

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX,
LIBRARY COURT, HOLBROOK ON WEDNESDAY, 19 JULY 2017**

IN ATTENDANCE: Councillors Wilton (Chairperson), Meyer, Hicks, O'Neill, Osborne, Quinn, Schilg, Stewart and Weston.

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

Cr Schilg offered a prayer to open the meeting.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor (Chairperson) offered an Acknowledgement of Country at the commencement of the meeting.

DECLARATION OF PECUNIARY INTEREST OR NON PECUNIARY INTEREST (CONFLICT OF INTEREST)

Cr Hicks gave notice of his intention to declare a non pecuniary interest in Part A For Determination – Environment & Planning – Item DA 2 - DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4 RIBERY COURT JINDERA.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 21 JUNE 2017

4747 RESOLVED [Hicks/Meyer]

That the Minutes of the Ordinary Meeting of Greater Hume Shire Council held at Culcairn on Wednesday, 21 June 2017 as printed and circulated be confirmed as a true and correct record of the proceedings of such meeting.

ACTION REPORT FROM THE MINUTES

1. CONFIDENTIAL – CLOSED COUNCIL REPORT – COMPULSIVE HOARDING – 17 WATTLE STREET CULCAIRN

Cr Hicks queried progress in the matter. General Manager advised that he would provide an update during the confidential section of the meeting.

2. QUESTION ON NOTICE – LIBRARY SERVICES FOR JINDERA AND WALLA WALLA

Cr Osborne commented that she is aware of current discussions with Riverina Library but sought an update from the officer. In response Director Corporate & Community Services indicated that latest discussions have been held with Riverina Library are around the provision of community services at Jindera Community Centre, including free wi fi and access to computers. Those discussions have also included exploring a book drop off and pick up service to augment the mobile library service.

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QUESTION ON NOTICE – LIBRARY SERVICES FOR JINDERA AND WALLA WALLA [CONT'D]

Cr Osborne also queried what consideration has been given to Walla RTC, the Director indicated that available space is an issue at the RTC in Walla Walla. Rather, Council is undertaking a review of mobile library services in light of the emerging electronic opportunities to replace existing library services.

Cr Osborne also suggested that in the case of Walla Walla, that an opportunity might arise to explore the potential for a partnership with St Pauls College as it has an onsite library, including access for non St Pauls students and the community.

3. 4594 – CLEAN UP OF LAND FORMERLY KNOWN AS THE GOVERNMENT DAM AREA
LEASED FROM STATE RAIL

Cr Stewart queried what has happened since the community meeting onsite was held on 25 May. In response the Director Engineering advised he will provide a report to the next meeting.

4. QUESTION ON NOTICE – JINDERA SCHOOL OF ARTS

Cr O'Neill queried progress in the working group, Director Environment and Planning advised that a meeting will be convened in the near future.

5. QUESTION ON NOTICE – JINDERA TELEPHONE EXCHANGE BEAUTIFICATION

Cr O'Neill advised that a community subcommittee has commenced work on the project and that it can be removed from the action list.

NOTICE OF MOTION

1. **NOTICE OF MOTION – CR QUINN – MURRAY DARLING ASSOCIATION –
POLICY POSITION OF GREATER HUME SHIRE COUNCIL**

4748 RESOLVED [Quinn/Osborne]

That as a policy position, Council seeks to promote Lake Hume as a supply source for domestic water throughout the Murray Valley with access to irrigation for agriculture and water supply to stimulate industries associated with agriculture and tourism within the Murray Valley.

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OFFICERS' REPORTS – PART A – FOR DETERMINATION

GOVERNANCE

1. LOOSE-FILL ASBESTOS IMPLEMENTATION TASKFORCE PRESENTATION - UPDATE AND BRIEFING ON DEMOLITION PROCESS

4749 RESOLVED [Osborne/Meyer]

That standing orders be suspended at 6.24pm to permit a presentation by the Loose-fill Asbestos Taskforce representatives.

4750 RESOLVED [Osborne/Stewart]

That standing orders resume at 6.48 pm.

ENVIRONMENT AND PLANNING

2. DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4 RIBERY COURT JINDERA

AT THIS JUNCTURE, COUNCILLOR MATT HICKS MADE A DECLARATION OF NON-PECUNIARY INTEREST IN THE MATTER NOW BEFORE THE COUNCIL AND LEFT THE CHAMBER AT 6.48PM PURSUANT TO SECTION 45(1) OF THE LOCAL GOVERNMENT ACT 1993 AND TOOK NO PART IN THE VOTING ON THE MATTER. THE REASON BEING IS THAT THE PROPONENT IS A PREVIOUS BUSINESS ASSOCIATE OF CR HICKS.

4751 RESOLVED [Meyer/Stewart]

That consent be granted to development application 10.2017.18.1 for a private chairlift on Lot 711 in DP1202940 located within the Glenholm Estate in Hueske Road Jindera subject to the following conditions:

GENERAL APPROVED PLANS

- 1 Development shall be generally in accordance with the approved plans and accompanying information (including the Statement of Environmental Effects), except where modified by the following conditions.
- 2 This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.

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DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4
RIBERY COURT JINDERA [CONT'D]

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.

3 Approval required prior to the issue of construction certificate

The following documentation is to be submitted to Council or the Accredited Certifier, prior to the granting of the construction certificate:

- a. Full design plans that have been endorsed by a suitable qualified structural engineer.

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.

4 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

5 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.

6 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.

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DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4
RIBERY COURT JINDERA [CONT'D]

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.

GENERAL CONDITIONS – DEVELOPMENT PLANNING

- 8 The chairlift structure and operation shall comply will all relevant industry standards.
- 9 Following construction of the chairlift but prior to commencement of its use, the applicant shall provide to Council an engineer's certificate certifying that the structure and equipment are satisfactory for their intended use.
- 10 The chairlift shall be for private use only and not for any commercial purpose or groups of people unrelated to the applicant or resident on the site.
- 11 A maximum of four chairs shall be used on the chairlift.
- 12 The chairlift is not to be used in conjunction with any other non-residential activity on the lot.
- 13 The approved use must not cause unreasonable amenity impacts to persons beyond the boundaries of the lot.
- 14 The towers and ancillary structures shall be painted in dull earthy tones that are consistent with the landscape backdrop of the site.
- 15 All earthworks associated with the installation of the chairlift shall be undertaken with appropriate erosion and sediment control devices in place.
- 16 All disturbed surfaces on the land resulting from the development must be appropriately revegetated and stabilised to the satisfaction of Council.
- 17 Access structures on towers (ladders etc) shall be designed and secured to prevent unauthorised use.

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DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4
RIBERY COURT JINDERA [CONT'D]

- 18 Following commencement of the chairlifts operation, the applicant shall provide an acoustical assessment prepared by a suitably qualified person if requested by Council.
- 19 The applicant shall undertake any noise mitigation measures to the chairlift requested by Council.
- 20 No lights shall be installed or operated on any component of the chairlift structure.
- 21 The chairlift shall operate in daylight hours only.
- 22 During construction measures must be taken to minimise and control the emission of noise and dust which may impact upon neighbouring properties.
- 23 The chairlift shall not operate when a total fire ban has been declared for the area.
- 24 Prior to the commencement of the use authorised by this consent, an Operational and Management Manual to the satisfaction of Council must be prepared and submitted to Council for approval. When approved the Operational and Management Manual will be endorsed and form part of this consent. The Operational and Management Manual must include (but not be limited to) the following:
 - a. The contact details of the nominated person(s) responsible for the day-to-day management and control of the chairlift;
 - b. Details of hours of operation, as specified by this consent;
 - c. Documented emergency procedures in the event of any systems failure, as well as measures for safe passenger evacuation should it be required; and
 - d. Frequency and method of inspection of equipment, including erosion management inspection.
- 25 At all times, the chairlift must be operated and managed to the satisfaction of Council in accordance with the endorsed Operational and Management Manual.
- 26 If the chairlift becomes derelict through lack of use or maintenance it shall be dismantled and removed by the applicant at the request of Council.

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DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4 RIBERY COURT JINDERA [CONT'D]

Reason for conditions

The above conditions have been imposed:

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

DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711 DP1202940 - 4 RIBERY COURT JINDERA

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Wilton Meyer O'Neill Quinn Weston Schilg Stewart	Osborne		Hicks

Ct Hicks returned to the meeting room at 7.02pm.

2. RESPONSE TO QUESTION ON NOTICE – BLACKBERRY INFESTATION LOT 6 DP 832658 - 207 FERNDAL ROAD, WOOMARGAMA

4752 RESOLVED [O'Neill/Schilg]

That the report be received and noted.

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CORPORATE AND COMMUNITY SERVICES

1. LEASE TO HUME BANK – JINDERA MULTI PURPOSE COMMUNITY CENTRE

4753 RESOLVED [Osborne/Hicks]

That the Mayor and General Manager be authorised to sign the lease between Greater Hume Shire Council and Hume Bank Limited for office space within the Jindera Multi Purpose Community Centre, Urana Road, Jindera under the Common Seal of Council.

2. DISCHARGE OF MORTGAGE – J & JM HOFER

4754 RESOLVED [Osborne/Quinn]

That the Mayor and General Manager be authorised to sign the Discharge of Mortgage for Lot 16 DP1006644 under the Common Seal of Council.

ENGINEERING

3. PROPOSED BRIDGE NAMING

Cr Meyer left the meeting room at 7.09pm.

4755 RESOLVED [Osborne/Stewart]

That Council:

1. adopt the proposed bridge names of Winnett Bridge, for the yet to be constructed pedestrian bridge in Ian Geddes Bush Walk and Germanton Bridge for the bridge over Ten Mile Creek on Albury Street.
2. advertise the proposed bridge names for 14 days to allow residents to make any comments with the intent of considering these names at the next Council meeting for adoption.

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ITEMS TO BE REFERRED TO CLOSED COUNCIL

1. **WARREN AND HELEN THOMPSON (WAZLEN PTY LTD) – PROPOSED SALE OF THE SUBMARINE CAFÉ**

4756 RESOLVED [Quinn/Stewart]

That the matter of the transfer of the lease of the Submarine Café be referred to Closed Council (Committee Of The Whole) for discussion, in accordance with the relevant section of the Local Government Act 1993 section 10A 2 (c) information that would, if disclosed, confer a commercial advantage on a person with whom is conducting (or proposes to conduct) business and (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

REASON

Information relating to the terms of the existing lease with Wazlen Pty Ltd and business objectives of the proposed purchaser are of a confidential nature at this point in discussions and outweighs the need for the report to be discussed in Open Council at this point. When negotiations have been completed disclosure will be made public.

2. **WASTE WATER ISSUES LOT 1 DP 900464 2 URANA ROAD BURRUMBUTOCK**

4757 RESOLVED [Quinn/Stewart]

That consideration of confidential personal dealings of the ratepayer be referred to Closed Council in accordance with section 10A (2) (b) "confidential personal dealings" of any resident or ratepayer.

REASON

On balance the public interest in preserving the confidential personal dealings of a resident or ratepayer outweighs the public interest in maintaining openness and transparency in Council decision making at this time.

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3. WRITING OFF UNRECOVERABLE RATES AND CHARGES 2016-2017

4758 RESOLVED [Quinn/Stewart]

That consideration of the report on the writing off of unrecoverable rates and charges be referred to Closed Council in accordance with Section 10A 2(b) of the Local Government Act, 1993 – the personal hardship of any resident or ratepayer.

REASON

On balance the need to preserve the confidentiality of the persons subject to the writing off of rates and charges outweighs the public interest in maintaining transparency in Council decision making because the information in the report may disclose issues of personal hardship or other person information relating to individuals.

Cr Meyer returned to the meeting room at 7.10pm.

PART B - ITEMS FOR INFORMATION

GOVERNANCE

1. **OFFICE OF LOCAL GOVERNMENT CIRCULARS**
2. **LOCAL GOVERNMENT NEW SOUTH WALES (LGNSW) – WEEKLY CIRCULARS**
3. **TOURISM AND PROMOTIONS OFFICER'S REPORT**
4. **ECONOMIC DEVELOPMENT QUARTERLY REPORT**

CORPORATE AND COMMUNITY SERVICES

1. **CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS**
2. **STATEMENTS OF BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2017**
3. **HUMAN RESOURCES REPORT FOR MAY 2017**

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ENGINEERING

1. **JUNE 2017 REPORT OF WORKS**
2. **WATER & SEWER REPORT – JUNE 2017**

ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF JUNE 2017**
2. **SENIOR WEEDS OFFICER'S REPORT – JUNE 2017**

Cr Quinn suggested that a motion be put to Annual Conference in relation to weeds in respect of the new Biosecurity Act 2015. General Manager indicated that he would bring a report on this topic back to the next meeting.

3. **RANGER'S REPORT – JUNE 2017**

4759 RESOLVED [O'Neill/Hicks]

That Part B of the Agenda be received and noted.

PART C – COMMITTEE AND DELEGATE REPORTS

4760 RESOLVED [O'Neill/Hicks]

That Part C of the Agenda be received and noted.

MATTERS OF URGENCY

Nil.

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QUESTIONS ON NOTICE

1. RATING STRUCTURE

Cr Meyer requested that staff commence a review of the rating structure. General Manager indicated that staff have already commenced such work and it is expected that a workshop will be held on the topic in the coming months.

2. RESIDENTIAL SUBDIVISION IN WALLA WALLA

Cr Hicks commented that in his opinion there is demand for a residential subdivision for at least 5 allotments in Walla Walla and encouraged Council to reconsider the matter.

3. REPORT ON THE REVIEW OF THE VILLAGES WATER SUPPLY SCHEME

Cr Hicks requested that officers be proactive to bringing forward the report on review of the Villages Water Scheme. He indicated that he would prefer to see such a report presented at the September meeting of Council, rather than the December meeting.

4. OVERHANGING TREES ON BEELAWONG STREET, GEROGERY

Cr Quinn advised that trees on Beelawong Street need investigating.

5. GUARDRAIL NEEDED ON URANA ROAD, NORTH OF BURRUMBUTTOCK

Cr Quinn advised that guardrail should be installed on Urana Road near the creek north of Burrumbuttock Hall.

6. FIRE AND EMERGENCY SERVICES LEVY (FESL) UPDATE

Cr Osborne advised the meeting that LGNSW has been advised by the NSW Government that the Fire and Emergency Levy will not be reintroduced until July 2019 and there is parliamentary enquiry which is receiving submissions until November 2017. Currently the NSW Government is working on an interim model which will result in the FESL being recovered by insurance companies.

7. FOOTPATH IN MCBEAN STREET

Cr Schilg queried where the project is at, in response Director Engineering advised that the project has not funded in this year's budget due to further investigations and design works.

8. REUSABLE REROC SHOPPING BAGS

Cr Schilg queried if Council's allocation of shopping bags have been distributed to residents, in response Director Environment & Planning advised that the distribution of the bags will be undertaken shortly.

9. BOTANICAL GARDEN PROJECT AT WALBUNDRIE

Cr Schilg thanked the Director Engineering for Council's support of the botanical garden project at Walbundrie.

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CLOSING THE MEETING

At this juncture the one member of the press departed the meeting room.

4761 RESOLVED [7.25pm] [Quinn/Meyer]

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

AT THIS JUNCTURE, COUNCILLOR HEATHER WILTON MADE A DECLARATION OF NON-PECUNIARY INTEREST IN THE MATTER NOW BEFORE THE COUNCIL, VACATED THE CHAIR AND LEFT THE CHAMBER AT 7.26PM PURSUANT TO SECTION 45(1) OF THE LOCAL GOVERNMENT ACT 1993 AND TOOK NO PART IN THE VOTING ON THE MATTER. THE REASON BEING IS THAT CONCILLOR WILTON HAS A CLOSE FRIENDSHIP WITH WARREN AND HELEN THOMPSON, THE CURRENT LESSEE'S OF THE SUBMARINE CAFÉ.

At this juncture, Cr Meyer took the Chair.

COMMITTEE OF WHOLE SECTION

4762 RESOLVED [Osborne/Weston]

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

1. **WARREN AND HELEN THOMPSON (WAZLEN PTY LTD) – PROPOSED SALE OF THE SUBMARINE CAFÉ**

2. **WASTE WATER ISSUES LOT 1 DP 900464 2 URANA ROAD, BURRUMBUTTOCK**

3. **WRITING OFF UNRECOVERABLE RATES AND CHARGES 2016-2017**

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CONFIDENTIAL - CLOSED COUNCIL (COMMITTEE OF THE WHOLE)

2. WARREN AND HELEN THOMPSON (WAZLEN PTY LTD) – PROPOSED SALE OF THE SUBMARINE CAFÉ

RECOMMENDATION [Quinn/Stewart]

That:

1. the transfer of the remainder of the lease (with options expiring as at 30 June 2021) for the premises known as the Submarine Café to the party outlined in the Confidential Report to the July 2017 meeting of Council be approved
2. 'in principal' approval be granted to extend the current lease for a total period of at least 10 years
3. the General Manager be authorised to commence negotiations to extend the existing lease or negotiate a new lease.

At this juncture, Cr Meyer departed the chair, and Cr Wilton returned to the chamber at 7.28pm, resuming the chair.

2. WASTE WATER ISSUES LOT 1 DP 900464 2 URANA ROAD, BURRUMBUTTOCK

Cr O'Neill left the meeting room at 7.31pm, returning at 7.33pm.

RECOMMENDATION [Meyer/Osborne]

That the report be received and noted.

3. WRITING OFF UNRECOVERABLE RATES AND CHARGES 2016-2017

RECOMMENDATION [Quinn/Osborne]

That Council note the writing off of rates and charged as detailed in **ANNEXURE 3** and approve the writing off of charges as detailed in the report to Closed Council to the July 2017 meeting of Council.

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ORDINARY MEETING RECONVENED

4763 RESOLVED [7.50pm] [Quinn/Hicks]

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

COMMITTEE REPORT

The Mayor reported that the Committee of the Whole makes the following recommendation.

RECOMMENDATIONS OF CLOSED COUNCIL (COMMITTEE OF THE WHOLE)

4764 RESOLVED [Quinn/Hicks]

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

There being no further business, the meeting concluded at 8.02pm.

THESE MINUTES WERE CONFIRMED at the Council meeting held on 16 August 2017 at which time the signature hereon was subscribed.

Cr Heather Wilton,
Mayor
Greater Hume Shire Council