

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

The meeting opened at 6:05pm following the public forum.

IN ATTENDANCE

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

PRAYER

Councillor Schilg 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

6519 RESOLVED [Cr. Wilton/Cr. Lindner]

That a leave of absence be granted to Councillor O'Neill.

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

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CONFIRMATION OF MINUTES OF PREVIOUS MEETING

1. MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 20 SEPTEMBER 2023

6520 RESOLVED [Cr. Meyer/Cr. Wilton]

That the Minutes of the Ordinary Meeting of Greater Hume Council held at Culcairn on Wednesday 20 September 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 Parker Quinn Schilg Wilton		O'Neill	.

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ACTION REPORT FROM THE MINUTES

HOLBROOK ROTARY CLUB BEING ABLE TO HIRE THE HOLBROOK HALL FOR THE MONTH OF JULY 2024 AND FOR COUNCILORS TO AGREE TO WAIVE THE FEES ASSOCIATED TO THE HIRE FOR THIS MONTH. MINUTE 6517 PAGE 12.

Cr. Schilg requested an update to see if Council had communicated with Holbrook Rotary Club and if the Bald Archy's are proceeding. General Manager responded by advising all communication has been made with Holbrook Rotary Club and the Bald Archy's are proceeding in Holbrook Hall.

SUPPORT FOR COUNCIL TO ASSIST RELEVANT AUTHORITIES IN TOWNS AND VILLAGES AS A PRECAUTION OF SUMMER WEATHER AND FIRE HAZARDS- MINUTE 6019 PAGE 3.

Cr. Quinn requested an update on this project. Director of Engineering responded by noting RFS do not wish to undertake work as it would take extensive resources and time to mop up. A contractor has been sourced to slash area and to reduce the fire risk for 2023/24 period. Cr Schilg requested that the response be made public.

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

Cr. Ian Forrest gave notice of his intention to declare a Non Pecuniary Interest in OFFICERS' REPORTS – PART A FOR DETERMINATION – ENGINEERING ITEM 2 TENDER TL 01 – 2023/24 YENSCHES ROAD CULVERT REPLACEMENT AND ENGINEERING ITEM 4 TENDER TL 06 – 2022/23 SERPENTINE CREEK CULVERT REPLACEMENT (MR331) JINGELIC ROAD.

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

6521 RESOLVED [Cr. Hicks/Cr.Lindner]

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.

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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DEVELOPMENT APPLICATION 10.2023.116.1 – PRIMARY DWELLING AND ATTACHED
SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE 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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SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE 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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SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE COURT JINDERA [CONT'D]

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:

Contribution Type	\$ value
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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SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE 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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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. 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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SECONDARY DWELLING LOT 109 DP1277003 - 5 HOLLY TREE COURT JINDERA [CONT'D]

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.

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

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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

6522 RESOLVED

[Cr. Wilton/Cr. Forrest]

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

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.

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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]

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:

- 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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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.

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.

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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.

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.

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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]

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.

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.

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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.

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*.

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Council means GREATER HUME SHIRE COUNCIL

Court means the Land and Environment Court of NSW

EPA means the NSW Environment Protection Authority

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 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 Meyer Parker Schilg Quinn Wilton		O'Neill	

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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

6523 RESOLVED

[Cr. Hicks/Cr. Lindner]

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.

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

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GOVERNANCE

1. GENERAL MANAGER’S PERFORMANCE AGREEMENT 2023/24

6524 RESOLVED

[Cr. Forrest/Cr. Lindner]

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

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

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CORPORATE AND COMMUNITY SERVICES

1. AUDIT RISK AND IMPROVEMENT COMMITTEE – INDEPENDENT MEMBER REPORT

6525 RESOLVED

[Cr. Wilton/Cr. Parker]

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.

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

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

6526 RESOLVED

[Cr. Forrest/Cr. Wilton]

RECOMMENDATION

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

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

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ENGINEERING

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

6527 RESOLVED

[Cr. Parker/Cr. Meyer]

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.

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

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

AT THIS JUNCTURE, COUNCILLOR IAN FORREST MADE A DECLARATION OF NON PECUINARY INTEREST IN THE MATTERS NOW BEFORE THE COUNCIL AND REMOVED HIMSELF FROM THE VOTING TABLE AT 6:20PM PURSUANT TO SECTION 45 (1) OF THE LOCAL GOVERNMENT ACT 1993 AND TOOK NO PART IN VOTING ON THE MATTER.

6528 RESOLVED

[Cr. Schilg/Cr. Wilton]

That:

1. the tender submitted by Blueys Plumbin' and Diggin' P/L for tender TL01 2023/2024 for the construction of the Yenschies 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.

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

Cr Forrest returned to the meeting room at 6:21PM.

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

6529 RESOLVED

[Cr. Hicks/Cr.Lindner]

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.

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

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

AT THIS JUNCTURE, COUNCILLOR IAN FORREST MADE A DECLARATION OF NON PECUNIARY INTEREST IN THE MATTERS NOW BEFORE THE COUNCIL AND REMOVED HIMSELF FROM THE VOTING TABLE AT 6:22PM PURSUANT TO SECTION 45 (1) OF THE LOCAL GOVERNMENT ACT 1993 AND TOOK NO PART IN VOTING ON THE MATTER

6530 RESOLVED

[Cr. Parker/Cr. Meyer]

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

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

Cr Forrest returned to the meeting room at 6:22PM.

ITEMS TO BE REFERRED TO CLOSED COUNCIL

Nil

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

1. EMPLOYEE NUMBERS 1 JULY 2022 TO 31 AUGUST 2023

MOTION

[Cr. Hicks/Cr. Quinn]

That the report on employee numbers be received and noted.

AMENDMENT

[Cr. Wilton/Cr. Parker]

That the report not be accepted and that the employee number's report revert to the monthly report which was tabled in the past years.

ON BEING PUT TO THE VOTE, THE AMENDMENT WAS LOST.

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

6531 RESOLVED

[Cr. Hicks/Cr. Quinn]

That the report on employee numbers be received and noted.

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

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2. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 SEPTEMBER 2023

6532 RESOLVED [Cr. Hicks/Cr. Quinn]

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

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

GOVERNANCE

1. SENIOR STAFF DESIGNATION

6533 RESOLVED [Cr. Hicks/Cr. Quinn]

That the report be noted

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

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ENGINEERING

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

6534 RESOLVED

[Cr. Hicks/Cr. Quinn]

That the report be received and noted.

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

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

6535 RESOLVED

[Cr. Hicks/Cr. Quinn]

That the report be received and noted.

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

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PART C - ITEMS FOR INFORMATION

GOVERNANCE

1. **TOURISM AND PROMOTIONS OFFICER'S REPORT – SEPTEMBER 2023**

CORPORATE AND COMMUNITY SERVICES

1. **CHRISTMAS/NEW YEAR OFFICE CLOSURE PERIOD**
2. **GREATER HUME CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS**
3. **STATEMENTS OF BANK BALANCES AS AT 30 SEPTEMBER 2023**

ENGINEERING

1. **SEPTEMBER 2023 - REPORT OF WORKS**

ENVIRONMENT AND PLANNING

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

6536 RESOLVED

[Cr. Hicks/Cr. Quinn]

That Part C of the Agenda be received and noted.

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

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PART D

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

6537 RESOLVED

[Cr. Hicks/Cr. Quinn]

That Part D of the Agenda be received and noted.

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

MATTERS OF URGENCY

Nil

There being no further business, the meeting concluded at 6:31pm

THESE MINUTES WERE CONFIRMED at the Council meeting held on 15 November 2023 at which time the signature hereon was subscribed.

Cr Tony Quinn
Mayor, Greater Hume Council