrastructure Assets (continued)  
for the year ended 30 June 2018

<p><b>1. Buildings and infrastructure renewals ratio</b></p> <p>Benchmark: — Minimum &gt;=100.00% Source for benchmark: Code of Accounting Practice and Financial Reporting #26</p>	<p><b>Purpose of asset renewals ratio</b></p> <p>To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 Ratio 125.73%</b></p> <p>Major road infrastructure renewal projects carried out during this financial year have resulted in a renewal ratio which exceeds Council's benchmark aim of least 100% renewal in future periods.</p>
<p><b>2. Infrastructure backlog ratio</b></p> <p>Benchmark: — Maximum &lt;2.00% Source for benchmark: Code of Accounting Practice and Financial Reporting #26</p>	<p><b>Purpose of Infrastructure backlog ratio</b></p> <p>This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 Ratio 0.07%</b></p> <p>These results indicate that Council has no serious backlog issues in its infrastructure network.</p>
<p><b>3. Asset maintenance ratio</b></p> <p>Benchmark: — Minimum &gt;=100.00% Source for benchmark: Code of Accounting Practice and Financial Reporting #26</p>	<p><b>Purpose of asset maintenance ratio</b></p> <p>Compares actual vs. required annual asset maintenance. A ratio above 100% indicates Council is investing enough funds to stop the Infrastructure backlog growing.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 Ratio 99.58%</b></p> <p>Council's annual maintenance expenditure during 2017-18 has met the required annual expenditure needed to avoid an increase in infrastructure backlog. Council's forward budgets provide for a 1:1 ratio in future budget periods.</p>
<p><b>4. Cost to bring assets to agreed service level</b></p> <p>Benchmark: — Minimum &gt;=100.00% Source for benchmark: Code of Accounting Practice and Financial Reporting #26</p>	<p><b>Purpose of agreed service level ratio</b></p> <p>This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.</p>	<p><b>Commentary on 2017/18 result</b></p> <p><b>2017/18 Ratio 0.05%</b></p> <p>Major works on the renewal of road infrastructure has been the major contributor to achieving this result in 2017-18.</p>

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2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]

**Minor Funds**

Satisfactory reserves are held in most schemes. Scheme reserves are detailed below (Subject to Audit):

<b>FUND</b>	<b>\$</b>
Greater Hume Shire Council Sewerage Fund	2,921,268
Greater Hume Shire Council Water Fund	1,369,244
<b>TOTAL</b>	<b>4,290,512</b>

**Audit Committee Review**

A meeting of the Greater Hume Shire Council Internal Audit Committee was held on Tuesday 11 September 2018 to review the draft financial statements and to provide an opportunity for the Committee to ask questions and seek clarification from Council's Chief Financial Officer on all aspects of the statements.

Following review by the Audit Committee, the following resolution was passed:

**RESOLVED [Cr Osborne / Cr Wilton]**

*That the Audit, Risk & Improvement Committee reports as follows:*

- 1. It has considered the unaudited draft Annual Financial Statements, Special Purpose Reports and Special Schedules and asked such questions as it considered appropriate of Council's finance staff and auditors in attendance, and is satisfied with the responses received.*
- 2. It acknowledges that the audit is as yet incomplete and further issues may arise prior to completion.*
- 3. It requests that a report be submitted to its next meeting of any significant changes made to the statements as part of the completion process, and that the Chairman be advised of these prior to completion of Council's certificates.*
- 4. Subject to the above, it is not aware of any matter that would prevent the Council from executing the certificates to the Annual Financial Statements and Special Purpose Reports required by section 413(2)(c) of the Local Government Act 1993.*

The external auditor will present the 2017/18 financial statements to Council at the ordinary meeting to be held on 17 October 2018.

**BUDGET IMPLICATIONS**

Nil

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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2017/2018 DRAFT GENERAL PURPOSE AND SPECIAL PURPOSE FINANCIAL STATEMENTS – CERTIFICATE BY COUNCIL [CONT'D]

**CONCLUSION**

The General Manager has provided assurances as to the manner in which the Statements have been prepared it is recommended that General Manager, the Mayor, Deputy Mayor, General Manager and the Chief Financial Officer be authorised to sign the Statement by Councillors and Management for the 2017/2018 General Purpose and Special Purpose Financial Statements.

**RECOMMENDATION**

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

1. The Annual Financial Statements for the year ended 30 June 2018 be adopted.
2. The Mayor, Deputy Mayor, General Manager and the Chief Financial Officer be authorised to sign the Statement by Councillors and Management for the 2017/2018 General Purpose and Special Purpose Financial Statements.
3. The Annual Financial Statements for the year ended 30 June 2018 be referred to the Council's Auditor for audit.
4. Council hereby delegate to the General Manager authority, upon receipt of the Auditor's report of the Council, to:
  - a. Forward a copy of the Financial Statements to the Officer of Local Government and Australian Bureau of Statistics.
  - b. Arrange for public notice, in the required format, of the Council Meeting at which the Financial Statements will be presented to the public.
  - c. Arrange for Council's audited Financial Statements and a copy of the Auditor's Reports to be made available for public inspection.
  - d. List the presentation of audited Financial Statements and Auditor's Reports on the Agenda for the October 2018 Council Meeting.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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**2. REQUEST TO AMEND WATER CHARGES**

**Report prepared by Director Corporate & Community Services –  
David Smith**

**REASON FOR REPORT**

To present a request from Ms Michelle King for Council to consider reducing the amount of water usage charges levied for the period February 2018 to July 2018.

**REFERENCE TO DELIVERY PLAN ACTION**

Not Applicable

**DISCUSSION**

Council has received correspondence from Ms Michelle King in relation to water usage charges levied for the period February 2018 to July 2018 at 20 Kirndeem Street, Culcairn. The charges were based on an abnormally high water consumption of 773kls for the period ending March 2018 and 837kls for the period ending June 2018. A copy of the correspondence received from Ms King is included as **ANNEXURE 10**.

Ms King has written to Council seeking to have the amount of water usage charges reduced on the basis that the abnormally high water consumption was the result of two unknown leaks in the plumbing system at the property. The correspondence received from Ms King advises that the leaks have now been repaired.

A review of water usage at the site for the preceding six years indicates an average quarterly usage of 83.75kls compared to the usage of 773kls for the period ending March 2018 and 837kls for the period ending June 2018. In addition, following discovery and subsequent repair of the leak, the water meter at the property was read on 5 July 2018 and again on 29 August 2018 indicating a usage of 41kls for the period which would equate to an estimated quarterly consumption of 67kls.

The above analysis indicates that the significant increase in water usage at the property during the last two water billing periods compared to the long term average was the result of the unknown leaks and that, when discovered, the landowner has taken reasonable steps to have the leaks repaired as quickly as possible. Taking these factors into account Council could consider reducing the water charges levied by 50%.

**BUDGET IMPLICATIONS**

Writing off 50% of the water charges levied would result in a reduction of revenue to the Water Fund of \$2,093.00.

**CONCLUSION**

The significant increase in water usage at 20 Kirndeem Street Culcairn during the last two water billing periods compared to the long term average was the result of unknown leaks and that, when discovered, the landowner took reasonable steps to have the leaks repaired as quickly as possible. Taking these factors into account Council could consider reducing the water charges levied by 50%.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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REQUEST TO AMEND WATER CHARGES [CONT'D]

**RECOMMENDATION.**

That:

1. Council write off \$2,093.00 in water charges levied at 20 Kirndeene Street Culcairn representing 50% of total water usage charges for the period February 2018 to July 2018.
2. A suitable payment plan be negotiated between Council and the landowner in relation to payment of the remaining charges owing.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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**3. NSW RURAL FIRE SERVICES – WANTAGONG BUSH FIRE SHED - ACQUISITION**

**Report prepared by Manager Corporate Services – Suzanne Klemke**

**REASON FOR REPORT**

Council has received correspondence from the NSW Rural Fire Service advising that they have sourced a parcel of land for the construction of the Wantagong Bush Fire Station.

**REFERENCE TO DELIVERY PLAN ACTION**

Nil.

**DISCUSSION**

The NSW Rural Fire Service (RFS) has determined that the most suitable site for the construction of the Wantagong Bush Fire Station is on a section of land currently owned by Mr Bruce Allworth. The RFS has undertaken negotiations with the landowner and it is intended that the section of land, approx. 625 square metres, will be subdivided from the existing holding Lot 1 DP 129868 –Talooby”, Jingellic Road, Holbrook. A plan of the proposed subdivision is included as **ANNEXURE 11**.

Mr Allworth’s solicitor has prepared a draft Deed of Agreement in relation to the land use and restrictions as agreed:

- *“Bruce has agreed to subdivide Lot 1 to excise an area of 625 square metres fronting Jingellic Road and transfer it to Council for no consideration for the use by NSW Rural Fire Service for a Fire Station.*
- *In the event the Fire Station Land is no longer used for a fire station, the Council shall transfer the Fire Station Land back to Bruce Allworth in its original condition (at his option) for no consideration”.*

The cost of the land acquisition and build will be funded by the NSW Rural Fire Fighting Fund allocation from the 2017/2018 and 2018/2019 Financial Years. NSW Rural Fire Services has confirmed that the project will be fully funded with no cost to Council.

Upon Council resolution to proceed with the acquisition of the land Council is required to formally resolve that the land be classified as Operational Land in accordance with the Local Government Act 1993.

In accordance with Section 34 of the Local Government Act 1993, Council is required to give Public Notice of its intention to classify the land as Operational Land and allow 28 days in which submissions may be made to Council.

The required advertising will commence upon Council resolution to acquire the land.

**BUDGET IMPLICATION**

Funding for the acquisition of the land and construction of Wantagong Bush Fire Shed will be provided from the NSW Rural Fire Fighting Fund allocation for 2017/2018 and 2018/2019.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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NSW RURAL FIRE SERVICES – WANTAGONG BUSH FIRE SHED – ACQUISITION  
[CONT'D]

**CONCLUSION**

Approval is now sought by Council to proceed with the Acquisition for part of Lot 1 DP 129868 for the construction of a Bush Fire Brigade Station and on the terms and conditions as proposed by the landowner.

**RECOMMENDATION**

That:

1. That funding for the acquisition of the land and construction of Wantagong Bush Fire Shed be provided from the NSW Rural Fire Fighting Fund allocation for 2017/2018 and 2018/2019.
2. That the Mayor and General Manager be authorised to sign the Deed of Agreement, Memorandum of Transfer and all associated documents for the acquisition of part of Lot 1 DP 129868, Holbrook under the Common Seal of Council.
3. That upon finalisation of acquisition the land be classified as Operational Land in accordance with the Local Government Act 1993.



**ORDINARY MEETING OF GREATER HUME COUNCIL  
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**4. REQUEST FOR FINANCIAL ASSISTANCE – BURRUMBUTTOCK TENNIS CLUB**

**Report prepared by Director Corporate & Community Services – David Smith**

**REASON FOR REPORT**

To present a request from the Burrumbuttock Tennis Club for financial assistance under Council's Financial Assistance to Community Groups – Loans Policy.

**REFERENCE TO DELIVERY PLAN ACTION**

Outcome 3.2 Our towns and villages are revitalised

Action 3.2.1.2 Promote Council's Loans to Community Groups Policy to encourage maximum uptake of available low interest loans

**DISCUSSION**

Correspondence has been received from the Burrumbuttock Tennis Club seeking a loan of \$32,000 over a term of ten years under Council's Loans to Community Groups Policy. A copy of the correspondence from the Burrumbuttock Tennis Club is included as **ANNEXURE 12**.

The purpose of the loan is to assist the club in installing synthetic grass on two courts. The total cost of the project is estimated at \$56,748 exc. GST. The club has raised \$10,000 toward the project and will be seeking to leverage Council's assistance to secure external grant funding of up to \$20,000 to complete the project.

As Councillors would be aware, Council's Loans to Community Groups Policy is aimed at assisting volunteer groups to access low-cost funds to facilitate to provision of community infrastructure. Council's Loans to Community Groups Policy states that applications for loans will be considered up to a maximum of \$50,000, subject to the loan liability to the Council for any one community group not exceeding \$50,000 at any one time and that the quantum of all loans approved shall not exceed \$250,000 at any one time.

At present, outstanding loans provided under the policy total \$80,512 and as such the loan of \$32,000 to the Burrumbuttock Tennis Club will not lead to the maximum outstanding balance exceeding the \$250,000 threshold.

**BUDGET IMPLICATIONS**

Very minor impact of Council's budget position as the proposed interest rate of 3% is in line with current investment returns.

**CONCLUSION**

Council's Loans to Community Groups Policy is aimed at assisting volunteer groups to access low-cost funds to facilitate to provision of community infrastructure. Accordingly, it is recommended that Council approve a loan to the Burrumbuttock Tennis Club for \$32,000 over a term of ten years in accordance with Council's Loans to Community Groups Policy subject to the club being successful in obtaining external grant funding sufficient to complete the project.

**RECOMMENDATION**

That Council provide a loan of \$32,000 over a term of ten (10) years to Burrumbuttock Tennis Club in accordance with Council's Loans to Community Groups Policy subject to the club being successful in obtaining external grant funding sufficient to complete the project.

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**5. POLICY DEVELOPMENTS**

**Report prepared by Manager Corporate Services – Suzanne Klemke**

**REASON FOR REPORT**

To present new and revised policies for consideration.

**REFERENCE TO DELIVERY PLAN ACTION**

**Outcome** Plan and lead good governance having a clear framework for strategic planning, policies, procedures and service standards and financial sustainability with effective financial management that is transparent and accountable

**Action 1.1.1.1** Establish and implement a structured policy review process including subscription to legislative updates service

**DISCUSSION**

Development and enhancement of Council's Policy Register is continuing. The following policies are now presented for consideration by Council:

**1. Corporate Credit Card Use Policy (Reviewed policy)**

This policy was reviewed in order to include an updated Employee Agreement Declaration as recommended by the Audit, Risk & Improvement Committee and also to align the Policy with current practices regarding authorisation of monthly transaction statements. A copy of the revised policy is included as **ANNEXURE 13**.

**BUDGET IMPLICATIONS**

There are no direct budget implications resulting from the adoption of the above policies.

**CONCLUSION**

The continual review and development of Council policies is essential to ensure adequate internal control systems are in place and for Council to remain abreast of emerging trends and issues with the local government sector.

**RECOMMENDATION**

That the Greater Hume Council Corporate Credit Card Use Policy be adopted.

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**6. INVESTING OF COUNCIL FUNDS**

**Report prepared by Director Corporate & Community Services –  
David Smith**

**REASON FOR REPORT**

To inform Councillors of policy directions being enforced by the NSW Treasury Corporation (TCorp) which could impact on Council's current investment policy and practices.

**REFERENCE TO DELIVERY PLAN ACTION**

Not Applicable

**DISCUSSION**

Management have become aware of policy directions being enforced by the NSW Treasury Corporation (TCorp) which could impact on Council's current investment policy and practices. As Councillors would be aware, NSW councils that are deemed "Fit for the Future" are eligible to access loan facilities through TCorp at interest rates that are more competitive than would otherwise be available. Access to the TCorp loans was sold to councils as a key incentive throughout the NSW Government's "Fit for the Future" reforms. Subsequently, many councils, including Greater Hume Council, have taken the opportunity to borrow funds through TCorp at reduced interest rates which in turn assists with the financial sustainability of Council through lower borrowing costs.

It is of great concern therefore that Council has been made aware that TCorp have included investment policy financial covenants in their most recent loan facility agreements. In short, TCorp has developed exposure limits which they are recommending councils should adopt within their Investment Policy and that adoption of the recommended exposure limits will be assessed as part of any future loan application. A copy of the exposure limits issued by TCorp are included as **ANNEXURE 14**.

As Councillors will note, TCorp are recommending that investments in unrated Authorised Deposit-taking Institutions (ADIs) be kept to a minimum and that total investments in each unrated ADI not exceed the current government guarantee on deposits of \$250,000. If implemented, the TCorp exposure limits would result in Greater Hume Council having to reduce its investments with Hume Bank and WAW Credit Union from the current levels of approximately \$5m with each institution to a maximum of \$250,000. Conversely, the measure would require Council to increase investments in the four major banks of NAB, Commonwealth, ANZ and Westpac even though the major banks have progressively and systematically reduced their presence in, and support for, regional communities over many years. Such a move would, in Council's view, be unacceptable and contrary to Council's current investment policy of supporting financial institutions that maintain a presence in our communities.

It is clear that TCorp are adopting a single-minded approach to the investment of funds by local councils and are focusing solely on an economic rationalist approach whilst ignoring the social considerations of Council's investment policy. Greater Hume Council has a long history of investing funds with Hume Bank and WAW Credit Union and Council shares strong partnerships with both organisations as is evidenced by the shared arrangements in operation at the WAW branch in Walla Walla and the Hume Bank's tenancy at the Jindera Community Hub. Such arrangements are mutually beneficial to both organisations and, most importantly, facilitate the ongoing provision of banking services to our towns.

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INVESTING OF COUNCIL FUNDS [CONT'D]

The issue facing Council is that in order to access loan facilities from TCorp in the future, Council will be expected to comply with the TCorp investment exposure limits. Further, TCorp have advised Council that they have provided the recommended investment exposure limits to the Office of Local Government (OLG) as part of the OLG's review of the investment policy guidelines which were implemented in 2010. This is of particular concern given that it is possible (likely) that TCorp's recommendations will be reflected in future investment orders issued by OLG, thereby directly impacting on the investment practices of councils whether they are accessing TCorp loan facilities or not.

It should be noted that the current OLG Investment Order implemented in 2010 was specifically designed to allow councils to invest in small banks, building societies and credit unions (provided they are approved by the Australian Prudential Regulation Authority) in order to address the decline in representation from the big four banks in rural communities. It is ironic that rural councils such as Greater Hume which have adopted investment practices that comply with the requirements, and spirit, of the Investment Order by supporting smaller institutions that have a presence in rural communities are potentially going to be penalised by being denied access to lower cost loans through TCorp.

Once again, it would appear that policy decisions are being made by NSW Government agencies that directly impact on local councils without any consultation with the sector or those councils impacted.

**BUDGET IMPLICATIONS**

Whilst there are no immediate direct budget implications associated with this matter, TCorp's policy of enforcing investment policy financial covenants could prevent Council from potentially accessing loan facilities through TCorp at interest rates that are lower than that would otherwise be available.

**CONCLUSION**

It is of great concern that in order to access loan facilities from TCorp in the future, councils will be required to comply with the TCorp investment exposure limits and associated financial covenants. Access to loans through TCorp was presented as a key element of the NSW Government's "Fit for the Future" reforms. However it appears that a caveat has now been introduced that will restrict councils, particularly rural councils, from borrowing through TCorp unless those same councils withdraw their support for small banks, building societies and credit unions.

Councils have a moral and social obligation to support financial institutions that are committed to retaining a presence in our rural towns and any restrictions on the ability of councils to invest with APRA approved institutions such as Hume Bank and WAW Credit Union should be vehemently opposed.

**RECOMMENDATION.**

That Council write to the NSW Treasury Corporation and the Office of Local Government strongly condemning the introduction of investment policy financial covenants and seeking meaningful consultation with the local government sector in relation to the review of the current OLG Investment Order.

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**7. CHRISTMAS / NEW YEAR OFFICE CLOSURE PERIOD**

**Report prepared by Manager Corporate Services – Suzanne Klemke**

**REASON FOR REPORT**

To present a proposal to extend the annual office closure period for the 2018/2019 Christmas/New Year period to include Monday 24 December 2018.

**REFERENCE TO DELIVERY PLAN ACTION**

Nil.

**DISCUSSION**

As Councillors would be aware, Council's offices and customer service centres have traditionally closed for three (3) days between Christmas and New Year.

Whilst the period of the annual closedown is generally limited to three (3) days there are occasions where an extension to the closedown period needs to be considered due to the days on which Christmas Day, Boxing Day and New Year's day fall. This situation occurred during the 2012/2013 and 2014/2015 Christmas/New Year and the upcoming 2018/2019 period represents another such period given that Christmas Eve falls on a Monday.

Applying "normal" closedown provisions, Council's offices would be open on Monday 24 December, close Tuesday 25 December and re-open Wednesday 2 January 2019. The timing of these days has led to a large number of staff expressing a desire to take leave on Monday 24 December. This day is also the regular Rostered Day Off for a number of staff. That being the case, it is proposed that the 2018/2019 office closure period be extended to include Monday 24 December 2018.

**BUDGET IMPLICATION**

Nil. Should Council resolve to extend the office closure period to include Monday 24 December 2018 staff would be required to access accrued leave entitlements to cover their absence on that day.

**CONCLUSION**

Whilst this proposal will extend the office closure period by one day, it is unlikely that residents and ratepayers will be disadvantaged to any great extent given that the level of customer enquiries on this day in the past have been relatively low. Having said that, it is envisaged that should a decision be made to extend the office closure period, an extensive advertising process be undertaken so as to fully inform residents and ratepayers of the revised office opening times.

**RECOMMENDATION**

That the 2018/2019 Christmas/New Year office closure period commence Monday 24 December 2018 and offices reopen Wednesday 2 January 2019.

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## **ENGINEERING**

### **2. PROVISION OF FOOTPATH, URANA ROAD, BURRUMBUTTOCK**

**Report prepared by Works Engineer – Andrew Walls**

#### **REASON FOR REPORT**

To update Councillors of the response from landowners following notification of apportioned contributions for the construction of a new concrete footpath in Urana Road, Burrumbuttock.

#### **REFERENCE TO DELIVERY PLAN ACTION**

Outcome 4.1      Infrastructure and facilities meet the needs of our communities.  
Action; 4.1.1.2    Ensure the investment in the upgrade of infrastructure is targeted and prioritised.

#### **DISCUSSION**

This project was the subject of a previous report tabled at the July meeting. At that meeting Council resolved;

1. That Council adopt the scheme as detailed.
2. That the landowners be notified of the amount of their contribution to the project.

In that previous report it was stated that;

*“The construction of a new concrete footpath in Urana Road, Burrumbuttock will provide improved accessibility for all landowners adjacent to the new path.*

*The project was originally proposed as a 1.5m wide path along the western side of Urana Road from the General store south to the last residential property. The project has been the subject of ongoing public consultation resulting in the expressed desire from rate payers for the project scope to be extended to also include a path on the eastern side servicing those residential properties. Regardless of the final scope of works the footpath works are subject to the Council Shared Cost Footpath Policy attracting a 50% landowner contribution towards the overall cost.*

*The scheme has been costed at the standard rate used for preliminary estimates for this type of project. This rate has been selected to give landowners the maximum likely value of their share of the cost in the majority of cases.”*

Following the Council meeting landowners were notified by correspondence dated 30 July 2018 of the amount of their contribution to the project.

Two responses to these notifications were received;

1. A telephone enquiry from Mr Wayne Gilchrist regarding his property at 18-20 Urana Road seeking assurance that following footpath construction access to his property by motor vehicle will be improved.
2. A written submission from the Scott family regarding their multiple properties along the subject section of Urana Road. A copy of this correspondence is attached in **ANNEXURE 15** for Councillors information.

Council officers have undertaken to meet on site with Mr Gilchrist prior to any construction taking place to ensure vehicle access to his property is enhanced.

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PROVISION OF FOOTPATH, URANA ROAD, BURRUMBUTTOCK [CONT'D]

The response to the issues raised by the Scott family can be summarised as;

1. The burden of the apportioned costs to landowners may be alleviated by landowners availing themselves of the options to make repayments over an extended period of time as per Council policy.
2. The stated unacceptability of applying charges relating to shared cost footpath schemes in addition to the annual property rates conflicts with current Council policy and is not the subject of this report.
3. The petition mentioned in the letter was not organised by Council officers and as such Council had no input into the wording or content of the presentation of that petition to the public.
4. The footpath on Howlong Rd mentioned in the letter was in fact the replacement of an existing footpath and as such does not attract landowner contributions under Council policy. The new footpath proposed for the subject length of Urana Road does attract landowner contributions under current Council policy.
5. The matter of free-campers and pedestrians approaching Urana Road from an entirely different direction is not the subject of this report.
6. With respect to the matter of the two property owners at the southern end of the subject area;
  - a. These two landowners will benefit from the proposed footpath as was presented to Council in the previous report.
  - b. The proposed footpath will not extend over the full width of these property frontages as there will be no benefit to any person or organisation.
  - c. Costs to these two landowners have been apportioned according to Council policy.

A map of the scheme and a table of the apportionment used to assess all landowner contributions are **ENCLOSED SEPARATELY** for Councillors information.

**BUDGET IMPLICATION**

The cost of the scheme falls within the budget allowance of \$100,000.00 including landowner contributions. The projected price does not include the possibility of provisional items which in any case would be expected to be of a nominal amount.

**CONCLUSION**

The project scope has been costed and apportioned to show landowner contribution costs.

A single objection to the scheme was received.

**RECOMMENDATION**

1. That Council adopt the scheme as detailed and arrange for construction to proceed.
2. That the landowners be notified of the intention to proceed with the scheme as previously advised.

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**3. TENDER TL 03 – 2018/19 PROVISION OF ASPHALT OVERLAY – SLADEN STREET, HENTY.**

**Report prepared by Works Engineer – Andrew Walls.**

**REASON FOR REPORT**

To consider tenders for the provision of an Asphalt Overlay at Sladen Street, Henty.

**REFERENCE TO DELIVERY PLAN ACTION**

Outcome 4.1 Infrastructure and facilities meet the needs of our communities.

Action 4.1.1.2 Ensure the investment in the upgrade of infrastructure is targeted and prioritised.

**DISCUSSION**

The provision of an asphalt overlay to the full width of Sladen Street between Allen Street and Ivor Street forms the final part of the upgrade of the commercial precinct of Henty and is complementary to the recent upgrade of the footpaths and streetscape at this location.

After investigation of the site in the vicinity of the railway crossing and following discussions with Riverina Water regarding their intended water main replacement work at the Ivor Street intersection it was proposed to extend the asphalt area to terminate at the Olympic Highway intersection.

Work in vicinity of the railway requires statutory permits to work from ARTC. Application has been made for these permits with the expectation that these will be issued at a date yet to be determined.

Advertisements were placed in the Sydney Morning Herald, Border Mail and on Tenderlink. Tenders closed on Wednesday 22 August 2018. Two tenders were received via the Tenderlink portal.

Submitted prices ranged from \$163,300.00 to \$211,227.00. All prices are exclusive of GST.

The following Tenders were received and are listed in alphabetical order.

No.	Name	Tendered Price
1.	Downer	\$211,227.00
2.	Country Wide Asphalt	\$163,300.00

The tender submitted by Country Wide Asphalt was checked and is mathematically correct. Country Wide Asphalt has previously performed work of a relatively minor nature for Greater Hume Council and has provided satisfactory service with an adequate degree of quality.



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TENDER TL 03 – 2018/19 PROVISION OF ASPHALT OVERLAY – SLADEN STREET, HENTY [CONT'D]

Staff from Country Wide Asphalt North Eastern Roadmarkers attended a post-tender interview where they confirmed that they were satisfied with the price as submitted and that they have the personnel and equipment to complete the project to the required standard in a safe and timely manner. The company has the capability to commence work in October 2018 in the event that Riverina Water complete their intended work and ARTC issue the required permits in a timely manner.

Country Wide Asphalt provided Council officers with contact details of a number of professional referees. All those contacted provided positive feedback regarding the ability of Country Wide Asphalt to satisfactorily complete a project of this magnitude.

A table of the apportionment used to assess the two tenders is **ENCLOSED SEPARATELY** for Councillors information, and a sketch of the proposed area to be re-surfaced is attached in **ANNEXURE 16**.

**BUDGET IMPLICATION**

The tendered price on \$163,300.00 (excl.GST) is consistent with the original project estimate but exceeds the allowance of \$150,000.00 due to the increased scope of works to extend the works to the intersection with the Olympic Highway.

It is intended to fund the shortfall from savings in the 2017/2018 Bitumen Reseal Program. The tendered price does not include the possibility of provisional items which in any case would be expected to amount to less than 5% of the tender price.

**CONCLUSION**

Two tenders were received for the Provision of an asphalt overlay at Sladen Street, Henty. Both tenders were considered.

The tender submitted by Country Wide Asphalt has been assessed and there is no technical or practical reason to conclude that Country Wide Asphalt is not capable of completing the contract to the required standard and within a reasonable timeframe.

**RECOMMENDATION**

1. That the tender submitted by Country Wide Asphalt of \$163,300.00 (excl. GST) be accepted.
2. That savings within Councils 2017/2018 Bitumen Reseal Program fund the additional scope of works.
3. That the unsuccessful tenderers be notified.
4. That the General Manager and the Mayor be authorised to sign the Contract with Country Wide Asphalt.

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**4. TL 02 – 2018/19 PROVISION OF ELECTRICAL RETICULATION, JACOB WENKE SUBDIVISION, WALLA WALLA.**

**Report prepared by Works Engineer – Andrew Walls.**

**REASON FOR REPORT**

To consider tenders for the provision of electrical reticulation at Jacob Wenke Subdivision, Walla Walla.

**REFERENCE TO DELIVERY PLAN ACTION**

Outcome; 4.1           Infrastructure and facilities meet the need of our communities. .  
Action; 4.1.1.2       Ensure the investment in the upgrade of infrastructure is targeted and prioritised.

**DISCUSSION**

The provision of electrical service to Councils Jacob Wenke subdivision forms part of the overall provision of services to that subdivision.

Council officers engaged a reputable and experienced consultant to design the electrical works in January 2018 in order to gain approval from Essential Energy for construction.

Negotiations between the consultant and Essential Energy have led to ongoing frustrations and delays to the progress of the design. The matters of significance can be summarised as:

1. The requirement to source the High Voltage feed from a distant power pole as opposed to a convenient nearby pole. Essential Energy was unable to give a feasible reason for this requirement.
2. The instruction from Essential Energy that any substation was to be of sufficient capacity to not only feed the new Council subdivision but also to be capable of feeding the established portion of the estate. In effect Council was required to fund an upgrade of an aged and under-capacity Essential Energy existing asset.
3. The Essential Energy requirement that an upgrade of long established hardware feeding existing properties be carried out as part of the works to supply the new Council 7-Lot subdivision.

The electrical design is now complete. Council officers have met with senior management from Essential Energy in order to negotiate a financial contribution from Essential Energy to cover the cost of works that could be perceived as routine maintenance or upgrading of existing, aged infrastructure. The most recent offer from Essential Energy is under consideration and negotiations are continuing.

Advertisements were placed in the Sydney Morning Herald, Border Mail and on Tenderlink. Tenders closed on Tuesday 21<sup>st</sup> August 2018. Five tenders were received via the Tenderlink portal.

Submitted prices ranged from \$193,999.00 to \$373,580.00. All prices are exclusive of GST and exclusive of Essential Energy fees and charges.

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TENDER TL 02 – 2018/19 PROVISION OF ELECTRICAL RETICULATION, JACOB WENKE  
SUBDIVISION, WALLA WALLA [CONT'D]

It should be noted that the original tender prices included an item for Essential Energy fees and charges which are notoriously difficult to confidently predict with any certainty.

The following Tenders were received and are listed in alphabetical order.

No.	Name	Tendered Price
1.	Great Southern	\$373,580.00
2.	JRC Pty/Ltd	\$193,999.00
3.	NJ Constructions	\$339,910.00
4.	GPEHV Pty/Ltd	\$203,460.00
5.	Watters Electrical	\$218,005.61

Council officers interviewed representatives of JRC Pty/Ltd, GPEHV Pty/Ltd and Watters Electrical. All three companies are reputable organisations with sufficient experience and equipment to successfully complete the works.

The tender submitted by JRC Pty/Ltd was checked and is mathematically correct. JRC Pty/Ltd has not previously performed work for Greater Hume Shire Council. A check of a number of previous clients showed that JRC Pty/Ltd has provided satisfactory service with an adequate level of quality.

Staff from JRC Pty/Ltd attended a post-tender telephone interview where they confirmed that they were satisfied with the price as submitted and that they have the personnel and equipment to complete the project to the required standard in a safe and timely manner.

The tables used to assess the tenders and a sketch of the proposed area to be serviced are **ENCLOSED SEPARATELY** for Councillors information.

#### **BUDGET IMPLICATION**

The tender price of \$193,999.00 (excl.GST and Essential Energy fees) is the result of requirements added to the scope of works by Essential Energy. The tendered price is greater than original estimates, however as advised, staff are pursuing Essential Energy for appropriate recompense for the additional costs.

The tendered price does not include the possibility of provisional items which in any case would be expected to amount to less than 5% of the tender price.

#### **CONCLUSION**

Five tenders were received for the Provision of Electrical Reticulation at the Jacob Wenke subdivision, Walla Walla.

All tenders were considered.

The tender submitted by JRC Pty/Ltd has been assessed and there is no technical or practical reason to conclude that JRC Pty/Ltd is not capable of completing the contract to the required standard and within a reasonable timeframe.

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TENDER TL 02 – 2018/19 PROVISION OF ELECTRICAL RETICULATION, JACOB WENKE  
SUBDIVISION, WALLA WALLA [CONT'D]

**RECOMMENDATION**

That:

1. the tender submitted by JRC Pty/Ltd of \$193,999.00 (excl. GST and Essential Energy fees) be accepted.
2. the unsuccessful tenderers be notified.
3. the General Manager and the Mayor be authorised to sign the Contract with JRC Pty/Ltd.
4. Council staff continue discussions with Essential Energy for a financial contribution towards works for the project.

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

### **1. ESTABLISHMENT OF A HEALTH RELATED SERVICE IN HOLBROOK**

**Report by General Manager – Steven Pinnuck**

#### **REASON FOR REPORT**

To advise Council of the progress in negotiations with a Health Service Provider to commence practice in Holbrook in a Council owned facility.

#### **REFERENCE TO DELIVERY PLAN ACTIONS**

#### **DISCUSSIONS**

Councillors will recall that the following was submitted to open Council at the February meeting.

*“A report was submitted to a Council Workshop held on 29 November 2017 regarding the opportunity to establish a new health related service in Holbrook.*

*A Building Better Regions Fund application was submitted prior to the closure date of 19 December 2017, to potential assist with the establishment of the service.*

*The writer is of the view that a suitable allotment will become available via public auction in the near future. Therefore, it is appropriate that Council considers providing the General Manager with the authority to bid and purchase on behalf of Council.”*

Council subsequently purchased the property known as 48 Wilson Street at auction for \$61,000.

Unfortunately in July, Council was advised that its application for funding through the Australian Government’s Building Better Regions Application was unsuccessful.

Subsequent to this advice a briefing paper on an alternative option, fully funded by Council was presented to a Council workshop on 1 August. The General Manager has entered into further discussions with the Service Provider and a revised proposal is submitted for Councillors consideration.

#### **BUDGET IMPLICATIONS**

As the land has been acquired it is anticipated that a further \$320,000 (via a loan borrowing) would be required to establish a suitable premise. At an interest rate of 4%, payable over 15 years repayments on the interest and principal would be \$28,473. This would be at partially offset by the lease repayments.

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ESTABLISHMENT OF A HEALTH RELATED SERVICE IN HOLBROOK [CONT'D]

**CONCLUSION**

The negotiation with a Health Service Provider to operate from a facility to be provided by Council is of a confidential nature and therefore it is recommended that the matter be referred to Closed Council in accordance with:

1. section 10A(2)(c) information that would if disclosed confer an advantage on a person whom Council is conducting (or proposes to conduct) business and
2. section 10A(2)(d) commercial information of a confidential nature that would, if disclosed
  - i. prejudice the position of the person who supplied it.

**RECOMMENDATION**

That consideration of negotiations with a Health Service Provider to operate from a facility to be provided by Council is of a confidential nature and therefore it is recommended that the matter be referred to Closed Council in accordance with:

1. section 10A(2)(c) information that would if disclosed confer an advantage on a person whom Council is conducting (or proposes to conduct) business and
2. section 10A(2)(d) commercial information of a confidential nature that would, if disclosed,
  - i. prejudice the position of the person who supplied it.

**Reason**

On balance the public interest in preserving the confidentiality of Council's provision of a suitable premise along with the commercial lease that the Health Service Provider would enter into outweighs the public interest in maintaining openness and transparency in Council decision making at this time. If Council successfully concludes negotiations details will be available to the public at that time.

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**2. TENDER 04 - 2018/2019 WALLA WALLA EARLY CHILDHOOD HUB**

**Report prepared by General Manager – Steven Pinnuck**

**REASON FOR REPORT**

To consider tenders for the construction of the Walla Walla Early Childhood Hub, Commercial Street, Walla Walla.

**REFERENCE TO DELIVERY PLAN ACTION**

Outcome 2.2 We have services to promote and deliver health and well being for all ages.  
Action 2.2.3.1 Continue to review the adequacy of existing childcare services and identify gaps in the provision of services according to the needs of local families.

**DISCUSSION**

As Councillors are aware the construction of a purpose built Children’s Centre at Walla Walla has been a priority of that community for over a decade,

Earlier this year Council was able to secure funding from both the Australian and State Governments, along with Council funding for the construction of the facility.

The funding model is outlined in the Table 1.

**Table 1**

Cost Item	Budget estimate	Funding Source			Total
		GHSC	Australian Gov.	SCCF	
Land acquisition including stamp duty and legal fees	105,000			105,000	105,000
Design costs including Council approvals	20,000	20,000			20,000
Building works	459,000	182,000	277,000		459,000
Joinery	35,000	35,000			35,000
Landscaping	20,000	13,000		7,000	20,000
Car parking	115,225			115,225	115,225
Demolition	25,000			25,000	25,000
Soil contamination					-
<b>Total</b>	<b>779,225</b>	<b>250,000</b>	<b>277,000</b>	<b>252,225</b>	<b>779,225</b>

Advertisements were placed in the Sydney Morning Herald, Border Mail and on Tenderlink. Tenders closed on Friday 17 August 2018. Three tenders were received via the Tenderlink portal.

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TENDER 04 - 2018/2019 WALLA WALLA EARLY CHILDHOOD HUB [CONT'D]

The following Tenders were received and are listed in alphabetical order.

No.	Name
1.	Adaptive Interiors
2.	Connelly Constructions
3.	Howard Burton Construction Pty Ltd

The tenders received are significantly in excess of the funding available for this project.

**BUDGET IMPLICATION**

The tenders as submitted are significantly in excess of the project budget and will require a review of either the project or how it is to be funded.

**CONCLUSION**

As Management is not in a position to recommend the acceptance of one of the three tenders submitted it is recommended that the matter be referred to Closed Council in accordance with:

1. section 10A(2)(c) information that would if disclosed confer an advantage on a person whom Council is conducting (or proposes to conduct) business and
2. section 10A(2)(d) commercial information of a confidential nature that would, if disclosed
  - i. prejudice the position of the person who supplied it.

This will enable Councillors to have a comprehensive review of the tenders received.

**RECOMMENDATION**

That the matter of tenders for the Walla Walla Early Childhood Hub be referred to Closed Council in accordance with:

1. section 10A(2)(c) information that would if disclosed confer an advantage on a person whom Council is conducting (or proposes to conduct) business and
2. section 10A(2)(d) commercial information of a confidential nature that would, if disclosed
  - i. prejudice the position of the person who supplied it.



**ORDINARY MEETING OF GREATER HUME COUNCIL  
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## **PART B - ITEMS FOR INFORMATION**

### **GOVERNANCE**

#### **1. WORKSHOP/BRIEFING SESSION SCHEDULE 2018**

##### **REASON FOR REPORT**

To inform Council and the community of upcoming workshop/briefing sessions which Councillors and senior staff attend and, where appropriate, stakeholders also attend. Workshops/briefing sessions are held in the absence of the public.

##### **DISCUSSION**

The current session dates are outlined in the table below.

<b>Workshop/Briefing Session date</b>	<b>Topic</b>
31 January 2018	Preliminary Roads Workshop
14 February 2018	Refugee Resettlement Briefing
17 February 2018 (Saturday)	9am to 3pm Visioning Workshop
24 February 2018 (Saturday)	Shire/Roads Tour
28 February 2018	Rating Workshop and Preliminary Budget Workshop
7 March 2018	New Website Briefing Final Roads Workshop
28 March 2018	Water Supply Operations Workshop
4 April 2018	Final Budget Workshop
16 April	Stronger Country Communities Round 2 - shortlisting and assessing applications
2 May 2018	Contributions Plan Priority Project Review
6 June 2018	Passenger Vehicles and Utes Service Review
11 July 2018	draft Developer Contributions Plan for the South Jindera Planning area.
1 August 2018	Update and Way Forward on Unsuccessful Grant Applications
5 September 2018	Potential Sale of Land @ Hawthorn Road, Jindera and Update on Land Bank
3 October 2018	Presentation by proponents of Glenellen (Jindera) Solar Farm. Following the presentation this may provide an opportunity for Councillors to have some broader discussion around solar farms in the shire.
7 November 2018	TBD
5 December 2018	TBD

The allocation of workshop/briefing sessions dates across the year is to ensure sufficient advance notice is provided to Councillors and staff.

Residents wanting to engage Council on a particular topic are invited to attend the Public Forum sessions held at the beginning of each monthly meeting. Meeting locations and dates are available on the website or by contacting any Council office.

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WORKSHOP/BRIEFING SESSION SCHEDULE 2018 [CONT'D]

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

For Councillors' information.

**2. OFFICE OF LOCAL GOVERNMENT CIRCULARS**

**REASON FOR REPORT**

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

**DISCUSSION**

Recent circulars issued are listed below. Circulars can be downloaded at <https://www.olg.nsw.gov.au/councils/essential-information-and-publications/circulars-for-council>

- 18-21 2018-19 Calendar of Compliance and Reporting Requirements
- 18-22 Release of the Charter for Public Participation- a guide to assist agencies and promote citizen engagement
- 18-23 Mayoral Elections
- 18-24 Status of the new Model Code of Conduct for Local Councils in NSW and Procedures
- 18-25 Status of the new Councillor Induction and Professional Development Guidelines
- 18-26 Commencement of amendments to the companion Animals Act 1998 and a new Companion Animals Regulation 2018

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

For Councillors' information.

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**3. LOCAL GOVERNMENT NEW SOUTH WALES (LGNSW) – WEEKLY CIRCULARS**

**REASON FOR REPORT**

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

**DISCUSSION**

A listing of topics of interest from recent circulars issued during July/August is provided on the LGNSW website. Distribution of the LGNSW newsletters has now moved to an electronic format.

Councillors or interested community members can directly access the full weekly publications via <https://www.lgnsw.org.au/news/local-government-weekly>

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

For Councillors' information.

**4. TOURISM AND PROMOTIONS OFFICER'S REPORT**

**Report by Tourism and Promotions Officer – Kerrie Wise**

**REASON FOR REPORT**

To update councillors regarding working projects undertaken by the Tourism and Promotions Officer.

**DISCUSSION**

The report on projects being undertaken by the Tourism and Promotions Officer is attached at **ANNEXURE 17**.

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

For Councillors' information.

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## **CORPORATE AND COMMUNITY SERVICES**

### **5. GREATER HUME CHILDREN SERVICES – REPORT FOR AUGUST 2018**

Report prepared by Team Leader, Greater Hume Childrens Services – Fiona Pattinson

#### **REASON FOR REPORT**

To provide an update on statistics and activities of Greater Hume Children Services.

#### **DISCUSSION**

##### **Service Statistics as at 31 August 2018**

Educators	NSW 44	Victoria 18	1 ( new still to start)
Educators working in the shire	7 (1 new starting in November, Holbrook)		
Families registered	491		
Shire families using care	68 families and 118 children		
New families in month	25		
Children registered for care	871		
Average EFT	187		

#### **Comments**

As reported to the August 2018 Council Meeting, Greater Hume Children Services received the exciting news that the Service had been successful in being announced the NSW/ACT winners of the Family Day Care Australia (FDCA) Award, and that the Service had also been nominated for the National FDCA Awards.

Staff attended the FDCA conference and awards ceremony on 8 September where it was announced that Daisy Hill and Southside Family Day Care - QLD/NT were the winners of the National Awards. While not winning the national title, the staff at Greater Hume Children Services should feel honoured and grateful to be a winner in NSW/ACT and be nominated for the Nationals. The awards recognise the Service's commitment to professional practice, relationships with educators, children, families and community and our flexibility in programming and diversity.

Four team members attended a Quality Assessment and Regulatory update by Education and Training Victoria to ensure a thorough understanding of the requirements, responsibilities and accountabilities of the Service as a provider in Victoria. It is expected that over the next 6 – 12 months there will be a formal assessment for the Victorian service.

The Service has also been busy hosting an early childhood conference at the Jindera Community Hub, with international guest speakers from Aberdeen, Scotland. The conference was called Nature Nurture Building Resilience in children aged 0-12 years, we had a great turnout from local early childhood services, Jindera preschool, family day care services from Albury and Wodonga and long day care services. People travelled from far and wide including Wagga, Tumut, Young, Yarra Valley and Newcastle. The day was a great success and everybody went away feeling inspired.

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GREATER HUME CHILDREN SERVICES – REPORT FOR AUGUST 2018 [CONT'D]

Playgroups were once again a hit and the service celebrated Dental Health Week, Children's Book Week at the Jindera Community Hub, we also travelled to Benalla, Albury and Wodonga Senior secondary school to explore and investigate in the community. We have also recruited two new Educators this month, and look forward to them joining the Service and being part of the Greater Hume Children services team. We also have a new Educator from Holbrook starting in November, once she has completed her Certificate III studies.

**CONCLUSION**

For Councillors' information

**6. GREATER HUME CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS**

For councillors' information, the Customer Request Module reports are **ENCLOSED SEPARATELY**.

**7. STATEMENTS OF BANK BALANCES AND INVESTMENTS AS AT 31 AUGUST 2018**

The statements of bank balances and investment report as at 31 August 2018 are attached at **ANNEXURE 18**.

**8. HUMAN RESOURCES REPORT FOR AUGUST 2018**

**REASON FOR REPORT**

To advise councillors on human resources activities such as new staff, resignations and staff development programmes.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 9.4 To provide appropriate training and mentoring for our shire's workforce.  
Action 9.4.1 Implement continual learning actions.

The following staff commenced duties with Council during August 2018 period:

- Sharyn Coulston Building Surveyor
- Keena McFarlane Customer Service Officer - Casual

The following staff ceased duties with Council during August 2018 period:

- Raymond Hamilton Plant Operator - Holbrook
- Lisa Mitsch Administration Assistant - Casual

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## **ENGINEERING**

### **1. AUGUST 2018 REPORT OF WORKS**

#### **Grants Program**

##### **State Roads Maintenance (RMCC):**

Maintenance works and sign replacement on State Roads under the RMCC with the Roads and Maritime Services is continuing.

The road safety project on Olympic Highway (MR78) which includes the construction of a turn lane into Odewahns Rd is continuing. Culvert replacement and tree removal has already been undertaken.

##### **Regional Roads Block Grant:**

General maintenance including guide post replacement is continuing on all Regional Roads.

The linemarking program on regional roads is continuing.

#### **Local Roads**

##### **Sealed:**

Linemarking Program on local roads throughout the Shire is continuing

Tree pruning has been carried out on Burrumbuttock Brocklesby Rd, Burrumbuttock Rd, Odewahns Rd, Coach Rd and Ralvona Ln.

Shoulder grading on Cummings Rd, Odewahns Rd, Fellow Hills Rd, and Howlong Balldale Rd has been carried out

General pavement maintenance on local roads is continuing.

##### **Unsealed:**

Maintenance grading has been carried out on the following roads during August.

Ashcrofts Rd	McGorman Ln
Back Henty Rd	Mitchells Rd
Brocklesby Balldale Rd	Morebringer Ln
Bunyans Rd	Morgans Rd
Carroll Ln	Patersons Rd
Clifton Ring Rd	Poole Rd
Corrys Ln	Pulletop Rd
Ferndale Rd	Quartz Hill Rd
Fischers Rd	Stonehaven Rd
Gum Swamp Rd	Yambla Rd

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AUGUST 2018 REPORT OF WORKS [CONT'D]

**Urban Streets:**

The replacement of stormwater lids at various locations in Henty has been carried out.

A pedestrian ramp has been installed in front of the Henty Pre School in Allan St, Henty along with the construction of a retaining wall adjacent to the footpath in Allan and Lyne Streets.

A drinking station and dog water bowl was installed at the Culcairn Coach Terminal.

**General:**

A new pergola has been erected at Jindera Lions Park replacing an old pergola.

Replacement of signs on rural roads and urban streets is continuing.

General maintenance of public toilets and parks is continuing.

**Monthly Works Maintenance Expenditure:**

Local Roads Program	Original Budget	YTD Budget	YTD Expenditure	YTD Variance	Comments
Urban Local Roads Maintenance	\$500,000.00	\$83,333.33	\$70,231.94	\$13,101.39	
Rural Roads Sealed	\$700,000.00	\$116,666.67	\$131,573.52	-\$14,906.85	Extensive tree pruning undertaken
Rural Roads Unsealed	\$1,087,713.00	\$181,285.50	\$186,542.77	-\$5,257.27	Extensive maintenance grading
Street Tree Maintenance	\$237,780.00	\$39,630.00	\$41,348.19	-\$1,718.19	Seasonal planting undertaken

Regional Roads Program	Original Budget	YTD Budget	YTD Expenditure	YTD Variance	Comments
Regional Roads Maintenance	\$912,359.00	\$76,029.92	\$45,602.60	\$30,427.32	

Sportsgrounds, Parks & Public Toilets	Original Budget	YTD Budget	YTD Expenditure	YTD Variance	Comments
Sportsground Maintenance	\$125,000.00	\$20,833.33	\$14,060.44	\$6,772.89	
Parks & Gardens Maintenance	\$278,000.00	\$46,333.33	\$38,171.06	\$8,162.27	
Public Toilets Maintenance	\$157,614.00	\$26,269.00	\$25,006.14	\$1,262.86	

**NB : Sportsground Maintenance excludes annual GHC contribution payment**

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**2. WATER & SEWER REPORT – AUGUST 2018**

**Capital Works Program:**

- Drinking fountain Coach Terminal Park Culcairn – Completed
- Access ladder & inlet valve renewal at Culcairn SPS 2 – Completed
- Water service renewal at Holbrook SPS 1 – Completed
- Sewer main relining – WIP Culcairn & Holbrook

**Operation & Maintenance:**

- New water service connection – 6 Krause St, Jindera
- New water service connection – 6 Rose St, Gerogery
- Water meter replacements – Jindera area
- Repairs to reservoir roof – Culcairn WTP
- Repairs to reservoir roof – Jindera Gap
- Water main repair – Dight St, Jindera
- Meter reading commenced
- Sewer junction repair – 114 Dight St, Jindera
- Sewer choke junction – 101 Mitchell St, Jindera

**Drinking Water Monitoring Program:**

- 8 x Water samples for Microbial Water Analysis submitted in the month of August 2018 for Villages and Culcairn Water Supply have all complied with the Australian Drinking Water Guidelines.

**Water Quality Complaints**

Date	Location	Problem	Action Taken
7/08/2018	81 Coogera Circuit, Jindera	Feeling unwell	Mains & service flushed. Sample taken on the 9/08/2018 and sent to Albury City Council testing Laboratory. Sample result 100% compliant

**Water Supply Sourced and Used**

1 July 2018 – 31 August 2018	2016/2017	2017/2018	2018/2019
Culcairn Water Supply (ML)	21.37	15.31	18.40
Village Water Supply (ML)	36.40	39.50	46.23
<b>Totals (ML)</b>	<b>57.77</b>	<b>54.81</b>	<b>64.63</b>



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## **ENVIRONMENT AND PLANNING**

### **1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF AUGUST 2018**

The schedule of development applications processed for the months of August 2018 is attached at **ANNEXURE 19**.

### **2. SENIOR WEEDS OFFICER'S REPORT – AUGUST 2018**

No report this month.

### **3. RANGER'S REPORT – AUGUST 2018**

#### **COMPANION ANIMALS**

<b>No. of Complaints Received 23</b>		<b>Including: 4 barking dogs, 18 roaming dogs, dealing with 1 aggressive dog, Nuisance dogs, Menacing and dangerous dog compliance checks.</b>	
No. of dog attacks:	2	Location: Culcairn	Sheep attacked. Dogs declared menacing and infringements issued.
		Holbrook	3 Sheep killed in paddock. Dogs not located.
Comments:			
		<b>Dogs</b>	<b>Cats</b>
<b>In Council's Facility at Beginning of Month</b>		1	
<b>Captured &amp; Returned to Owners</b>		8	
<b>Captured &amp; Impounded</b>		14	4
<b>Released from Pound to Owners</b>		11	
<b>Surrendered by Owners</b>			
<b>Rehomed</b>		1	1
<b>Euthanased</b>		2	1
<b>Remaining in Council's Facility at End of Month</b>		1	2

#### **FERAL CATS**

<b>No. of Complaints:</b>	5
<b>No. Feral Cats caught:</b>	16

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RANGER'S REPORT – AUGUST 2018 [CONT'D]

**LIVESTOCK**

	<b>Cattle</b>	<b>Sheep</b>	<b>Horse</b>	<b>Rooster</b>	<b>Other</b>
<b>No. of Reports of Stock on Roads</b>	5	4			1 goat
<b>Instances - Returned to owners</b>	5	4			
<b>Impounded</b>		1			1 goat
<b>Vehicle accidents involving stock</b>	1 beast euthanased				

**OTHER LIVESTOCK, WILDLIFE COMPLAINTS**

Kangaroo euthanased after being hit by vehicle on Culcairn Road.

**ABANDONED VEHICLES**

Holbrook – removed by owner.

Holbrook – moved to a safer position for owner to collect.

4 vehicles currently impounded.

**POLLUTION AND ENVIRONMENTAL INCIDENTS**

<b>Inspection conducted: Overgrown Vegetation Unsafe Land</b>	Inspections being conducted.
<b>Pollution: Noise</b>	Walla Walla – barking –warning and 14 day notice to register dogs issued. Ongoing monitoring. Holbrook – rooster, owner removed. Jindera – noise from commercial premises. Investigations continuing.
<b>Pollution: Waste</b>	Bowna – household rubbish. Removed by Council. Jindera – household waste. Removed by Council. Cookardinia – verbal notice to clean-up property as rubbish is blowing out onto the road.

**ON-SITE SEWERAGE MANAGEMENT SYSTEMS**

<b>Inspection Type</b>	<b>Total</b>	<b>Pass</b>	<b>Fail</b>
<b>OSMS Compliance Inspections</b>	3	1	2
<b>Pre-Purchase Inspections</b>	1		1
<b>OSMS Orders issued</b>	2		
<b>OSMS Orders Compliance Inspections</b>	7	7	
<b>Plumbers Site Inspections</b>	1		
<b>OSMS Upgrade Applications Received</b>	4		
<b>OSMS Approvals To Do Works Issued</b>	4		
<b>OSMS Approvals To Operate Issued</b>			
<b>AWTS Service Contract Renewal Letters</b>			
<b>Local Government Application Approvals</b>			
<b>Local Government Approval Inspections</b>			
<b>Local Government Approval Soil Report Assessments</b>			

RANGER'S REPORT – AUGUST 2018 [CONT'D]

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**OTHER WORKS CONDUCTED**

- Companion Animal Registrations continuing to come in from the letters sent out and door knocking.
- Menacing and dangerous dog compliance checks.
- RID online (Report Illegal Dumping online) updating with data entry.
- OSMS Policy and file compliance updating.
- Property inspections - unsightly and excessive cars.
- Holbrook and Culcairn Landfill site works and refuelling conducted.
- Landfill cameras checks investigate break-in at Holbrook with Police.
- Assist RSPCA with animal welfare issue.
- Companion Animal Act legislation changes review.
- Holbrook Notice of Order incorrect keeping of birds.
- Removing cars for sale from Jindera streets.
- Orders for removal of pools.
- Trespass warning issued to person at Culcairn pool.

**RECOMMENDATION**

That Part B of the Agenda be received and noted.

**PART C – COMMITTEE AND DELEGATE REPORTS**

Attached, in **ANNEXURE 20**, are minutes of the following meetings:

- Minutes of Greater Hume Youth Advisory Committee held 2 August 2018
- Minutes of the Henty Community Development Committee held on 30 July 2018
- Minutes of the Henty Community Development Committee held on 27 August 2018
- Minutes of the Culcairn Community Development Committee held 21 August 2018
- Minutes of the Walla Walla Community Development Committee held 30 April 2018
- Minutes of the Walla Walla 150<sup>th</sup> Anniversary Committee held 6 June 2018
- Minutes of the Walla Walla 150<sup>th</sup> Anniversary Committee held 4 July 2018
- Minutes of the Greater Hume Council Audit, Risk and Improvement Committee held 11 September 2018

**DELEGATE REPORTS**

- Cr Heather Wilton
- Cr Doug Meyer, OAM

**RECOMMENDATION**

That Part C of the Agenda be received and noted.