

MINUTES OF ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT JINDERA COMMUNITY HUB – 83 URANA STREET, JINDERA
ON WEDNESDAY 20 MARCH 2024

The meeting opened at 6:17pm following the public forum.

IN ATTENDANCE

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

PRAYER

Councillor Cr Lindner read a prayer to commence 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 21 FEBRUARY 2024

6600 RESOLVED [Cr Hicks / Cr Meyer]

That the Minutes of the Ordinary Meeting of Greater Hume Council held at Culcairn on Wednesday, 21 February 2024 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)**

Cr Parker gave notice of her intention to declare a Non Pecuniary Interest in OFFICERS REPORTS – PART A FOR DETERMINATION – ITEM 3 ENVIRONMENT AND PLANNING DEVELOPMENT APPLICATION 10.2022.228.1 – USE OF PORTABLE HORSE STABLES FOR SHORT TERM AGISTMENT (BOARDING) & CONSTRUCTION OF A SOUND WALL – HOLBROOK RECREATION GROUND LOT 204 DP 753340 BOWLER STREET, HOLBROOK

MAYORAL MINUTE

Nil.

NOTICE OF MOTIONS

Nil

OFFICERS' REPORTS – PART A - FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATION 10.2023.191.1 – RECREATION FACILITY (OUTDOOR) – OPERATE A RIDING SCHOOL, CAR PARKING & SIGNAGE – LOT 2 DP 1140932 AT 442 DIGHTS FORREST ROAD JINDERA NSW 2642**

MOTION [Cr Hicks / Cr O'Neill]

That Council resolves to:

1. Approve Development Application No. 10.2023.191.1 at 442 Dights Forest Road Jindera NSW 2642 on Lot 2 DP 1140932 for "Recreation facility (outdoor) – operate a riding school, car parking & signage" 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*.

Part A – GENERAL CONDITIONS

1. **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 (outdoor)** as outlined within the Greater Hume Local Environmental Plan (GHLEP) 2012. Under the GHLEP 2012:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

No conditions have been imposed under this section.

PART C – BEFORE BUILDING WORK COMMENCES

No conditions have been imposed under this section.

PART E– BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

No conditions have been imposed under this section.

PART F – OCCUPATION AND ONGOING USE

2. **Letter of Completion**

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

1. All conditions of this consent have been completed in full;

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DEVELOPMENT APPLICATION 10.2023.191.1 – RECREATION FACILITY (OUTDOOR) – OPERATE A RIDING SCHOOL, CAR PARKING & SIGNAGE – LOT 2 DP 1140932 AT 442 DIGHTS FORREST ROAD, JINDERA NSW 2642 (CONT)

2. Correspondence being submitted to Council outlining how each relevant condition has been met; and
 3. Council has issued a Letter of Completion
3. **Vehicle Entry and Exit from Property**
Prior to the use of the site for the intended purpose, the applicant must construct a 10-metre-long hard-surfaced driveway matching the width of the existing driveway, extending from the development site to the edge of the bitumen (Dights Forest Road) to ensure sedimentation does not transfer onto the road surface.
4. **Road Safety**
To ensure safety and traffic flow efficiency, the applicant must regularly prune, and trim trees located on the northern section of the development site along Dights Forest Road, at the applicant's cost.
5. **Noise Generating Activities - Daytime and evening hours**
During the hours of 8.30am to 5.30pm, the development must be managed so that the LAeq noise levels, measured at any point in accordance with the NSW EPA Noise Guide for Local Government (2023), do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.
- Noise Generating Activities - Night hours**
Between the hours of 5.30pm to 8.30am on the next day, the development must be managed so that the noise level does not create offensive noise when assessed against the NSW Environment Protection Authority Noise Guide for Local Government (2013).
- 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. **Facility – Management**
- (a) The facility shall be operated in accordance with:
 - (i) The principles and practices contained within the Office of Environment and Heritage publication "[Horse properties on the rural urban fringe' - Best practice environmental guide for keeping horses](#); and
 - (ii) [Schedule 2, Part 5 of the Local Government \(General\) Regulation 2021](#).
 - (b) Waste manure is to be disposed of at regular intervals to prevent the waste from overflowing and emanating odour and is not to be stored in close proximity to neighbouring residential uses. If manure and bedding are stockpiled or composted on site, they are to be kept away from drainage lines and covered to prevent rainwater from leaching nitrogen from the pile into the surrounding environment;
 - (c) The horse and pony wash down are to only be conducted away from neighbouring residential uses;

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- (d) No liquid or solid matter from the operation or activities conducted on the development is to cross property boundaries;
- (e) The development is not to create offensive odour; and
- (f) The horse facility is to be maintained:
 - (i) in a clean condition to avoid offensive odour, dust, or drainage problems;
 - (ii) to prevent the proliferation of flies, lice, fleas, and other insect pests; and
 - (iii) free of rodents and other vermin.

7. Amenity Protection

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

- (a) The appearance of any, works or materials used.
- (b) The parking or movement of motor vehicles.
- (c) The transporting of materials or goods to or from the site.
- (d) Noise, air and water discharges from the site.
- (e) Electrical interference.
- (f) The storage and handling of garbage, or other materials.
- (g) Emissions or discharges into the surrounding environment including, from wastewater, vibration, odours or other harmful products.

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

8. Riding area - Dust Control

The riding area and gathered area must be wet down prior to each use to prevent dust nuisance.

9. Maximum Number of Animal

A maximum of thirteen (13) ponies and horses are permitted to be stationed within the premises at any one time.

10. Hours of Operation

The hours of operation for the business are:

- a) Mondays to Saturdays, 8.30am to 5.30pm.

11. Use of site - Limit Customers Onsite

Customer visits to the site are to be arranged on an appointment only basis so that:

- a) No more than six customers being attended to by the business proprietor at any one time.

12. 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.

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13. Advertising Structures

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.

14. 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.

15. Aboriginal Objects

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](#).

16. Protection of vegetation

There must be no clearing of any vegetation (including within Council's road reserve).

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.

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AMENDMENT [Cr Hicks / Cr O'Neill]

9. Maximum Number of Animal

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Forrest Hicks Lindner Meyer O'Neill Parker Quinn Schilg Wilton			

ON BEING PUT TO THE VOTE, THE AMENDMENT WAS CARRIED AND BECAME THE SUBSTANTIVE MOTION.

6601 RESOLVED [Cr Hicks / Cr O'Neill]

That Council resolves to:

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Part A – GENERAL CONDITIONS

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PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

No conditions have been imposed under this section.

PART C – BEFORE BUILDING WORK COMMENCES

No conditions have been imposed under this section.

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ADVICE TO APPLICANT

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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.

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2. **DEVELOPMENT APPLICATION 10.2023.23.1 – RESUBDIVISION OF TWO (2) LOTS INTO FORTY-FOUR LOT (44) TORRENS TITLE SUBDIVISION, VEGETATION REMOVAL, EARTHWORKS, ROAD CONSTRUCTION, & ASSOCIATED CIVIL WORKS IN FIVE (5) STAGES ON LOT 2 & 3 DP 1287711 AT 29 WALLA WALLA ROAD, WALLA WALLA**

6602 RESOLVED [Cr Schilg / Cr Lindner]

That Council resolves to:

1. Approve Development Application No. 10.2023.53.1 on Lot 2 & 3 DP 1287711 at 29 Walla Walla Road Walla Walla & Walla Walla NSW 2659 for forty-four (44) lot Torrens Title Subdivision, vegetation removal, earthworks, road construction, & associated civil works in five (5) stages, 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

Section 70: Erection of signs

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. **Compliance with Plans and Conditions**

The subdivision must be carried out in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent. All conditions of consent must be fulfilled at the expense of the Applicant to comply with Council's Engineering Guidelines for Subdivisions and Development Standards in conjunction with advice from Council.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE SUBDIVISION WORKS CERTIFICATE

2. **Subdivision Works Plans**

Full Engineering Plans (Subdivision Works Plans) in respect to the provision of the following services must be submitted with the Subdivision Works Certificate Application for each stage:

- a) Internal road design;
- b) Sewer;
- c) Stormwater Management;
- d) Details of any fill material to be brought on site;
- e) Concrete footpaths (1.5m wide) including along Commercial Street linking the Central Business District (CBD);
- f) Certified Essential Energy (electricity) plans;
- g) Street lighting;
- h) Speed zone;
- i) Cost summary report;
- j) Indicative details of utilities (gas, telecommunications);
- k) Riverina water approved water supply network plans.

Details of where any excavated material is to be stored must be submitted to and approved by Council.

These plans must be approved by Council prior to the release of the Subdivision Works Certificate **FOR EACH STAGE**.

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3. **Biodiversity - Species Credit Retirement**

Prior to the release of the Subdivision Works Certificate for **Stage 1** the class and number of species credits in the following Table (**Table 1**) must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits outlined in this condition may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 1 requirements must be provided to the consent authority (Greater Hume Council).

Table 1- Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA subregion
Callocephalon fimbriatum / Gang-gang Cockatoo	37	Any in NSW

4. **Street Naming**

A written application for street naming must be submitted to Greater Hume Council for approval. The road names proposed must comply with requirements of the NSW Geographical Names Board and Council.

The application must nominate three suggested names per street, in order of preference, and the source of the names proposed.

Fees are payable for this service as specified in Council's Fees and Charges Policy.

5. **Riverina Water - Notice of Requirements**

A Notice of Requirements must be obtained from Riverina Water prior to the release of the Subdivision Works Certificate **FOR EACH STAGE**. The applicant is advised to make an early application for the certificate, as there may be water pipes to be built that can take some time.

6. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan must be prepared and submitted to Council with the application for a Subdivision Works Certificate for each stage. Exposed surface soil must be stabilised as soon as possible to avoid potential erosion and dust issue. Any stockpile of earth on the site must not be higher than 2m. This plan must be approved by Council prior to the release of the Subdivision Works Certificate for each stage.

7. **Payment of Long Service Levy**

A Subdivision Works Certificate will not be issued with respect to the plans and specifications for any subdivision work unless any long service levy payable under 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) has been paid in

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accordance with the submitted cost summary report for each stage.

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

8. Subdivision Works Certificate

An application for a Subdivision Works Certificate must be **submitted to and approved by Council** for each stage prior to any subdivision works taking place. The Subdivision Works Certificate must be lodged via the [NSW Planning Portal](#).

9. Notification and Appointment of a Principal Certifier

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

- a) appoint a Principal Certifier;
- b) the Principal Certifier has provided notification to Council of its appointment no later than two days before the subdivision work is proposed to commence; and
- c) the person having the benefit of the consent has given at least two days' notice to Council of the person's intention to commence the subdivision work.

10. 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: "[Erosion and Sediment Control – A Resource Guide for Local Councils](#)".

11. Temporary Water Closet Accommodation

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.

CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

12. 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.

13. 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](#).

14. Imported Fill Material

Any imported fill must comprise either uncontaminated Virgin Excavated Natural

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DEVELOPMENT APPLICATION 10.2023.53.1 – RESUBDIVISION OF TWO (2) LOTS INTO FORTY-FOUR LOT (44) TORRENS TITLE SUBDIVISION, VEGETATION REMOVAL, EARTHWORKS, ROAD CONSTRUCTION, & ASSOCIATED CIVIL WORKS IN FIVE (5) STAGES IN LOT 2 & 3 DP 1287711 AT 29 WALLA WALLA ROAD, WALLA WALLA [CONT'D]

Material (VENM)(as defined within the *Protection of the Environment Operations Act 1997*) or Excavated Natural Material (ENM)(as defined within the NSW EPA Resource Recovery Order '*The excavated natural material order 2014*').

15. Site Management – Flora and Fauna

The following measures are to be undertaken to minimise flora and fauna impacts during construction:

- a) The felling of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for threatened species.
- b) If any fauna species, a nest or roost are located during development works, then works should cease until safe relocation can be advised by a fauna ecologist.
- c) Mitigation measures are to be implemented in accordance with the submitted Biodiversity Development Assessment Report prepared by Steve Hamilton; BAAS18106 and dated 22 January 2024. In particular Section 8.4 page 52 and 53

16. Compaction – Landfill

All fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS3798 'Guidelines on Earthworks for Commercial and Residential Developments'

17. Soil Contamination - Unexpected Finds

A suitable soil chemical analysis and investigation report is required **IF ANY EVIDENCE OF CONTAMINATION** on the subject site is found during works as recommended by McMahon Earth Science and dated June 2023. If any evidence of contamination is found, all works at the location must cease immediately. If remediation works are required, works must not recommence on the subject site until Council is satisfied any required remediation techniques have been appropriately completed.

18. Vehicles During Construction

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

19. Minimise Noise

The operating noise level of plant and equipment during subdivision works must not exceed 5dB(A) 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.

20. Dust Control Measures

Adequate measures must be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- a) All materials must be stored or stockpiled at the best locations;
- b) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent runoff occurs;
- c) All vehicles carrying spoil or rubble to or from the site must at all times be covered to prevent the escape of dust or other materials;

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- d) Cleaning of footpaths and roadways must be carried out regularly; and
- e) Rumble grids must be installed at access points to the site.

21. No Obstruction of Road Reserve Permitted

The road reserve must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. All activities including loading/unloading of vehicles associated with this development must be undertaken within the subject site.

22. Disposal of Waste

Designated waste containment areas must be provided on site and must be maintained to prevent any windblown litter escaping from the site. The Applicant must also ensure all waste generated from construction of the development is disposed of at a site which can lawfully accept the waste.

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

23. Subdivision Certificate

An application for a Subdivision Certificate must be submitted to and approved by Council for each stage. The Subdivision Certificate Application must be lodged via the [NSW Planning Portal](#).

The application must include formal subdivision plans, an Administration Sheet and relevant Instrument Sheet (if applicable). Easements must be shown over all services and covenants as required by the conditions of consent must be incorporated into the appropriate instruments.

The Subdivision Certificate for each stage is not released prior to all applicable conditions of consent for this development being complied with to the satisfaction of Council.

24. Completion of Subdivision Works

A Subdivision Certificate for each stage cannot be issued prior to the completion of all subdivision works covered by **Condition 2** of this consent and a satisfactory final inspection of the works by Council's Engineering Department for each stage.

25. Development Contribution - sewerage headwork charges and landscape

The payment of Section 64 sewerage headwork charges and landscape contribution fees are applicable and must be paid to Council prior to the release of the Subdivision Certificate for each stage. Contributions are calculated per allotment created. **The fees will be charged and calculated in accordance with Council's adopted Fees and Charges Policy at the time the application for Subdivision Certificate for each stage is lodged with Council.**

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STAGES	RETICULATED SEWER	LANDSCAPE CONTRIBUTIONS FEE - PER BLOCK TO SUPPLY, PLANT AND MAINTAIN A STREET TREE.	TOTAL \$ TO BE PAID
Stage 1	2 Lots	2 Lots	Rate at time of SC lodgement per lot
Stage 2	5 Lots	5 Lots	Rate at time of SC lodgement per lot
Stage 3	5 Lots	5 Lots	Rate at time of SC lodgement per lot
Stage 4	5 Lots	5 Lots	Rate at time of SC lodgement per lot
Stage 5	27 Lots	27 Lots	Rate at time of SC lodgement per lot

26. Imported Fill Material

Certification supporting any source fill material must be provided to Council prior to the release of the Subdivision Certificate.

27. Correspondence From Agencies

Prior to the issue of the Subdivision Certificate for each stage, the following documents must be submitted to Council to demonstrate that the requirements of the public utility services and recommended conditions outlined in the Government Department respective referral responses have been met;

a) **Riverina Water - Compliance Certificate**

A Compliance Certificate must be provided confirming satisfactory arrangements have been made for the provision of water prior to issue of the Subdivision Certificate. The certificate must refer to this development consent and all of the lots created.

7. **Note:** The certificate must clearly state that water service is connected.

b) **Electricity**

A Notification of Arrangements from the electricity supply authority (i.e. Essential Energy) must be supplied to Council confirming that electrical infrastructure has been installed and that satisfactory arrangements have been made for the supply of underground low voltage reticulated electricity to each proposed Lot;

c) **Telecommunications and Fiber-ready Facilities**

Certification from an approved telecommunications provider outlining satisfactory arrangements have been made for the installation of fibre-ready facilities to all individual allotments in the subdivision to enable fibre to be readily connected to all premises which is being or may be constructed on those lots. The development

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must demonstrate the carrier has confirmed in writing they are satisfied the fibre ready facilities are fit for purpose.

28. Street Numbering

The street names and street numbering for the subject development must be approved and finalised by Council Prior to the release of the Subdivision Certificate for each stage.

29. Private Infrastructure

Any private services/assets or alike (i.e. water, stormwater, sewer etc.) which are located within the new allotments and benefit other allotments must be removed **OR** be shown within an appropriate easement to be registered. Any such easements must be shown on the formal subdivision plans prior to the release of the Subdivision Certificate.

30. Works as Executed Plans

Works as Executed (WaE) plans of all infrastructure and services must be provided to Council in electronic format (i.e. PDF and AutoCAD dwg. formats). The submitted WaE plans must be to the satisfaction of Council and must contain the true and correct locations and details of all installed infrastructure. The applicant must also provide Council with an asset value for all installed infrastructure which will be transferred to and/or managed by Council, along with street numbering shown on submitted plans.

31. Defects Liability Period

The defects liability period for subdivision works shall be a minimum of twelve (12) months from the date of registration of the plan of subdivision at the Land Registry Services, upon which the subdivision road and associated infrastructure is dedicated to Council for each stage.

32. Defects Liability Bond (Security)

A defects liability bond to the value of 5% of the total cost of the subdivision works must be submitted to Greater Hume Council prior to issue of the Subdivision Certificate for each stage.

The bond will be held for the duration of the defect liability period.

During this period the developer shall be responsible to remedy any construction defects or omissions in the subdivision works.

Note that the defects exclude general wear and tear due to use, damage caused by inappropriate use, vandalism or traffic accidents. The bond is refundable on application to Council and upon satisfactory final inspection by Council.

33. Repair Of Public Infrastructure

Any damage or deterioration to any portion of the footpath and/or kerb and guttering or other Council property including road reserves, during construction must be reinstated to its original condition at the owner's expense to the satisfaction of Council.

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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.
- 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 O’Neill Parker Quinn Schilg Wilton			

3. **DEVELOPMENT APPLICATION 10.2022.228.1 – USE OF PORTABLE HORSE STABLES FOR SHORT TERM AGISTMENT (BOARDING) & CONSTRUCTION OF A SOUND WALL – HOLBROOK RECREATION GROUND LOT 204 DP 753340 BOWLER STREET, HOLBROOK**

AT THIS JUNCTURE, COUNCILLOR LEA PARKER MADE A DECLARATION OF NON PECUINARY INTEREST IN THE MATTERS NOW BEFORE THE COUNCIL AND REMOVED HERSELF FROM THE ROOM AT 6:34PM PURSUANT TO SECTION 45 (1) OF THE LOCAL GOVERNMENT ACT 1993 AND TOOK NO PART IN VOTING ON THE MATTER.

6603 RESOLVED [Cr Wilton/ Cr Lindner]

Approve Development Application No 10.2022.228.1 – for use of portable horse stables for short term agistment (boarding) and construction of a sound wall at Holbrook Recreation Ground Lot 204 DP753340 Bowler Street Holbrook 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.

Part A – GENERAL CONDITIONS

1. 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.

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

2. No Boarding of Horses Until Construction of Acoustic Wall

No boarding of horses is to be undertaken until an Occupation Certificate has been issued by the Principal Certifying Authority for the completed Acoustic Wall that complies with the provisions contained in Section 5.1 of the Acoustic Assessment 'James McKoy Pavillion' Horse Stabling Facility Holbrook Sporting Complex prepared by Harwood Acoustics dated the 9 November 2023.

Reason: To protect the amenity of the area

3. Lapsing of Consent

This consent lapses 18 months after the date of issue for the Occupation Certificate required by condition 2.

Note: At the conclusion of this time a new development application will be required to be submitted and approved to enable a continuation of the use of the facility for the boarding of horses.

Reason: To allow a re-assessment of the proposal to be undertaken.

4. Number of Horses Permitted to be Boarded and Location of Horse Stalls.

16 horses is the maximum number of horses to be boarded at any one time and those horses are to be kept solely within the stalls located in the middle of the pavilion. The 6 stalls located adjacent to common boundary with Lot 12 DP 1055714 are not permitted to be used for the boarding of horses.

Reason: To protect the amenity of the area and to comply with Department of Primary Industry requirements for the stabling of horses in residential areas

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PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. 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).

Reason: To comply with the Building and Construction Industry Long Service Payments Act 1986.

6. Odour Management Plan

An Odour Management Plan must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include the method and program of 'regular cleaning and disinfection' proposed for all areas where horses are kept.

The use and operation of the premises must not cause the emission of any odours that, by reason of its level, nature, character or quality is likely to be harmful to or interfere unreasonably with the comfort or repose of a person who is outside the premises. In the event the use exceeds acceptable levels, the person in control of the premises must implement measures to reduce odour to acceptable levels. Additional ongoing mitigations will be required to be installed and maintained for the life of the development.

Reason: To protect the amenity of the area.

7. Noise Management Plan

A noise management plan must be submitted to and approved by Council prior to the issue of a Construction Certificate. The plan must include the measures to be implemented to address the emission of noise from the development. Things to be addressed include the conditions of use of the facility such as hours for arrival and departure, no camping restrictions and stipulations to minimise noise during arrival and departure.

Reason: To protect the amenity of the area.

PART C – BEFORE BUILDING WORK COMMENCES

8. Construction Certificate

An application for a Construction Certificate for the Acoustic Wall described in condition 2 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](#).

Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).

9. 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.

Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).

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DEVELOPMENT APPLICATION 10.2022.228.1 – USE OF PORTABLE HORSE STABLES FOR SHORT TERM AGISTMENT (BOARDING) & CONSTRUCTION OF A SOUND WALL – HOLBROOK RECREATION GROUND LOT 204 DP 753340 BOWLER STREET HOLBROOK [CONT'D]

PART D – DURING BUILDING WORK

10. 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.

Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

11. 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.

Reason: To protect the amenity of the neighbourhood during construction.

12 All 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.

Reason: To ensure sediment is not trafficked onto Council's road network.

PART E– BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

13. Occupation Certificate

The applicant must not allow or permit the boarding of horses, 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.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

PART F – OCCUPATION AND ONGOING USE

14. Compliance with approved Odour Management Plan and Noise Management Plan

The boarding of horses is to be done strictly in accordance with the approved Odour Management Plan and Noise Management Plan that is required by Condition 2 and 3 of this development consent.

Reason: To protect the amenity of the area.

15. Amenity Protection

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

- a) The appearance of any, works or materials used.

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DEVELOPMENT APPLICATION 10.2022.228.1 – USE OF PORTABLE HORSE STABLES FOR SHORT TERM AGISTMENT (BOARDING) & CONSTRUCTION OF A SOUND WALL – HOLBROOK RECREATION GROUND LOT 204 DP 753340 BOWLER STREET HOLBROOK [CONT'D]

- (b) The parking or movement of motor vehicles.
- (c) The transporting of materials or goods to or from the site.
- (d) Noise, air and water discharges from the site.
- (e) Electrical interference.
- (f) The storage and handling of garbage, or other materials.
- (g) Emissions or discharges into the surrounding environment including, from wastewater, vibration, odours or other harmful products.

Reason: To protect the amenity of the area.

16. Control of Flies

The applicant is to maintain measures to control the presence of flies.

Reason: To protect the amenity of the area.

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

Cr Parker returned to the room at 6.37pm.

Director of Engineering left the room at 6.37pm.

MINUTES OF ORDINARY MEETING OF GREATER HUME COUNCIL
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GOVERNANCE

1 ANZAC DAY CEREMONIES IN GREATER HUME COUNCIL AREA – THURSDAY 25 APRIL 2024

At this juncture at 6.37pm, Council moved to suspend standing orders [Cr. Hicks/Cr. Wilton]

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

At this juncture at 6.39pm, Council moved to resume standing orders. [Cr. Hicks/Cr. Parker]

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

6604 RESOLVED [Cr Forrest / Cr Wilton]

That the Councillors be nominated to attend the following ANZAC Day Ceremonies:

1. Brocklesby – Cr Quinn
2. Burrumbuttock – Cr Lindner
3. Culcairn – Cr Forrest
4. Henty – Cr Meyer
5. Holbrook – Cr Parker
6. Jindera – Cr Lindner
7. Walla Walla – Cr Schilg

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

Director of Engineering returned to the room at 6.39pm.

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CORPORATE AND COMMUNITY SERVICES

1. SIGNING OF LEASE AGREEMENT FOR LAND ADJOINING BYERS INN HOLBROOK, ALBURY STREET, HOLBROOK NSW 2644

6605 RESOLVED [Cr Wilton/ Cr Meyer]

That the Mayor and General Manager be authorised to sign the Lease Agreement for the Land Adjoining Byers Inn, Albury Street Holbrook under the Common Seal of Council.

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

2. DONATION OF FUNDS FOR PUBLIC LIABILITY INSURANCE ANZAC DAY 2024

6606 RESOLVED [Cr O'Neill / Cr Meyer]

That Council:

1. Approve \$5,000 - \$7,000 in funds as a donation to Jindera and Burrumbuttock event organisers to purchase relevant Public Liability Insurance for ANZAC Day ceremonies hosted on 25th April 2024.

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. 2023 – 2024 PROPOSED EXPENDITURE OF REGIONAL AND LOCAL ROADS REPAIR PROGRAM (RLRRP)

6607 RESOLVED [Cr Parker/ Cr Hicks]

That Council endorse the proposed expenditure of the RLRRP as detailed in this report.

Proposed Expenditure of the remainder of the Grant funding.	
2023-2024 Financial Year Asphalt overlay Corowa Rand Road intersection with MR331 Daysdale Road.	\$ 250,000
2023-2024 Rectify Edge Drop off on Howlong Balldale Road approximately 3.6km both sides (7.2km).	\$ 230,000
2024-2026 Additional Gravel Resheeting on unsealed roads	\$ 370,000
2024-2026 Heavy Patching Local Roads	\$ 400,000
2024-2026 Heavy Patching Regional Roads	\$ 400,000
2024-2026 Additional Resealing on Local Sealed Roads	\$ 254,080
2024-2025 Financial Year Jingellic Road 1km Rehab	\$ 450,000
2025-2026 Financial Year Jingellic Road 1km Rehab	\$ 450,000
2026-2027 Financial Year Jingellic Road 1km Rehab	\$ 450,000
2027-2028 Financial Year Jingellic Road 1km Rehab	\$ 450,000
	\$ 3,704,080

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

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2. TENDER TL 04 – 2023/24 REPLACEMENT OF THREE CULVERTS, WANTAGONG

6608 RESOLVED [Cr Wilton/ Cr Forrest]

That:

1. the tender submitted by Excell Gray Bruni P/L for tender TL04 2023/2024 for the Replacement of Three Culverts, Wantagong for \$ 1,671,649.00 (excl. GST) be accepted.
2. the unsuccessful tenderers be notified.
3. the General Manager and the Mayor be authorised to execute contract documentation with Excell Gray Bruni P/L under the Common Seal of Council.

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

3. PROVISION OF FOOTPATH AND KERB AND CHANNEL, MOLKENTIN ROAD, JINDERA

6609 RESOLVED [Cr Hicks/ Cr O'Neill]

That Council:

1. Approve the construction of kerb and channel, and footpath in Molkentint Road , Jindera
2. That the cost to land owners be as detailed.
3. That the landowners be notified of the estimated amount of their contribution to the project

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

ITEM TO BE REFERRED TO CLOSED COUNCIL

Nil.

MINUTES OF ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT JINDERA COMMUNITY HUB – 83 URANA STREET, JINDERA
ON WEDNESDAY 20 MARCH 2024

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

CORPORATE AND COMMUNITY SERVICES

1. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 29 FEBRUARY 2024

6610 RESOLVED

[Cr. Hicks /Cr. Parker]

That Council receives and notes the Investment Balances Report for the month of February 2024.

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

PART C - ITEMS FOR INFORMATION

GOVERNANCE

1. TOURISM AND PROMOTIONS REPORT – FEBRUARY 2024

CORPORATE AND COMMUNITY SERVICES

1. GREATER HUME LIBRARY SERVICES
2. GREATER HUME CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS
3. STATEMENT OF BANK BALANCES AS AT 29 FEBRUARY 2024

ENGINEERING

1. FEBRUARY REPORT OF WORKS

ENVIRONMENT AND PLANNING

1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF FEBRUARY 2024

6611 RESOLVED

[Cr. Hicks /Cr. Parker]

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			

MINUTES OF ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT JINDERA COMMUNITY HUB – 83 URANA STREET, JINDERA
ON WEDNESDAY 20 MARCH 2024

PART D

1. WALLA WALLA COMMUNITY DEVELOPMENT COMMITTEE MEETING 9TH OCTOBER 2023 7:00PM, WALLA WALLA HALL/RTC
2. CULCAIRN COMMUNITY DEVELOPMENT COMMITTEE MEETING 20 FEBRUARY 2024, CULCAIRN COUNCIL CHAMBERS
3. GREATER HUME COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING 6 FEBRUARY 2024
4. GREATER HUME COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORT 6 FEBRUARY 2024

6612 RESOLVED

[Cr. Hicks /Cr. Parker]

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			

MATTERS OF URGENCY

Nil

There being no further business, the meeting concluded at 6.59pm.

THESE MINUTES WERE CONFIRMED at the Council meeting held on 17 April 2024 at which time the signature hereon was subscribed.

Cr Tony Quinn
Mayor, Greater Hume Council