



**Greater  
Hume  
Council**

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

Wednesday, 18 October 2023

NOTICE is hereby given that an Ordinary Meeting of the Greater Hume Council will be held at Community Meeting Room, Library Complex, Library Lane, Holbrook, commencing at 6.00pm. The meeting commences with a Public Forum.

Persons wishing to address Council in the forum must register by 5pm Monday, 16 October 2023. The conduct of the forum is governed by the Council's Code of Meeting Practice. A new procedure applies for persons wishing to attend the meeting which can be obtained from Council's website or any Council office.

Council live streams meetings so that the public may view the proceedings of the meeting in real time or later. View the recording of the meeting at <https://bit.ly/35uKFxX>

A handwritten signature in blue ink, appearing to read 'E. Arnold'.

Evelyn Arnold  
**GENERAL MANAGER**

ORDER OF BUSINESS TO BE CONSIDERED  
REFER OVERLEAF

## Ordinary Meeting of Greater Hume Council

Wednesday, 18 October 2023

*In accordance with Council's Code of Meeting Practice, this Council Meeting is being recorded and will be placed on Council's webpage for public information. All present today are reminded that by speaking you are agreeing to your view and comments being recorded and published. You are also reminded that, if or when speaking, you are to be respectful to others and use appropriate language. Greater Hume Council accepts no liability for any defamatory or offensive remarks or gestures during this Council Meeting.*

### **BUSINESS:**

**1. OPENING THE MEETING**

**2. PRAYER**

**3. 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, present and emerging".*

**4. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

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

- Minutes of the Ordinary Meeting of Council – 20 September 2023

**6. ACTION REPORT FROM THE MINUTES**

**7. DISCLOSURES OF INTERESTS**

**8. MAYORAL MINUTE(S)**

**9. NOTICES OF MOTIONS**

**10. REPORTS FROM OFFICERS**

**PART A For Determination**

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

**ITEM REFERRED TO CLOSED COUNCIL**

- Nil

**PART B To Be Received and Noted**

- Corporate and Community Services
- Governance
- Engineering

**PART C Items For Information**

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

**PART D Items for Information**

**11. MATTERS OF URGENCY**

Nil

**12. COMMITTEE OF THE WHOLE – CONFIDENTIAL CLOSED COUNCIL REPORT**

Nil

**13. CONCLUSION OF THE MEETING**

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**MAYORAL MINUTE**

Nil

**NOTICE OF MOTIONS**

Nil.

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

### **ENVIRONMENT AND PLANNING**

1. **DEVELOPMENT APPLICATION 10.2023.116.1 – PRIMARY DWELLING AND ATTACHED SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE COURT JINDERA**

**Report prepared by Building Surveyor – Adrian Gilby**

#### **REASON FOR REPORT**

Council is in receipt of a development application for the construction of dwelling house (the primary dwelling) and attached secondary dwelling (“proposed development”). The site is 5 Holly Tree Court Jindera described as Lot 109 DP1277003 (“the subject land”). The applicant is Paul Kaczmarek c/o Hadar Homes and the owners are SV and VV Kale

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 submissions to the proposal being received.

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

None relevant.

#### **DISCUSSION**

A development application has been received for the construction of a residential dwelling house (the primary dwelling) and an attached secondary dwelling.

The zoning is RU5 Village and the development is permissible within this zone.

The plans and particulars submitted to Council with the DA demonstrate that the development meets all the requirements of Council’s DCP.

The proposed residential development is a single storey brick veneer primary dwelling with attached secondary dwelling positioned to one side and behind the attached garage. The elevation from Holly Tree Court appears like a single dwelling house with attached garage similar to the other development in the court. The proposed development meets the requirements of Council’s DCP under the section for residential development.

Six (6) submissions have been received via the NSW Planning Portal.

The submissions refer to potential loss to re-sale value, the potential extra traffic movement, the potential increase disturbance from any renters moving in and out of the court, the potential of extra cars being parked on the street, the potential increase of noise due to more people living in the court and landscaping concerns.

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ATTACHED SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE  
COURT JINDERA [CONT'D]

The proposed development meets the following DCP requirements including neighbourhood amenity, gross floor area, context, streetscape impact, location, colour, setbacks, height, appearance, carparking and access, landscaping and private open space.

The DA has been assessed on its merits and determined that there will be no negative changes to the current site/property, the streetscape or the amenity of the area.

The submissions and their points have been addressed fully in the table below.

**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.

**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, the proposed development is permissible with consent in the RU5 Village.

There are no Council affectations (bushfire, flood, heritage, biodiversity or contaminated land) burdening the lot. There is an easement at the rear of the lot, which is not affected by the proposed development.

***Development Control Plans***

This development application is for the construction of a dwelling house (the primary dwelling) and an attached secondary dwelling. The proposed development meets all the requirements of the Greater Hume Development Control Plan 2013 ("the DCP"), for residential development.

- The proposed development is permissible.
- The proposed development meets the requirements of the development control plan.
- The proposed development will suit the existing built development, scale, density, setbacks and character of the neighbourhood.

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

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COURT JINDERA [CONT'D]

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

<b>ISSUE</b>	<b>ACCEPTABLE</b>	<b>RESPONSE</b>
Context & setting	✓	The proposed single storey brick veneer dwelling is the similar to other dwelling houses along the street. The attached secondary dwelling is discretely positioned behind the attached garage. The proposed development will have impacts on the context and setting of the allotment, as all development has some form of impact, however it is considered that the impact is consistent with adjoining development. The proposed development is consistent with other adjoining dwellings and appropriate for the site in regard to lot size, building form, materials and orientation fronting Holly Tree Court. There will be no negative changes to the current site/property or the streetscape.
Noise	✓	Noise issues have not arisen yet and may not. Secondary dwellings or dual occupancy development does not necessarily equate to an increase in noise.
Access & parking	✓	Access and car parking have been addressed in the development and comply with the DCP. Two garaged car spaces for the primary dwelling and one hardstand car space for the secondary dwelling. Additional onsite hard stand car spaces are proposed.
Roads & traffic	✓	Potential extra traffic movement.
Utilities	✓	Nil effect.
Heritage	N/A	-
Archaeology	N/A	-
Stormwater	✓	Nil effect – Storm water to discharge to Council's legal point of discharge, street kerb and gutter.
Soils & erosion	✓	Nil effect.
Flora & fauna	N/A	-
Flooding	N/A	-
Bushfire	N/A	-
Technological hazards	N/A	-
Safety, security & crime prevention	✓	Nil effect.
Private open space	✓	Private open space is proposed for both dwellings and complies with Council's DCP.
Landscaping	✓	Landscaping and permeable area to 30% of the lot is achievable.
Overshadowing	✓	The proposed development will not cause any overshadowing.
Land resources	N/A	-



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COURT JINDERA [CONT'D]

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

The proposed development is for a residential dwelling house (the primary dwelling) and an attached secondary dwelling in a residential neighbourhood. The proposed development is permissible within the zone and meets all the requirements of the Greater Hume Development Control Plan 2013 (“the DCP”), for residential development.

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

As mentioned submissions have been received **ANNEXURE 1** that raises concerns about the impact of the proposed shed on the neighbours’ view from a bedroom window from across the street.

The concerns are addressed in the table below:

1. Potential loss to re-sale value.	Not considered by the Environmental Planning and Assessment Act 1979.
2. The potential for extra traffic movement.	Any increase in density of development will result in increased traffic movements. There are dual occupancy developments throughout this estate and the existing road network can accommodate the additional traffic.
3. The potential increase in disturbance from any potential renters moving in and out of the court.	The relocation of people from residential properties occurs constantly. The proposed secondary dwelling is small and the movement of people in and out of this property would not be a protracted process that is likely to cause a loss of amenity.
4. The potential of extra cars being parked on the street.	Off street parking that complies with the Development Control Plan has been provided for the proposed development.
5. The potential increase of noise due to more people living in the court.	There is no certainty that there will be noise impacts arising from the development. It is quite foreseeable that the same number of people or more could be accommodated in a standard dwelling.
6. Space for natural trees and other plants.	Landscaping and permeable area to 30% of the lot is achievable.  The proposed development is permissible within the RU5 zone and complies with the Development Control Plan.

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COURT JINDERA [CONT'D]

**The public interest**

The question of 'public interest' within the context of Section 4.15.

- 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 not significant potential detriment to immediate adjoining neighbours that should result in a refusal of the application or additional conditions on the consent.

The proposed development is permissible in the RU5 zone and meets all the requirements of Council's DCP.

**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 4.15 of the EP&A Act, the application is supported for conditional approval subject to amendments of the original development consent conditions and the construction certificate due to the fact that the development is now a new transportable dwelling and not a second-hand transportable dwelling.

**RECOMMENDATION**

Approve Development Application No 10.2023.116.1 – primary dwelling and attached secondary dwelling Lot 109 DP1277003 No 5 Holly Tree Court Jindera subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the Environmental Planning and Assessment Act 1979.

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COURT JINDERA [CONT'D]

**General Conditions**

**Compliance with Building Code of Australia and insurance requirements  
under Home Building Act 1989**

1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.
4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6. This section does not apply—
  - a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
  - b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

**Condition reason:** Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

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COURT JINDERA [CONT'D]

**Erection of signs**

1. This section applies to a development consent for development involving building work, subdivision work or demolition work.
2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - a. showing the name, address and telephone number of the principal certifier for the work, and
  - b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.
3. The sign must be—
  - a. maintained while the building work, subdivision work or demolition work is being carried out, and
  - b. removed when the work has been completed.
4. This section does not apply in relation to—
  - a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - b. Crown building work certified to comply with the Building Code of Australia
  - d. under the Act, Part 6.

**Condition reason:** Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

**Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

1. BASIX development,
2. BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Condition reason:** Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

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COURT JINDERA [CONT'D]

**Notification of Home Building Act 1989 requirements**

1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
  - a. for work that requires a principal contractor to be appointed—
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,
  - b. for work to be carried out 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 the Home Building Act 1989—the number of the owner-builder permit.
3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**Condition reason:** Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.

**Residential – Compliance with Plans and Conditions**

Compliance with Plans and Conditions

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the development application received and subject to the following conditions.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**Building Work**

**Before issue of a construction certificate**

**ALL - Payment of Long Service Levy**

Prior to the issue of a Construction Certificate any Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) must be paid and a receipt of the payment submitted to Council).

**Condition reason:** To comply with the Building and Construction Industry Long Service Payments Act 1986.

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**ALL- Section 68 Application**

An application under Section 68 of the [Local Government Act 1993](#) must be lodged with Council via the [NSW Planning Portal](#) (application fees apply) and approved prior to the following works commencing on the site:

1. To carry out water supply work, sewerage work and storm water drainage work in accordance with Part B of Section 68 of the [Local Government Act 1993](#).

Once the Section 68 approval has been granted, before any sanitary plumbing and drainage work or water supply work (up to the point of connection) is commenced, a Notice of Work (NoW) must be submitted to Council 48 hours prior to works commencing.

**Condition reason:** To comply with the Local Government Act 1993 and to ensure the installation of plumbing and drainage work is in accordance with Australian Standards and the Plumbing Code of Australia

**Residential - Section 7.12 Contribution**

Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Greater Hume Shire Council Section 7.12 Development Contributions Plan, a contribution of (to be determined) must be paid to Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the Greater Hume Shire Council Section 7.12 Development Contributions Plan.

The payment of Section 7.12 Levy Development Contributions and Section 64 sewerage and water headworks charges are applicable and must be paid to Council prior to the release of the Construction Certificate. The fees are charged and calculated in accordance with Council's Adopted Fees and Charges Policy at the time the payment is made with Council. See below:

<b>Contribution Type</b>	<b>\$ value</b>
Section 7.12 charges are 1% of the cost of the development	\$ To be determined  (As per 2022/2023 Fees & Charges Schedule)
Section 64 Contributions charges for sewer and water	Sewer \$4610.00    Water \$3390.00 (As per 2022/2023 Fees & Charges Schedule)

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COURT JINDERA [CONT'D]

**Before building work commences**

**ALL - Appointment of A Principal Certifier**

In accordance with Section 6.6 (1) and (2) (a) of the Environmental Planning and Assessment Act 1979, prior to the commencement of any works the person having benefit of the development consent must:

- a. appoint a Principal Certifier,
- b. notify Council of the appointment; and
- c. a notice of commencement is to be provided to Council not less than two (2) days from the date on which it is proposed to commence work associated with this Development Consent; in accordance with Section 6.6 (1) and (2) (a) of the Environmental Planning and Assessment Act 1979.

**Condition reason:** To comply with the Environmental Planning and Assessment Act 1979.

**ALL – Construction Certificate**

An application for a Construction Certificate must be submitted to and approved by a nominated Certifier prior to any building works taking place on the subject site. The application for Construction Certificate must be lodged via the [NSW Planning Portal](#).

**Condition reason:** To comply with the Environmental Planning and Assessment Act 1979.

**ALL - Erosion and Sedimentation Controls**

Erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with the NSW Department of Environment and Conservation "[Erosion and Sediment Control – A Resource Guide for Local Councils](#)".

**Condition reason:** To prevent water pollution and protect the amenity of the adjoining area, and to comply with the Protection of the Environment Operations Act 1997.

**ALL - Temporary Water Closet**

A temporary water closet accommodation must be provided onsite during construction. This facility must be located onsite to not create a nuisance to any adjoining properties.

**Condition reason:** To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

**Residential Vehicular Crossover/ Road Opening Permit**

New driveway crossover (onto Holly Tree Court) to be constructed to Council specifications. All works associated with the vehicle crossover shall be inspected by Council's Engineering Department prior to any pouring of concrete. A Road Opening Permit will only be issued upon completion of "Road Opening Permit Application" and payment of the fee applicable.

**Condition reason:** To comply with the Roads Act 1993.

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COURT JINDERA [CONT'D]

**During building work**

**ALL - Aboriginal Objects Discovered During Work**

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au). Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the [National Parks and Wildlife Act 1974](#).

**Condition reason:** To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

**ALL- All Work To Be Carried Out By A Licensed Plumber And Drainer**

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500-2015 and the Local Government Act 1993 and Local Government (General) Regulations, 2021, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2017.

**Condition reason:** To comply with the relevant provisions outlined in the Local Government Act 1993 and the Plumbing & Drainage Act 2011.

**ALL - Construction - Hours of Work**

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.

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.

**Condition reason:** To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997

**ALL - Noise, Vibration and Dust Management Requirements**

The Applicant must undertake measures to minimise dust and noise. The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the [Protection of the Environment Operations Act 1997](#) apply to the development, in terms of regulating offensive noise.

**Condition reason:** To protect the amenity of the neighbourhood during construction.



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**Residential - Construction Site Management**

While works are being carried out:

1. A garbage receptacle must be provided at the work site and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of waste.
2. Building materials and equipment must be stored wholly within the site. No building

materials, sand, waste materials, construction equipment, bulk bins, waste skips, containers, or other items which may cause a hazard to pedestrians are to be placed on the footpath, roadway or nature strip while building works are being carried out.

**Condition reason:** To comply with the Protection of the Environment Operations Act 1997 and to preserve the environmental health and amenity of the adjoining area.

**Before issue of an occupation certificate**

**ALL - Occupation Certificate**

The Applicant must not allow or permit the building to be occupied or used, until:

- a) All conditions of this consent have been completed in full;
- b) An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the [NSW Planning Portal](#); and
- c) The Principal Certifier has issued an Occupation Certificate.

Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

**Condition reason:** To comply with the Environmental Planning and Assessment Act 1979.

**ALL - Plumbing Works Final**

The building shall not be occupied or used until such time Council have issued a Plumbing Final letter confirming that all works have been completed to the satisfaction of Council.

NB. This letter is in addition to the final inspection report.

**Condition reason:** To comply with the relevant provisions outlined in the Local Government Act 1993.

**Residential - Fulfilment of BASIX Requirements**

Prior to the issue of an occupation certificate (whether whole or part), a compliance certificate shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with the commitments identified on the approved BASIX Certificate.

Note: Where there is any change in the BASIX commitments, the applicant must submit a new BASIX Certificate for the development. See Clause 44 & 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**Condition reason:** To comply with the Environmental Planning and Assessment Regulation 2021.

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**Street Addressing Number**

Prior to the issue of the Occupation Certificate for each dwelling a separate street addressing number must be obtained by Council Engineering Department.

**Condition reason:** To ensure that the development is appropriately identified and to comply with Council policies.

**Occupation and ongoing use**

**Residential – Storm water Management**

All storm water from the development, including the overflow from any rainwater tanks, if any, must be connected to the storm water connection point at the roll over kerb and gutter on Holly Tree Court.

**Condition reason:** To comply with the relevant provisions outlined in the Local Government Act 1993.

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**2. DEVELOPMENT APPLICATION 10.2023.131.1 – RECREATION FACILITY (INDOOR) – CHANGE OF USE OF EXISTING PREMISES AS A GYMNASIUM OPERATING 24 HOURS, 7 DAYS, ASSOCIATED SIGNAGE AND ADDITIONAL SIX (6) CAR PARKING SPACES – LOT 1 DP 372035 AT 21 BALFOUR STREET CULCAIRN NSW 2660**

**Report prepared by Town Planner – Gayan Wickramasinghe.**

**REASON FOR REPORT**

The purpose of this report is to provide an assessment and recommendation for the above development application for “Recreation Facility (Indoor) – change of use of existing premises as a gymnasium operating 24 Hours, 7 days, associated signage and additional six (6) car parking spaces” on Lot 1 DP 372035 at 21 Balfour Street Culcairn NSW 2660.

Following public exhibition of the Development Application from 20 September 2023 to 10 October 2023, Council received a total of six (6) submissions of which three (3) submissions in support of the proposal whilst the other three (3) submission have requested Council to take further action prior to the determination of the Application. The submissions are formed around acoustic impacts, additional traffic and potential road traffic injuries associated with the development. A further discussion of these submissions is found in Section 4.15(1)(a)(d) of this report. (**ANNEXURE 2**)

Accordingly, this matter is reported to Council for determination as per the Council adopted assessment of development applications policy.

**REFERENCE TO DELIVERY PLAN**

None relevant.

**DISCUSSION - DESCRIPTION OF PROPOSAL**

This development application seeks Council approval for the establishment and operation of ‘**recreation facility (indoor)**’ at the above address. More specifically the approval is sought for change of use of existing building from ‘**place of public worship**’ to an indoor gymnasium.

The existing ground floor area of the building measures 405m<sup>2</sup> as per the submitted floor plan (refer to **Figure 3**). There is a car park located to the south of the building which can accommodate up to six (6) car spaces. Associated facilities for the use include two toilets that are located at the northern-western end of the building. No building works are proposed as part of the application other than installation of a business identification sign and minor beautification works (i.e. installing 15mm thick rubber flooring and fixing up walls etc.).

The applicant proposed that the gym would operate 24 hours a day 7 days a week for individual exercise and group fitness and be used by members only with controlled access. The applicant also noted that the premises will generally operate with one (1) staff member between Mondays to Fridays from 9.00am to 6.30pm and on Saturdays from 9.00am to 12.30pm will otherwise be unstaffed.

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The applicant has also proposed to install a business identification sign (2.5X2.5m of black, and white) on the front wall of the proposed change of use facing primary Balfour Street.

Finally, the applicant has also proposed to construct an additional six (6) car parking spaces to address the car parking requirement on the same parcel of land behind the building.

This Application is supported by the following;

1. Proposed floor plan;
2. A copy of the proposed business identification sign and a view of the elevation diagrams showing the location of the sign;
3. Completed Pre-Lodgement Application Form;
4. A summary of the proposal.

Please refer to the submitted plans, and the body of the report for background and further details **(ANNEXURE 3)**.

*Of note*, the development is not considered to be a Integrated Development pursuant to section 4.46 of the *Environmental Planning and Assessment Act (EP&A Act) 1979*.

## **ASSESSMENT**

### **1.1 DESCRIPTION OF THE SITE AND LOCALITY**

The subject land is legally described as Lot 1 DP 372035 and addressed 21 Balfour Street Culcairn NSW 2660. The site is generally a rectangular shaped allotment with a width of approximately 13.6m, length of 50m and covers an area of approximately 689m<sup>2</sup>.

The site currently contains a building which has been approved as a place of public worship (church) by then Culcairn Shire Council on 23 March 2006. As per the site inspection carried out by Council staff on 29 September 2023, the building no longer use as a church. The primary street access to the site is via Balfour Street which is the northern boundary.

The site is located within the main commercial precinct of Culcairn CBD and adjoins a range of retail and commercial uses to the east and across Balfour Street whilst single storey dwellings are located immediately to the south and west.

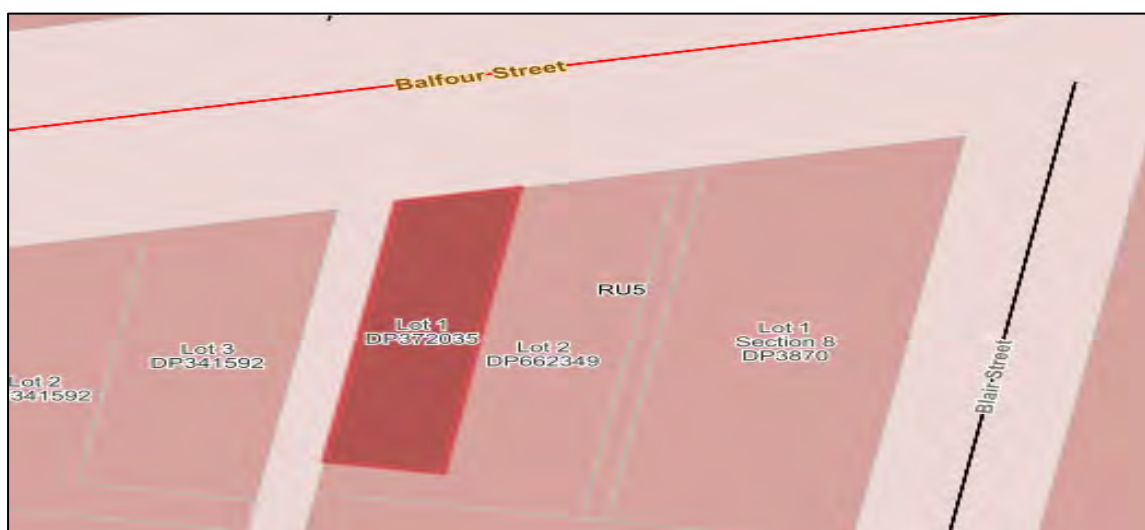
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The development site have the provision of the Council’s reticulated services including water and sewer. The development site and adjoining lots have been zoned RU5 Village pursuant to the Greater Hume Local Environmental Plan (GHLEP) 2012. Neither the subject development site contains any known items of environmental heritage significance as outlined in Schedule 5 of the GHLEP 2012 nor does it have being identified as a flood prone land for 1:100 ARI flood event. ‘**Figures 1-2**’ outline the subject site whilst ‘**Figure 3**’ outline the nature of the proposed development.



**Figure 1– Locality; Source: Intramaps**



**Figure 2– The site subject of the application with applicable planning controls; Source: IntraMaps**

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Figure 3 – Overall site plan by the Applicant

**Section 4.14 - Consultation and development consent—certain bush fire prone land**

As per NSW ePlanning Spatial Viewer, the subject development site is not mapped as a bushfire prone land on the map maintained by the NSW Rural Fire Service (RFS). As a result, no referral is required from NSW RFS in accordance with S4.46 of the EP&A Act.

**Section 4.46 - What is “integrated development”?**

The application is not classed as Integrated Development as the application does not require a separate approval under this section.

**4.15 Evaluation**

**(1) Matters for consideration-general**

*In determining a development Application , a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development Application :*

- (a) *the provisions of:*
- (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - (v) *(Repealed)*
- that apply to the land to which the development Application relates,*

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- (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,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

**Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument**

**LOCAL ENVIRONMENTAL PLANS**

The subject land is zoned RU5 Village pursuant to the GHLEP 2012. The relevant matters of the LEP are addressed as follows.

**Zone RU5 Village  
Objectives of zone**

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To protect the amenity of residents.*

The proposed use has been identified as recreation facility (indoor) in accordance with the GHLEP 2012. It is noted that recreation facility (indoor) is permissible form of development within the RU5 Village Zone. The Dictionary within the Plan provides the following definition related to the proposed use:

*recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

The proposal involves in the establishment of a facility that will cater for a range of recreation activities in the form of individual exercise and group fitness that will be undertaken entirely indoors associated with a rural village. Therefore Council staff are satisfied that the proposed change of use meets the above objectives.

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Council staff are satisfied that the proposed business identification sign is ancillary to the proposed main use of the site as per [Planning Circular PS 21-008](#). The following definition can be found within the GHLEP 2012 Dictionary in relation to a business identification sign:

*business identification sign means a sign—*

*(a) that indicates—*

*(i) the name of the person or business, and*

*(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and*

*(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,*

*but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*

It is also noted that business identification signs are permitted form of development in this zone.

**Part 3 Exempt and complying development**

The proposal cannot be classed as exempt or complying development.

**Part 4 Principal development standards**

No Principal Development Standards are applicable to the development.

**Part 5 Miscellaneous provisions**

**Section 5.10 Heritage conservation**

The site does not contain any known items of Environmental Heritage Significance as outlined in Schedule 5 of the GHLEP 2012. It is further noted that a standard condition related to protection of unknown Aboriginal Heritage will be recommended on any consent granted.

**Part 6 Additional local provisions**

No Additional Local Provisions are applicable to the development in this instance.

**Section 6.7 Essential services**

*Development consent must not be granted for development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:*



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<b>Subsection</b>	<b>Comment</b>
(a) the supply of water,	Existing infrastructure in place.
(b) the supply of electricity,	Existing facilities on site as per applicant's documentation.
(c) the disposal and management of sewage,	Existing infrastructure in place.
(d) stormwater drainage or on-site conservation,	No change to the existing arrangement.
(e) suitable vehicular access	The subject site has frontage to Balfour Street, which is a classified "regional" road.

**State Environmental Planning Policies (SEPPs):** The following SEPPs are applicable for the development:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021

***State Environmental Planning Policy (Resilience and Hazards) 2021***  
**Chapter 4 Remediation of land.**

The objective of this SEPP is to "*promote the remediation of contaminated land for the purpose of reducing the risk of human health or any other aspect of the environment*".

Section 4.6 of this Chapter outlines that the consent authority "*must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

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Due to the past use of the development site (bus depot and before that as a motor garage), Council's GIS data system indicates that the site may have potentially contaminated. As a result, in line with the requirements of this Section 4.6(2), the applicant has carried out a preliminary investigation to ascertain the existing contamination level within the site. A summary of the finding is shown on the first page of the report prepared by DM McMahon Pty Ltd; Reference-8571 and dated 1 June 2022. As per the findings the author has concluded that the site is suitable for commercial land use that includes a hospitality venue. As a result, in accordance with Section 4.6(1)(a),(b) and (2) Council is satisfied that the land is suitable in its current state for the purpose for which the development is proposed to be carried out.

***State Environmental Planning Policy (Industry and Employment) 2021***

As discussed above the applicant has proposed to install a business identification sign (2.5X2.5m –of black and white) on the front wall of the proposed change of use facing primary Balfour Street. As per Section 3.4 (1) the proposed sign requires consent from Council.

**Section 3.6 Granting of consent to signage**

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

Please refer to the detailed assessment below.

**1 Character of the area**

- (a) Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- (b) Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

Council staff are satisfied that the proposed signage is local in scale and primarily limited to identify the business carried on by the person at the premises or place at which the sign is displayed. Notwithstanding that Council staff also believe that the proposed business identification sign is ancillary to the proposal whilst it is also a permitted form of development in land zoned RU5 Village. Therefore, it is considered that the proposal is consistent with the character of the area.

**2 Special areas**

- (a) Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

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The development site is not being identified as environmental sensitive or heritage sensitive area as per NSW ePlanning Spatial Viewer and the GHLEP 2012. The proposed signage is limited to name of the business and the nature of the business carried on by the person at the premises. It is also noted that the proposed business identification sign will not be illuminated. Therefore, it is considered that the proposal will blend in with the surrounding landscape and will not have any detrimental impacts on the surrounding environment and is generally acceptable in quality and dimension.

### **3 Views and vistas**

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

It should be noted that the proposed sign is to be sited on the front wall facing Balfour Street. Due to its location and size, the sign will not dominate the skyline and reduce the quality of vistas or will not compromise important views.

### **4 Streetscape, setting or landscape**

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

It is considered that the scale, proportion and form of the proposed sign is proportionate to the existing streetscape and the front building façade in general. As the Applicant is proposed to install the sign on the front wall it is considered that the design does not dominate the street or any public open space. Therefore, the scale, proportion and form of the proposed sign is acceptable in this instance.

### **5 Site and building**

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

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The proposed sign is intended to advertise the proposed change of use (gymnasium). As noted previously within this report, the proposed signage will be positioned at an angle that will allow for the sign to be easily read from the front property boundary. The information on the intended sign is limited to the promotion of the proposed development. Therefore, it is considered that the proposed sign is consistent with the above criteria and is adequately integrated into the site.

**6 Associated devices and logos with advertisements and advertising structures**

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

As per the submitted sketch, the proposed sign will not be illuminated or will not have any lighting devices attached. It is therefore considered that the proposed sign will not have potential to create any visual safety concerns. A condition will be recommended to include on any consent granted in the event if Council approved the Application.

**7 Illumination**

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

As noted previously within this report, the proposed sign will not be illuminated. Therefore, Council as consent authority is satisfied that the proposed sign will not result in unacceptable glare, will not affect safety for pedestrians, vehicles or will not detract from the amenity of any residence.

**8 Safety**

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed business identification sign is solely to be contained within the private property with no illumination and no additional devices attached. Therefore it is considered that the proposed signage would not reduce the safety for pedestrians or cyclists.

As a result of the above discussion, it is considered that the proposed ancillary business identification signage is consistent with having regard to the matters prescribed under this SEPP.

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**SECTION 4.15(1)(A)(II) - ANY PROPOSED INSTRUMENT THAT IS OR HAS BEEN THE SUBJECT OF PUBLIC CONSULTATION UNDER THIS ACT AND THAT HAS BEEN NOTIFIED TO THE CONSENT AUTHORITY (UNLESS THE PLANNING SECRETARY HAS NOTIFIED THE CONSENT AUTHORITY THAT THE MAKING OF THE PROPOSED INSTRUMENT HAS BEEN DEFERRED INDEFINITELY OR HAS NOT BEEN APPROVED);**

The proposed draft instrument will not change the outcome of this assessment.

**SECTION 4.15(1)(A)(III) - ANY DEVELOPMENT CONTROL PLAN;**

The Greater Hume Development Control Plan (GHDCP) 2013 applies to the proposal. Relevant to this Application are the following Chapters of the Greater Hume Development Control Plan 2013:

- Chapter 4– Commercial Development;
- Chapter 5– Township Structure Plans;
- Chapter 9– Heritage Conservation Areas;
- Chapter 10– Notification Policy.

**4 Commercial Development:**

<b>STANDARD</b>	<b>COMMENT</b>
<i>New commercial activities (including retail and office) to be located within the existing commercial centres and those centres identified within the adopted structure plans for each town or village.</i>	The proposed change of use is located within an established commercial area and the site is being identified as 'commercial' in accordance with Culcairn Structure Plan contained within the Greater Hume Development Control Plan (GHDCP) 2013.
<i>Small businesses which principally service local neighbourhoods may be located outside of town centres where it is demonstrated that such services are necessary and appropriate.</i>	The proposed change of use is located within the Culcairn CBD with access to supply of electricity, water, and is also connected to Council reticulated sewer system.
<i>Commercial activities are encouraged in areas accessible to residents and visitors.</i>	The development site is located adjacent to classified road 'Balfour Street' and well-developed medium-low density residential area. No issues related to access noted.
<i>Shopfronts are to be designed to be inviting and active at street level</i>	The proposed change of use will not alter the existing built fabric other than installation of a business identification sign on the front façade. It has been identified that the existing pattern of the surrounding environment, in particular the built form has been considered in the development of the proposal.

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**4.2 APPEARANCE & DESIGN**

<i>Building facades facing the street are to contribute to the 'main street' commercial character of town centres</i>	As above, it is considered that the proposal will respond to the existing built form character of the surrounding environs and ensure no unreasonable offsite amenity impacts will occur to nearby residential land uses.
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<i>Large expanse of blank or flat walls along a street frontage will be considered as incompatible with the objectives of these controls.</i>	The existing building fronting Balfour Street (northern elevation diagram) contains a variety of doors and windows to enhance the visual character of the building.
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**4.3 Landscaping**

<i>Developments that are set back from the street frontage shall incorporate appropriate landscaping with the front setback that enhances the visual quality and character of the street.</i>	No landscaping can be provided as part of the development due to its siting.
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**4.4 Heritage**

<i>Developments adjoining and in the vicinity of a heritage item are to be designed to complement rather than detract or dominate.</i>	The site is being identified as a 'Heritage Conservation Area' under Community Based Heritage Study 2010. It is further noted that the site is located in close proximity to a number of locally significant heritage items. Of note Council staff are satisfied that the proposal is not inconsistent with this design criterion as the proposed change of use only seeks to use existing building as a gymnasium with no additional building works.
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<i>Signage to be kept to a minimum and appropriate for the type of commercial activity being undertaken.</i>	As per the above discussion, an approval has also been sought to install one (1) business identification sign. As noted previously, the purpose of the sign is to identify the business to be carried out onsite.
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<i>Signage to be of a scale in proportion of the building (i.e. must not to dominate the building facade or street frontage).</i>	As per the assessment against the State Environmental Planning Policy (Industry and Employment) 2021 Council considers that the sign as proposed, does not dominate the building façade or street.
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**4.5 Signage**

<i>Signage not to be a hazard for pedestrians or motorists.</i>	The proposed business identification sign is to be located on the front wall with no additional devices (i.e. lighting device, platforms etc.). Therefore it is considered that proposed sign will not have any detrimental impacts on pedestrians or motorists.
<i>Moving and/or flashing signs are to be avoided.</i>	Not applicable.

**4.6 Parking**

<i>On-street parking to be provided for the length of street frontage of the development site.</i>	As per the submitted proposed site plan, the applicant partially rely upon the on-street parking at the front of the subject site. Council Engineering Department has reviewed the proposed parking arrangement and did not object to the proposal. Please also refer to the below discussion against <b>Section 4.6 (3)</b> .
<i>On-site car parking is to be located to the side or rear of the development.</i>	The submitted overall site plan has also included a total of six (6) on-site car parking spaces behind the main building of the development site. The applicant noted that access to the on-site car parking is only available on Mondays to Fridays between 9.00am to 6.30pm and on Saturdays between 9.00am to 12.30pm. A condition will be included on the draft consent to ensure consistency.
<i>The total number of car parking spaces (on and off-street) to be provided at the rate required in Chapter 5 of the NSW Roads and Maritime Services guide, shown in Table 4.1 below.</i>	<p>The following noted within the GHDCP 2013 in relation to the required car parking spaces for the proposal:</p> <p><b>Gymnasium: 4.5 space per 100m<sup>2</sup> GFA</b></p> <p>Council staff have calculated the total floor area of the building based on the submitted plan and the following is noted:</p> <p>Total gross floor area of the buildings – 405m<sup>2</sup> Required car parking spaces: 405/100x4.5 = 18.22 <b>(19 car parking spaces)</b>.</p> <p>As discussed previously, the applicant has provided a total of six (6) car parking spaces onsite in support of the proposal. The proposal resulting in a deficiency of thirteen (13) car parking spaces. As Council staff have raised this matter with the applicant, the applicant has provided the following justification to support the proposal:</p>

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*b) 24hr access gives a greater ability to dilute the projected number of members to the facility at any one time. If we didn't have 24hr access then the gym would be become crowded and more projected noise if we created an open and close time.*

*c) there will be consistent flow of patrons so there will be no static patrons, this will allow for consistent flow of traffic and car spaces available.*

*d) site is in a small town can be accessed within walking distance, important for those without ability to drive*

*For the above reasons, it is envisaged that the parking spaces will be sufficient for the demand of the proposed use. It is hoped that Council will take the above into consideration and to approve the subject development application..”*

The above justification indicates that the applicant partially relies on existing on-street parking to support the proposal.

Consideration must now turn to whether the above justification together with the existing demand for on-street car parking would enable Council to support the proposal. In this regard, the following is noted:

- Council deems that the rate provided for gymnasium within the DCP is a broad rate which attempts to cover peak demand for this nature of development and given that the proposal only cater for Culcairn and immediate vicinity, Council assessment staff are satisfied that this requirement can vary;
- Council staff noted that the overall parking demand for the immediate past use of the building (being a church) is higher than the proposed use of the building, due to higher number of attendees at any one given time. Therefore the building on this site has historically had a shortfall of parking on site



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	<ul style="list-style-type: none"> <li>For a development proposal in this nature it is considered that the peak attendance times are generally early in the morning between 6am-8am and in the afternoons between 5pm-8pm. There is sufficient on street parking available in the immediate vicinity to meet any additional parking needs that could occur during these peak periods.</li> </ul> <p>The proposal is therefore satisfactory having regard to this chapter.</p>
<i>Parking spaces should be designed in accordance with Australian Standard 2890.1 and 2890.2.</i>	A condition will be placed to reflect this specific requirement.
<i>Car parks adjoining public land (including a road) shall be provided with a landscape strip at the interface.</i>	As the proposed car parking is located behind the main building, Council staff are satisfied that no landscaping is required in this instance.
<i>Car parking to be accessible at all times during the business hours of the premises.</i>	Due to potential detrimental impact, the applicant noted that, customers are only allowed to use this car parking facility on Mondays to Fridays between 9.00am to 6.30pm and on Saturdays between 9.00am to 12.30pm. Council staff have reviewed the arrangement and are in agreement with the proposal.
<i>Car parks to be designed to provide pedestrian connectivity and minimise conflicts between vehicles and pedestrians.</i>	The car parking facility is located adjacent to main commercial precinct and the pedestrian pathway connects the CBD.
<i>Loading facilities are to be located at the rear or side of the building and not adjacent to any residential property.</i>	This design criteria is not strictly applicable for the proposal as no ongoing loading involves with the proposal.
<i>Loading and unloading facilities are to be provided in accordance with the provisions of NSW Roads and Maritime Services guide.</i>	As above.
<i>Loading and unloading areas are to be located separate from other vehicle manoeuvring areas, car parking areas and pedestrian movement areas.</i>	Not applicable.

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**CHAPTER 5- TOWNSHIP STRUCTURE PLANS:**

*This chapter of the GHDCP relates to the role of township structure plans in guiding the location of types of land uses and development within the zoned urban areas of the Shire. Such guidance is necessary because of the use of one broad-based zone in the GHLEP (the RU5 Village zone) across much of the townships. The structure plans are based on those prepared as part of the Greater Hume Shire Strategic Land Use Plan 2007-2030 (“the SLUP”). The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond.*

*In some cases the structure plans within the SLUP indicate non-rural activities around the fringes of the current zoned urban boundaries of townships. Further investigation of these areas is required before they can be considered suitable for inclusion in the zoned urban area of townships. These areas are excluded from this chapter of the GHDCP.*

As noted previously within the body of the report, the development site is located in an area which has been identified by the respective structural plan for commercial development. Therefore it is considered that the development is not likely to have any adverse impact on the existing land uses and the locality in general subject to imposition of relevant conditions.

**CHAPTER 9– HERITAGE CONSERVATION AREAS**

*This chapter applies to nominated heritage Conservation Areas within the townships of Holbrook, Culcairn, Henty, Walla Walla, Jindera, Gerogery and Brocklesby. The Conservation Areas are derived from the recommendations of the Greater Hume Shire Community Based Heritage Study 2010.*

The development site has been identified as a conservation area within the Greater Hume Shire Community Based Heritage Study 2010. As the applicant has not proposed to carryout any alterations and additions to the building, the proposal is not considered to be inconsistent with the aims and objectives of this section.

**10.0 NOTIFICATION POLICY**

*This chapter of the GHDCP applies to Council’s policy for notifying development applications.*

In accordance with the GHDCP 2013 the application was notified to adjoining landowners from 20 September 2023 till 10 October 2023. As mentioned previously within the body of the report Council received a total of four (4) submissions. Please see below key summary and response from the assessing officer.

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**Section 4.15(1)(a)(iia) – Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4;**

No related planning agreement has been entered into under section 7.4 of the EP&A Act 1979.

**Section 4.15(1)(a)(iv) - The regulations (to the extent that they prescribe matters for the purposes of this paragraph);**

The following division within the EPA Reg 2021 has been considered in the assessment of the Development Application;

- Part 4, Division 1- 'Determination of Development Applications';
- Division 2, Subdivision 1- 'Development in General – Section 69-74 & Section 81 within Subdivision 2'

1.

As the applicant has proposed change of building use for an existing building without rebuilding or alteration of the building, the application requires an assessment against Section 62 of Part 4, Division 1 the EPA Reg 2021. As a result, the application was referred to Council Building Surveyor and the following assessment has been provided:

<b>Inspection results - Section 62 Consideration of fire safety (change of building use)</b>	
<b>Matter of consideration</b>	<b>Comment/Findings</b>
consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use,	Structural capacity OK New fire safety provisions required
not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use	Safe evacuation routes OK
Category 1 fire safety provisions: Volume 1 EP1.3 Fire hydrants EP1.4 Automatic fire suppression systems EP1.6 Fire control centers EP2.1 Automatic warning for sleeping occupants EP2.2 Safe evacuation routes EP3.2 Emergency lifts Volume 2 P2.3.2 Automatic warning for occupants	

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***SECTION 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;***

ISSUE	COMMENT
Context & setting	<p>The subject site contains an old building which had been used as a church in the past. The surrounding development pattern includes a variety of uses from the residential area to the west (separated from the subject land by unnamed road) and south, commercial activities to the north across the road and east. Therefore the location of the proposed development is generally seen to be acceptable within the context of the locality. The township structure plan for Culcairn provides some guidance for the overall development within the area. As per the Plan, the development site has been identified for a site suitable for commercial development and thus is consistent with the expectant development pattern of the area. It is anticipated that the 24 hour operation of the facility could be adequately managed in terms of traffic, noise and safety as per the assessment of the proposal without causing significant impacts on nearby land uses.</p>
Access & parking	<p>The applicant noted that access to the building is available for members only through an access controlled door on the northern side of the building off Balfour Street. As per the above assessment, it is considered that sufficient parking would be available to the facility during the peak visitor period.</p> <p>As the applicant relies on unnamed road to the west to access to the proposed car park, Council Engineering Department has advised that the applicant is required to install safety devices and if Council received dust complaints regarding use of laneway, the applicant is to provide appropriate material to reduce dust suppression. These recommendations will be recommended on any consent granted.</p>
Utilities	<p>As discussed within Section 6.7 of the report, the development site has been provided with all necessary services.</p>

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Noise	<p>The development is located within the Culcairn CBD and also close proximity to sensitive residential receivers to the west and south. The applicant in their submission to Council noted that the applicant would engage a range of methods to minimise potential noise generated as a result of the development as below:</p> <p>‘There will be very moderate music playing over the gym (staffed controlled). After staff hours music will not be played as members will then use their own headphones for music if wanted. Patrons must not be able to have access to the controls for the music systems.</p> <p>The flooring will take away any vibration and noise as there will be 15mm thick rubber flooring throughout the gym. Walls will be fixed to also reduce noise and sound.</p> <p>General talking from patrons, inside the facility.</p> <p>Gym equipment won’t make noise that will exit externally as they will be plate and pin loaded machines and no cardio equipment will produce noise.</p> <p>To manage the generation of noise members will sign a membership that will entail them taking their own responsibility to noise generation. Members will be advised that they need to be respectful of noise regulations. If any inappropriate behaviour which will be outlined in the membership conditions is breached memberships will be terminated.’</p> <p>Staffed Hours: One staff member will be appointed.</p> <p>Staffed Hours will be a selection of these times through-out the week Mon-Fri 9am - 12:00pm, 12pm – 3pm or 3pm – 6:30pm Saturday will be 9am – 12:30pm</p> <p>Council staff also noted that the subject building does not have windows other than two personnel access doors on the eastern and southern sections, roller door and a sliding door on the eastern and southern sections. A condition will be recommended requiring all doors be closed during the operation.</p> <p>Even though an acoustic report has not been submitted as part of this application, since the security door is to remain closed during operation (by installing self-closing mechanism), Council staff are satisfied that together with applicant’s above proposed mitigation measures, and the building in its current form would be able to comply with the relevant noise requirements. A general condition related to noise will also be recommended on the draft consent.</p>
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Heritage	The subject site has been identified as a heritage conservation areas in accordance with the Greater Hume Shire Community Based Heritage Study 2010. It is noted however as discussed, the proposal is not detrimental to the heritage character of the area.
Stormwater	No changes required.
Economic Impacts	The proposed development is consistent with Council's strategy identifying the site as previously discussed within the report. Council staff are satisfied that the proposal would enable the continued commercial use of a building within Culcairn CBD whilst it will also have potential to boost economic base of the town.
Landscaping	No additional Landscaping is required in this instance.

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

The application has been referred to Council's Engineering Department and Building Surveyor for consideration. The referral responses recommended the implementation of conditions to manage potential impacts of the development which have been included in the draft condition section within this report. In addition to that the subject land is also considered to be suitable for the particular purpose due to the following reasons:

- The proposal is permissible form of development in land zoned RU5 Village pursuant to the GHLEP 2012 and is also considered to be consistent with the applicable design criteria outlined in the GHDCP 2013;
- The development is generally considered to be satisfactory in regard to Section 4.15 of the EP&A Act;

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

External Referral	Response
Not required	
Internal Referrals	Response
Engineering Department	Engineering Department has no objection to the proposal subject to imposition of relevant conditions on any consent granted.
Building Surveyor	Building Surveyor did not object to the proposal subject to imposition of relevant conditions on any consent granted.
Public Submissions	
<p>The Application was notified to adjoining property owners and was also advertised on the NSW Planning Portal from 20 September 2023 to 10 October 2023. As mentioned previously within the body of the report Council received a total of six (6) submissions of which three (3) submissions in support of the proposal whilst other submissions have requested Council to take further action prior to the determination of the Application.</p> <p>The submission was reviewed by Council's Engineering and Planning Staff. Please see below key summary and response from the assessing officer.</p>	
Submission	Response from the assessing officer
Potential acoustic impacts	As noted with in the report, the applicant has proposed a range of noise mitigation measures and Council deems that subject to imposition of suitable conditions any potential impacts can appropriately managed
Additional traffic and potential road traffic injuries associated with the development	<p>The above assessment against the GHDCP 2013 reveals that the proposal can satisfactorily accommodate within the locality.</p> <p>In order to avoid any potential road traffic injuries Council Engineering Department has recommended a number of conditions on the draft consent (i.e. a safety mirror and speed hump on the subject site, STOP Signage etc.). In addition to that another condition has been recommended regarding use of laneway. As such Council staff area satisfied that the proposal can proceed subject to comply with recommended conditions on the draft consent.</p>

**Section 4.15(1)(e) - The Public Interest**

The proposal is consistent with Council's relevant controls and the approval of the application is seen to be in the public interest.

**Section 7.12 Fixed development consent levies**

Not applicable in this instance.

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**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

The proposal will provide development of the land for a commercial purpose whilst minimising adverse impacts on the surrounding locality. Suitable documentation to the satisfaction of Council's Planning and Engineering Departments has been submitted with the application in support of the proposal.

As discussed within the report approval of the application is consistent with the strategic planning vision for the site and surrounding area.

The above assessment against Section 4.15 of the EP&A Act indicates that the development is acceptable in this instance.

**RECOMMENDATION**

That Council resolves to:

1. approve Development Application No. 10.2023.131.1 at 21 Balfour Street Culcairn NSW 2660 on Lot 1 DP 372035 for "Recreation Facility (Indoor) – change of use of existing premises as a gymnasium operating 24 Hours, 7 days, associated signage and additional six (6) car parking spaces subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

**PRESCRIBED CONDITIONS OF CONSENT**

Nil



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**GENERAL CONDITIONS**

**1. Industrial/Commercial - Compliance With Plans And Conditions**

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the development application receipted and subject to the following conditions. All conditions of consent must be fulfilled at the expense of the applicant.

The development must comply with the definition of **recreation facility (indoor)** as outlined within the Greater Hume Local Environmental Plan (GHLEP) 2012. Under the GHLEP 2012:

**recreation facility (indoor) means** *a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

No other use is permitted for the site unless prior consent by Council is obtained.

**Condition reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

**BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

No additional conditions have been applied to this stage of development.

**BEFORE BUILDING WORK COMMENCES**

No additional conditions have been applied to this stage of development.

**DURING BUILDING WORK**

No additional conditions have been applied to this stage of development.

**Before issue of an occupation certificate**

**ALL - Occupation Certificate**

The Applicant must not allow or permit the building to be occupied or used, until:

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- All conditions of this consent have been completed in full;
- An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the [NSW Planning Portal](#); and
- The Principal Certifier has issued an Occupation Certificate

Where a partial Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

**Condition reason:** To comply with the Environmental Planning and Assessment Act 1979

**ALL - Repair Of Public Infrastructure**

Any damage or deterioration to any Council property including road reserves, or removal of any existing street trees, must be reinstated to its original condition to the satisfaction of Council and at no cost to Council.

**Condition reason:** To ensure any damage to public infrastructure is rectified.

**Industrial/Commercial - Car Parking Facility**

All areas set aside for access and vehicle parking on the approved plan must be constructed, line marked, signposted. The off-street parking facility gradients, levels, internal dimensions are to comply with Australian Standards **AS2890.1:2004 'Parking facilities: Off-street parking facilities'**, **AS2890.2:2018 'Parking facilities: Off-street commercial vehicle facilities'**.

**Condition reason:** To ensure there is principal car parking on the site.

**Industrial/Commercial - Traffic – Vehicle Access Signage and Street Address Number**

The relevant street number shall be displayed in a prominent location at the front of the property in the interest of public safety and the delivery of goods, parcels and emergency services.

**Condition reason:** To ensure the development is appropriately identified.

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DEVELOPMENT APPLICATION 10.2023.131.1 – RECREATION FACILITY  
(INDOOR) – CHANGE OF USE OF EXISTING PREMISES AS A GYMNASIUM  
OPERATING 24 HOURS, 7 DAYS, ASSOCIATED SIGNAGE AND ADDITIONAL SIX  
(6) CAR PARKING SPACES – Lot 1 DP 372035 AT 21 BALFOUR STREET  
CULCAIRN NSW 2660 [CONT'D]

**Section 62 Requirements under the Environmental Planning and Assessment Regulation 2021**

The works required to be carried out under the Fire Safety Schedule that is form a part of this consent must be completed and a Final Fire Safety Certificate must be submitted to Greater Hume Council **PRIOR TO THE COMMENCEMENT OF THE NEW BUILDING USE.**

**Condition reason:** To comply with the Environmental Planning and Assessment Regulation 2021.

**Additional Safety Measures**

Prior to the issue of the Occupation Certificate, the following must be installed at applicant's cost and an inspection is to be organised with Councils Manager Traffic & Infrastructure on 0260360100 to confirm compliance with this requirement:

1. A safety site mirror and speed hump on the subject site at the entrance of the carpark, located behind the building;
2. STOP Signage at the corner of laneway and Balfour Street to protect pedestrians.

**Condition reason:** To ensure safety and traffic flow efficiency.

**OCCUPATION AND ONGOING USE**

**Advertising Structure/s**

The approved Business Identification Sign must be maintained to an acceptable level. If any deterioration of the development becomes noticeable, the Business Identification signs must be replaced or removed as soon as possible to ensure the visual amenity of the area is maintained.

**Condition reason:** To maintain the structural integrity of the advertising structure.

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**Amenity Protection**

The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:

1. The appearance of any buildings, works or materials used.
2. The parking or movement of motor vehicles.
3. The transporting of materials or goods to or from the site.
4. Noise, air and water discharges from the site.
5. Electrical interference.
6. The storage and handling of garbage, or other materials.
7. Emissions or discharges into the surrounding environment including, from wastewater, vibration, odours or other harmful products.

**Note:** The Applicant must notify, at the earliest opportunity, Greater Hume Council of any incident which has caused, or threatens to cause, material harm to the environment. The Applicant must provide Greater Hume Council with a detailed report on the incident, and such further reports as may be requested.

**Condition reason:** To protect the amenity of the adjoining area.

**Industrial/Commercial - External Lighting**

All external lighting shall be LED type with shielding and louvers which generally direct light in a downward direction to minimise light spill from the site. Any lighting installed shall comply with Australian Standard **AS4282-1997** “**Control of the obtrusive effects of outdoor**

**Condition reason:** To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

**Industrial/Commercial - Hours Of Operation**

The hours of operation for the business are:

- Mondays to Sundays, 12.00am to 12.00am

**Condition reason:** To ensure the development is carried out as assessed.

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**Industrial/Commercial - Noise Control**

The emission of noise or vibration associated with the use of the premises including the operation of any mechanical plant and equipment must comply with all standards outlined in the [Noise Policy for Industry 2017](#) (NSW EPA) & [A Guide to the Noise Policy for Industry](#) (NSW EPA).

In the event the use exceeds permitted levels, the person in control of the premises must arrange for an acoustic investigation to be carried out by an accredited acoustic engineer and implement those measures to reduce noise to acceptable levels. Additional ongoing mitigations will be required to be installed and maintained for the life of the development.

**Condition reason:** To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

**Industrial/Commercial - Submission of an Annual Fire Safety Statement**

The owner of any building in which fire safety measures are installed, must cause the Council to be given an annual fire safety statement, within 12 months after the last such statement or final fire safety certificate was issued.

The certificate shall certify:

that each essential fire safety measure has been assessed by an accredited practitioner (fire safety) and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.

The building has been inspected by an accredited practitioner (fire safety) and was found when it was inspected to be in a condition that did not disclose any grounds for prosecution under Part 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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**NOTES:**

As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates;

(i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and

(ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

A "fire safety measure" means a measure, including an item of equipment, form of construction or fire safety strategy, that is, or is proposed to be, implemented in a building to ensure the safety of persons using the building if there is a fire.

**Condition reason:** To comply with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

**2. Security Devices**

Any security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia and be connected to a security service.

**Condition reason:** To ensure the use of the property does not detrimentally affect neighbouring properties.

**3. Use of Laneway**

If Council received dust complaints regarding use of laneway, the Applicant is to provide appropriate material to reduce dust suppression.

**Condition reason:** To minimise environmental and amenity impacts and to comply with the Protection of the Environment Operations Act 1997, and to preserve the environmental health and amenity of the adjoining area.

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**4. Complaints and Disputes Register**

A register will be established, maintained and kept up-to-date. The Register will be comprised of a copy of each Complaint Report. The Register includes the following information about every complaint that is received:

- Date complaint is made
- Nature of complaint/issue
- Action taken to investigate the complaint
- Date resolved and how resolved.

**Condition reason:** To protect the amenity of the area.

**5. Use of the Building**

1. There shall be no amplified music at the site. Television/radio sets may be used on low volume to provide a "background" noise level. the background music is only allow to play during Mon-Fri 9am - 6.30pm and Saturday 9am -12.30pm.
2. There shall be no structured classes at the facility that may introduce noise from structure-borne vibrations.
3. All doors are to be kept closed.
4. External doors shall be maintained closed in the evening and night time periods.
5. Free weights shall be kept to a minimum. An adequately rated compressed-rubber flooring is to be provided in the area.

**Condition reason:** To Protect the Amenity of the Area.

**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

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Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

### **Dictionary**

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means GREATER HUME SHIRE COUNCIL

**Court** means the Land and Environment Court of NSW

**EPA** means the NSW Environment Protection Authority



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**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Southern Regional Planning Panel.

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**COUNCIL ADVICE TO APPLICANT**

- a. It is the Applicant's responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.
- b. The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the Applicant and owner/builder to ensure private covenants are adhered to. Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of building design with such covenants.
- c. Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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**3. AMENDMENT TO GREATER HUME LOCAL ENVIRONMENT PLAN 2012 - ZONING & MINIMUM LOT SIZE CHANGES FOR SOUTH JINDERA LOW DENSITY RESIDENTIAL AREA – LOT 224 DP 280394 AND LOT 2 DP240938**

**Report prepared by Director Environment & Planning – Colin Kane**

**REASON FOR REPORT**

The public exhibition of the abovementioned planning proposal concluded on 15 May 2023. This report will:

1. Discuss the public and government agency responses to the exhibition.
2. Explain the post exhibition process which may result in the gazettal of the amendments to the Greater Hume Local Environment Plan 2012 (GHLEP); and
3. Provide recommendations to Council so that the process leading to the gazettal of the amending LEP can continue.

**REFERENCE TO THE DELIVERY PLAN**

Goal 2.1: Attract New Residents.

**DISCUSSION**

The September 2021 Ordinary Meeting of Council received a report on a planning proposal prepared by Council that sought amendments to the GHLEP seeking a change of land use zoning and minimum lot size for two parcels of land in the township of Jindera. The item was unanimously endorsed with Council resolving that:

1. *In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 Council resolve to submit to the Department of Planning, Infrastructure & Environment the planning proposals for changes to the zoning and minimum lot size to facilitate the expansion of the South Jindera Low Density Residential Area to include Lot 224 DP1280394 and Lot 2 DP240938 and seek a conditional Gateway Determination.*
2. *The conditions sought by Council on the Gateway Determination will be that prior to exhibition of the planning proposals the South Jindera Low Density Residential Precinct DCP and South Jindera Low Density Residential Infrastructure Contributions Plan will be updated to include Lot 224 DP1280394 and Lot 2 DP240938 ensuring adequate access provisions for Lot 2 DP240938 and availability of services.*
3. *Council resolve to exhibit the planning proposal in accordance with the Gateway Determination.*

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RESIDENTIAL AREA – LOT 224 DP 280394 AND LOT 2 DP240938 [CONT'D]

A Gateway Determination for the planning proposal was received from the NSW Department of Planning and Environment on 11 July 2022 (refer to **ANNEXURE 4**). The Gateway Determination required amendments to be made to the planning proposal prior to undertaking consultation and these amendments are listed below:

1. *Prior to community consultation, the planning proposal is to be updated to:*
  2. • *include the correct Lot and DP for 151-159 Pioneer Drive, Jindera being Part Lot 224 DP 1280394.*
  3. • *include a new explanation of provisions “insert a clause in GHLEP 2012 with the intent to require the South Jindera Low Density Residential DCP and CP to be updated to include to the subject land before development consent can be granted for subdivision to ensure adequate access provisions for Lot 2 DP240938 and availability of services (unless the DCP and CP have been updated prior to finalisation of the LEP amendment)”.*
  4. • *include the outcome of Stage 1 preliminary investigation undertaken in accordance with Contaminated Land Planning Guidelines and discussion of the proposal’s consistency with 4.4 Remediation of Contaminated Land. The updated planning proposal is to be forwarded to the Department for review and approval.*
2. *The planning proposal should be made available for community consultation for a minimum of 28 days.*
3. *Consultation is required with the following public authority*
  - *DPE – Biodiversity Conservation and Science Directorate (BCS).*
4. *Given the nature of the proposal, Council should be authorised to be the local plan-making authority.*
5. *Prior to requesting drafting of the LEP amendment, the draft DCP and CP clause should be forwarded to the Department for review and approval (unless the updates have been completed prior to the finalisation stage).*
6. *The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.*

In accordance with the requirements of the Gateway Determination the planning proposal updated to address the requirements of condition 1 of the Gateway Determination and was publicly exhibited from 17 April until 15 May 2023 and there was no response from the public on the planning proposal.

The Gateway determination also required that Council consult with the Department of Planning, Industry and Environment, Biodiversity and Conservation Division (Floodplain Management).

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Comments were received from the Department of Planning, Industry and Environment, Biodiversity and Conservation Division (BCD) about flooding and biodiversity (refer to **ANNEXURE 5**). The comments indicated that to some extent flooding affected the areas were proposed to be rezoned however it was considered that flood risks are likely to be minor and that with the application of appropriate flood planning controls development would be excluded in these areas.

Within the letter from the Department of Planning, Industry and Environment, Biodiversity and Conservation Division noted that areas containing biodiversity values had been acknowledged in the planning proposal however these had not been assessed or mapping in context of the likely development scenario. BCD recommended that a biodiversity assessment was prepared prior to the planning proposals finalisation. Council officers have liaised with BCD and the Proponent and agreed that a low-level biodiversity assessment would be undertaken to address BCD's concerns. The outcome of the low-level biodiversity assessment concluded with the following:

*The site has a history of grazing, land clearing and ongoing agricultural uses, although the site has been used for grazing and is still used for this purpose it does provide some medium quality habitat (patch of PCT 277). In addition to this identified medium quality habitat there are a number of defined wet depressions scattered over the site, these areas have potential to be suitable Sloane Froglet habitat (further surveys need to be completed to confirm this).*

*Where possible as part of the final design process for this site, retention of all of the medium quality patch of PCT 277 vegetation should be provided. Final design also seek to consider the water regime for this patch of vegetation and the impact proposed surrounding development will have on the longer-term survival of this PCT.*

The findings of the assessment have been shared with BCD who confirmed the following:

*The area's highest biodiversity values overlap substantially with an area of flood hazard noted in our previous advice. Excluding development from areas of high flood hazard and floodways is the most effective way to minimise flood risk. In this instance this will also assist in avoiding biodiversity impacts.*

*We recommend Council consider whether rezoning these high value, high hazard parts of the subject land to R2 is appropriate and whether alternative zoning, such as a Conservation zone, is more applicable.*

*We continue to recommend that appropriate flood planning controls are applied as recommended in the Jindera Floodplain Risk Management Study and Plan 2017.*

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*We understand that prior to exhibition of the planning proposal the South Jindera Low Density Residential Precinct Development Control Plan (DCP) and South Jindera Low Density Residential Infrastructure Contributions Plan will be updated to include the land subject to the proposal. This DCP currently applies to land to the immediate north.*

*We recommend that the DCP and associated master plan be revised to reflect the areas of known biodiversity value and flood hazard, and areas of lower value or hazard. This should include:*

- demonstration that future development will be excluded from the areas of high flood hazard and floodways*
- maps and a description of the ecological features and biodiversity value of the site including threatened ecological communities, threatened species and their habitat including linkages to corridors beyond the site*
- details of how the proposal has taken appropriate steps to avoid or minimise direct impacts to native vegetation*
- details of measures that will mitigate indirect impacts on retained habitat and areas of habitat to the immediate south*
- recommendations for biodiversity offsets to address any loss of native vegetation (if relevant)*
- proposed ownership and management arrangements for residual land such as environmental land, open space and riparian corridors.*

It is noted in the BCD response that most of the high value vegetation is situated in an area that is subject to flooding. Consequently Council believes that it is unlikely that future development will occur in this area and therefore there is no need to separately rezone the area. To prevent further delay to the determination of this rezoning application it is considered that an acceptable level of protection for the high value biodiversity can be provided through the modification of the South Jindera Low Density Residential Masterplan and South Jindera Low Density Residential Development Control Plan.

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It is proposed that Parliamentary Council be requested to insert a clause in the Greater Hume Local Environment Plan 2012 to the following effect:

*Prior to development consent being granted for the subdivision of the subject land (Lot 224 DP 1280394 and Lot 2 DP 240938) the South Jindera Low Density Residential Development Control Plan (DCP) and Contributions Plan (CP) is to be updated to ensure the following:*

- *demonstration that future development will be excluded from the areas of high flood hazard and floodways.*
- *maps and a description of the ecological features and biodiversity value of the site including threatened ecological communities, threatened species and their habitat including linkages to corridors beyond the site.*
- *details of how the proposal has taken appropriate steps to avoid or minimise direct impacts to native vegetation.*
- *details of measures that will mitigate indirect impacts on retained habitat and areas of habitat to the immediate south.*
- *proposed ownership and management arrangements for residual land such as environmental land, open space and riparian corridors.*
- *adequate access provisions for Lot 2 DP240938 and availability of services.*

*(Unless the DCP and CP have been updated prior to finalisation of the LEP amendment).*

If the planning proposal is not to be amended by Council as a result of its exhibition then the next step is for a request to be submitted to Parliamentary Counsel for drafting of the amendment to the LEP and the provision of an opinion on the validity of the proposal.

Once this has been provided then the delegate of the Minister for Planning and Public Spaces (the General Manager) can consider a Section 3.36 report on the planning proposal and decide to make or not make the amending LEP. Notification is then required to be made on the NSW Legislation website.

### **BUDGET IMPLICATIONS**

The budget implications of proceeding with the planning proposal has been reported to Council previously.

### **CONCLUSION**

This report has provided an overview on the process for amending the GHLEP. Comments from the Department of Planning, Industry and Environment, Biodiversity and Conservation Division were received and has been considered by this report. In consideration of the submission and comments the following recommendations are considered to be appropriate.

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**RECOMMENDATION**

That:

1. As a result of the exhibition of the planning proposal Council resolves not to make any changes to the amendments to the GHLEP stipulated within the planning proposal.
2. For an opinion on the validity of the planning proposal be forwarded to Parliamentary Counsel for drafting of the amendment to the GHLEP inclusive of the modified provision being:

*Prior to development consent being granted for the subdivision of the subject land (Lot 224 DP 1280394 and Lot 2 DP 240938) the South Jindera Low Density Residential Development Control Plan (DCP) and Contributions Plan (CP) is to be updated to ensure the following:*

- *demonstration that future development will be excluded from the areas of high flood hazard and floodways.*
- *maps and a description of the ecological features and biodiversity value of the site including threatened ecological communities, threatened species and their habitat including linkages to corridors beyond the site.*
- *details of how the proposal has taken appropriate steps to avoid or minimise direct impacts to native vegetation.*
- *details of measures that will mitigate indirect impacts on retained habitat and areas of habitat to the immediate south.*
- *proposed ownership and management arrangements for residual land such as environmental land, open space and riparian corridors.*
- *adequate access provisions for Lot 2 DP240938 and availability of services.*

*(Unless the DCP and CP have been updated prior to finalisation of the LEP amendment).*

3. Subject to a favourable response from Parliamentary Counsel the delegate of the Minister for Planning and Public Spaces (the General Manager) be permitted to consider a Section 3.36 Planning Report on the planning proposal and decide to make or not make the amending LEP and undertake notification on the NSW Legislation website.



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## **GOVERNANCE**

### **1. GENERAL MANAGER'S PERFORMANCE AGREEMENT 2023/24**

**Report prepared by General Manager – Evelyn Arnold**

#### **REASON FOR REPORT**

For Council to consider the General Manager Performance Agreement for the period ended 30 June 2024 in accordance with the General Managers Contract.

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

Nil

#### **DISCUSSION**

The General Manager Performance Agreement outlines the Key Performance Indicators (KPIs) used in reviewing their performance.

Part A of the Performance Agreement outlines particular projects which are prioritised by Council in its current Delivery/Operational Plan.

A copy of the draft Performance Agreement has been **ENCLOSED SEPARATELY 1** with the Agenda Papers for Councillor's consideration.

#### **BUDGET IMPLICATIONS**

Nil

#### **CONCLUSION**

The development of a Performance Agreement detailing the KPI's for the next 12 months, assists both the General Manager and the organisation to ensure priority is given to Councillors key areas of focus in achieving the Delivery Plan objectives.

#### **RECOMMENDATION**

That the General Manager's 2023/2024 Performance Agreement as circulated be adopted.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT  
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE,  
HOLBROOK ON WEDNESDAY 18 OCTOBER 2023**

## **CORPORATE AND COMMUNITY SERVICES**

1. **AUDIT RISK AND IMPROVEMENT COMMITTEE – INDEPENDENT MEMBER REPORT**

**Report prepared by Manager Risk and Governance – Jane Gould**

### **REASON FOR REPORT**

To seek Council endorsement for the proposed new independent member to be appointed to the Audit Risk and Improvement Committee (ARIC) and to provide an update on independent member status.

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

Objective Our leadership and communication cultivate confidence in our decision making

CSP Strategy L3.3 Deliver efficiency, effectiveness and probity in Council processes and services.

### **DISCUSSION**

Greater Hume Council has an ARIC of which the concept of *independent members* is embedded, as per the Local Government Act 1993 (the Act). Independent members bring expertise and independent thought to the committee which is crucial in its decision making and operations. The new Internal Audit and Risk Management Guidelines (NSW) (the Guidelines) which come into effect 1 July 2024 state that all ARIC should have a minimum of 3 independent members of which one is the Chair.

The Greater Hume Council ARIC has been operating with two members for some time and agreed to come into line with the new Guidelines in 2023 in preparation for compliance to the Guidelines by 1 July 2024. On that basis, an Expression of Interest was placed in the media (both social media and paper based media) in the local area to seek applicants to the role of independent member.

Greater Hume Council received two applications. Both applicants were invited to interview. Interviews took place with a panel from the ARIC made up of the Chair David Maxwell, Independent Member John Batchelor and Manager Risk and Governance Jane Gould. The applicant that the panel agreed should be offered the position was Melanie Dusterhoft-Mavrack. Melanie was the only local applicant and will bring local thought and knowledge to the ARIC along with financial rigor and policy making expertise.

This report seeks endorsement from the Greater Hume Council to appoint Melanie Dusterhoft-Mavrack to the position of Independent Member of the ARIC for the period 14 November 2023 to 30 June 2028.

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AUDIT RISK AND IMPROVEMENT COMMITTEE – INDEPENDENT MEMBER  
REPORT [CONT'D]

Further to the seeking of the endorsement of Melanie Dusterhoft-Mavrick to the position, it would also be prudent at this time to confirm the reappointment of John Batchelor as an Independent Member for the period 1 July 2024 to 30 June 2028. It is also worth noting with Council at this point that whilst all positions would now be filled on the ARIC, the Chair David Maxwell will retire as the Chair and as an Independent Member effective 30 June 2024. Prior to this retirement Greater Hume Council will be required to appoint another independent member and appoint a new Chair from the independent members at this point to replace the outgoing Chair. Management will seek endorsement of these changes at that time from Council.

**BUDGET IMPLICATION**

All costs associated with the implementation of Council's Internal Audit program including the operations of ARIC are met from existing budget allocations.

**CONCLUSION**

It is recommended that Council endorse the appointment of Melanie Dusterhoft-Mavrick and the reappointment of John Batchelor to the position of independent member on the Greater Hume Council ARIC to bring the ARIC into compliance with the new Guidelines in a timely manner.

**RECOMMENDATION**

That Council:

1. Confirm the appointment of Melanie Dusterhoft-Mavrick to the position of independent member on the Greater Hume Council ARIC for the period 14 November 2023 to 30 June 2028
2. Confirm the reappointment of John Batchelor to the position of independent member on the Greater Hume Council ARIC for the period 1 July 2024 to 30 June 2028
3. Note the retirement of the current ARIC Chair, David Maxwell, effective 30 June 2024 and acknowledge the outstanding contribution that Mr Maxwell has made in the development of Council's internal audit program during his 11 year term on Council's Audit, Risk & Improvement Committee.

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**2. PUBLIC INTEREST DISCLOSURE POLICY RELATING TO THE NEW  
PUBLIC INTEREST DISCLOSURE ACT 2022**

**Report prepared by Manager Risk and Governance – Jane Gould**

**REASON FOR REPORT**

To seek Council endorsement for the proposed new Greater Hume Council Public Interest Disclosure (PID) Policy.

**REFERENCE TO DELIVERY PLAN ACTION**

Objective Our leadership and communication cultivate confidence in our decision making

CSP Strategy L3.3 Deliver efficiency, effectiveness and probity in Council processes and services.

**DISCUSSION**

The Public Interest Disclosure Act 1994 will be replaced by the Public Interest Disclosure Act 2022 (the Act 2022) on 1 October 2023. The Act 2022 requires councils across NSW to renew their Public Interest Disclosure Policy (PID Policy 2023) by no later than within three months of the Act 2022 coming into force.

On this basis this report seeks endorsement of the PID Policy 2023.

At a recent Councillor Workshop, Councillors received a presentation and Briefing Note on the Draft PID Policy 2023 for first review and questions prior to the seeking of endorsement at the October 2023 Council Meeting. A copy of the draft policy is included as **ANNEXURE 6**.

**BUDGET IMPLICATION**

There are no budget implications associated with this report and policy implementation

**CONCLUSION**

It is recommended that Council endorse the Greater Hume Council Public Interest Disclosure (PID) Policy 2023 to bring Greater Hume Council into compliance with the Act 2022 which came into force 1 October 2023.

**RECOMMENDATION**

That Council adopt the Greater Hume Council Public Interest Disclosure (PID) Policy 2023.

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## **ENGINEERING**

1. **LRCIP ROUND 4 (ROADS COMPONENT) AND LOCAL RECOVERY GRANT PROGRAM PROJECT ALLOCATIONS**

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

### **REASON FOR REPORT**

The purpose of the report is to determine the preferred road projects for funding under LRCIP Round 4 (Road Component) and Local Recovery Grant Programs.

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

CSP Strategy      N2 Our road and transport network is maintained and accessible.

Initiative            N2.1.1 Implement asset management and renewal programs in accordance with adopted budgets and capital works programs.

### **DISCUSSION**

As advised to Councillors previously during a recent Council workshop the two projects proposed for funding under LRCIP Round 4 (Roads Component), and Local Recovery Grant Programs are the construction of new bridge sized drainage structures on Yensch's Road and Henty Cookardinia Road.

These projects have been chosen due to the requirements under the Local Recovery Grant that requires the funding be spent on projects that increase disaster resilience to reduce the impact of future disaster events. Council has received this funding due to two natural disaster events being declared in 2022 in Greater Hume (AGRN 1030, and AGRN 1034).

The construction of the Yensch's Road Culvert, replaces an "under capacity" culvert, on a narrow section of Yensch's Road which will have benefits in the bushfire season to help RFS and Forestry, National Parks vehicles access the surrounding area as well as provide an upgrade to the only access to a number of properties on Yensch's Road. The project will also improve the road access in flood times for the residents in this area.

The installation of larger culvert structure on the Henty Cookardinia Road including the raising of the road level above the 1 in 100 year flood level just to the east of Henty will ensure access can be maintained along Henty Cookardinia Road during floods as well as upgrade a poor section of road that has been problematic in the past.

Funding Available under Part B of LRCIP Round 4 (Roads) is \$746,517

Funding Available under Local Recovery Grant Program is \$1 million

**Total funding available for both projects is \$1,746,517.**

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LRCIP ROUND 4 (ROADS COMPONENT) AND LOCAL RECOVERY GRANT  
PROGRAM PROJECT ALLOCATIONS [CONT'D]

Survey and design of both these projects have been completed, with the Yensch's Road Culvert Project already put out to tender for consideration by Council later in this meeting.

Tenders prices plus the cost of Council purchasing of culverts has the price of the project being \$635k

Cost estimates completed for the Henty Cookardinia Road Culvert based on the plans completed estimate the cost to be \$1.18Million (est.)

**Therefore estimated total cost for both projects to be \$1,815,000 (est.)**

It is also advised that the Henty Cookardinia Culvert project will be advertised this weekend with a determination of the tender at the November Council Meeting

The early advertising of these projects and selection of contractors will allow these projects being completed at the optimum time for the construction of culverts.

The additional cost of the two projects of \$68,483 (\$1,815,000 - \$1,746,517) can be funded from either unallocated funding from Part A of LRCIP Round 4 (Local Road and Community Infrastructure) or Roads to Recovery Funding allocated to Council if required, but the actual costs won't be known until tendering of the Henty Cookardinia Road Culvert is completed. It is noted however that there is approximately \$50,000 in contingencies on the Yensch's Road Culvert Project tender submission, which reduces the additional costs to less than \$20,000, if the provisional's aren't used.

Funding under both programs must be expended by June 30 2025

Details of the funding and proposed projects are attached in **ANNEXURE 7**.

**BUDGET IMPLICATION**

**Therefore estimated total cost for both projects to be \$1,815,000 (est.)**

Funding Available under Part B of LRCIP Round 4 (Roads) is \$746,517

Funding Available under Local Recovery Grant Program is \$1 million

**Total funding available for both projects is \$1,746,517.**

The additional cost of the two projects of \$68,483 (\$1,815,000 - \$1,746,517) can be funded from either unallocated funding from Part A of LRCIP Round 4 (Local Road and Community Infrastructure) or Roads to Recovery Funding allocated to Council if required, but the actual costs won't be known until tendering of the Henty Cookardinia Road Culvert is completed. It is noted however that there is approximately \$50,000 in contingencies on the Yensch's Road Culvert Project tender submission, which reduces the additional costs to less than \$20,000, if the provisional's aren't used.

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LRCIP ROUND 4 (ROADS COMPONENT) AND LOCAL RECOVERY GRANT  
PROGRAM PROJECT ALLOCATIONS [CONT'D]

It is proposed that \$1 million funding available under Local Recovery Grant Program be split evenly (\$500,000) between both projects with the remainder of funding to complete the projects being \$135,000 for Yensch's Road and \$611,517 and Henty Cookardinia Road come from LRCIP Round 4 (Roads Component)

**RECOMMENDATION**

That Council adopt the following projects for LRCIP Round 4 \$746,517 and the Local Recovery Grant Program \$1 million:

1. the construction of new bridge sized culvert on Yensch's Road (over Water Creek) Estimated Cost being \$635,000 being funded by \$500,000 from Local Grant Recovery Program and \$135,000 from LRCIP Round 4 (Roads Component) and
2. the construction of new bridge sized culvert on Henty Cookardinia Road (500m east of Henty) Estimated Cost being \$1,180,000 being funded by \$500,000 from Local Grant Recovery Program and \$611,517 from LRCIP Round 4 (Roads Component) and the remainder (\$68,483 est) from being funded under the LRCIP Round 4 Program (Community) or Road to Recovery Program

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**2. TENDER TL 01 – 2023/24 YENSCHES ROAD CULVERT REPLACEMENT**

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

**REASON FOR REPORT**

To consider tenders for the civil construction of a replacement culvert on Yenschés Road, Lankeys Creek.

**REFERENCE TO DELIVERY PLAN ACTION**

CSP Strategy      N2 Our road and transport network is maintained and accessible.

Initiative            N2.1.1 Implement asset management and renewal programs in accordance with adopted budgets and capital works programs.

**DISCUSSION**

This project was not part of the Council's original delivery program but has been added following approval of the project being undertaken from additional funding received from Office of Local Government and LRCIP Round 4 - Road Funding as stated in a previous report to Council.

Yenschés Road provides the only practical access to a number of properties situated between Jingellic Road and the Woomargama National Park. The existing culvert over Water Creek is of very low capacity with even moderate rain events causing water levels to rise over the roadway level.

The up-sized box culvert proposed for this location is designed to protect against 1 in 100 year storm events. This significant increase in capacity will also necessitate works to raise the level of approximately 150m of the existing road.

Advertisements were placed in the Border Mail and on Tenderlink. Tenders closed on Tuesday 12<sup>th</sup> September 2023. Four tenders were received via the Tenderlink portal.

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

<b>Company</b>	<b>Tender Price (excluding GST)</b>
Blueys Plumbin' and Diggin' P/L	\$ 518,661.14
Denrith P/L	\$ 811,104.55
Excell Gray Bruni	\$ 588,526.40
Hutchinson Civil P/L	\$ 617,485.00

A table of the apportionment used to assess the tenders is **ENCLOSED SEPARATELY 2** for Councillors information.



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TENDER TL 01 YENSCHES ROAD CULVERT REPLACEMENT [CONT'D]

Blueys Plumbin' and Diggin' P/L is a well-established local contractor based in Culcairn and has previously completed works for Greater Hume Council to a satisfactory standard. Mr Luke Howard from Blueys Plumbin' and Diggin' attended a post-tender interview where it was confirmed that he was satisfied that they have the personnel and equipment to complete the project to the required standard in a safe manner.

Mr Howard indicated that a projected commencement date will be January/February 2024 would be appropriate to this project in order to avoid environmental control restrictions and high creek flows. An expected completion date in April 2024 will be a reasonable timeframe for this project.

A drawing of the proposed works is **ENCLOSED SEPARATELY** for Councillors information.

### **BUDGET IMPLICATION**

The Yensches Road Culvert Replacement project and the Henty Cookardinia Road Culvert Replacement project are both funded from the combined \$1M NSW Office of Local Government and \$760k from Round 4 LRCIP giving a combine budget of \$1.76M.

The tender price of \$518,661.14 (excl.GST) is consistent with the engineers' estimate.

### **CONCLUSION**

Four tenders were received for the Yensches Road Culvert Replacement project.

All four tenders were considered.

The tender submitted by Blueys Plumbin' and Diggin' P/L has been assessed to be suitable for the intended purpose and there is no technical or practical reason to conclude that Blueys Plumbin' and Diggin' P/L are not capable of completing the contract to the required standard and within a reasonable timeframe.

### **RECOMMENDATION**

That:

1. the tender submitted by Blueys Plumbin' and Diggin' P/L for tender TL01 2023/2024 for the construction of the Yensches Road Culvert Replacement for \$518,661.14 (excl. GST) be accepted.
2. the unsuccessful tenderers be notified.
3. the General Manager and the Mayor be authorised to execute contract documentation with Blueys Plumbin' and Diggin' P/L under the Common Seal of Council.

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**3. PROVISION OF FOOTPATH – URANA ST JINDERA – OBJECTIONS TO  
LANDOWNER CONTRIBUTION TOWARDS PROJECT**

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

**REASON FOR REPORT**

To advise of objections received to the cost apportionment of a footpath in Urana St Jindera.

**REFERENCE TO DELIVERY PLAN ACTION**

CSP Strategy                      N2 Our road and transport network is maintained and accessible

Initiative                              N2.1.1 Implement asset management and renewal programs in accordance with adopted budgets and capital works programs

**DISCUSSION**

As part of this year's Operational Plan Council approved a project to construct a footpath along the eastern side of Urana Street from the Creek Street roundabout to the Pioneer Park.

As detailed in a report to August 2023 Council Meeting (**ANNEXURE 8**) as required by Council Policy, landowners of properties adjacent to the proposed footpath are required to contribute to the cost of the footpath construction.

Following the adoption of the recommendations of the report landowners were sent correspondence notifying of the project and their required contributions. Of the five properties that the footpath is to be constructed in front of, two landowners have objected to the landowner payment contributions (**ANNEXURE 9**.)

The main objections to the path is the requirement for a contribution by the landowner to the cost of the construction of the path. As has been Council policy since the existence of Greater Hume Council in 2004, there has been a policy *Contribution for Footpath/Kerb and Channel Construction Policy* (**ANNEXURE 10**) that has been applied to all footpath and kerb and channel projects constructed by Council in Greater Hume that has required a contribution to be paid by landowners to such works. The levying of such contributions are payable under the Roads Act 1993

It is to be noted that Council does not require payment upfront following the completion of the works but advises that it can be paid over a period of five years by quarterly instalments. As with any payments to Council individuals can also request to apply under Council hardship policy to discuss other options about payment.

The path was included into Councils operational plan following the increased use by residents walking along this section of Urana Street.

Since the development of the Pioneer Park, a lot more pedestrians now walk between the CBD and Pioneer Park located on Urana Street.

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PROVISION OF FOOTPATH – URANA ST JINDERA – OBJECTIONS TO  
LANDOWNER CONTRIBUTION TOWARDS PROJECT [CONT'D]

The proposed path is a logical construction on the eastern side of Urana Street from the Creek Street roundabout to the Pioneer Park. Urana Road/Street is one of the busiest roads in Greater Hume other than the Olympic Highway.

With no footpath along Urana Street in front of the properties, requires pedestrians to either walk on the side of the road or on the road. With the increase in use by pedestrians and the increasing traffic on an already busy Urana Street, the risk of an accident is high. Jindera is growing rapidly and must accommodate appropriate infrastructure to ensure the safety of its residents.

Whilst it can be understood that no one likes paying for infrastructure they don't believe adds value to their property or they believe is someone else's responsibility, the requirement to levy such a charge are legal and have been applied consistently over past 18 year by Council. Also Council has processes that allow for the charges to be paid off over an extended period to minimize the impact on the landowner.

The development of infrastructure to a growing community that provides improvements to the overall community that may not be apparent to the individual landowners levied, still should be undertaken if the benefit are obvious, especially when it provides improved levels of safety and accessibility to all members of the community.

It is considered Council has two options to consider that is either to continue with the project and levy the charges as provided or abandon the project.

#### **BUDGET IMPLICATION**

Council has budgeted for the construction of the path within Council current Operational Plan inclusive of contributions by landowners.

#### **CONCLUSION**

Whilst it can be understood that no one likes paying for infrastructure they don't believe adds value to their property or they believe is someone else's responsibility, the requirement to levy such a charge are legal and have been applied consistently over past 18 years by Council. Also Council has processes that allow for the charges to be paid off over an extended period to minimize the impact on the landowner.

The development of infrastructure to a growing community that provides improvements to the overall community that may not be apparent to the individual landowners levied, still should be undertaken if the benefit are obvious, especially when it provides improved levels of safety and accessibility to all members of the community.

It is considered Council has two options to consider that is either to continue with the project and levy the charges as provided or abandon the project.

#### **RECOMMENDATION**

That Council continue with the construction of the Urana Street Footpath (from Creek Street roundabout to the Pioneer Park) Project and apply the charges to landowners as previously adopted by Council.

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**4. TENDER TL 06 – 2022/23 SERPENTINE CREEK CULVERT REPLACEMENT (MR331) JINGELIC ROAD**

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

**REASON FOR REPORT**

To consider tenders for the civil construction of a replacement culvert over Serpentine Creek on MR331 Jingellic Road at Wantagong

**REFERENCE TO DELIVERY PLAN ACTION**

CSP Strategy      N2 Our road and transport network is maintained and accessible.

Initiative            N2.1.1 Implement asset management and renewal programs in accordance with adopted budgets and capital works programs.

**DISCUSSION**

This project is part of the Council delivery program.

The existing culvert over Serpentine Creek is one of five structures situated on MR331 Jingellic Road at Wantagong. All of these structures have been identified as not meeting modern design standards to carry HML traffic.

The proposed works is situated within the 10.5 km of Jingellic Road which is the subject of regional road funding for reconstruction, over the next few years.

Advertisements were placed in the Border Mail and on Tenderlink. Tenders closed on Tuesday 19<sup>th</sup> September 2023. Four tenders were received via the Tenderlink portal.

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

<b>Company</b>	<b>Tender Price (excluding GST)</b>
Blueys Plumbin' and Diggin' P/L	\$ 777,906.35
Civil and Civic P/L	\$ 1,210,270.00
Excell Gray Bruni	\$ 459,043.00
Hutchinson Civil P/L	\$ 592,123.00

A table of the apportionment used to assess the tenders is **ENCLOSED SEPARATELY 3** for Councillors information.

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TENDER TL 06 – 2022/23 SERPENTINE CREEK CULVERT REPLACEMENT  
(MR331) JINGELIC ROAD [CONT'D]

Excel Gray Bruni P/L is a well-established contractor with a extensive depot based in Wodonga and has previously completed similar works for Greater Hume Council to a satisfactory standard. Mr Joel Quonoey from Excel Gray Bruni attended a post-tender interview where it was confirmed that he was satisfied that they have the personnel and equipment to complete the project to the required standard in a safe manner.

Mr Quonoey indicated that in order to avoid environmental control restrictions and high creek flows a projected commencement date will be January/February 2024 would be appropriate to this project. An expected completion date in April 2024 will be a reasonable timeframe for this project.

A drawing of the proposed works is **ENCLOSED SEPARATELY** for Councillors information.

### **BUDGET IMPLICATION**

The Serpentine Creek Culvert Replacement project is the first stage of the replacement of five structures on MR 331 Jingellic Road at Wantagong.

The total budget for all five structures is \$3,652,564.00 (excl.GST). The replacement of the remaining four structures will be released for public tenders in coming months once environmental reports have been completed.

The tender price of \$ 459,043.00 (excl.GST) for the Serpentine Creek structure is consistent with the engineers' estimate.

### **CONCLUSION**

Four tenders were received for the Serpentine Creek Culvert Replacement project.

All four tenders were considered.

The tender submitted by Excel Gray Bruni P/L has been assessed to be suitable for the intended purpose and there is no technical or practical reason to conclude that Excel Gray Bruni P/L are not capable of completing the contract to the required standard and within a reasonable timeframe.

### **RECOMMENDATION**

That:

1. the tender submitted by Excel Gray Bruni P/L for tender TL06 2022/2023 for the construction of the Serpentine Creek Culvert Replacement for \$459,043.00 (excl. GST) be accepted.
2. the unsuccessful tenderers be notified.
3. the General Manager and the Mayor be authorised to execute contract documentation with Excel Gray Bruni P/L under the Common Seal of Council.

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**ITEM TO BE REFERRED TO CLOSED COUNCIL**

Nil

**OFFICERS' REPORTS – PART B – TO BE RECEIVED AND NOTED**

**CORPORATE AND COMMUNITY SERVICES**

**1. EMPLOYEE NUMBERS 1 JULY 2022 TO 31 AUGUST 2023**

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

**REASON FOR REPORT**

To provide a report on the number of employees terminating employment and commencing employment with Council over the period 1 July 2022 to 30 August 2023.

**REFERENCE TO DELIVERY PLAN ACTION**

Nil.

**DISCUSSION**

A resolution was passed at the September 2023 Council Meeting as follows:

*6504 RESOLVED [Cr Wilton/Cr Parker]*

*That the General Manager provide a written report to Council, giving details of the numbers of employees of Council, beginning from 01 July 2022 to 30 August 2023. The report to include details of resignations of personnel and numbers of replacements.*

In response, the following data is provided for the information of Councillors.

Number of Employees Commencing (Includes casual staff, excludes seasonal pool staff)	Children Services	27
	General Council	29
	<b>TOTAL</b>	<b>56</b>
Number of Employees Terminating (Includes casual staff, excludes seasonal pool staff)	Children Services	20
	General Council	31
	<b>TOTAL</b>	<b>51</b>

**BUDGET IMPLICATION**

Nil.

**CONCLUSION**

For Councillors' Information

**RECOMMENDATION**

That the report on employee numbers be received and noted.

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**2. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 SEPTEMBER 2023**

**Report prepared by Accountant – Camilla Webb**

**REASON FOR REPORT**

This report presents to Council details of all funds invested as at 30 September 2023 as required by the Local Government (General) Regulation 2021.

**REFERENCE TO DELIVERY PLAN ACTION**

Objective                      We lead a vibrant, connected and inclusive community  
Outcome 1.1                  Leadership and advocacy is demonstrated and encouraged in our communities

**DISCUSSION**

In accordance with the Local Government Act 1993, the Responsible Accountant must present to Council monthly, the status of the investments held by Council. The Responsible Accountant must detail the investments held, and their compliance with both internal policy and external regulation under the Ministerial Order of Investments.

In accordance with the recommendations made by the Office of Local Government (OLG) Investment Policy Guidelines published in June 2010, the monthly Investments Reports are attached to the Council investment report. This allows a stand-alone report to be published on Council's website for the public to view without having to peruse the Council meeting agenda for the relevant meeting.

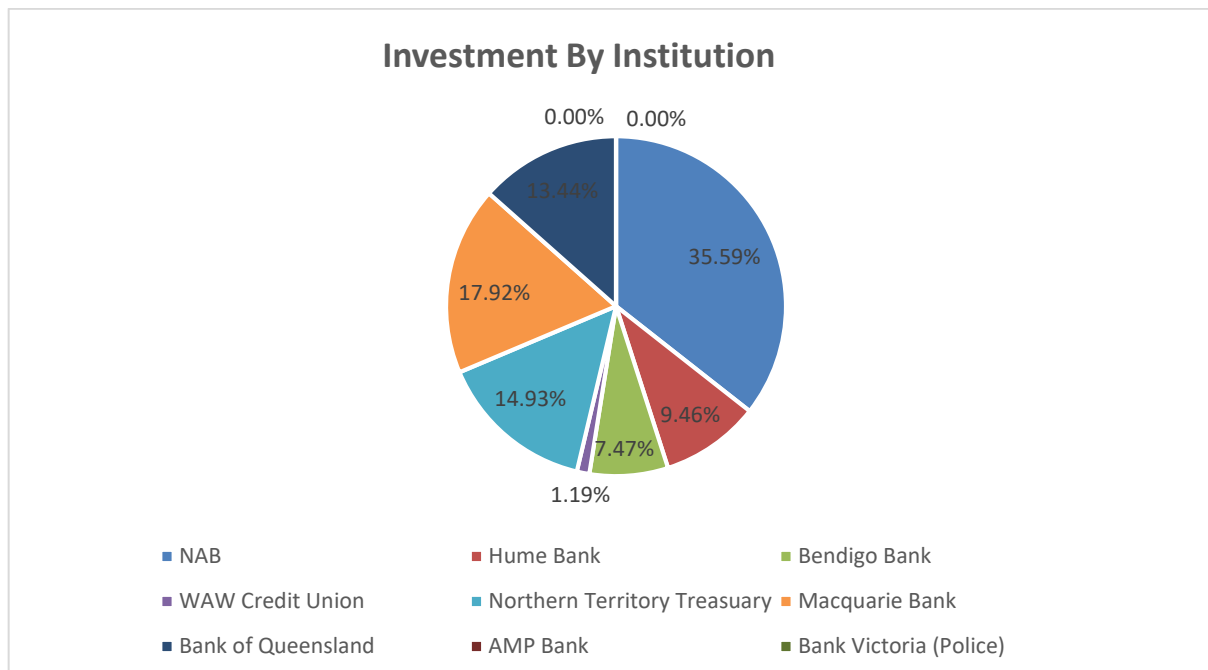
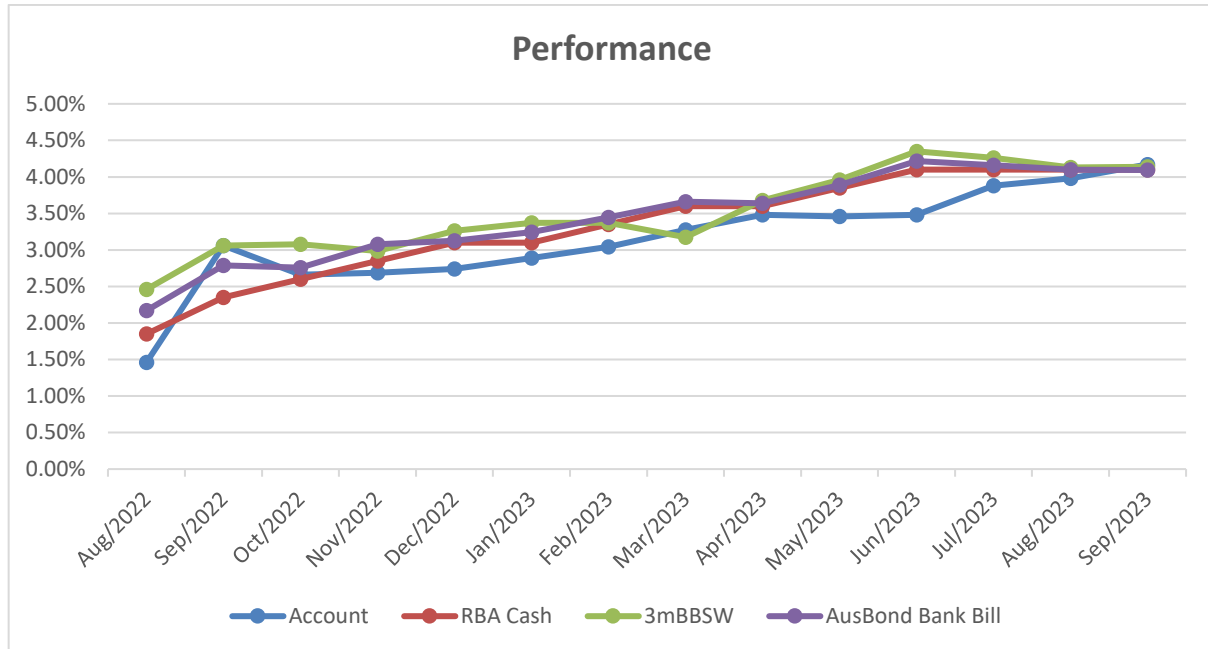
Councillors should note that Council has engaged an external investment manager, Curve Securities, to source appropriate investment opportunities with the aim of transitioning Council's investment portfolio to meet the investment parameters as detailed in Council's revised Investment Policy. Curve Securities will work with Council to ensure that Council's overall investment portfolio is diversified across a wider spectrum of approved financial institutions thereby achieving improved security and asset protection. It should be noted that each individual investment is still held directly by Council with each financial institution.

**Greater Hume's overall investment portfolio**

Total Portfolio Value	<b>\$33,484,832.06</b>	Note: The Reserve Bank of Australia cash rate remained on 4.10% from the 5 <sup>th</sup> July 2023.
Weighted Average Term (days)	237	
Weighted Average Yield	4.17%	
Total Monthly Accrued Interest	<b>\$106,394.37</b>	
Total Interest Received this month	<b>\$69,488.22</b>	
Interest Payments this month	<b>4</b>	
Matured Investments this month	3	
Total Funds Matured this month	<b>\$3,500,000.00</b>	
New Investments this month	2	
Total Funds Invested this month	<b>\$2,500,000.00</b>	

**ORDINARY MEETING OF GREATER HUME COUNCIL  
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**COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 SEPTEMBER 2023 [CONT'D]**





**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT  
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE  
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**COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 SEPTEMBER 2023 [CONT'D]**

**Investment Register**

Contract Number	ADI/Security Name	Amount	Settlement Date	Maturity Date	Term in Days	Yield	Monthly Accrued Interest
60822	WAW Credit Union	\$400,000	9/10/2022	9/10/2023	365	3.50%	\$1,150.68
64397	Bank Of Queensland.	\$500,000	20/04/2023	16/10/2023	179	4.65%	\$1,910.96
63063	NAB	\$1,000,000	9/02/2023	6/11/2023	270	4.45%	\$3,657.53
65218	Hume Bank	\$1,000,000	22/05/2023	18/11/2023	180	4.65%	\$3,821.92
63565	Macquarie Bank	\$500,000	3/03/2023	27/11/2023	269	4.72%	\$1,939.73
63559	NAB	\$500,000	2/03/2023	27/11/2023	270	4.70%	\$1,931.51
65216	NAB	\$500,000	1/06/2023	28/11/2023	180	4.90%	\$2,013.70
63842	Macquarie Bank	\$1,000,000	15/03/2023	11/12/2023	271	4.62%	\$3,797.26
65482	Macquarie Bank	\$1,000,000	13/06/2023	12/12/2023	182	4.99%	\$4,101.37
65481	Macquarie Bank	\$500,000	13/06/2023	12/12/2023	182	4.94%	\$2,030.14
64367	Bendigo And Adelaide Bank	\$500,000	17/04/2023	13/12/2023	240	4.55%	\$1,869.86
66002	Hume Bank	\$1,000,000	6/07/2023	2/01/2024	180	5.50%	\$4,520.55
65987	Bank Of Queensland.	\$1,000,000	7/07/2023	3/01/2024	180	5.45%	\$4,479.45
65949	Bank Of Queensland.	\$500,000	5/07/2023	3/01/2024	182	5.50%	\$2,260.27
65985	Bendigo And Adelaide Bank	\$1,000,000	7/07/2023	3/01/2024	180	5.25%	\$4,315.07
65982	NAB	\$1,000,000	6/07/2023	1/02/2024	210	5.35%	\$4,397.26
65988	Bank Of Queensland.	\$1,000,000	7/07/2023	2/02/2024	210	5.45%	\$4,479.45
65986	Bendigo And Adelaide Bank	\$500,000	7/07/2023	2/02/2024	210	5.30%	\$2,178.08
66612	Hume Bank	\$1,000,000	10/08/2023	7/02/2024	181	5.20%	\$4,273.97
66765	NAB	\$500,000	21/08/2023	21/02/2024	184	5.05%	\$2,075.34
63568	Hume Bank	\$68,304.65	2/03/2023	1/03/2024	365	4.30%	\$241.41
65983	NAB	\$1,000,000	6/07/2023	4/03/2024	242	5.35%	\$4,397.26
66577	NAB	\$1,000,000	8/08/2023	5/03/2024	210	5.15%	\$4,232.88
65984	NAB	\$500,000	6/07/2023	2/04/2024	271	5.35%	\$2,198.63
66105	Bank Of Queensland.	\$1,000,000	17/07/2023	12/04/2024	270	5.47%	\$4,495.89
66898	Macquarie Bank	\$500,000	30/08/2023	26/04/2024	240	4.75%	\$1,952.05
64568	Hume Bank	\$46,751.06	2/05/2023	1/05/2024	365	4.25%	\$163.31
66766	Macquarie Bank	\$1,000,000	18/08/2023	14/05/2024	270	4.83%	\$3,969.86
65005	Bendigo And Adelaide Bank	\$500,000	22/05/2023	21/05/2024	365	4.85%	\$1,993.15
66897	NAB	\$500,000	30/08/2023	27/05/2024	271	5.10%	\$2,095.89
66785	Macquarie Bank	\$500,000	22/08/2023	17/06/2024	300	4.90%	\$2,013.70
65921	Hume Bank	\$51,490.30	30/06/2023	29/06/2024	365	5.55%	\$234.88
66578	Macquarie Bank	\$1,000,000	8/08/2023	7/08/2024	365	4.92%	\$4,043.84
65217	Bank Of Queensland.	\$500,000	5/06/2023	26/08/2024	448	5.15%	\$2,116.44
67183	NAB	\$2,000,000	13/09/2023	12/09/2024	365	5.15%	\$5,079.45
67414	NAB	\$500,000	20/09/2023	19/09/2024	365	5.20%	\$783.56
56079	Northern Territory Treasury Corp	\$1,000,000	14/01/2022	15/06/2025	1,248	1.40%	\$1,150.68
52490	Northern Territory Treasury Corp	\$1,500,000	27/05/2021	16/06/2025	1,481	1.10%	\$1,356.16
51782	Northern Territory Treasury Corp	\$2,500,000	15/04/2021	15/06/2026	1,887	1.30%	\$2,671.23
49570	NAB	\$2,918,286.05	30/09/2023	1/10/2023	1	2.60%	\$0
<b>Total</b>		<b>\$33,484,832.06</b>					<b>\$106,394.37</b>

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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 SEPTEMBER 2023 [CONT'D]

**Declaration**

I, Dean Hart, as the Responsible Accounting Officer of Greater Hume Shire Council, hereby certify the investments listed in the attached reports have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2021 and Council's Investment Policy.

All investments have been appropriately recorded in Council's financial records and reconciled monthly.

**CONCLUSION**

As at 30 September, 2023 total Investments held were \$33,484,832.06. The year to date accrued investment earnings for 2023/2024 was \$355,435.76 representing a weighted average yield of 4.06%.

**RECOMMENDATION**

That Council receives and notes the Investment Balances Report for the month of September 2023.

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## **GOVERNANCE**

### **1. SENIOR STAFF DESIGNATION**

**Report prepared by General Manager – Evelyn Arnold**

#### **REASON FOR REPORT**

At the ordinary meeting of Council on 20<sup>th</sup> September 2023 a question was raised concerning the number of Senior Staff at Greater Hume as prescribed by the Local Government Act 1993. A report was requested to address this matter.

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

Objective	Our leadership and communication cultivate confidence in our future direction
Outcome L1	Our decision-making is inclusive, collaborative and encourages ownership of our future

#### **DISCUSSION**

Section 332 of the Local Government Act 1993 (the Act) states that;

A council may not determine a position to be a senior staff position unless—  
(a) the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, AND  
(b) the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the [Statutory and Other Offices Remuneration Act 1975](#)) payable with respect to senior executives whose positions are graded Band 1 under the [Government Sector Employment Act 2013](#)

At the 2016 November of Council, it was resolved that only the General Manager would be designated as Senior Staff as outlined in the Act. This was further endorsed in December 2022, when the organisational structure was confirmed by Council.

Historically, the Total Remuneration Package (TRP) for the Directors would also not have satisfied the Act. However, this changed as the normal Award increase of 4.5% over took the Statutory and Other Offices Remuneration Tribunal (SOORT) of 0%. It is important to note that this of itself does not require Council to review the Senior Staff designation.

#### **BUDGET IMPLICATIONS**

There are no budget implications.

#### **CONCLUSION**

Whilst the TRP for the Directors now allows for the positions to be classified as Senior Staff it is not the sole trigger for a change. Additionally, as the structure will have to be reviewed again after the next Local Government Election in September 2024 there is no requirement to make any changes to the current structure.

#### **RECOMMENDATION**

That the report be noted.

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## **ENGINEERING**

1. **INSTALLATION OF CONTAINER DEPOSIT SCHEME (CDS) COLLECTION POINT AT HOLBROOK**

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

### **REASON FOR REPORT**

To inform Councillors of the proposed installation of a container deposit scheme (CDS) collection point at Holbrook.

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

CSP Strategy      N2 Our road and transport network is maintained and accessible.

Initiative            N2.1.1 Implement asset management and renewal programs in accordance with adopted budgets and capital works programs.

### **DISCUSSION**

TOMRA Collection Australia (TOMRA) contacted Council recently about the possible installation of a CDS collection point involving the installation of a Reverse Vending Machine (RVM) Kiosk at the Holbrook Recreation Ground.

TOMRA is the company in Australia that offers the installation of RVM's.

They have determined that Holbrook is a suitable location for the installation of an RVM kiosk and propose for it to be installed at the Holbrook Recreation Ground due to the ease of access for the public to the RVM and availability of truck access for the collection of recycled cans and bottles.

Following discussions with Council and the Holbrook Recreation Ground Committee a site at the recreation ground was determined to be suitable. To allow usage of the recreation ground TOMRA will pay Council \$5000 per year in license fees for the site as well as \$1643 per year for use of electricity for the machine. It is proposed the licence fee be allocated to the Holbrook Recreation Reserve to support the upkeep of the recreation ground and the \$1643 offset of the proposed electricity costs be paid to Council

A copy of the proposed license is attached in **ANNEXURE 11**.

The licence will be for a period of 3.4 years up to January 2027 (This is the period of time government funding has been agreed for the CDS scheme)

As detailed in the licence agreement TOMRA is responsible for the daily cleaning of the facility including the removal of all rubbish. (It is expected a local contractor will be employed to undertake this work)

TOMRA has also entered into agreement (after a number of discussions with businesses' in Holbrook) that Ampol Holbrook (130 Albury St) will be the retail redemption partner where users can redeem cash for their deposited cans and bottles.

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INSTALLATION OF CONTAINER DEPOSIT SCHEME (CDS) COLLECTION POINT AT HOLBROOK  
[CONT'D]

TOMRA also has an app whereby redemption funds can be directly deposited in a person's bank account of charity of their choice.

**BUDGET IMPLICATION**

No cost to Council as all associated installation and maintenance costs (and removal costs) are the responsibility of TOMRA.

\$5000 licence fee per year will be forwarded to Holbrook Recreation Committee to support the Committee in the upkeep of the Recreation Ground.

TOMRA will pay \$1643 per year to Council for the electrical cost to run the RVM, so there will be no additional cost to Council for the extra power use by the machine. (This figure has been determined from other RVM units that have been installed in other locations)

**CONCLUSION**

The installation of a Reverse Vending Machine (RVM) Kiosk at the Holbrook Recreation Ground is seen as positive for the Holbrook Community and the environment.

The availability of such units in other areas have seen individuals as well as community groups and charities obtain an additional source of income to their benefit.

And the environment receives a boost from the recycling of plastic and aluminium and minimising pollution to the benefit of all

**RECOMMENDATION**

That the report be received and noted.

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**2. 2023 – 2024 VP370540 BITUMEN SPRAY SEALING WORKS GREATER HUME**

**Report prepared by Manager Works – Ken Thompson**

**REASON FOR REPORT**

To inform Councillors on the selection of a contractor for the provision of bitumen spray sealing works for Greater Hume 2023 - 2024.

**REFERENCE TO DELIVERY PLAN ACTION**

CSP Strategy      N2 Our road and transport network is maintained and accessible.

Initiative            N2.1.1 Implement asset management and renewal programs in accordance with adopted budgets and capital works programs.

**DISCUSSION**

The provision of bitumen spray sealing (including resealing of roads, primer sealing of new roads and associated works) is a major expense to Council but is required to provide and maintain a quality and safe road network throughout the shire. Due to its nature, this work is mostly completed by specialist contractors. Council's normal process is to prepare a one year contract for the provision of such services. Council utilises Local Government Procurement (LGP) to undertake a tender process.

Following the RFQ process this year six tenders were received for the works. From the six tenders received Primal Surfacing Pty Ltd have been assessed as the most competitive for Greater Hume Council, as they are the cheapest of the submitted tender prices. Whilst their establishment costs for smaller works (heavy patching and construction works) are higher than the other tenders, they are still consistent for smaller works compared to previous unit rates. The tender assessment is **ENCLOSED SEPERATLY 4** for councillors' information.

The tender process has provided Greater Hume Council with a competitive price for works to be completed.

Total value of the works is \$2,110,295.05 exclusive of GST.

**BUDGET IMPLICATION**

Council's current budget provides for the resealing and primer sealing of the Council road network including the completion of resealing and sealing of heavy patching works conducted under the Road Maintenance Council Contract with Transport for New South Wales on the State Road Network. The pricing proposed by the successful tenderer is comparative to the previous year's pricing.

**CONCLUSION**

The tender received from Primal Surfacing Pty Ltd as shown is the most competitively priced from the six tenders received. Primal Surfacing Pty Ltd has been operating for many years and is a well-respected company. Primal have a history of performing works to high level and have been undertaking sealing works for many councils in Victoria. Primal also has complying Management Systems, ISO 45001:201 for Health and Safety, AS14001:2015 for Environmental and ISO9001:2015 for Quality. Council's participation in the LGP contract provides ongoing savings to Council.

**RECOMMENDATION**

That the report be received and noted.

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## **PART C - ITEMS FOR INFORMATION**

### **GOVERNANCE**

#### **1. TOURISM AND PROMOTIONS REPORT – SEPTEMBER 2023**

**Report Prepared by Executive Assistant, Tourism and Communications - Emily Jones**

#### **Greater Hume Council Websites**

**Outcome 4.2** - Our communication is open, effective and purposeful to connect and educate our community. Continued implementation of the GHC Communication Plan. Maintain and manage the Greater Hume Council suite of websites which are compliant with accessibility standards. Seamless CMS(OpenCities) is the provider of Council's websites – Greater Hume Council, Visit Greater Hume, Greater Hume Children Services and Town and Village websites.

#### **Comments**

		greaterhume.nsw.gov.au		visitgreaterhume.com.au		ghchildren.com.au	
September 2023		Previous	Current	Previous	Current	Previous	Current
Website Traffic	New	4289	5300	1336	1326	639	649
	Returning	1278	4900	1360	1287	622	630
Traffic Source	Organic	3215	3300	822	741	522	355
	Direct	840	1107	174	119	179	107
	Referral	85	75	402	468	16	2
	Social	175	449	9	41	97	166
Device Paths	Desktop	2013	2119	523	467	213	187
	Mobile	2182	3096	801	825	405	432
	Tablet	95	116	36	34	21	30

#### **www.greaterhume.nsw.gov.au - top pages:**

1. Living in Greater Hume – Waste Facilities Opening Times Charges and Accepted Waste
2. Your Greater Hume Council – Careers with Us
3. Your Greater Hume Council – Building and Development
4. Contact Us
5. Events – Culcairn Agricultural Show

#### **www.visitgreaterhume.com.au – top pages:**

1. Culcairn – Explore Eat Stay/ Culcairn Caravan Park
2. Henty – Explore Eat Stay
3. Natural Wonders – Wymah Ferry
4. Natural Wonders – Morgans Lookout
5. Natural Wonders – Table Top Reserve

#### **www.ghchildren.com.au – top pages:**

1. Before and After School Care Enrolment Form
2. Family Day Care
3. Changes to Child Care Subsidy – Greater Hume Children Services
4. Enrol Your Child/Children
5. Contact Us

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**TOURISM AND PROMOTIONS REPORT – SEPTEMBER 2023 [CONT'D]**

**Social Media**

**Outcome 4.2** - Our communication is open, effective and purposeful to connect and educate our community. Continued implementation of the GHC Communication Plan. Expand the information available to the community online and encourage online collaboration and self-serve service platforms

**Comments**

Instagram, #visitgreaterhume – 1113 followers

Individual facebook pages:

- Greater Hume Council – 3754 followers
- Visit Greater Hume – 698 followers
- Holbrook Submarine Museum – 1273 followers
- Greater Hume Children’s Services – 1000 followers
- Greater Hume Youth Advisory Committee – 488 followers
- Buy Local in Greater Hume – 636 followers

**Greater Hume Council Newsletters**

**Outcome 4.2** - Our communication is open, effective and purposeful to connect and educate our community. Develop quarterly Council newsletters and a rates notice insert whilst ensuring effective and targeted content

**Comments**

The Spring edition of the Greater Hume Council newsletter went out to all residents, staff and Customer Relations Centers on Friday, 8 September.

**Grants and Funding**

**Outcome 1.2** - Our infrastructure and services are aligned to the health, wellbeing and safety needs of the community

**Comments**

Greater Hume has now partnered with GrantGuru to provide is the most comprehensive grants database in Australia that includes grants and assistance across all levels of government and the private sector (philanthropic grants), each summarised into a one-page template for easy comparison. This grant portal is available to Council staff, local businesses, community and sporting groups throughout Greater Hume. Grant applications managed by writer are:

<b>Name</b>	<b>About</b>	<b>Current</b>
NSW Government - Bushfire Local Economy Recovery Fund - \$451,054 – Hanel’s Lookout	This project at Hanel’s Lookout (Woomargama National Park) will create viewing platforms, walk ways, sealed car park, sealed Hanel’s Road, toilet, picnic area and signage.	Project has been acquitted
Maritime Museum	Submarine Museum Holbrook – Restoration and Framing of WWII Jolly Roger Flag \$1350.00	Successful - Work in Progress



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**TOURISM AND PROMOTIONS REPORT – SEPTEMBER 2023 [CONT'D]**

**Greater Hume Tourism and Promotions**

**Outcome 2.3** - Our region's highlights are celebrated, maintained and promoted to enhance our visitor experience

**Comments**

- Monthly newsletters are sent to all Greater Hume Tourism Operators, providing latest information on tourism opportunities, marketing, social media and promotional campaigns as well as relevant contacts and statistics.
- Managing over 160 Greater Hume ATDW Listings. The Australian Tourism Data Warehouse (ATDW) is Australia's national platform for digital tourism marketing in Australia. ATDW distributes information to over 60 partners' websites to support local tourism businesses in expanding their on line exposure, bookings and marketing.
- Submitted visitor and What's On advertising in Out and About Spring 2023 Edition in Border Mail. The print run is 24,000, 14,000 are inserted into The Border Mail and the additional 10,000 distributed. Distribution is to all Visitor Information Centres through NE Victoria and South West NSW/Riverina plus Canberra and Melbourne. Other business (inc motels) and advertisers.
- Emailed (over 600) 'What's On in October' to Visitor Information Centres in NSW and VIC, coach/bus/tour companies, tourism operators within shire and regional, media, visitor information points and to interested residents in shire.
- COVID Recovery Funding - A Greater Hume promotional campaign in partnership with Murray Regional Tourism and Destination NSW has been developed and will now be rolled out from Spring 2023. The Destination NSW campaign will feature Morgan's Lookout at Walla Walla. #feelNSW

**Visitor Information Centre and Submarine Museum**

**Outcome 2.3** - Our region's highlights are celebrated, maintained and promoted to enhance our visitor experience.

Offering visitors to Greater Hume information and advice on accommodation, places to eat, attractions, maps, tours, road conditions, events and other general information. Reception and admission to Submarine Museum.

**Comments**

Visitor Information Centre Statistics:

September 23 - Walk In – 2109, Phone Calls - 72, Emails – 0.

September 22 - Walk In – 1685, Phone Calls - 41, Emails – 0.

Submarine Museum Statistics:

September 23 - Adult - 159, Child - 105, Concession - 212, Family - 125, Group - 35, Total - 1124.

August 22 - Adult - 167, Child - 59, Concession - 153, Family - 224, Group - 18, Total - 1004.

Note from author: 2022 was when Australians started to travel again, there was a significant rush to travel within Australia, therefore higher numbers, in 2023 travel within Australia and international is starting to get back to pre COVID, however our numbers are still remaining close to 2022 numbers.

**Events**

**Outcome 2.3** - Our region's highlights are celebrated, maintained and promoted to enhance our visitor experience To assist with the promotion of Greater Hume's many and varied events. Encourage more residents to be involved in Greater Hume and events.

**Comments**

During this period we are currently supporting various Holbrook Landcare events, Henty Machinery Field Days, Culcairn Agricultural Show, Walbundrie Agricultural Show, Burrumbuttock Flower Show and Open Gardens and various Library events.

**Australia Day**

**Outcome 1.1** - Our communities are welcoming and inclusive to support diversity and social connectedness

**Comments**

Australia Day 2024 will be held at Wymah. The advert for Australia Day award nominations have been sent out via website, social media, Council newsletter and community newsletter.

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TOURISM AND PROMOTIONS REPORT – SEPTEMBER 2023 [CONT'D]

**Signage**

**Outcome 2.3** - Our region's highlights are celebrated, maintained and promoted to enhance our visitor experience

**Comments**

Signage has been completed for Yambla View 'Wambariga' Lookout in Woomargama National Park.

**Murray Regional Tourism (MRT)**

**Outcome 2.3** - Our region's highlights are celebrated, maintained and promoted to enhance our visitor experience

MRT is a joint venture between Albury, Balranald, Berrigan, Campaspe, Corowa, Deniliquin, Gannawarra, Greater Hume, Mildura, Moira, Murray, Swan Hill, Wakool, Wodonga, as well as Tourism Vic and Destination NSW.)

**Comments**

- Currently attending monthly zoom meetings with MRT and the VIC network group.
- Advocacy for current flooding crisis along the Murray and positive promotions depicting The Murray as still open for visitors with a wide range of activities still open.
- COVID Recovery Funding - A Greater Hume promotional campaign in partnership with Murray Regional Tourism and Destination NSW has been developed and has now been extended to Spring 2023.

**Museums and Heritage**

**Outcome 1.3** - Our connection to the local culture and environment fosters positive relationships and learning for sustained health benefits.

GHC currently has 11 public or private museums and three historical societies. Museum Advisor (Vanessa Keenan) – In partnership with Albury City Council and Museums and Galleries NSW.

**Comment**

A full training/workshop program has been developed for 2023 by the Museum Adviser with museum volunteers, staff of Albury and Greater Hume at the new Digitisation Hub. Planning is underway for a pest management and oral history workshops. Date to be confirmed later in 2023.

Greater Hume Community Museums now have an extensive library of objects on eHive, with over 250 objects now listed, (eHive is a web-based collection cataloguing system used worldwide by hundreds of museums, societies and private collectors to catalogue objects, store images, manage acquisition information and publish their collections online.) for those looking to learn more about some of the region's most significant objects/artefact's.

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## **CORPORATE AND COMMUNITY SERVICES**

### **1. CHRISTMAS/NEW YEAR OFFICE CLOSURE PERIOD**

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

#### **REASON FOR REPORT**

To provide Councillors with information on the dates for the 2023/2024 Christmas/New Year office closure.

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

Nil.

#### **DISCUSSION**

As Councillors would be aware, Council's offices and customer service centres have traditionally closed for the period between Christmas and New Year.

The 2023/2024 closure period will see Council's offices close from 5pm Friday 22 December 2023 and reopen at 8.30am Tuesday 2 January 2024.

Closure dates will be advertised in Council's regular Public Notice advertisement and notices will be displayed at all customer service centres so as to fully inform residents and ratepayers of the office closure period.

#### **BUDGET IMPLICATION**

Nil.

#### **CONCLUSION**

For Councillors' Information

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

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

### **3. STATEMENT OF BANK BALANCES AS AT 30 SEPTEMBER 2023**

The statement of bank balances as at 30 September 2023 is attached at **ANNEXURE 12**.

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## **ENGINEERING**

### **1. SEPTEMBER REPORT OF WORKS**

#### **Grants Program**

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

Maintenance works, inspections and sign replacement on State Roads, Olympic Highway (MR78) and Tumbarumba Road (MR284) is continuing under the RMCC with Transport for New South Wales (TfNSW).

##### **Regional Roads**

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

##### **Local Roads**

###### **Sealed**

General maintenance on local roads is continuing.

Brocklesby Balldale Road (Stage 1) – Table drain upgrade is to commence shortly using a contractor.

Culvert installation has commenced as part of the 3.25km road reconstruction on Brocklesby Balldale Road, using Council Staff (Stage 2).

Heavy patching has been completed on Coach Road, Gerogery.

###### **Unsealed:**

Replacement of the Coppabella Road Bridge is nearing completion, following damage caused by storms/floods March 2021 (Natural Disaster AGRN 960) as approved by TfNSW.

Culverts have been installed on Molkentin Road as part of drainage upgrade works on Molkentin Road from Urana Street, Jindera.

Council's Gravel Resheeting Program is progressing and contractors have been appointed to undertake work.

Maintenance grading has been carried out on the following roads during September. See Map **ANNEXURE 13**.

<b>Road Name</b>	<b>Location</b>	<b>Length Graded (km)</b>
Bahrs Road	Whole length	8.6
Benambra Road	West from Weeamera Road	3.2
Brocklesby Balldale Road	Brocklesby Goombargana Road to Woodland Road	3.8
Cribbs Road	Whole length	2.4
Four Mile Lane	From Coppabella Road	1.9
Gum Swamp Road	Riverina Highway to Ryan Road	7.2
Kenya Road	Whole length	4.4
Kruetzbergers Road	End of seal to boundary	3.4
Morebringer Lane	Whole length	4.5
River Road	Sections between Tunnel Road and Shannons Road	18.4
Total		57.8 km

**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT  
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE  
ON WEDNESDAY 18 OCTOBER 2023**

SEPTEMBER REPORT OF WORKS [CONT'D]

**Urban Streets:**

General maintenance of urban streets and signage is continuing.

Road sealing, line marking and tree planting will be carried out shortly, which will complete the footpath construction and shop accessibility improvement project in Balfour Street and Railway Parade, Culcairn

Footpath construction in Hayes and Ivor Streets, Henty is nearing completion.

Council's winter tree pruning in towns and villages has been completed.

**General:**

General maintenance of public toilets and parks is continuing.

Jindera adventure playground works are continuing.

Tree trimming is progressing on rural sealed and unsealed roads.

**Monthly Works Maintenance Expenditure:**

Local Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Urban Roads Maintenance	\$240,450	\$60,113	\$62,490	-\$2,378	\$5,904	Monitor
Urban Roads Town Maintenance	\$281,000	\$70,250	\$111,982	-\$41,732	\$0	Additional expenditure in preparation for Sealing Program
Rural Roads Sealed	\$883,366	\$220,842	\$167,334	\$53,507	\$1,745,387	
Rural Roads Unsealed	\$1,381,265	\$345,316	\$209,955	\$135,361	\$553,522	
Street Tree Maintenance	\$256,000	\$64,000	\$61,068	\$2,932	\$0	

NOTE: Application for Natural Disaster submitted and declared for significant weather events December/January. Awaiting acceptance of funding for completed emergency works and pending works estimated value \$1.5m.

Regional Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Regional Roads Maintenance	\$750,000	\$187,500	\$210,645	-\$23,145	\$644,322	Additional Expenditure in Preparation for Sealing Program.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT  
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE  
ON WEDNESDAY 18 OCTOBER 2023**

**SEPTEMBER REPORT OF WORKS [CONT'D]**

Sportsgrounds, Parks & Public Toilets	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Sportsground Maintenance	\$346,418	\$86,605	\$103,304	-\$16,699	\$0	Additional works undertaken in lead up to Football finals
Parks & Gardens Maintenance	\$278,752	\$69,688	\$60,374	\$9,314	\$0	
Public Toilets Maintenance	\$218,060	\$54,515	\$62,196	-\$7,681	\$0	Monitor

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

**Major Projects Expenditure:**

Project	Budget	YTD	Committed	Total	Remaining	Comments
Brocklesby Balldale Road Rehab	\$1,750,000	\$425,430	\$9,941	\$435,370	\$1,314,630	Table Drain upgrade to commence in October 2023.
Pothole Funding - State Government	\$3,801,504	\$3,079,904	\$200,000	\$3,279,904	\$521,600	Heavy Patching and Asphalt works continuing.
Brocklesby Balldale Road Rehab - Stage 2	\$2,921,579	\$77,887	\$46,750	\$124,637	\$2,796,942	Culverts to be installed commencing October 2023
Coppabella Bridge Replacement	\$1,566,500	\$453,895	\$36,120	\$490,014	\$1,076,486	Bridge Deck to be poured and approaches to be constructed.
Balfour Street Culcairn - Project	\$1,883,055	\$1,083,874	\$558,123	\$1,641,996	\$241,059	Work is progressing - Approximately 90% completed.

Capital Works Program 2022-2023 spreadsheet is attached as **ANNEXURE 14**.

**ORDINARY MEETING OF GREATER HUME COUNCIL  
TO BE HELD AT  
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE  
ON WEDNESDAY 18 OCTOBER 2023**

## **ENVIRONMENT AND PLANNING**

### **1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF SEPTEMBER 2023**

The schedule of development applications processed for the month of September 2023 is attached at **ANNEXURE 15**

## **PART D**

## **COMMUNITY MEETING- MINUTES**

Attached in **ANNEXURE 16**, are minutes of the following items:

1. **WALLA WALLA COMMUNITY DEVELOPMENT COMMITTEE ANNUAL OPEN PUBLIC MEETING 20<sup>TH</sup> FEBRUARY 2023 MINUTES**
2. **WALLA WALLA COMMUNITY DEVELOPMENT COMMITTEE MEETING MONDAY 3<sup>RD</sup> APRIL 2023**
3. **WALLA WALLA COMMUNITY DEVELOPMENT COMMITTEE MEETING MONDAY 3<sup>RD</sup> JUNE 2023**
4. **MINUTES OF WALLA WALLA COMMUNITY HALL COMMITTEE MEETING HELD ON MONDAY 4<sup>TH</sup> SEPTEMBER 2023**