

**MINUTES OF ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT
CULCAIRN COUNCIL CHAMBERS – 40 BALFOUR STREET CULCAIRN
ON WEDNESDAY 17 MAY 2023**

The meeting opened at 6:00pm.

IN ATTENDANCE

Cr Quinn (Chairperson), Forrest, Hicks, Lindner, Meyer, O'Neill, Parker, Schilg and Wilton, General Manager, Director Corporate and Community Services, Director Engineering, Director Environment and Planning, Chief Financial Officer and Executive Assistant.

Councillor Cr Lindner read a prayer to commence the meeting.

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Nil

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 19 APRIL 2023

6439 RESOLVED [Cr Meyer/Cr Wilton]

That the Minutes of the Ordinary Meeting of Greater Hume Council held at Holbrook on Wednesday 19 April 2023 as printed and circulated to be confirmed as a true and correct record of the proceedings of such meeting.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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ACTION REPORT FROM THE MINUTES

Nil

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

Nil

MAYORAL MINUTE

Nil.

NOTICE OF MOTIONS

Nil

OFFICERS' REPORTS – PART A - FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATION 10.2022.243.1 - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A SHOP, A RESTAURANT OR CAFE, SERVICE STATION ASSOCIATED WITH AN ANCILLARY CONVENIENCE STORE, CAR PARKING AND ADVERTISING STRUCTURES ON LOT 7 DP658510, LOT 1 DP930569 AND LOT 6 DP2741 AT 55 COMMERCIAL STREET WALLA WALLA NSW 2659.**

6440 RESOLVED [Cr Hicks/Cr Wilton]

That Council resolves to:

1. Approve Development Application No10.2022.243.1 - Demolition of existing structures, construction of a shop, a restaurant or cafe, service station associated with an ancillary convenience store, car parking and advertising structures on lot 7 DP658510, lot 1 DP930569 and lot 6 DP2741 at 55 Commercial Street Walla Walla NSW 2659 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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PRESCRIBED CONDITIONS OF CONSENT

Section 69: Compliance with *Building Code of Australia* and insurance requirements under the Home Building Act 1989

Section 70: Erection of signs

Section 71: Notification of *Home Building Act* 1989 requirements

Section 72: Entertainment venues

Section 73: Maximum capacity signage

Section 74: Shoring and adequacy of adjoining property

Section 81: Build-to-rent housing

Please refer to the NSW State legislation for full text of the above Sections under Part 4 Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Approved Plans and Supporting Documentation

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.

2. 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:

- a. 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.
- b. 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:

1. *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.*

2. *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.*

3. Aboriginal Cultural Heritage

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:
 - Not further harm the object(s);
 - Immediately cease all work at the particular location;
 - Secure the area to avoid further harm to the Aboriginal object(s);
 - Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
 - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
- If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the [*Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*](#). All reasonable precautions must be taken to prevent damage to Aboriginal objects.

4. Vehicle Access and Loading and Unloading

- a) All loading and unloading associated with the development must be carried out within the site and must not obstruct other properties or adjacent roadways.
- b) All vehicles must enter and exit the site in a forward direction.

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5. 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.

6. Advertising Structures

- a) no advertising sign(s) shall be erected or displayed on the approved advertising structures without the prior submission of a development application to and approval by Council, unless the proposed signage is consistent with the terms and conditions of exempt development in [Chapter- 3 within the State Environmental Planning Policy \(Industry and Employment\) 2021](#), [Advertising and Signage Exempt Development Codes under the State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) or other relevant legislation at the time.
- b) The advertising structures must be designed and installed in consideration of wind loads applicable to the locality and determined in accordance with *Australian Standard 1170.2-2011*. A copy of the structural design must be lodged with the Principal Certifying Authority.

7. Hours of Operation

The hours of operation are as follows for the each component as approved under this consent:

Activity	Hours (Mondays to Sundays)
Service Station operation including convenience store	7.30am to 7:00pm
Shop	7.30am to 7:00pm
Restaurant or café	7.30am to 7:00pm
Fuel deliveries, Good deliveries for the Shop and Restaurant or café	7.30am to 7:00pm
Waste collection	7.30am to 7:00pm

8. 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 lighting".

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9. Works Adjacent Boundary

- a) The Applicant must ensure the structures formed part of this consent do not encroach on the adjoining properties.
- b) No advertising structure(s) of any standard will be permitted to be displayed within (or overhang onto) the road reserve area(s). Note: This area also includes the footpath reserve area.

If required by Council, a registered surveyor is to verify location of the proposed structures in relation to the allotment boundaries.

10. Stormwater – Management of Overland Flow

The works associated with the development shall ensure that:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) all natural water flow from adjoining properties is not impeded or diverted; and
- c) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

11. Compliance with Underground Petroleum Storage System (UPSS) Legislation

- a) The groundwater in each groundwater monitoring wells on the storage site must be tested for contamination by petroleum at least every 6 months and within 60 days of any new well being installed or any indication of groundwater contamination or any detection of a leak in the system in accordance with the written instructions of a duly qualified person. The results of all tests must be recorded. Where responsibility for the system changes, all records of the site must be transferred to the new responsible person within 30 days.
- b) Not less than 30 days before any system is decommissioned or any tank removed or replaced, Council is to be notified in writing by the person responsible for the system. Where a storage system is decommissioned or any tank removed or replaced, the person responsible for the system must serve a report on the storage site to Council not later than 60 days after decommissioning or any required remediation of the site. The report must be prepared by a duly qualified person and must describe the processes that were used to decommission the storage system and to assess contamination at the storage site.
- c) Decommissioning and removal of the existing UPSS and above ground LPG tank and system must be undertaken in accordance with SafeWork NSW requirements.
- d) Decommissioned UPSS and above ground LPG tank and system must be disposed of an approved facility and in accordance with the UPSS Regulation.

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- e) All documents to be kept for a minimum of seven years by the person responsible for the system with originals or copies provided to any subsequent person responsible.

12. Ancillary Convenience Store

The conditional approval for the convenience store is to be ancillary to the service station. In the event if **SERVICE STATION USE** is ceased, the beneficiary of the consent must lodge a separate development application with Greater Hume Council for its consideration for the building (convenience store) to be used for its intended use.

13. Site Maintenance

The owner or operator must at all times be responsible for on-going site management and maintenance in accordance with the following;

- a) Loading and unloading in relation to the use of the premises must occur in the designated loading areas.
- b) Goods or machinery must be stored, and all activities must occur, inside the building(s) and not in the carpark or driveway areas.
- c) Maintenance and replacement (if necessary) of all landscaping in accordance with the approved landscape plan.
- d) Maintenance of vehicular movement areas including driveways, car parking, manoeuvring areas, line marking, pedestrian facilities, lighting, to the standard specified by this consent.
- e) Ongoing waste and recycling must be managed in accordance with the approved Waste Management Plan. Waste bins are not to be stored within the loading area/space that is visible from a public place.
- f) Maintenance of stormwater drainage pipes and systems to ensure efficient discharge of stormwater in accordance with the approved stormwater drainage plan.
- g) Maintenance of buildings, fencing, signage/markings to the standards specified in this consent.
- h) The removal of all graffiti within a maximum of 14 days of being notified by Council.

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CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

14. Section 7.12 and Section 64 Contributions Charges

The payment of Section 7.12 Levy Development Contributions and Section 64 sewerage 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:

Contribution Type	\$ value
Section 7.12 charges are 1% of the cost of the development	\$ 36,026.00 (As per 2022/2023 Fees & Charges Schedule)
Section 64 Contributions charges for sewer	\$55,314.00 (As per 2022/2023 Fees & Charges Schedule)
Total outstanding Section 7.12 and 64 Contributions charges.	\$91,340.00 (As per 2022/2023 Fees & Charges Schedule)

15. 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).

16. An amended vehicular manoeuvrability plans

An amended vehicular manoeuvrability plan is to be submitted to and approved by Council. The plan is to include the following:

- a) One way in and one way out car movement arrangement,
- b) 5km/h speed limit stencil is to be placed on the surface entrance of the carpark off Commercial Street
- c) Proposed lighting design.

Once Council has approved the plan(s) it will form a part of this Development Consent.

17. Liquid Trade Waste Agreement/s

Liquid Trade Waste Agreement must be concluded with Council prior to the issue of a Construction Certificate for development.

Note: a fee on application submission will apply.

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18. Construction Management Plan

A Construction Management Plan must be submitted to and approved by Council prior to the issue of the Construction Certificate. The Construction Management Plan shall include the following:

- a) The Plan may provide details of the works including the extent, staging and proposed timing of the works.
- b) A detailed Traffic Management Plan shall be provided in accordance with the 'Traffic Management and Control Plan' condition **(Condition 19)** requirements.
- c) Details shall be provided to demonstrate how the works will be undertaken in accordance with the Draft Construction Noise Guideline published by the NSW Environment Protection Authority (EPA).
- d) Plans detailing the erosion and sediment control measures for the site shall be provided in accordance with the "Erosion and Sediment Control – A Resource Guide for Local Councils".
- e) Details shall be provided indicating how the site will be managed to avoid or minimise dust impacts.

19. Traffic Management and Control Plan

A detailed Traffic Management Plan must be submitted to and approved by Council prior to the issue of the Construction Certificate indicating how construction vehicles will safely enter and exit the site in a practical manner whilst minimising any negative effects on the surrounding roads and community. This must be prepared by an appropriately qualified person in accordance with the Roads and Maritime Services publication 'Traffic Control at Worksites'.

The Traffic Management Plan must include the following:

- a) the proposed method of access to and egress from the site for vehicles is to be safe and practical;
- b) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site;
- c) all loaded vehicles entering or leaving the site must have their loads covered.
- d) Parking for construction vehicles.

Details demonstrating compliance with these requirements are to be submitted to the Council prior to the issue of the Construction Certificate.

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20. Food Premises - Construction and Plans

Detailed plans and specifications for the construction and installation of fittings, furnishings and equipment to all food preparation and storage areas are to be submitted and approved by Council prior to the issue of the Construction Certificate.

All plans, specifications, construction and maintenance of a food premises must comply with Australian Standard AS4674-2004 Design, construction and fitout of food premises (Available from www.sai-global.com).

21. Stormwater Drainage Plan

Prior to the issue of a Construction Certificate a detailed drainage design for the site must be submitted to and approved by Council.

The stormwater drainage plan must be prepared by a suitably qualified engineer showing stormwater from the site area and development being collected and disposed of to a lawful point of discharge with adequate capacity. A Construction Certificate must not be issued for the development until the above requirements are deemed an acceptable design by the relevant Council Officers.

22. Forecourt Design

Design of the service station forecourt shall be consistent with the best practice guidance set out in the NSW EPA practice note: [Managing Runoff from service station forecourts](#). Surface drainage from bunded fuel dispensing areas shall be directed to the sewer via an appropriate treatment system. Details demonstrating compliance are to be submitted and approved by Council prior to the issue of the Construction Certificate.

23. Underground Petroleum Storage Systems (UPSS)

Any storage system used for any petroleum product (excluding LPG) where any part of that system including piping is underground is considered to be an Underground Petroleum Storage System (UPSS) under the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.

Installation of a UPSS, or any work involving the systems, are to comply with Australian Standard 'AS1940: 2017- Storage, Handling of Flammable and Combustible Liquids'.

It is a requirement that ventilation pipes from tanks and fuel dispensers are not to be located next to 51 Commercial Street Walla Walla NSW.

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‘AS4897: 2008 – The design, installation and operation of underground petroleum storage systems’ and the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019. Specified loss monitoring and leak detection systems are to be installed to ensure system integrity.

A duly qualified person must prepare a report that details how the system is to be installed and commissioned. This is to be submitted to Council for written approval prior to the issue of the Construction Certificate. The report is to clearly detail that the proposed UPSS is to:-

- a) be appropriately designed, installed and commissioned by duly qualified persons in accordance with the UPSS Regulation; and,
- b) have minimum mandatory pollution-protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices; and,
- c) have groundwater monitoring wells installed and tested in accordance with the Regulation and,
- d) have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.
- e) be the subject of an Environment Protection Plan (EPP), including loss monitoring and incident management procedures.

Dilapidation Survey and Report- Private Properties (Neighbouring Buildings and Structures)

A Dilapidation Survey and Report of adjoining properties detailing the physical condition of those properties - both internally and externally - including, but not limited to, such items as walls, ceilings, roof, structural members and other similar items, shall be prepared and submitted to the **Principal Certifier** AND **Greater Hume Council** prior to the release of the Construction Certificate.

The Survey and Report is to be prepared by an appropriately qualified person.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access, advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances

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Notes:

1. This documentation may be used by an Applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the Applicant's and the adjoining owner's interest for it to be as full and detailed as possible.
2. A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE COMMENCEMENT OF ANY WORKS

24. Construction Certificate

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 Construction Certificate must be lodged via the [NSW Planning Portal](#).

25. Appointment of a Principal Certifier and Notice of Commencement

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

- a. appoint a Principal Certifier,
- b. notify Council of the appointment; And
- c. a notice of commencement has been provided to Council not less than two 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*.

26. Vehicular Crossover/ Road Opening Permit

New heavy industrial type driveway crossovers (onto Commercial Street) 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.

27. 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:

- a. To carry out, sewerage and stormwater drainage work in accordance with Part B of Section 68 of the [Local Government Act 1993](#).

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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**. On completion of work, the licensed plumber/drainer must apply for an inspection (inspection fees apply) and a Certificate of Compliance (CoC) must be submitted to Council. A Sewer Service Diagram (SSD) must also be provided to Council upon completion of the drainage works.

28. Disconnection of Essential Services

Any essential service (e.g. water supply, sewer, gas, electricity, stormwater) must be appropriately disconnected/capped from the structure being demolished or removed in accordance with the requirements of the relevant authority.

CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

29. 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.

30. Riverina Water Approval

Riverina water must be contacted regarding potable water approval, meter connection and inspection requirements. The Applicant is advised to make an early Application, as there may be water pipes to be built that can take some time.

31. Plumbing and Drainage Work

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*.

32. 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.

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33. Vehicles During Construction

Vehicles must be clean and free of debris prior to leaving the site. Deposited material may be ordered to be removed at the Applicant/operator's expense.

34. Construction Site Management

While works are being carried out:

- a) All aspects of the 'Construction Management Plan' (**as outlined in Conditions 18 and 19**) must be implemented and maintained until the completion of the works.
- b) A garbage receptacle must be provided at the work site before works begin 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.
- c) 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 roadway or nature strip while building works are being carried out.

35. Demolition

- a) Demolition must be carried out in accordance with the provisions of AS 2601 2001 – *Demolition of Structures*.
- b) All works removing more than 10 square metres of non-friable asbestos or asbestos containing materials (ACM) must be carried out by a suitably licensed asbestos removalist duly licensed with SafeWorkNSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies. All work must comply with the Work Health and Safety Regulation 2017.
A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.
Clearance Certificate: Upon completion of the demolition/asbestos removal works a duly qualified person is to confirm the site as being free from contamination and determined suitable for future use. This must be to the satisfaction of Council.
Note: Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from NSW EPA.
- c) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
- d) No material is to be burnt onsite.

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DEVELOPMENT APPLICATION 10.2022.243.1 - DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A SHOP, A RESTAURANT OR CAFE, SERVICE STATION ASSOCIATED WITH AN ANCILLARY CONVENIENCE STORE, CAR PARKING AND ADVERTISING STRUCTURES ON LOT 7 DP658510, LOT 1 DP930569 AND LOT 6 DP2741 AT 55 COMMERCIAL STREET WALLA WALLA NSW 2659 [CONT'D]

36. Finished Floor Level

The finished floor level of the building must be constructed at least the height of the Flood Planning Level (300mm above the natural ground surface).

This level must be determined on site by an NSW Registered Land Surveyor, and clearly marked in a manner as will allow ready confirmation that the floor height has been achieved.

A certificate from the NSW Registered Land Surveyor must be submitted to Council confirming the Finished Floor Height requirement has been met. Such certification must be in writing and submitted to and approved by Council.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE OCCUPATION CERTIFICATE OR USE OF THE DEVELOPMENT

37. 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.

38. Food Premises Registration and Notification

Prior to the issue of the Occupation Certificate and two (2) days prior to the premises opening, Council's Environmental & Planning Department must be contacted for a Health Inspection and registration of the premises in accordance with the *Food Act 2003*, the *Food Regulations 2015* and Food Safety Standards Code.

39. Compliance - Lot Consolidation

The Applicant must consolidate the Titles of Lot 7 DP 658510, Lot 1 DP 930569 and Lot 6 DP 2741 and the new Title must be registered by NSW Land Registry Services so as to ensure that the siting of the development is satisfactory in relation to the size and shape of the land to be occupied. The Applicant must provide evidence prior to the issue of the Occupation Certificate to Greater Hume Council.

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40. Landscaping - Completion of Landscaping

All landscape works must be constructed in accordance with the stamped approved plan (**'master Site Plan; Project No. 80079; Drawn by ZB and dated 21/03/23'**). Landscaping must be maintained;

- In accordance with the approved plan,
- in a healthy state; And
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation which died or was removed.

41. Car parking Facility

All areas set aside for access and vehicle parking on the approved plans together with turning area, 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'.

This included;

- a) Surfaced with an impervious all-weather seal coat;
- b) Drained in accordance with an approved stormwater drainage plan;
- c) Properly illuminated with lighting designed, baffled and located to prevent any adverse effect on adjoining land;
- d) Provision of traffic control signage or structures as required;
- e) entry/exit points and internal aisle ways are to be marked with pavement arrows and signage to direct traffic movements in and out of the site and guide traffic circulation through the car park;
- f) All spaces must be appropriately line-marked and labelled;
- g) The off-street parking facility and internal driveway must be designed for the largest design vehicle likely to use the facility and for any specialist vehicles for which access must be made.

A suitably experienced and qualified civil engineer is to certify that the car parking facility complies with all requirements of this condition. Details demonstrating compliance are to be submitted to the Certifier and Council prior to the issue of the Occupation Certificate

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42. Before use of the Underground Petroleum Storage System (UPSS).

- a) The UPSS system is to be registered with Council as the Appropriate Regulatory Authority under the Regulation.
- b) **An Environment Protection Plan (EPP)**, including loss monitoring and protection, and **incident management procedures**, is to be prepared in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019. The EPP should address the development and implementation of loss protection procedures prior to use of the UPSS.
- c) Certification shall be submitted to the Principal Certifying Authority that the UPSS was installed, tested (including Equipment Integrity Testing) and commissioned by duly qualified persons in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.

43. Private Waste Collection Service.

Prior to the issue of an Occupation Certificate, the developer/owner must provide evidence to the Certifier of a formal agreement with a licenced private waste contractor to service the development. A copy of the contract must be forwarded to Council.

The agreement must ensure:

- a) the removal of all waste from the developed property.
- b) the service is functional and meets the operational requirements for the developed property.
- c) the service minimises environmental nuisances including noise and other adverse impacts on the safety and amenity of residents and the public.

44. Spill Response Plan

A spill response plan must be submitted to and approved by Council. The plan must be implemented, reviewed, and updated as required. Spills should be cleaned up immediately, and waste must be disposed of in accordance with EPA requirements to mitigate any discharge to soil or waters.

For large scale hazardous spills contact the NSW Fire Brigade (000) immediately for help with clean-up operations and notify Council. Contaminated water and other waste (spill materials) from the clean-up of spills must be collected and disposed of in accordance with EPA requirements.

45. Drainage Works-As-Executed Plan

Upon completion of installation of all drainage lines, a works-as-executed plan prepared by the licensed plumber/drainage shall be submitted for Council's records.

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46. Plumbing Works Final

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

NB. This letter is in addition to the inspection sheet or Certificate of Compliance from Council.

47. Traffic – Vehicle Access Signage and Street Address Number

Vehicle entrances and exits must be clearly signposted, including street number, and visible from both the street and site at all times.

48. Council property

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.

49. Final Dilapidation Survey and Report - Completion of Works

On completion of the development the subject of this consent and prior to the issue of the Occupation Certificate, a Final Dilapidation Report is to be prepared by an appropriately qualified person and is to be provided to the Principal Certifier and Greater Hume Council identifying:

- a) whether any damage to surrounding properties and/or public infrastructure has occurred as a result of the development;
- b) the nature and extent of any damage caused to the adjoining property and/or public infrastructure as a result of the development;
- c) the nature and extent of works required to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the proposed development;
- d) the nature and extent of works carried out to rectify any damage caused to the adjoining property and/or public infrastructure as a result of the development; and
- e) the nature and extent of any agreements entered into for rectification of any damage caused to the adjoining property and/or public infrastructure as a result of the development.

This report must reference the original Dilapidation Survey and Reports that were required to be provided to the Certifier and Greater Hume Council in accordance with this consent. The developer must bear the cost of carrying out works to restore all damage to adjoining buildings and public infrastructure as a result of the carrying out of the development, and **NO OCCUPATION** of the development must occur until damage caused as a result of the carrying out of the development is rectified

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50. Prior to issue of an Occupation Certificate and to comply with the notation in red ink on the approved plan a 2.4m high Colourbond fence is to be installed along the common boundary of the development with 51 Commercial Street Walla Walla. On the development side of the fence a 900mm wide garden bed is to be installed with minimum 3m high shrubs planted.

CONDITIONS HAVE BEEN PLACED ON THE CONSENT FOR THE FOLLOWING REASONS:

1. To ensure compliance comply with the Biodiversity Conservation Act 2016.
2. To protect Aboriginal heritage and to comply with the National Parks and Wildlife Act 1974.
3. To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979.
4. To protect public interest, the environment and existing amenity of the locality.
5. To improve the amenity, safety and environmental quality of the locality.

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.

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- 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 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.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Parker Quinn Wilton	Meyer Schilg O'Neil		

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2. DRAFT CONFLICT OF INTEREST POLICY FOR COUNCIL RELATED DEVELOPMENT

6441 RESOLVED [Cr Wilton/Cr Parker]

That Council:

1. Receive and note the submission received through the public exhibition period of the draft Policy as outlined in the body of this report;
2. If any further submissions received from 19 May 2023 until 22 May 2023 a supplementary report be tabled. In the event if no submissions received, the policy be adopted and published on Council's website; and
3. Once Council adopted the 'Conflicts of Interest Policy For Council Related Development' the existing policy '(Independent Assessment of Development Applications Policy)' be revoked.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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GOVERNANCE

1. **NSW GOVERNMENT ‘GROWING REGIONAL ECONOMIES’ FUND – SEEKING AUTHORITY TO SUBMIT EXPRESSION OF INTEREST FOR FUNDING TO UNDERTAKE RECONSTRUCTION OF HAWTHORN ROAD (520 METRES) AND CONSTRUCT 46 LOT EXPANSION OF THE JINDER A INDUSTRIAL**

6442 RESOLVED [Cr O’Neil/Cr Wilton]

That Council:

1. delegates authority to the General Manager, to submit an Expression of Interest application to NSW Government Growing Regional Economies fund to undertake reconstruction of Hawthorn Road (520 metres) and construct 46 lot expansion of the Jindera industrial estate
2. commits in principal to provide the 25% cash contribution to the project estimated at \$2,398,825.00
3. notes that if it is successful in the EOI stage, it will receive a further report in relation to the business case regarding the detailed application.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O’Neill Parker Quinn Schilg Wilton			

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CORPORATE AND COMMUNITY SERVICES

1. DRAFT DELIVERY PROGRAM, OPERATIONAL PLAN & RESOURCING STRATEGY

6443 RESOLVED [Cr Meyer/Cr Wilton]

That:

1. Council places the Delivery Program 2022-2026 incorporating draft Operational Plan 2023-2024 and budget, and draft Fees and Charges 2023-2024 on public exhibition and accepts submissions until Friday 16 June 2023.
2. Staff prepare a further report outlining the outcomes of the public exhibition for presentation at the June 2023 Council Meeting.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

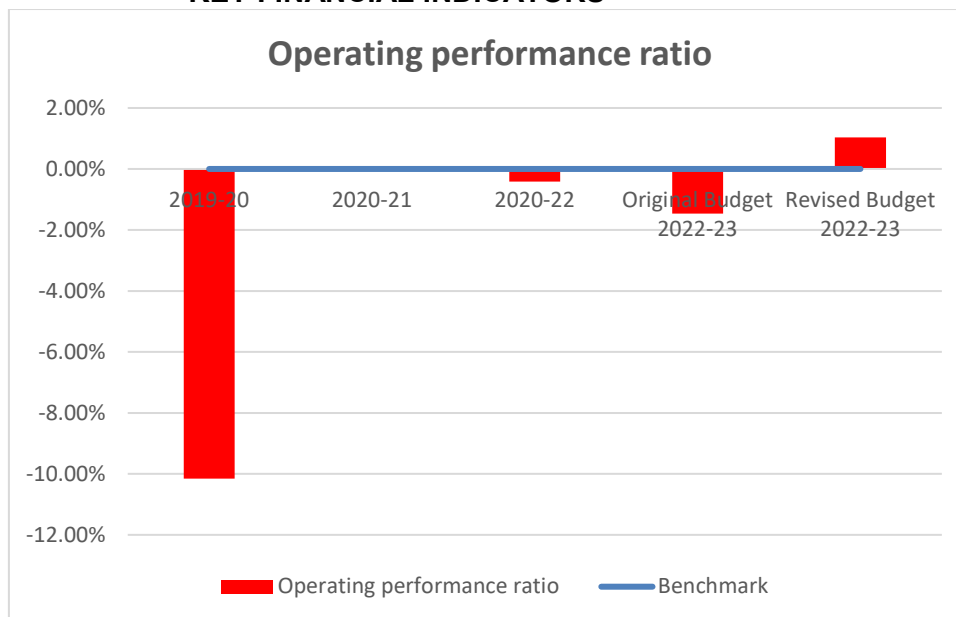
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2. INTERIM 2022/2023 QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2023

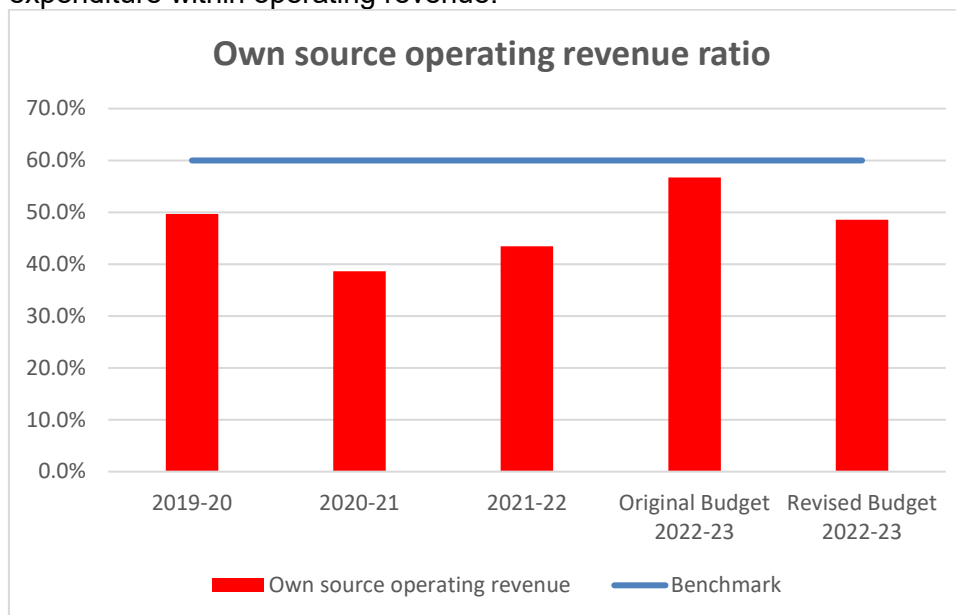
6444 RESOLVED [Cr Wilton/Cr Parker]

That Council note and approve the Interim Budget Review Statement as at 31 March 2023.

KEY FINANCIAL INDICATORS



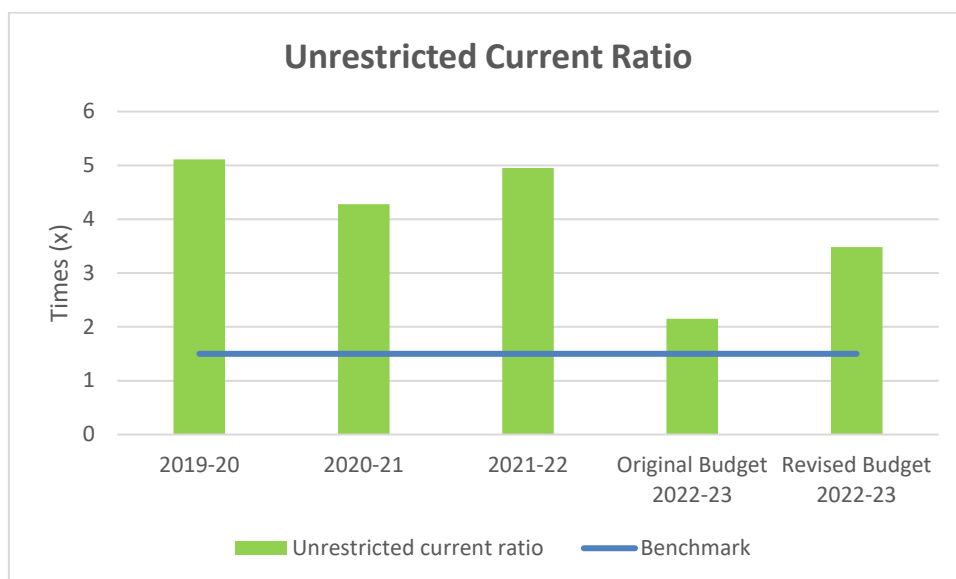
This ratio measures Council's achievement of containing operating expenditure within operating revenue.



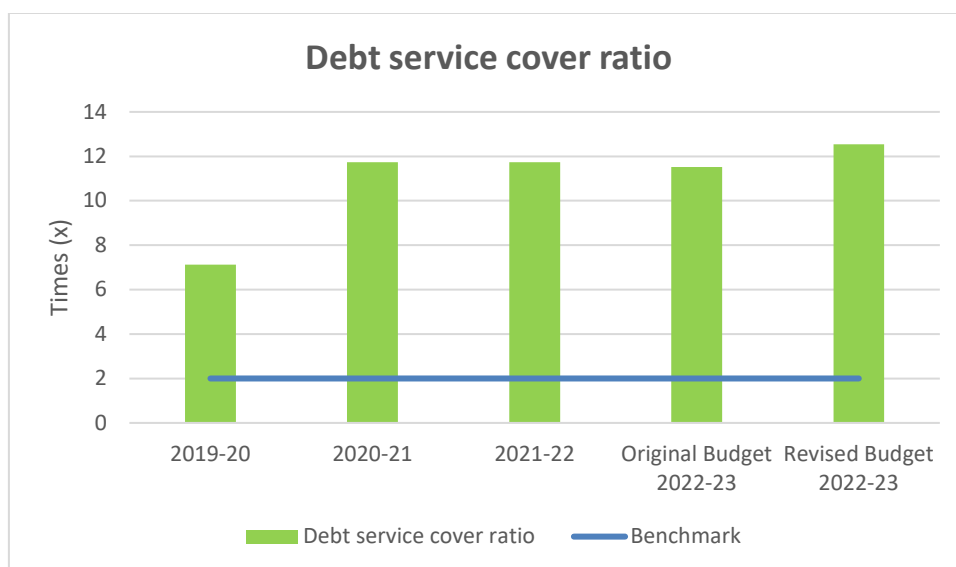
This ratio measure fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions. It should be noted that the benchmark 60% is unlikely to be achieved In rural councils such as Greater Hume Council due to their heavy reliance on grants and contributions due to their large area and small populations.

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INTERIM 2022/2023 QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2023 [CONT'D]



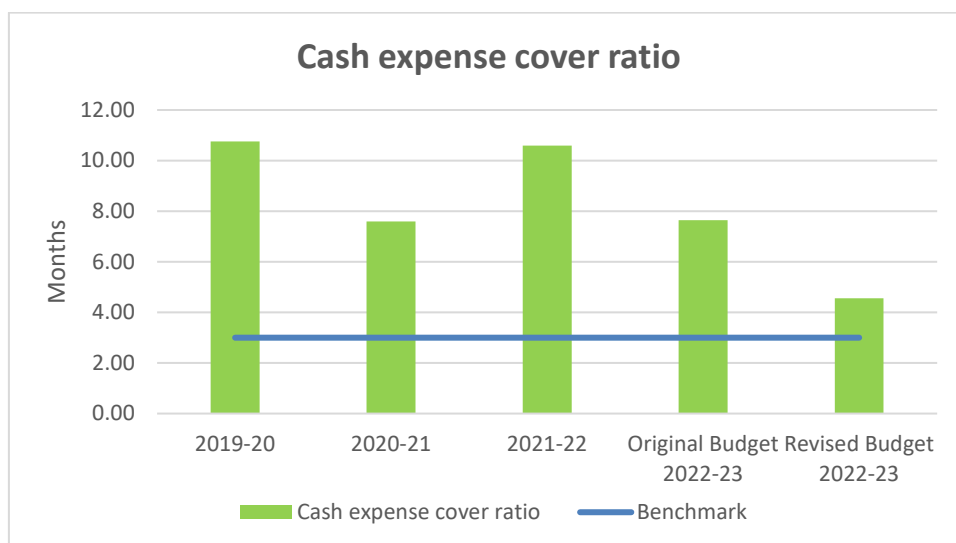
This ratio assesses the adequacy of Council's working capital and its ability to satisfy its obligations in the short term for the unrestricted activities of Council.



This ratio measures the availability of operating cash to service debt, including interest, principal and lease payments.

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INTERIM 2022/2023 QUARTERLY BUDGET REVIEW AS AT 31 MARCH 2023 [CONT'D]



This liquidity ratio indicates the number of months Council can continue to pay for its immediate expenses without additional cash inflow.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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ENGINEERING

1. TRANSFER OF CROWN ROAD TO PUBLIC ROAD – MORVEN

6445 RESOLVED [Cr Wilton/Cr Lindner]

1. Council formally apply for the Crown Road adjacent to Lots to be transferred to Council as a Public Road:
 - Lot 1 DP 1120311
 - Lot 2 DP 1120311
 - Lot 173 DP 53751
 - Lot 3 Section 31 DP 58711
2. The Mayor and General Manager be authorised to execute the necessary documentation to affect the road transfer to Greater Hume Council the Common Seal of Council.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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2. CLASSIFICATION OF COUNCIL LAND – LOT 1 DP 571901, JINDERA

6446 RESOLVED [Cr O'Neill/Cr Wilton]

That in accordance with Section 31 (2) of the Local Government Act 1993, Council resolve that Lot 1 DP 571901, 29 Nioka Road Jindera be classified as Operational Land.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

ITEMS TO BE REFERRED TO CLOSED COUNCIL

Nil

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

CORPORATE AND COMMUNITY SERVICES

1. 2022/2026 DELIVERY PLAN AND 2022-2023 OPERATIONAL PLAN – REPORT AS AT 31 MARCH 2023

6447 RESOLVED [Cr Meyer/Cr Hicks]

That Council receive and note the 2022/2026 Delivery Program and 2022/2023 Operational Plan review report to 31 March 2023.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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2. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 APRIL 2023

6448 RESOLVED [Cr Meyer/Cr Hicks]

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

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

ENVIRONMENT AND PLANNING

1. HOLBROOK STRUCTURE PLAN – PROGRESS REPORT

6449 RESOLVED [Cr Meyer/Cr Hicks]

That the progress report be received and noted.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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PART C - ITEMS FOR INFORMATION

GOVERNANCE

1. **TOURISM AND PROMOTIONS REPORT – APRIL**

CORPORATE AND COMMUNITY SERVICES

1. **GREATER HUME CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS**
2. **STATEMENT OF BANK BALANCES AS AT 30 APRIL 2023**
3. **GREATER HUME LIBRARY SERVICES**
4. **GREATER HUME LIBRARY SERVICES**

ENGINEERING

1. **APRIL REPORT OF WORKS**

ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF APRIL 2023**

6450 RESOLVED [Cr Hicks/Cr Schilg]

That Part C of the Agenda be received and noted.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

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PART D

COMMUNITY MEETING – MINUTES

1. **MINUTES OF BURRUMBUTTOCK COMMUNITY FORUM GENERAL MEETING
MINUTES HELD ON 27TH MARCH 2023 AT THE BURRUMBUTTOCK HALL**
2. **MINUTES BROCKLESBY FOCUS GROUP MEETING 13TH FEBRUARY 2023**
3. **CULCAIRN COMMUNITY DEVELOPMENT COMMITTEE ANNUAL GENERAL
MEETING 25TH APRIL 7PM CULCAIRN COUNCIL CHAMBERS**

6451 RESOLVED [Cr Hicks/Cr Schilg]

That Part D of the Agenda be received and noted.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

There being no further business, the meeting concluded at 6:48pm

THESE MINUTES WERE CONFIRMED at the Council meeting held on 21 June 2023 at which time the signature hereon was subscribed.

Cr Tony Quinn
Mayor, Greater Hume Council