

**MINUTES OF THE EXTRAORDINARY MEETING OF
GREATER HUME SHIRE COUNCIL
HELD AT THE COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
AT 5.30PM ON WEDNESDAY, 5 AUGUST 2015**

IN ATTENDANCE: Councillors Wilton (Chairperson), Heriot, Meyer, McInerney, Osborne, O'Neill, Quinn, Schilg, Schoff.

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

Cr Osborne offered a prayer to open the meeting.

ACKNOWLEDGEMENT OF COUNTRY

Cr Wilton offered an Acknowledgement of Country at the commencement of the meeting.

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

Nil.

At this juncture, the Mayor invited Jonathon Kalina to address Council.

OFFICER'S REPORT – PART A – FOR DETERMINATION

ENVIRONMENT AND PLANNING

4122 RESOLVED [McInerney/Osborne]

That Item 2 DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA be brought forward at this time (5.32pm).

1. DEVELOPMENT APPLICATION 10.2015.34 – APPLICATION FOR SERVICE STATION AND SIGNAGE – LOT 1 DP1202059 - 99 URANA STREET JINDERA

4123 RESOLVED [O'Neill/Quinn]

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the following conditions of consent Council approve the service station at Lot 1 DP 1202059 99 Urana Street Jindera:

1 APPROVED PLANS

1.1 Compliance with Plans and Conditions

The development shall take place in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent.

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2 PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by a Certifying Authority. The Certifying Authority can be either Greater Hume Shire Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

Approvals required prior to the issue of construction certificate

2.1 The applicant is to submit for approval by the consent authority detailed plans and documentation demonstrating compliance with the relevant provision of the Protection of the Environment Operations Underground Petroleum Storage Systems Regulation 2014.

2.2 The applicant is to submitted updated calculations based on the selected equipment to support and substantiate the Environmental Noise Impact Assessment by Day Design Pty Ltd dated 3 July 2015 Report Number 5714-1.1R.

2.3 The applicant is to submit for further approval of the consent authority details of the acoustic wall including:

- i) Three (3) design options for the external appearance of both sides of the perimeter wall. Consideration should be given to the use of different textures, colours, materials and offset heights or alignments to minimise both public and private amenity impacts.
- ii) The approved option shall become part of this development consent.

3 PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3.1 Section 94A Levy Development Contributions

Prior to the issue of a construction certificate, a receipt for the payment to Greater Hume Shire Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy is calculated at 1% of the cost of development, as determined at the date of this consent. The total contribution to be paid has been calculated at \$12,000.

NOTE: This amount may change if there is a delay with payment of the levy, as the cost of works is to be indexed before payment to reflect quarterly variations in the Consumer Price Index (CPI).

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4 PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Greater Hume Shire Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

4.1 Construction Certificate Required

Prior to the commencement of any works, a construction certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a construction certificate can be made to Council on 02) 6029 8588.

4.2 Appointment of a Principal Certifying Authority

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

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

4.3 Notify Council of Intention to Commence Works

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

4.4 Kerb and Gutter Protection

Prior to the commencement of any works on site, the developer shall provide and lay adequate footpath, kerb and gutter protection at all points of entry to the site in accordance with Council's Code of Protection of Footpaths and Erection of Hoardings. This protection shall be maintained in good condition throughout the course of construction.

4.5 Erosion and Sedimentation Control

Prior to the commencement of any works on site, controls shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

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4.6 Toilet Facility

Prior to the commencement of any works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Greater Hume Shire Council.

4.7 Vehicular Crossing Application

Prior to commencement of works, a vehicular crossing application shall be submitted to and approved by Council. Note: see condition 5.3 for driveway requirements.

4.8 Sign During Construction

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

4.9 Proposed Sub-floor and Sewer Drainage Plan

A proposed Sub-floor and Sewer Drainage Plan for the service station shall be submitted to and approved by Council prior to the commencement of any such works.

5 PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

5.1 Interim/Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

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5.2 NSW Fire Brigade Notification

Prior to the issue of an occupation certificate (Interim or Final), evidence that the NSW Fire Brigade has been notified of the exact location and operational procedures of the proposed stormwater isolation valve to be installed at the subject premises shall be submitted to the Principal Certifying Authority and Greater Hume Shire Council.

5.3 Full Width Footpath Paving

Prior to the issue of the final occupation certificate, full width (concrete footpath paving / paving block footpath) shall be constructed for the full road frontage of the property. The developer shall complete any necessary transitioning to the existing footway beyond the boundary of this property at no cost to Council. The width of the footpath is to be:

- A 1.5 metre wide footpath is to be extended along Adams Street to match into the existing footpath continuing on to Huon Street Intersection.
- A 2.0 metre wide footpath is to be constructed along Urana Street matching into pedestrian access across to the western side of Urana Street.

- 5.4** Prior to the issue of an Occupation Certificate two (2) new driveway crossovers are to be constructed to Council's Driveway Crossover Specifications along Adams Street. Also complete new reconstruction of the existing driveway crossover in Urana Street will be required to enable vehicles more turning curve to enter the proposed new service station premises.

6 GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Greater Hume Shire Council or an accredited certifier.

6.1 Compliance with Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

6.2 Submission of an Annual Fire Safety Certificate

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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The certificate shall certify:

- a. that each essential fire safety measure has been assessed by a properly qualified person 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, and
- b. that a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

6.3 During Construction

During the construction period the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 for an individual or \$3,000 for a Corporation will be issued for any non-compliance with this requirement.

6.4 Hoarding/Fencing

During construction, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- 6.5** No external sound amplification equipment or loudspeakers are to be used for the purposes of announcement, broadcast, playing of music, ringing of telephones or similar purpose.

- 6.6** The finishes of all structures are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

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- 6.7** The approved development must not adversely affect the amenity of the neighbourhood in any way, including:
- a. the appearance of any building, works or materials used;
 - b. the parking of motor vehicles;
 - c. the hours of operation;
 - d. electrical interference;
 - e. the storage of chemicals, gasses or other hazardous materials; or
 - f. emissions from the site.
- 6.8** Rubbish skips and the like must not be placed or allowed to remain in the view of the public. Offensive odour must not emit from any rubbish receptacle on the site.
- 6.9** All external lighting of the site, including to parking areas and buildings, must be located, directed, baffled and shielded and of such limited intensity that no nuisance or loss of amenity is caused to any person beyond the site.
- 6.10** All loading and unloading of vehicles shall take place entirely within the site and only within those areas designated as loading/unloading bays, as approved. Any vehicles waiting to be loaded/unloaded shall be located within boundaries of the subject land.
- 6.11** The acoustic fences are to be maintained at all times to the satisfaction of the responsible authority.
- 6.12** The operation of the development must be carried out in accordance with the approved acoustic report prepared by *Day Design Pty Ltd dated 3 July 2015 Report Number 5714-1.1R*.
- 6.13 Hours of Operation**
The approved hours of operation for the use of the premises are 6.00am to 10.00 pm seven (7) days per week.
- 6.14 Submit a Trade Waste Application**
The applicant is to submit a trade waste application to the Greater Hume Shire Council and upon approval enter into a Trade Waste Agreement with the Greater Hume Shire Council.

Reason: To prevent damage to Council's Waste Water Treatment Works and subsequent pollution of waterways, to comply with the Local Government (General) Regulation 2005 and to satisfy Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

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6.15 Cross Connection Control or Backflow Prevention Devices

The applicant is to install cross connection control; and/or back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

6.16 Food Conditions

Compliance with Food Act 2003

The premises shall comply with the requirements of the Food Act 2003, FSANZ Food Standards Code, and the Australian Standard AS 4674-2004 (Design, Construction and Fit Out of Food Premises) prior to commencement of operations.

6.17 Notify Council

All food businesses in NSW must either:

- a. Notify the Council of their food activity details; and
- b. Have a nominated Food Safety Supervisor for the premises.

7 ROADS & MARITIME CONDITIONS

7.1 Vehicular access to the development site from Urana Road (MR125) is to be restricted to ingress only as per the submitted plans. Appropriate signage and line marking is to be installed and maintained at this driveway to enforce this.

7.2 The off-street car park layout associated with the proposed development including driveway design and location, internal aisle widths, ramp grades, parking bay dimensions and loading bays are to be in accordance with AS 2890.1-2004 "Off-street car parking" and AS 2890.2-2002 "Off-street commercial vehicle facilities".

7.3 The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Councils satisfaction. For road safety reasons the layout of the development and any access driveway shall be designed to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.

7.4 Any access driveway to the development site is to be constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway. As a minimum the driveways shall be sealed from the edge of seal of the carriageway to the property boundary.

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- 7.5** Internal vehicular manoeuvring aisles, parking areas and loading bays shall be maintained clear of obstruction and used exclusively for the purposes of vehicle access, parking and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste receptacles or any other purpose.
- 7.6** Any landscaping, fencing or signage to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".
- 7.7** All activities including, loading and unloading associated with this development are to take place within the subject site. Fill points for petrol and gas storage are to be located so that tankers can stand clear of access driveways and not impede on access to and from the subject site. A plan is to be submitted to indicate compliance with this condition prior to release of the Construction Certificate.
- 7.8** Any redundant driveway or layback to the subject site is to be removed and the road reserve including kerb and gutter reinstated to Councils satisfaction. Any damage or disturbance to the road reserve of adjoining roads is to be restored to match surrounding landform in accordance with Council requirements.
- 7.9** Stormwater run-off from the subject site onto an adjoining road reserve as a result of the proposed development is to comply with relevant standards relating to service station developments. Any access driveway is to be designed and constructed to prevent water from proceeding onto, or ponding on the carriageway of the adjoining roads.
- 7.10** A management plan to address demolition and construction activity, access and parking, is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to access the subject site, park within, or load/unload from the road reserve of Urana Road (MR125). The storage of any material within the road reserve is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.
- 7.11** Any works within the road reserve of Urana Road (MR125) which is a Classified Road requires concurrence from Roads and Maritime Services under section 138 of the Roads Act 1993 prior to commencement of any such works. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed development and as required by the various public utility authorities and/or their agents.

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7.12 Any works associated with the proposed development shall be at no cost to the Roads and Maritime Services.

Cr Heriot left the meeting at 5.42pm.

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COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Meyer McInerney O'Neill Osborne Quinn Schilg Schoff Wilton		Heriot	Nil

4124 RESOLVED [McInerney/Schoff]

That the meeting return to the balance of the agenda as printed.

1. VARIATION OF OPERATING HOURS FOR 2015/2016 AND SUBSEQUENT SWIMMING SEASONS – WALLA WALLA SWIMMING POOL

4125 RESOLVED [McInerney/O'Neill]

To better align with user requirements and have the potential to have lower lease costs over a 3 year period. Council endorse the following opening hours for the Walla Walla swimming pool.

		Start Date	End Date	Monday to Friday
Sat 2.00 to 8.00pm	Sun 12.30pm – 6.00pm	Sat 7/11/2015	Sun 20/12/2015	3.00pm - 6.30pm closed Tues
Sat 2.00 to 8.00pm	Sun 12.30pm – 7.00pm	Mon 21/12/2015	Sun 31/1/2016	2.00pm – 7.00pm
Sat 2.00 to 8.00pm	Sun 12.30pm – 6.00pm	Mon 1/2/2016	Sun 13/3/2016	3.00pm – 6.30pm closed Tues

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Cr Heriot returned to the meeting at 5.44pm.

ENGINEERING

1. TENDER NO. TL23 – 2014/15 JINGELIC ROAD (YARARA GAP) RECONSTRUCTION

4126 RESOLVED [McInerney/Quinn]

That Council:

1. accept the tender from RECivil for Separable Portions A and B of TL 23-2014/15 Jingelic Road (Yarara Gap) Reconstruction constructed under traffic for \$3,381,567 including provisional items of \$90,289 but excluding GST
2. use Council's current road maintenance budget to fund the \$31,567 additional cost if expended under the provisional items
3. notify the unsuccessful tenders in writing of the outcome of the tender
4. authorise the Mayor and General Manger to sign the contract documentation as detailed within this report under the Common Seal of Council.

2. TENDER NO. TL24 – 2014/15 RECONSTRUCTION OF ALBURY STREET / YOUNG STREET, HOLBROOK

4127 RESOLVED [O'Neill/McInerney]

That Council:

1. accept the tender from Excell Grey Bruni for the TL 24 – 2015/15 Reconstruction of Albury Street and Young Street, Holbrook for \$1,939,362.85 including provisional items of \$100,916.00 excluding GST
2. use Council's current road maintenance budget to fund the \$5,251.85 addition cost if expended under the provisional items
3. notify the unsuccessful tenders in writing of the outcome of the tender
4. authorise the Mayor and General Manger to sign the contract documentation as detailed within this report under the Common Seal of Council.

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MATTER OF URGENCY

4128 RESOLVED [Osborne/McInerney]

and ruled by the chair the MURRAY DARLING ASSOCIATION NOMINATIONS FOR CHAIR OF REGION 1 be considered at this time.

MURRAY DARLING ASSOCIATION NOMINATIONS FOR CHAIR OF REGION 1

4129 RESOLVED [Osborne/Meyer]

That Greater Hume Shire Council endorse the nomination of Cr Tony Quinn for the position of Chair MDA Region 1.

There being no further business, the meeting concluded at 5.55pm.

THESE MINUTES WERE CONFIRMED at the Council meeting held on 19 August 2015 at which time the signature hereon was subscribed.

Cr Heather Wilton
Mayor
Greater Hume Shire Council