



Greater Hume Council

Ordinary Meeting of Greater Hume Council

Wednesday, 19 April 2023

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

Persons wishing to address Council in the forum must register by 5pm Monday, 17 April 2023. The conduct of the forum is governed by the Council's Code of Meeting Practice. A new procedure applies for persons wishing to attend the meeting which can be obtained from Council's website or any Council office.

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

A citizenship ceremony for the following residents will be conducted at 4.30pm at Community Meeting Room, Library Complex, Library Lane, Holbrook:

- **Mr Krishna Mouli Bolla**
- **Mr Abhishek Singh**

and will be followed by supper (prior to commencement of the formal meeting). Councillors are encouraged to attend the ceremony and engage with the new citizens and their families.

Evelyn Arnold
GENERAL MANAGER

ORDER OF BUSINESS TO BE CONSIDERED
REFER OVERLEAF

Ordinary Meeting of Greater Hume Council

Wednesday, 19 April 2023

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

BUSINESS:

1. OPENING THE MEETING

2. PRAYER

3. ACKNOWLEDGEMENT OF COUNTRY

"I would like to acknowledge that this meeting is being held on the traditional lands of the Wiradjuri people, and pay my respect to elders both past, present and emerging".

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- Minutes of the Ordinary Meeting of Council – 15 March 2023

6. ACTION REPORT FROM THE MINUTES

7. DISCLOSURES OF INTERESTS

8. MAYORAL MINUTE(S)

9. NOTICES OF MOTIONS

10. REPORTS FROM OFFICERS

PART A For Determination

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

ITEM REFERRED TO CLOSED COUNCIL

- Nil

PART B To Be Received and Noted

- Corporate and Community Services

PART C Items For Information

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

PART D Items for Information

11. MATTERS OF URGENCY

Nil

12. COMMITTEE OF THE WHOLE – CONFIDENTIAL CLOSED COUNCIL REPORT

Nil

13. CONCLUSION OF THE MEETING

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MAYORAL MINUTE

Nil.

NOTICE OF MOTIONS

Nil

OFFICERS' REPORTS – PART A - FOR DETERMINATION

ENVIRONMENT AND PLANNING

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

Report prepared by Town Planner – Gayan Wickramasinghe

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation for the above development application for demolition of existing structures, construction of a shop, a restaurant or cafe, service station associated with an ancillary convenience store, car parking and advertising structures on Lot 7 DP658510, Lot 1 DP930569 and Lot 6 DP2741 at 55 Commercial Street Walla Walla NSW 2659.

Following public exhibition of the development application from 30 January 2023 to 16 February 2023, Council received a total of twelve (12) submissions including nine (9) objections for the proposal. The submissions were formed around demolition of the existing building and flow on effect, over shadowing, work health and safety issues related to the proposal, location of the waste collection area, manoeuvrability within the site, potential acoustic impacts, street character, financial viability of the project, potential contamination may occur during the operation of the proposed development, external light spill, reduction of property value and inconsistencies with the Greater Hume Development Control Plan (GHDCP) 2012. A further discussion of these submissions is found in **Section 4.15(1)(a)(d)** of this report.

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

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION - DESCRIPTION OF PROPOSAL

Pursuant to Section 4.12(1) of the Environmental Planning and Assessment (EP&A) Act 1979 this application seeks Council's approval for demolition of existing structures, construction of a shop, a restaurant or cafe, service station associated with an ancillary convenience store, car parking and advertising structures on Lot 7 DP658510, Lot 1 DP930569 and Lot 6 DP2741 at 55 Commercial Street Walla Walla NSW 2659.

The submitted application specifically involves the following:

1. Demolition of existing structures;
2. Construction of an attached 1,100m² shop (retail premises);
3. Construction of an attached 100m² associated retail tenancy (retail premises);
4. Construction of an attached 70m² fuel sales tenancy and associated refuelling forecourt with canopy, multi-product dispensers and underground petroleum storage tank;
5. Advertising structures, including a 6m pylon advertising structure at the street frontage, three (3) wall mounted advertising structures and one (1) awning and fascia advertising structure; and
6. Shared car parking area and landscaping.

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The proposed development involves demolition of the existing single storey building also known as 'The Thistle Café' and associated outbuilding located at the rear of the building on Lot 7 DP658510 and the outbuilding located on adjacent Lot 1 DP930569.

Once the demolition is completed the applicant noted the site will be used for construction of a shop, a restaurant or cafe, service station associated with an ancillary convenience store, car parking and advertising structures. As per the plans, the proposed shop is to have a total Gross Floor Area (GFA) of approximately 1100m². On the south eastern corner of the building backing onto the proposed car parking spaces a café is proposed with an approximate GFA of 100m² whilst an ancillary convenience store is proposed associated with a service station on the north eastern corner with an approximate GFA of 77m². A loading bay has been proposed on the north eastern corner of the building. The proposed service station will have two double sided multi product fuel dispensers with a canopy cover for refuelling for light vehicles whilst the associated single underground petroleum storage tank is to be located adjacent to the refuelling forecourt.

The proposed single storey building will be varied in height based on the fall of the land, with a height of approximately 7.598m at its highest point.

In summary, the building is designed to appear as a single large retail building with multiple tenancies, providing new retail and entertainment functions for the local community.

The following operating hours are nominated for each of these tenancies.

- Mondays to Sundays: 7:30am to 7:00pm;
- The total number of employees approximately 20 across the overall development.

The proposed car park is to consist of thirty six (36) spaces (including two accessible spaces). The southern vehicular crossing and driveway will provide ingress for cars and access for heavy vehicles whilst the northern vehicular crossing provides egress for all vehicles associated with the tenancies.

The installation of five (5) advertising structures are proposed as part of the development. One (1) 2.4m wide x 6m high pylon advertising structure is proposed and is to be located approximately 2m setback from Commercial Street. It will be positioned at an angle that will allow road users to read the sign easily from the street. The applicant also proposed four wall mounted and fascia advertising structures on various locations. It is considered that the proposed advertising structures require development consent as they do not meet exemptions outlined in the other environmental planning policies. *Of note*, as no greater details have been provided as part of the application, prior to use of the advertising structures as signs a separate development application is required to be lodged with Greater Hume Council.

The Applicant (Habitat Planning) has made the development application with the consent of 'Tando Holdings Pty Ltd', owner of the site.

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This Application is supported by the following:

1. A planning report including the Statement of Environmental Effect (SEE), prepared by Habitat Planning and dated October 23/03/2023;
2. A series of preliminary plans (site plan, floor plans and elevation diagrams) prepared by Premier Building and Constructions and dated 21/03/2023;

Please refer to **ANNEXURE 1** for a copy of supporting documentation.

The application was internally referred to Council's Engineering Department and also referred to Transport for NSW (TfNSW for their respective comments).

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

The applicant noted that the cost of the development is approximately \$3,602,606.00. Please refer to the submitted plans, and the body of the report for background and further details.

ASSESSMENT

DESCRIPTION OF THE SITE AND LOCALITY

The land subject to this application comprises of three different land parcels including Lot 7 DP658510, Lot 1 DP930569 and Lot 6 DP2741 and legally described as 55 Commercial Street Walla Walla NSW 2659. The subject site is a rectangular shaped allotment approximately with a total area of 3237.9m² and has an approximate 40m road frontages to Commercial Road to the east and 40m rear boundary to the existing unnamed lane way. The subject sites are bound by Lot 8 to the south and Lot D DP374330 and Lot 2 DP114705 to the north with side boundaries of approximately 80m respectively.

As noted briefly within the report Lot 6 DP 2741 is a rectangular block of land with some non-native vegetation whilst the other two allotments subject of the application contain a single storey building which has been using as a restaurant or café and an outbuilding respectively. The topography of the site is generally flat whilst the site is not burden by any easements.

Surrounding development is mixed. Immediately to the north and west there are existing single storey dwellings whilst to the south is an existing park also known as 'Walla Walla Lions Club Park'. The properties that are located within the vicinity of the development site are also zoned RU5 Village in accordance with the Greater Hume Local Environmental Plan (GHLEP) 2012. The subject development site does not contain any known items of environmental heritage significance as outlined in Schedule 5 of the GHLEP 2012.

The following figures (**Figures 1-2**) indicate the location of the development with applicable planning controls whilst **Figure 3-6 outline** the nature of the proposed development

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Figure 1 – The site subject of this Application with the applicable zoning controls; Source: IntraMaps.

Figure 2 – An Aerial view of the subject of this Application; Source: IntraMaps

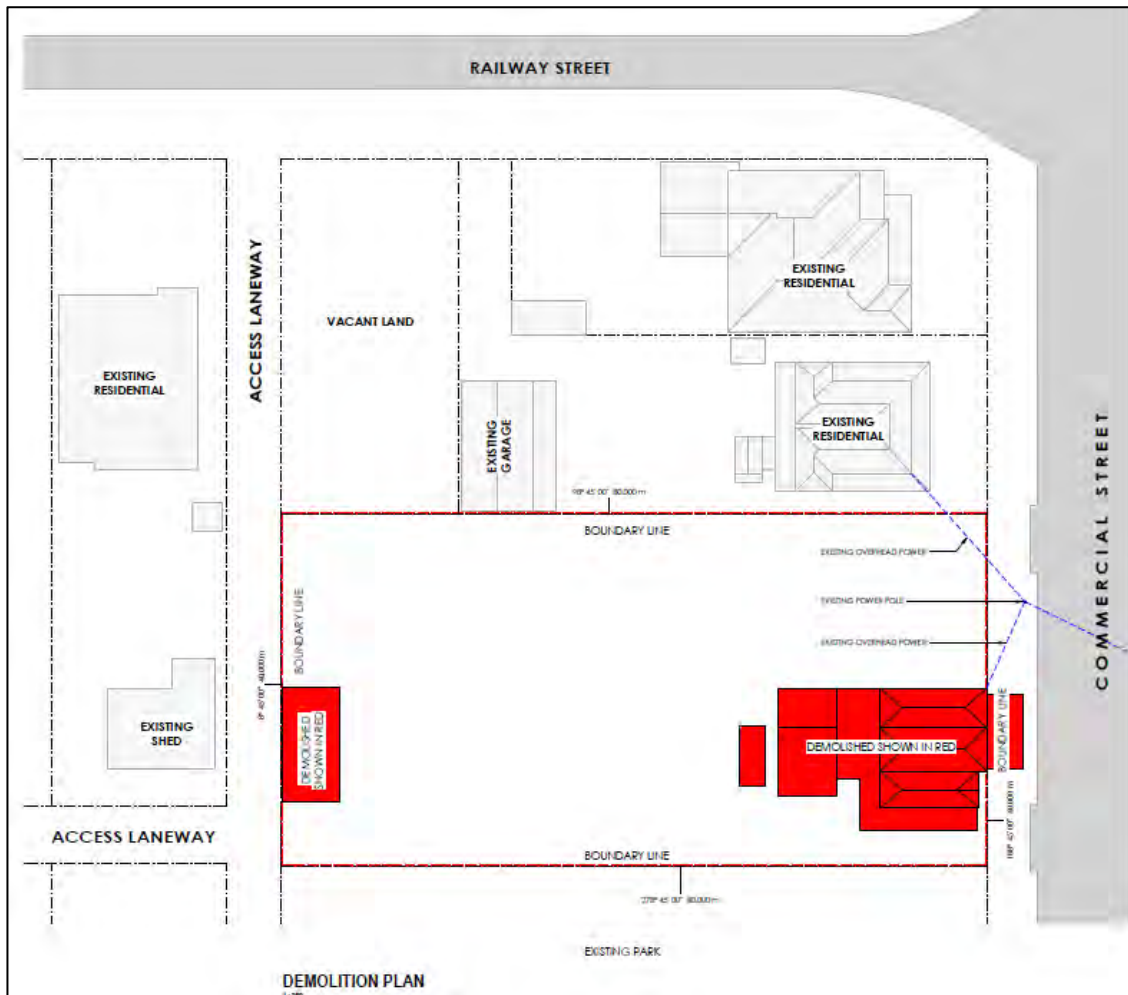


Figure 3 – The plan showing the proposed structures to be demolished by the Applicant

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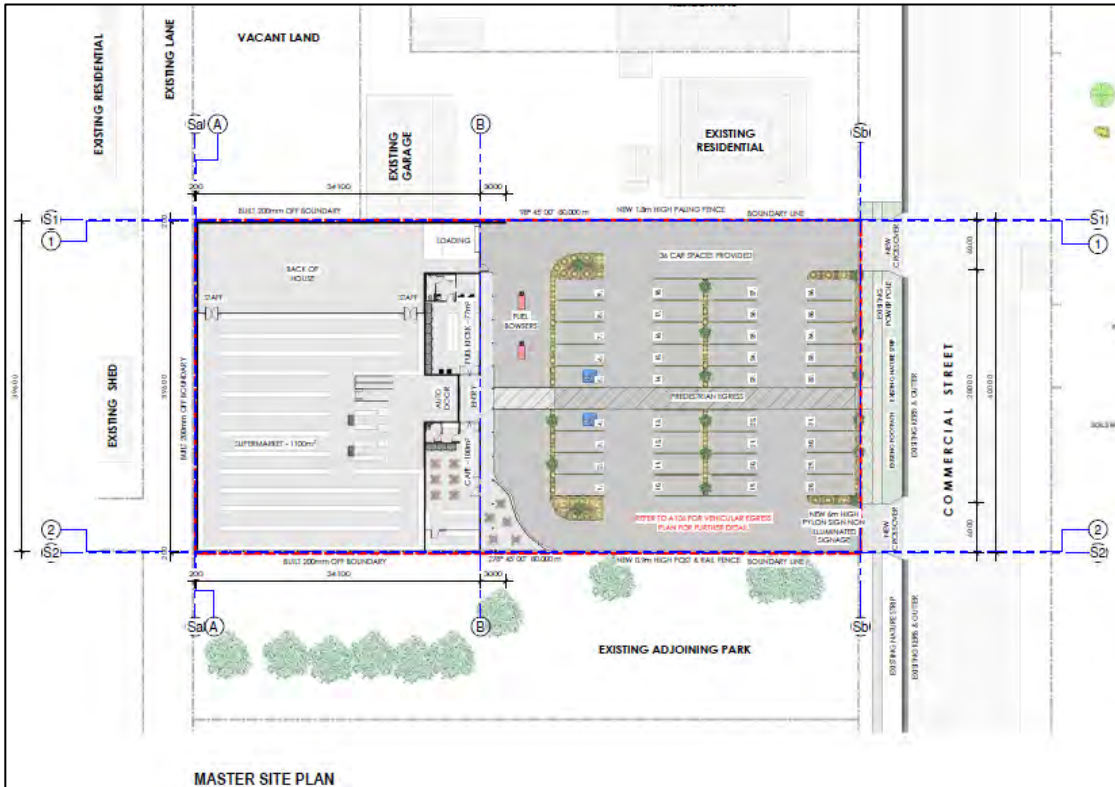


Figure 4 – The proposed site plan by the Applicant

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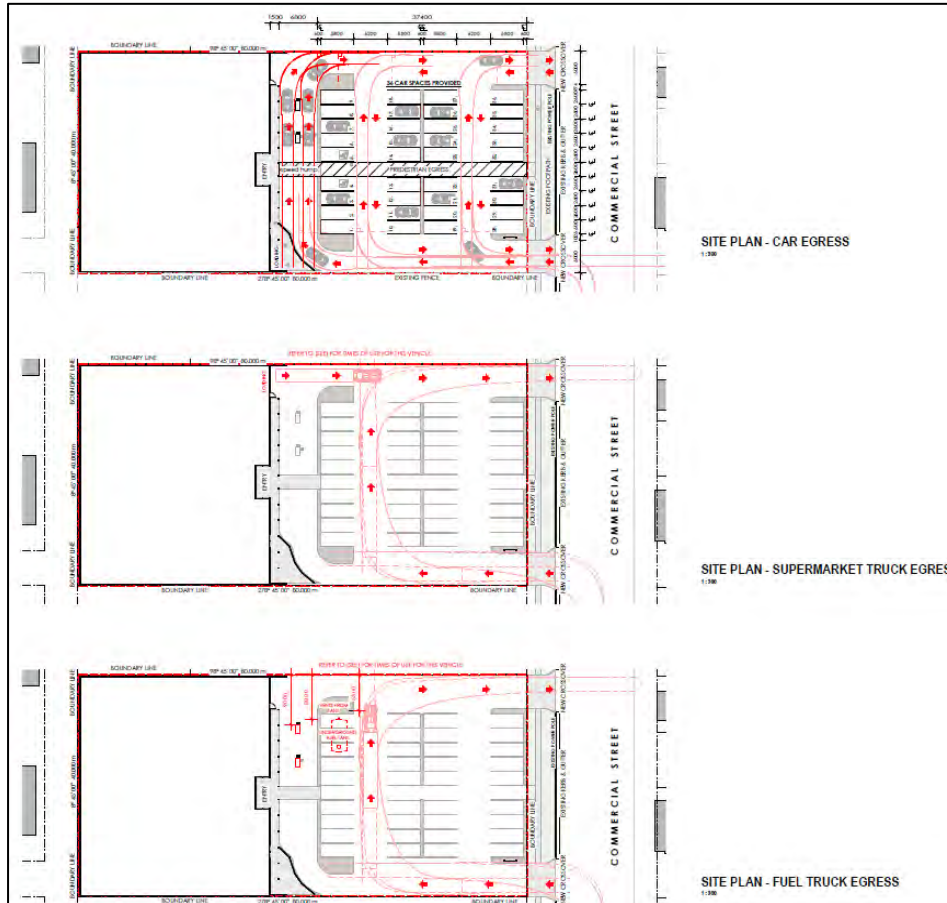


Figure 5 – Proposed vehicle maneuverability plan by the Applicant.

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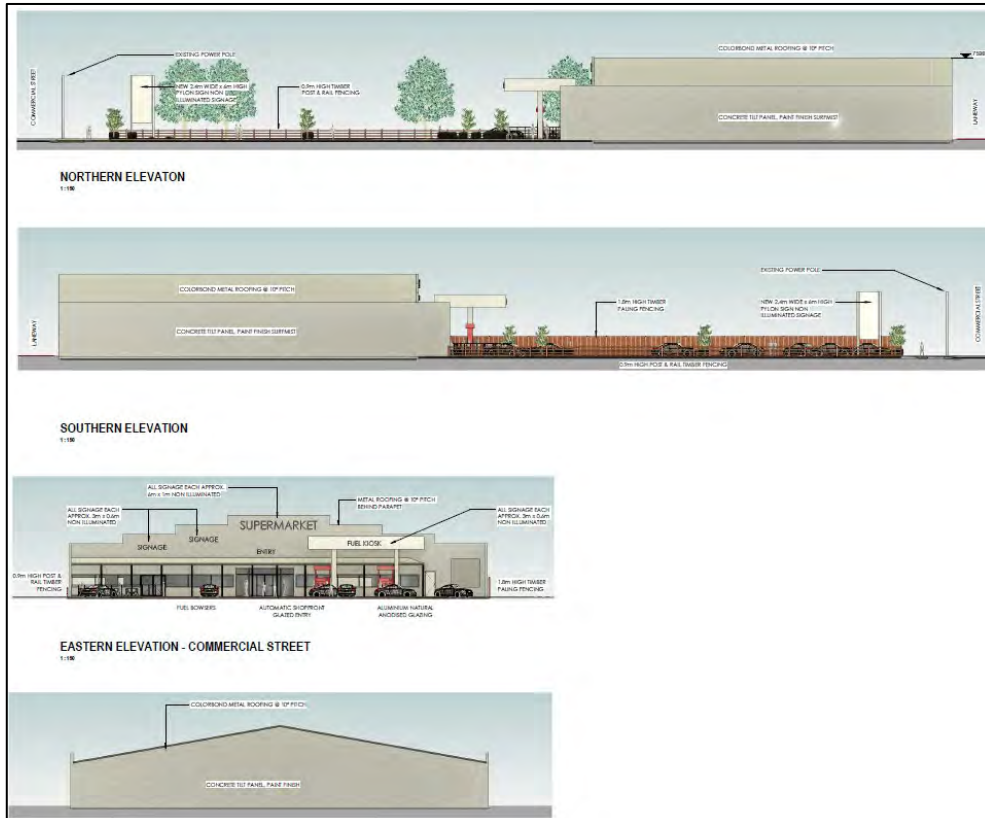


Figure 6 – Proposed elevation views for the development by the Applicant.

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

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

Section 4.46 - What is “integrated development”?

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

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4.15 Evaluation

(1) Matters for consideration-general

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

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) (Repealed)

that apply to the land to which the development Application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

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

Local Environmental Plan

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

Section 2.7 Demolition requires development consent

The applicant has also sought consent from Council to demolish the existing single storey building also known as 'The Thistle Café' and associated outbuilding located at the rear of the building on Lot 7 DP 658510 and the outbuilding located on adjacent Lot 1 DP 930569. It is noted that the proposed demolition requires consent as they have not been identified as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Consent for demolition can be granted as part of this consent.

Zone RU5 Village

Objectives of zone

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

As per the GHLEP 2012's land use table advertising structures, shops, restaurant or café and service stations are permissible form of development within the RU5 Village Zone.

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The State Environmental Planning Policy (Industry and Employment) 2021 and the GHLEP 2012's Dictionary provide the following definitions which are relevant to the proposed development:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

Note—Shops are a type of retail premises—see the definition of that term in this Dictionary.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided, but does not include the preparation and serving of food and drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

*Note—Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.*

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) **the ancillary retail selling or hiring of general merchandise or services or both.**

As per [Planning Circular PS 21-008](#) Council staff are satisfied that the proposed convenience store is subservient to the dominant use (service station) and is therefore does not constitute another independent land use (i.e. kiosk) in accordance with the GHLEP 2012.

In addition to that the following definitions within the State Environmental Planning Policy (Industry and Employment) 2021 are also applicable for the development:

advertising structure means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.

advertisement means signage to which Part 3.3 applies and includes any advertising structure for the advertisement.

It is considered that the proposed development will provide a range of services and facilities associated with the rural village. The applicant note that the development will be operated from 7.30am to 7.00pm from Mondays to Sundays. It is therefore considered that the individual tenancies within the development is compatible with the existing residential use of the adjoining properties.

Therefore, it is considered that the proposal is consistent with the objectives of this zone.

Part 4 Principal development standards

No Principal Development Standards are applicable to the development.

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Part 5 Miscellaneous provisions

Section 5.10 Heritage conservation

The site does not contain any known items of environmental heritage significance as outlined in Schedule 5 of the GHLEP 2012. Thus this Section is not expressively applicable. It is further noted that a standard condition related to protection of unknown Aboriginal Heritage will be imposed on any consent granted.

Section 5.21 Flood planning

It is noted that the site subject of this development application is within Flood Planning Area. In accordance Council's GIS Register, the site is not affected by the 1% flood event. Essentially this means the site is only minimally effected by flooding.

As per 5.21(1) of the GHLEP 2012, the objectives of this section are as follows:—

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

In addition to that Section 5.21(2) contains specific design criteria for developments within flood planning area as below:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The components of the proposed development would be classified as 'commercial development category' in accordance with the Walla Walla Floodplain Risk Management Study and Plan and dated October 2017.

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'Section 5.2 – Flood Planning Levels' of the flood study outlines that as an option, Council may allow commercial and industrial buildings to have a reduced minimum floor level due to less sensitivity to comply with design criteria outlined in Section 5.21(3). The application was however referred to Council's Engineering Department for further response. Together with the internal response received in conjunction with the proposed development, the following is noted:

- Council's Engineering Department have reviewed the submitted plans and have advised that due to nature of the proposal (i.e. not being a habitable building) a condition can be imposed on any consent granted. The condition will be as follows: the minimum floor level is 300mm above the natural ground surface for 1 in 100 flood event.
- Council staff are satisfied that the available ingress and egress routes are sufficient for any emergency evacuation needed from the site. As such the proposal is considered unlikely to endanger the safety of persons on that land or adjoining land.

It is noted however the applicant is still required to design the forecourt of the service station including surface drainage from bunded fuel dispensing areas in accordance with the best practice guidance set out in the NSW EPA practice note. This requirement will form part of any consent granted.

The development is therefore seen to be compatible with the flood hazard of the land having regard to Section 5.21 of the GHLEP 2012.

Part 6 Additional local provisions

Section 6.1 Earthworks

It is considered that all earthworks associated with the development will be limited to the foundation of the proposed main building and to install one 60kL double walled compartmented fibreglass underground tank and associated pipework. It is therefore considered that these earthworks are ancillary to the proposed development and will not require a separate development consent. In addition to that, the assessment officer of this application believes that subject to appropriate conditions on the consent (i.e. sediment control measures, protection of Aboriginal Items etc.) the proposal meets the objectives of this section and the relevant assessment criteria outlined in Section 6.1(3).

Section 6.7 Essential services

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

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Subsection	Comment
(a) the supply of water,	Riverina Water is responsible for supply of water for Walla Walla Township. A condition will be included on the consent to reflect this requirement.
(b) the supply of electricity,	Existing facilities on site.
(c) the disposal and management of sewage,	The existing infrastructure is in place. It is noted however due to the additional demand the applicant is required to pay S64 contribution charges for the development. Therefore a condition will be imposed on any consent granted to reflect this requirement.
(d) stormwater drainage or on-site conservation,	The additional stormwater generated from the development is to be discharged for the existing reticulated stormwater system. A suitable condition will be imposed to ensure consistency.
(e) suitable vehicular access	The development site has access via all-weather sealed Commercial Street.

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

- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Industry and Employment) 2021.

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State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 4 Koala habitat protection 2021

Section 4.9 of this policy is expressively applicable for the proposed development. As per Council records, the following is noted:

- (a) the site subject of this Application does not have an approved koala plan of management applying to the land and,
- (b) Council is satisfied that the land is not core koala habitat.

Therefore, Council as consent authority is satisfied that the proposed development can proceed without an additional assessment.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

As per Section 4.6(1)(a), and a search of Council GIS System indicate that the land has not been used for any activities which would render the soil contaminated to such a degree as to prevent the future development of the land as a commercial premises.

Therefore, it is considered that the land is suitable in its current state for the purpose for which the development is proposed to be carried out.

Section 3.10 of the policy requires the consent authority to ascertain whether the proposal is potentially hazardous or offensive development. It is noted that as per Section 3.10(c) and the associated guidelines (i.e. Appendix 3 of the Hazardous and Offensive Development Application Guidelines' issued by the Director General of the Department of Planning) Council staff are satisfied that the proposal can be identified as potentially hazardous development. Therefore the applicant is required to provide a 'Preliminary Risk Assessment' in accordance with Appendix 2 of that policy. In response, the applicant has provided a Preliminary Risk Assessment based on good classification, quantities of good, separation distance between the boundaries and the nearest dwelling and weekly and annual number of deliveries. The submitted assessment concluded that the operation of the proposed development meets the criteria for Land Use Safety Planning and would not cause any risk to the community.

State Environmental Planning Policy (Transport and Infrastructure) 2021.

Section 2.122 - Traffic-generating development

The proposed development involves construction of a 'service stations without heavy vehicle refuelling or maintenance services' in accordance with Schedule 3 of this Policy. Therefore as per Section 2.122(3) the development was notified to Transport for NSW for their respective response. TfNSW in their referral dated 23/02/2023 have notified that they entrust Council to assess and manage the traffic implications of the proposal. Accordingly Council's Engineering Department have reviewed the proposal and provided comments and conditions to be included on any consent granted.

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State Environmental Planning Policy (Industry and Employment) 2021

As discussed above the applicant has proposed to install five (5) advertising structures, including a 6m pylon advertising structure at the street frontage, three (3) wall mounted advertising structures and one (1) awning and fascia advertising structure on the eastern view of the proposed building. As per Section 3.4 (1) the proposed sign requires consent from Council.

The following definitions can be found within Chapter 3.2 of this policy that are related to the proposal:

***advertising structure** means a structure or vessel that is principally designed for, or that is used for, the display of an advertisement.*

***advertisement** means signage to which Part 3.3 applies and includes any advertising structure for the advertisement.*

The applicant noted that content of the proposed advertising structures are to be confirmed once the development is approved prior to the occupation of the development. Therefore a condition will be included on any consent granted to reflect this requirement. Council however considered that the intent of the proposed advertising structures are to display the business and nature of the business carried out at the premises which structures are displayed.

Section 3.6 Granting of consent to signage

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

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

Please refer to the detailed assessment below.

1 Character of the area

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

Council staff are satisfied that the proposed advertising structures are local in scale and are compatible with the area. Council staff also noted that similar structures have been installed on the adjoining commercial and business avenues.

2 Special areas

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

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The development site is not being identified as environmental sensitive or heritage sensitive area as per NSW ePlanning Spatial Viewer and the GHLEP 2012. Council staff however acknowledge that parts of the all three allotments subject of the application have been mapped as heritage conservation area under the Greater Hume Development Control Plan. It is noted however the proposal is not considered to be inconsistent with the applicable guidelines outlined in Chapter 9 of the GHDCP 2013 within the report.

It should be noted that the applicant is only seeking blank structures to be placed on the land or on the building. The contents of the advertising structures are subject to another development application. Therefore Council staff are satisfied that a thorough assessment can be carried out once a DA has been lodged with Council seeking consent for such a proposal.

3 Views and vistas

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

It should be noted that the proposed structures are to be sited on the front walls generally facing Commercial Street. Due to its location and size, the structures will not dominate the skyline and reduce the quality of vistas or will not compromise important views.

4 Streetscape, setting or landscape

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

It is considered that the scale, proportion and form of the proposed structures are proportionate to the existing streetscape and can be generally expected. Council staff are satisfied that the proposed structures do not dominate the street or any public open space.

5 Site and building

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

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It is considered that the intent of the advertising structures are to advertise the proposed use. As noted previously within this report, the proposed structures will be positioned at an angle that will allow for the future signs to be easily read from the front property boundary in general.

6 Associated devices and logos with advertisements and advertising structures

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

Not applicable.

7 Illumination

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

Not applicable.

8 Safety

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

The proposed structures are solely to be contained within the private property with appropriate setbacks to the boundaries. Therefore it is considered that the proposed structures would not reduce the safety for pedestrians or cyclists.

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

Section 4.15(1)(a)(ii) - Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved);

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

Section 4.15(1)(a)(iii) - any development control plan;

The GHDCP 2013 applies to the proposal. Altogether, the following chapters of the GHDCP 2013 are relevant to this Application:

- Chapter 4 – Commercial Development
- Chapter 5 – Township Structure Plans
- Chapter 8 – Flood Liable Land
- Chapter 9 – Heritage Conservation Area
- Chapter 10 – Notification Policy

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Chapter 4 – Commercial Development	
Standard	Comment
<i>New commercial activities (including retail and office) to be located within the existing commercial centres and those centres identified within the adopted structure plans for each town or village.</i>	The subject site has been identified as land suitable for commercial development under the Walla Walla Structure Plan contained within the GHDCP 2013. Council staff also considered that the proposal is an orderly development of the site to fill local needs with convenient access to other small towns such as Gerogery and Culcairn.
<i>Small businesses which principally service local neighbourhoods may be located outside of town centres where it is demonstrated that such services are necessary and appropriate.</i>	Council staff are considered that the proposal is located within Walla Walla Central Business District and is therefore it complies with this criterion. The proposal will facilitate the growth of the town whilst providing a number of short and long term economic benefits to the community.
<i>Commercial activities are encouraged in areas accessible to residents and visitors.</i>	As noted previously within the report the site is located adjacent to well-developed medium-low density residential area. The site can be accessible via all-weather sealed Commercial Street to the north and south of the development site.
4.2 APPEARANCE & DESIGN	
<i>Shopfronts are to be designed to be inviting and active at street level</i>	It is considered that the proposed development has been designed in accordance with the desired and envisaged character of the locality and the proposed use of the site in general. The bulk and scale of the proposed development is compatible with the site and that of adjoining properties. It is further considered to complement the existing built form of the site, whilst providing a contemporary design that responds sympathetically to the surrounding area. The submitted eastern elevation diagram indicates the building's façade adjoining Commercial Street. The eastern elevation diagram is incorporated with series of windows, doors and a mixed material palette to provide visual interest and promote surveillance.

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Chapter 4 – Commercial Development	
Standard	Comment
<i>Building facades facing the street are to contribute to the 'main street' commercial character of town centres</i>	Council staff considered that the form, scale, appearance and material selection of the buildings generally contribute to enhance the existing character of the locality in general when comparing with the surrounding built environment.
<i>Large expanse of blank or flat walls along a street frontage will be considered as incompatible with the objectives of these controls.</i>	It is noted the proposed single storey commercial building is to be located approximately (fourty four) 44m front setback from its eastern boundary being Commercial Street. It is also noted that the building is to be located behind the proposed car parking spaces. As a result it is considered that the building generally unable to be seen clearly from Commercial Street. The submitted eastern elevation diagram provides an indication of the building's façade when view from Commercial Street. As per the elevation diagram, the building accompanied with varies design treatments such as windows with various sizes whilst it is also proposed to use of a variety of building materials to provide visual interest with advertising structures on the wall. Therefore it is considered that the proposal complies with this criterion.
<i>Car parking areas and access should be located behind the building frontage wherever possible.</i>	As per the proposed master plan layout, the designated car parking spaces have been proposed to be constructed at the front of the building line. Therefore the development essentially does not comply with this criterion. The proposed development comprises a supermarket, associated retail premises and a service station within central area of Walla Walla. It is a highly accessible site within the township and is located within close proximity to other retail and community services that are likely to be used by visitors. Given its use and scale of the development Council staff are satisfied that in this instance location of the carparking spaces in front of the building line is acceptable. The application was also internally referred to Council's Engineering Department who did not raise any objections related to safety subject to imposition of relevant conditions on any consent granted.

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Chapter 4 – Commercial Development	
Standard	Comment
<i>Development is designed having regard to safety and where possible implements measure for Crime Prevention Through Environment Design.</i>	The proposed development includes better vehicular and pedestrian access, designated car parking spaces whilst the intended use is considered safe to the public. Therefore it is considered that the elements of the crime prevention design strategies have been adopted for the proposal.
4.3 Landscaping	
<i>Developments that are set back from the street frontage shall incorporate appropriate landscaping with the front setback that enhances the visual quality and character of the street.</i>	The proposal incorporates landscaping treatments for the development and the proposed arrangements are considered to be satisfactory in this instance.
4.4 Heritage	
<i>Developments adjoining and in the vicinity of a heritage item are to be designed to complement rather than detract or dominate.</i>	It is noted based on the heritage items listed in Schedule 5 of the GHLEP 2012, the site subject of the application is not located in close proximity to a heritage item.
4.5 Signage	
<i>Signage to be kept to a minimum and appropriate for the type of commercial activity being undertaken.</i>	Please refer to the above assessment against the State Environmental Planning Policy (Industry and Employment) 2021.
<i>Signage to be of a scale in proportion of the building (i.e. must not to dominate the building facade or street frontage).</i>	
<i>Signage not to be a hazard for pedestrians or motorists.</i>	
<i>Moving and/or flashing signs are to be avoided.</i>	
4.6 Parking	
<i>On-street parking to be provided for the length of street frontage of the development site.</i>	No on-street parking arrangements have been proposed.

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Chapter 4 – Commercial Development

Standard

Comment

4.6 Parking [cont'd]

On-site car parking is to be located to the side or rear of the development.

Please refer to the discussion against Section 4.2 within this report.

The total number of car parking spaces (on and off-street) to be provided at the rate required in Chapter 5 of the NSW Roads and Maritime Services guide, shown in Table 4.1 below.

The following noted within the GHDCP 2013 in relation to the required car parking spaces for the proposal:

Shopping Centres:

6.1 Spaces for 100m²

Council staff have calculated the total floor area of the building based on the submitted plans and the following is noted:

Total gross floor area of the buildings – 1270m²

Required car parking spaces: $6.1/100 \times 1270 = 77.47$ **(78 car parking spaces)**.

The applicant has proposed a total of thirty six (36) car parking spaces for the development. As per the above calculation the development is still requires to provide an additional forty two (42) spaces to comply with relevant requirement. Therefore a variation to this standard is required. In response the applicant noted the below;

“It is noted that the proposed development provides parking which is less than the theoretical parking requirement for the DCP. However, it is noted that the rate provided for within the DCP is a broad rate which attempts to cover all possible types of retail premises and in some circumstances is considered excessive.”

Council Planning and Engineering Staff have thoroughly assessed the application and in this instance due to less demand for parking notwithstanding the proposal does not comply with required number of car parking spaces it is considered the variation can be supported.

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Chapter 4 – Commercial Development	
Standard	Comment
4.6 Parking [cont'd]	
<p><i>Parking spaces should be designed in accordance with Australian Standard 2890.1 and 2890.2.</i></p> <ul style="list-style-type: none"> - <i>Car parks adjoining public land (including a road) shall be provided with a landscape strip at the interface.</i> - <i>Car parking to be accessible at all times during the business hours of the premises.</i> - <i>Car parks to be designed to provide pedestrian connectivity and minimise conflicts between vehicles and pedestrians.</i> 	Condition/s will be placed to reflect this requirements.
<ul style="list-style-type: none"> - <i>Loading facilities are to be located at the rear or side of the building and not adjacent to any residential property.</i> 	Does not comply. Please see comment below.
<p><i>Loading and unloading facilities are to be provided in accordance with the provisions of NSW Roads and Maritime Services guide.</i></p>	Complies.
<p><i>Loading and unloading areas are to be located separate from other vehicle manoeuvring areas, car parking areas and pedestrian movement areas.</i></p>	<p>The proposed designated loading and unloading bay is located at the north eastern part of the proposed building away from the proposed car parking spaces and pedestrian movement area. Most importantly the applicant noted that the proposal only operates from Mondays to Sundays from 7.30am to 7.00pm. Therefore it is considered that the proposal will have minimum noise impacts on the adjoining properties.</p> <p>It is considered that the frequencies of deliveries will be minimal and will have minimal noise impact.</p>

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Chapter 5 – Township Structure Plans:

This chapter of the GHDCP relates to the role of township structure plans in guiding the location of types of land uses and development within the zoned urban areas of the Shire. Such guidance is necessary because of the use of one broad-based zone in the GHLEP (the RU5 Village zone) across much of the townships.

The structure plans are based on those prepared as part of the Greater Hume Shire Strategic Land Use Plan 2007-2030 (“the SLUP”). The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond.

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

As noted previously within the body of this report, the site subject of this application has been specifically earmarked for commercial development in accordance with the structure plan contained within the GHDCP 2012.

It is further noted that the proposal is a permitted land use in the RU5 Village Zone with consent and Council staff are satisfied that subject to imposition of conditions, the development is not likely to have any adverse impact on the existing residential neighbourhood.

Chapter 9 – Heritage Conservation Area

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

The development site has been identified as a conservation area within the Greater Hume Shire Community Based Heritage Study 2010.

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The objectives of this section are as follows:

- *to facilitate the implementation of the objectives and provisions relating to heritage conservation contained in clause 5.10 of the GHLEP;*
- *to acknowledge and conserve the heritage significance of towns within the Shire;*
- *to provide guidelines and controls which seek to protect the significant character of towns in the Shire;*
- *to enable appropriate consideration to be given by applicants and the Council to development;*
- *to encourage and promote public awareness, appreciation and knowledge of heritage conservation;*
- *to integrate planning, design and decision making associated with development initiated by the private and public sectors; and*
- *to enhance amenity and heritage values of towns in the Shire.*

The development sites subject of this application do not contain any heritage listed items ('buildings') as outlined in Part 1, Schedule 5 of the GHLEP 2012. It is further noted that due to absence of a building schedule within the community based heritage study carried out in 2010, the above controls are required to be read in conjunction with Schedule 5 of the GHLEP 2012.

Council staff however acknowledge that there are some heritage values associated with the existing building on site. It is noted however due to unavailability of provisions within the Local Environmental Plan and or the other environmental planning instruments the applicant is able to remove the existing structure without providing a further justification.

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Chapter 8 – Flood Liable Land	Please refer to the above discussion within Section 5.21 - Flood Planning of this report
Chapter 10 – Notification Policy	
<i>This chapter of the GHDCP applies to Council’s policy for notifying development applications.</i>	In accordance with the GHDCP 2013 and the Community Participation Plan the application was notified to adjoining landowners from 30 January 2023 till 16 February 2023. Council received a total of twelve (12) submissions including nine (9) objections for the proposal. The submissions are discussed in Section 4.15(1)(a)(d) within this report.

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

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

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

The following division within the Environmental Planning and Assessment Regulation (*EP&A Reg 2021*) has been considered in the assessment of the development application:

- Division 2, Subdivision 1 Development in general – Section 69-74 & Section 81 within Subdivision 2.

It is noted, the Prescribed Conditions as outlined in Subdivision 1 and 2 of Division 2 are recommended to include on any consent granted, in the event Council approves this application.

Section 4.15(1)(b) - The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;

Council staff have considered the likely impacts of the development on both natural and built environments, and social and economic impacts in the locality.

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ISSUE	COMMENT
Context & setting	<p>The property is located off a main road and the proposed development is not expected to adversely impact upon the amenity of the neighbourhood with respect to noise, traffic or parking.</p> <p>The proposal also involves construction of a service station in addition to the construction of a retail and commercial premises. The imposition of standard operating hours (as proposed by the applicant) for this use is considered appropriate given the nature of the proposal and its location to other commercial and industrial activities in the Walla Walla Central Business District.</p> <p>The development also involves the removal of an old building known as 'The Thistle Café' on Lot 7 DP 658510. It is noted however this building has not been identified as a heritage item in Schedule 5 of the GHLEP 2012. Therefore no additional referral or documentation is required to be considered as part of the assessment.</p> <p>The development site is centrally located with convenient access to the established residential, commercial and industrial activities whilst it is also located close proximity to other local towns such as Georegory to the south-east and Culcairn to the north-east via well-established road network.</p>
Access & parking	<p>As discussed previously, it is considered that the development site contains sufficient car parking spaces to support the proposed development. The application is supported with vehicle maneuverability plans. The plans have been reviewed by Council's Engineering Department and subject to conditions they have provided in principal support for the development. It is noted part of the proposal (service station) has been identified as a traffic generating development under the State Environmental Planning Policy (Transport and Infrastructure) 2021, the application was referred to TfNSW for their comments. In their letter dated 23/2/2023. TfNSW provided in principal support for the development whilst they also required Council to assess and manage the traffic implications of this development application. As a result the traffic implications of the development have been assessed by Council's Engineering Department who provided conditions to be included on any consent granted. In addition to that the applicant is also required to construct the proposed carparking spaces in accordance with the relevant Australian Standards whilst they are also required to provide the minimum number of accessible car parking spaces in accordance with the Building Code of Australia Standards.</p>
Utilities	<p>Please refer to the discussion against Section 6.7 within the report. In summary it is considered that all relevant services are readily available for the proposed development. Whilst vehicular access to the development can be formalised with Council by lodging a Section 138 Permit as per the TfNSW referral response.</p>

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ISSUE	COMMENT
Economic	The proposal at this scale will provide for the ongoing growth of the town whilst meeting the daily needs of the local population. It is also expected that the proposal will generate positive economic flow on effects, including new employment opportunities for the local community during the construction stage and ongoing operation of the development.
Heritage	The subject site has been identified as a heritage conservation areas in accordance with the Greater Hume Shire Community Based Heritage Study 2010. It is noted however as discussed above the proposal is not inconsistent with Section 5.10 of the GHLEP 2012 and GHDCP 2013 subject to the imposition of suitable conditions on any consent granted.
Stormwater	A condition will be imposed stating that the applicant is required to provide a stormwater plan prior to issue of the Construction Certificate to the satisfaction of Greater Hume Council.
Soils & erosion	As discussed within Section 6.7 of this report, Council staff are satisfied that subject to imposition of a standard condition regarding soil erosion, the development can proceed.
Flora & fauna	No native vegetation is proposed to be removed other than exotic plants on the site.
Bushfire	The land is not being identified as a bushfire prone in accordance with the map maintained by NSW RFS. Therefore no further assessment is required.
Technological hazards	It is anticipated that there will be standard noise and or vibration impacts associated with the proposal during the construction and in perpetuity. Therefore conditions related to standard construction hours and maximum noise levels permitted will be imposed with any consent granted to mitigate potential adverse impacts.
Landscaping	As above. A condition will be recommended on any consent granted stating that the applicant is required to construct the landscaping as per approved plans prior to the use of the development.

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

The subject land is considered suitable for the proposed development having regard to the site attributes and the relevant planning controls as outlined above.

As there are no known specific site constraints that would render site unsuitable it is considered that the site is suitable for the particular development.

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

Internal Referrals	Response
Engineering Department	As per the referral response received, the Engineering Department did not object to the proposal subject to imposition of conditions on any consent granted.
External Referral	Response
TfNSW	General comments received on 23/2/2023. Please refer to ANNEXURE 2 .
Public Submissions	
The Application was notified to adjoining property owners and was also advertised on the NSW Planning Portal from 30 January 2023 till 16 February 2023. As previously mentioned within the body of the report, Council received a total of twelve (12) submissions. A copy of all submissions received have been attached as ANNEXURE 3 . The key points raised in the objections and response from the assessing officer is summarised as follows:	

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Submission	Response from the assessing officer
Demolition of the existing 'Thistle Café' and flow on effect	As previously discussed even though the existing building on site has some heritage value, the building has not being identified as a heritage item in Schedule 5 of the GHLEP 2012. Therefore the applicant is able to remove the building with Council consent without providing additional documentation. Most importantly, the proposed development will provide additional employment opportunities to the local community whilst it will also help meeting the daily needs of the local population. Therefore Council staff are satisfied that merits of the proposal outweigh merits of the existing use of the development site.
Over shadowing	The application is supported by a series of shadow diagrams indicating the shadow behaviour in adjacent buildings between 10am and 3pm at the Winter Solstice. As per the diagrams the proposal does not impact on any adjoining properties.
Work health and safety issues related to the proposal	Council is required to assess the development application in accordance with Section 4.15 of the EP&A Act 1979 . The operators of each tenancies are still required to comply with relevant other applicable legislation (i.e. work health safety act etc.) in perpetuity that are not formed part of this assessment. Of note Council's Engineering Department have reviewed the proposed parking and vehicular maneuverability arrangements and are satisfied that subject to imposition of conditions the development can still proceed.
Location of the waste collection area	The applicant noted that 'waste will be stored in the 'back of house' area and will be collected by a private waste contract through the loading area. In order to minimise any potential impact (i.e. odour) a condition will be placed on any consent granted.
Manoeuvrability within the site	As noted previously, Council's Engineering Department have reviewed the plans and are satisfied that subject to imposition of conditions the development can proceed.
Potential acoustic impacts	The applicant noted that the development will only operate from 7.30am to 7pm from Mondays to Sundays. As a result Council staff are satisfied that the proposal will have no greater impact than what is existing currently. It is noted however a condition will be imposed regarding the maximum noise level is permitted to be generated from the site.
Financial viability of the project	Council is required to assess the development application in accordance with Section 4.15 of the EP&A Act 1979 and viability of the project is not a criterion that Council is able to consider during this process.
Potential contamination may occur during the operation of the proposed development	Council staff are satisfied that potential contamination as a result of the development can be addressed by imposition of conditions on any consent granted. Including conditions related to underground petroleum storage system regulations, Safework NSW Guidelines, and relevant Australian Standards. In addition to that a condition will be placed on the consent for mandatory reporting requirements in the event that the applicant choses to decommission, remove or replace the underground petroleum storage system.
External light spill	In order to reduce external light spill a condition will be imposed on any consent granted.
Reduction of property value and inconsistencies	Council is required to assess the development application in accordance with Section 4.15 of the EP&A Act 1979 and reduction of the property value is not a criterion that Council is able to consider during this process.
Greater Hume development Control Plan (GHDCP) 2012	This matter has been discussed previously under the GHDCP 2013 assessment.

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In summary, the assessment officer of this application is satisfied that applicant's detailed response and the assessment of the application against the provisions of [Section 4.15 of the EP&A Act 1979](#), satisfactorily address those issues relevant to the development application.

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

The proposal is consistent with the various planning controls affecting the site and the proposal is not contrary to the public interest and it is recommended that the application be supported. Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Relevant, conditions have been recommended to manage the impacts attributed to these issues.

Section 7.12 Fixed development consent levies

The total cost of the proposed development is \$3,602,606.00. As per Greater Hume Section 7.12 Levy Development Contribution Plan, if the cost of carrying out the development is \$200,000 or more the applicant is required to pay 1% of the development cost towards provision or improvement of amenities or services equivalent to **\$36,026.00**

BUDGET IMPLICATIONS

As noted previously, a Section 7.12 (formerly known as a Section 94A) Contribution of \$36,026.00 is to be payable based on the estimated value of work in the event that Council approves the development application.

CONCLUSION

The application has been assessed in accordance with the provisions of the EP&A Act 1979, with all matters specified under Section 4.15(1)(a) having been taken into consideration. The proposed development is permissible and subject to the imposition of conditions is seen to be acceptable within the context of the locality. As also discussed the issues raised by the submission makers can be appropriately managed subject to imposition of conditions.

RECOMMENDATION

That Council resolves to:

1. Approve Development Application No10.2022.243.1 - Demolition of existing structures, construction of a shop, a restaurant or cafe, service station associated with an ancillary convenience store, car parking and advertising structures on lot 7 DP658510, lot 1 DP930569 and lot 6 DP2741 at 55 Commercial Street Walla Walla NSW 2659 subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

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PRESCRIBED CONDITIONS OF CONSENT

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

Section 70: Erection of signs

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

Section 72: Entertainment venues

Section 73: Maximum capacity signage

Section 74: Shoring and adequacy of adjoining property

Section 81: Build-to-rent housing

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

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Approved Plans and Supporting Documentation

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

2. Submission of an Annual Fire Safety Statement

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

The certificate shall certify:

- a. that each essential fire safety measure has been assessed by an accredited practitioner (fire safety) and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.
- b. The building has been inspected by an accredited practitioner (fire safety) and was found when it was inspected to be in a condition that did not disclose any grounds for prosecution under Part 15 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

NOTES:

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates;
 - (i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and
 - (ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A "fire safety measure" means a measure, including an item of equipment, form of construction or fire safety strategy, that is, or is proposed to be, implemented in a building to ensure the safety of persons using the building if there is a fire.

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3. Aboriginal Cultural Heritage

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

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

4. Vehicle Access and Loading and Unloading

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

5. Noise Control

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

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

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6. Advertising Structures

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

7. Hours of Operation

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

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

8. External Lighting

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

9. Works Adjacent Boundary

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

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

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10. Stormwater – Management of Overland Flow

The works associated with the development shall ensure that:

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

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

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

12. Ancillary Convenience Store

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

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13. Site Maintenance

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

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

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

14. Section 7.12 and Section 64 Contributions Charges

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

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

15. Payment of Long Service Levy

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

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16. An amended vehicular manoeuvrability plans

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

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

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

17. Liquid Trade Waste Agreement/s

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

Note: a fee on application submission will apply.

18. Construction Management Plan

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

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

19. Traffic Management and Control Plan

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

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The Traffic Management Plan must include the following:

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

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

20. Food Premises - Construction and Plans

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

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

21. Stormwater Drainage Plan

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

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

22. Forecourt Design

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

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COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK
ON WEDNESDAY 19 APRIL 2023**

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23. Underground Petroleum Storage Systems (UPSS)

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

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

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

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

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

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

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

24. Construction Certificate

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

25. Appointment of a Principal Certifier and Notice of Commencement

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

- a. appoint a Principal Certifier,
- b. notify Council of the appointment; And
- c. a notice of commencement has been provided to Council not less than two days from the date on which it is proposed to commence work associated with this Development Consent

in accordance with Section 6.6 (1) and (2) (a) of the *Environmental Planning and Assessment Act 1979*.

26. Vehicular Crossover/ Road Opening Permit

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

27. Section 68 Application

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

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

Once the Section 68 approval has been granted, before any sanitary plumbing and drainage work or water supply work (up to the point of connection) is commenced, a Notice of Work (NoW) must be submitted to Council 48 hours **prior to works commencing**. On completion of work, the licensed plumber/drainer must apply for an inspection (inspection fees apply) and a Certificate of Compliance (CoC) must be submitted to Council. A Sewer Service Diagram (SSD) must also be provided to Council upon completion of the drainage works.

28. Disconnection of Essential Services

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

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CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

29. Construction - Hours of Work

All construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- a. Mondays to Fridays, 7.00am to 6.00pm
- b. Saturdays, 8.00am to 1.00pm
- c. No work is permitted on Sundays and Public Holidays.

Construction works that are carried out in the open that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties is to be restricted to the above hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines.

30. Riverina Water Approval

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

31. Plumbing and Drainage Work

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

32. Temporary Water Closet

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

33. Vehicles During Construction

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

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34. Construction Site Management

While works are being carried out:

- a) All aspects of the 'Construction Management Plan' (**as outlined in Conditions 18 and 19**) must be implemented and maintained until the completion of the works.
- b) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of waste.
- c) Building materials and equipment must be stored wholly within the site. No building materials, sand, waste materials, construction equipment, bulk bins, waste skips, containers, or other items which may cause a hazard to pedestrians are to be placed on roadway or nature strip while building works are being carried out.

35. Demolition

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

36. Finished Floor Level

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

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

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

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

37. Occupation Certificate

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

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

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

38. Food Premises Registration and Notification

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

39. Compliance - Lot Consolidation

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

40. Landscaping - Completion of Landscaping

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

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

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

41. Car parking Facility

All areas set aside for access and vehicle parking on the approved plans together with turning area, must be constructed, line marked, signposted.

The off-street parking facility gradients, levels, internal dimensions are to comply with Australian Standards AS2890.1:2004 'Parking facilities: Off-street parking facilities', AS2890.2:2018 'Parking facilities: Off-street commercial vehicle facilities'.

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This included;

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

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

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

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

43. Private Waste Collection Service.

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

The agreement must ensure:

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

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44. Spill Response Plan

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

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

45. Drainage Works-As-Executed Plan

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

46. Plumbing Works Final

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

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

47. Traffic – Vehicle Access Signage and Street Address Number

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

48. Council property

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

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.

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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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2. DEVELOPMENT APPLICATION 10.2023.17.1 – RELOCATABLE BUILDING FOR CONVERSION TO RESIDENCE - LOT 2 DP1272560 – 8 BRUCE STREET HOLBROOK

Report prepared by Environmental Health & Building Surveyor – Sharyn Coulston

REASON FOR REPORT

Council is in receipt of a development application for a relocatable building and its conversion to a dwelling (“proposed development”). The site is 8 Bruce Street Holbrook described as Lot 2 DP 1272560 (“the subject land”). The applicant is AM Anderson and the land owner is IS & AM Anderson.

This report represents an assessment of the application under the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is being reported to Council because submissions to the proposal were received.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION

An application has been received for a relocatable building and its conversion to a dwelling. The zoning is R5 and the development is permissible within this zone.

This allotment is located in a semi-rural area of Holbrook and is a large lot lifestyle block surrounded by similar sized allotments and farmland at the rear of the allotment.

The applicant proposes to convert the relocatable building into a dwelling. This is not an uncommon practice where the applicant finds a building of a suitable size and then will fit the interior out to their own design.

This is permissible provided they meet all the requirements of the National Construction Code of Australia and gain consent from Council.

The proposed development will not be dissimilar to other dwellings located in the area once the building has been fully refurbished.

The applicant proposes to install new colourbond cladding to the building in colours such as bluegum, southerly and dover white with natural red cedar timber as a contrast in materials.

This design will give the building a modern feel and the colours will allow the building to blend into the surrounding landscape.

The other dwellings in the area are mostly brick veneer, however the use of the colourbond and red cedar materials will provide a modern look which is not dissimilar to other dwellings in the area. **ANNEXURE 4.**

The applicant has submitted to Council a detailed Permaculture Landscape Design Report (the report) which outlines the proposed landscaping of the allotment. **ANNEXURE 5.**

The Concept Design is shown on page 21 of the report which shows extensive planting of trees and shrubs that will provide screening from neighbouring properties.

A condition has also been set that established trees shall be planted on the Northern and Southern boundaries prior to an Occupation Certificate being issued.

Currently access to the allotment is along a long laneway which is accessed from Bruce Street. This laneway is very close to the dwelling located at 12 Bruce Street Holbrook and has the potential for noise and dust issues for this dwelling.

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Currently there are Pin Oaks planted along the dividing fence between 8 Bruce Street and 12 Bruce Street which perhaps minimise some dust. The applicant has advised that these will be maintained in place and the existing driveway will be maintained with road base gravel to minimise the dust impact on neighbouring properties.

The driveway plan also shows the applicant plans on maintaining a green belt of shrubs and trees along the driveway.

An assessment has been carried out on the proposed development and it meets the requirements of the Greater Hume Development Control Plan 2013 (“the DCP”) under the section for residential development.

Objections have been received by three neighbours. The objections are in relation to matters such as objection to further subdivisions, animals, dust, noise & loss of privacy, boundary distances, horse yard/paddock, the impact on view, covenants on the land, subdivision restrictions, stormwater, open swale drains, orientation of the proposed development, proposed materials **ANNEXURE 6**.

The submissions and the points raised have been fully addressed later in this report.

ASSESSMENT

A development application is required to be assessed by Council against the following ‘matters for consideration’ listed in Section 4.15(1) of the EP&A Act.

The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations:

State Environmental Planning Policies

Nil.

The Greater Hume Local Environmental Plan 2012 (“the LEP”) is the principal environmental planning instrument applicable to the property. The relevant matters of the LEP are addressed as follows.

The construction of any development or structure which would be permissible in the zone is permitted with consent. In this instance the proposed development is permissible with consent in the R5 Large Lot Residential.

There are no affectations burdening the lot.

Development Control Plans

This development application is for a relocatable building and its conversion to a dwelling. The proposed development meets all the requirements of the DCP for residential development.

- The proposed development is permissible.
- The proposed development aligns with the requirements of the development control plan.
- The proposed development will meet the existing scale, density, setbacks and character of the neighbourhood.
- The proposed development will not have any adverse impact to the existing neighbourhood character.

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

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

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ISSUE	ACCEPTABLE	COMMENT
Context & setting	✓	The proposed development once converted will not be dissimilar to other structures in the area which are predominantly brick veneer residential dwellings. The applicant proposes to use new colourbond and timber cladding on the building which consists of colour such as bluegum, southerly and dover white with natural red cedar as the timber cladding section.
Access & parking	✓	Access to the site is available.
Roads & traffic	✓	The proposed development will have no impact on local roads and traffic.
Utilities	✓	There are no services available to the allotment. Water is connected at the front of the allotment however is not conveyed to the proposed site. Power is to be connected underground as per the subdivision requirements. An OSSM will need to be installed. The applicant has opted to have the sewer pumped to the sewer main in Bruce Street as there is minimal space for trenching systems.
Heritage	N/A	None.
Stormwater	✓	The proposed development includes an extensive stormwater collection system for water to be captured and utilised on the property. It is proposed to install swale drains on the eastern side of the proposed development which will also encompass the northern and southern sides of the proposed development. This will change the overland flow of surface water and could possibly impact on neighbouring properties. It is recommended that a condition be set that no open swale drains are permitted to be constructed as they may impact the overland flow of surface water impacting neighbouring properties.
Soils & erosion	✓	No issues.
Flora & fauna	✓	No impacts.
Flooding	✓	No issues.
Bushfire	✓	No issues.
Technological hazards	✓	None.
Safety, security & crime prevention	N/A	None.
Privacy	✓	No issues.
Landscaping	✓	A detailed permaculture landscape design was submitted to Council
Overshadowing	N/A	None.
Land resources	✓	There are no resources known to exist on the land.

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The suitability of the site for the development

The proposed development is for a relocatable building and its conversion to a dwelling on the subject land in a residential neighbourhood. The proposed development meets all the requirements of the DCP for residential development. The proposed development is considered suitable for the site.

Any submissions made in accordance with this Act or the Regulations

As mentioned three submissions have been received which raised numerous concerns

The concerns are addressed in the table below:

Objections from W & J Murdoch include

Objection to further subdivision of the allotment	The subject property is unable to be subdivided again due to the minimum lot sizes associated with the Zone R5
Animals on the allotment	There are currently 5 horses on the allotment however the distances from neighbouring properties is far enough that odours would not be prevalent.
Dust, Noise & Loss of Privacy	Due to the subject property unable to be subdivided into smaller lots there will only be the use of the driveway by the current owners. The drive way requirements were met as part of DA10.2019.53 conditions of consent. The owners have advised they will continue to maintain the access drive way. A Permaculture Landscape Design has been submitted by the Applicant and will be addressed as part of the approval process.

Objections from P & L Meredith

Boundary Distances	The boundary distances of the proposed dwelling is at the minimum distance of 28m from the Northern Boundary and the Southern Boundary has a minimum distance of 63m. These boundary distances meet the DCP requirements.
Round Yard	There is no round yard located on the property. The owners have sectioned off parts of the property into small horse paddocks and have provided some shelter for the animals in an attempt to provide shade.
The view	The owners have submitted a Permaculture Landscape Plan which will provide screening from the Neighbours properties. The Development Consent will require established trees to be planted along the Northern & Southern Boundaries.
Covenants on Subject Land	There are no covenants related to the subject land in relation to materials or buildings. Subdivision Certificate 15.2019.53.1 & Section 88B.

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Objections from T & D Carmen

Boundary Distances	The boundary distances of the proposed dwelling is a minimum distance of 28m from the Northern Boundary and the Southern Boundary is a minimum distance of 63m. These boundary distances meet the DCP requirements.
Subdivision – DP771577 - Restrictions	The subdivision that is referred to is for Subdivision 11/87 this is relating to an allotment that adjoins the subject land. The restrictions associated with Subdivision 11/87 are not relevant to the subject land. Subdivision 15.2019.53.1 has no restrictions or covenants relating to the subject land.
Stormwater	Stormwater must be contained wholly onsite. This will be conditioned as part of the Development Approval. The owner has a system that will collect stormwater from the proposed dwelling and shall be pumped to a rain water tank on the property. Given the stormwater must be contained wholly onsite this system would be acceptable provided the system did not fail. Rain water overflow must be contained wholly onsite.
Open Swale	The installation of an open swale will not be permitted as this changes the overland flow on the subject land. This will be conditioned in the Development Approval.
North Facing Dwelling	In accordance with the DCP 2.3 Site Requirements (Higher Density) the design proposals shall be based on a site analysis that responds to: <ul style="list-style-type: none"> • Opportunities for northern orientation. The area is zone R5 Large Lot Residential and the distances from the boundaries and the proposed Landscaping should reduce any roof reflection/glare to neighbouring properties.
Materials of Proposed Development	The owner/applicant will be using new materials to clad the proposed development. Consultation with the owner has clarified and outlined in the statement of environmental effects, are the colour scheme of the proposed dwelling. The proposed colourbond colours will blend in with the surrounding natural area and are of bluegum, southerly and dover white and natural red cedar. The owners are wanting a dwelling that is modern yet blends with the surrounding area. The roof will be of a non-reflective colourbond colour to ensure minimal disturbance to neighbouring properties.

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The public interest

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

Essentially requires consideration of the weight in the assessment to be given to the general public benefit of the proposal versus that of the general public detriment.

In this case there is no potential detriment to immediate adjoining neighbours as the development will be similar to other existing residential dwellings in the vicinity. Extensive screening with landscaping will be provided.

The proposed development meets all the requirements of Council's DCP.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

In making a decision as the consent authority under the EP&A Act, Council can:

1. Approve the application, with or without conditions;
2. Defer the application for further information or redesign; or
3. Refuse the application.

After considering the assessment requirements of Section 4.15 of the EP&A Act, the application is supported for conditional approval.

RECOMMENDATION

Pursuant to Part 4 of the Environmental Planning & Assessment Act 1979 consent be granted for the installation of a relocatable building to be converted to a dwelling at Lot 2 DP 1272560 8 Bruce Street Holbrook subject to the following conditions of approval:

RECOMMENDED CONDITIONS:

APPROVED PLANS

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.

2 Time Period of Consent

This consent will lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

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PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3 Section 7.12 Levy Development Contributions

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

The Section 7.12 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 \$467.00

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).

4 Cladding

Prior to the issue of a construction certificate the applicant/owner shall provide Elevation Plans which indicate detail of cladding proposed for the dwelling as outlined in the Statement of Environmental Effects.

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 Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

5 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 6036 0100.

6 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.

7 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.

8 Riverina Water Approval

Prior to the commencement of any works on site, Riverina water shall be contacted regarding potable water approval, meter connection and inspection requirements.

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9 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.

10 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 Council.

11 Building Insurance/Owner Builders Permit

Prior to the commencement of works, the Certifying Authority shall be provided with an original copy of:

- a. The builder's (licensee's) name and contract license number and an approved insurance policy under Part 6 of the Home Building Act 1989; or
- b. The Owner Builders Permit, issued by the New South Wales Office of Fair Trading.

Note: An on the spot penalty of \$600 will be issued for any non-compliances with this requirement without any further notification or warning.

12 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.

13 Rubbish and Debris

Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be windblown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at a licenced Waste Management Centre.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

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NOTE 2: Weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited must be retained. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15 (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

14 Proposed Sub-floor Drainage Plan

A proposed sub-floor drainage plan and external drains plan for the dwelling shall be submitted to and approved by Council prior to any such work commencing.

15 Riverina Water Approval

Prior to the commencement of any works on site, Riverina water shall be contacted regarding potable water approval, meter connection and inspection requirements.

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.

16 Occupation Certificate

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

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 or Construction Certificate.

In order to obtain this, the Final Occupation Certificate form must be completed and submitted to Council with all required attachments – failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection.

17 Vehicular Crossover - Rural

The typical rural driveway crossover shall be in accordance with Council's Specifications Drawing (see attached). 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" (form attached) and payment of the fee applicable.

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18 Driveway Access

The driveway to the allotment is to be maintained to ensure dust and noise is kept to a minimum. The existing trees are to be maintained to provide privacy and lower dust impact for neighbouring properties along the driveway.

19 Landscaping

The landscaping proposed in the Permaculture Landscaping Design submitted to Council is to be installed along with established trees located on the Southern and Northern boundaries to provide privacy for neighbouring properties and occupants of the property prior to an Occupation Certificate being issued.

20 Basix Certification

Prior to the issue of an occupation certificate (whether interim or final), a compliance certificate shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with the commitments identified on approved Basix Certificate.

Should the design of the building alter or the commitments to Basix change, a new Basix Certificate is required to be completed and submitted to the Principal Certifying Authority and the Consent Authority.

21 Drain Roofed and Paved Areas

All roofed area is to be drained and the water from those areas and from any other drainage conveyed to:

ALTERNATIVES

- a) Contained wholly onsite, in accordance with AS3500-2021.
- b) The rainwater tank, in accordance with BASIX and AS3500-2021.
- c) Away from effluent disposal area.

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge rainwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

REASON: Because the character of the development is such that storm water run-off will be increased and must be safely conveyed to the storm water drainage system. Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

22 Drainage Works-As-Executed Plan

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

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23 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 3500-2021 and the Local Government Act 1993 and Local Government (General) Regulations, 2021, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2017.

24 Plumbing Works Final

The building shall not be occupied or used until such time Council has 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 inspection sheet or Certificate of Compliance from Council.

25 Certificate of compliance from Riverina water

Prior to the issue of a final plumbing approval a certificate of compliance from Riverina water for all plumbing works regarding potable water is to be submitted to Council.

26 Septic Tank

An On-site Sewerage Management System is to be installed on the land and the premises connected thereto, in accordance with the provisions of the NSW Local Government (General) Regulation 2021 made under the Local Government Act, 1993. The system is to be connected to the sewer main located in Bruce Street all waste water shall be pumped from the septic tank to the sewer main.

27 Approval to Operate Onsite Sewerage Management System

The building shall not be occupied or used until such time Council has issued an Approval to Operate pursuant to Section 68 of the Local Government Act 1993.

28 Basix Certificate

The commitments listed in the BASIX Certificate for the dwelling forms part of the development consent and are to be maintained during the life of the dwelling. Where the commitments require replacement, the replacement must be identical to or is at a higher star rating to that listed in the BASIX Certificate.

Note: Where there is any proposed change in the BASIX commitments, the applicant must submit a new BASIX Certificate for the development where the plans and specifications are inconsistent with development consent (see Clauses 145 & 146 of the Regulation). The applicant will be required to submit an amended development application to Council pursuant to Section 4.55 of the Act.

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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 Council or an accredited certifier.

29 Open Swale Drains

Open swale drains are not permitted as they impact the overland water surface flow and may cause flooding to neighbouring properties.

30 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.

31 Compliance with the National Construction Code (NCC)

All building work must be carried out in accordance with the provisions of the NCC. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions;or
- c. a combination of (a) and (b).

32 Critical Stage Inspections

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E(3)(d) Environmental Planning and Assessment Regulation 2021.

Note: A \$1500 on the spot fine may be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

33 Rainwater Tank Overflow

Prior to the issue of an Occupation Certificate, the overflow for the rainwater tank must be contained wholly on site in accordance with AS/NZS 3500.2021.

NOTE 1: The rainwater tank should be maintained and protected against mosquito infestation.

REASON: To ensure that no nuisance is created by the disposal of the stormwater. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

34 Construction – Maintenance and Clearing of Site

The site shall remain clean and all waste building materials and the like shall be contained within the site boundaries. The site is to be cleared of all building refuse and spoil immediately after completion of the works.

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35 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.

In the event that the demolition/construction relates to works inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise then the works are not restricted to the hours stated above. The provisions of the Protection of the *Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works.

PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2021 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

- 36** All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
- 37** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 38** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
 - in the case of work to be done 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 that Act, the number of the owner-builder permit.

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- 39** A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- showing the name, address and telephone number of the principal certifying authority for the work, and
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work is being carried out and must be removed when the work has been completed.

NOTE: This condition does not apply to building work that is carried out inside an existing building that does not affect the external walls of the building.

- 40** Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

41 Surface Water Drainage

The ground beneath suspended floors shall be graded and/or filled so that the area beneath the building is above adjacent external finished ground level and surface water is prevented from ponding under the building.

Conditions of Development for Transportable Homes

APPROVED PLANS

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.

2 Time Period of Consent

This consent will lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

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3 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.

In the event that the demolition/construction relates to works inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise then the works are not restricted to the hours stated above. The provisions of the Protection of the *Environment Operations Act, 1997* in regulating offensive noise also apply to all construction works.

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 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.

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.

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.

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7 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.

8 Riverina Water Approval

Prior to the commencement of any works on site, Riverina water shall be contacted regarding potable water approval, meter connection and inspection requirements.

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.

9 Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development, a Final Occupation Letter must be issued.

Prior to the issue of any Occupation Letter the Certifying Authority must be satisfied that the development is in accordance with the respective Development Consent and Local Government approval.

10 Stormwater Works-As-Executed Plan

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

11 Drainage Works-As-Executed Plan

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

12 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 3500-2021 and the Local Government Act 1993 and Local Government (General) Regulations, 2021, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2017.

13 Certificate of compliance from Riverina water

Prior to the issue of a final plumbing approval a certificate of compliance from Riverina water for all plumbing works regarding potable water is to be submitted to Council.

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14 Certificates

The following installation certificates, in the approved form, shall be submitted to Council prior to the issuing of an Occupation Certificate:

- i) Certificate of Compliance-Electrical Work.
- ii) Glazing Certificate (certifying that all glazing has been selected, located and installed in accordance with the relevant standard).
- iii) Plumbing Certificate (for all works undertaken off site).
- iv) Wet Area Compliance Certificate.
- v) Roof and Wall Framing Certificate for dwelling and associated structures.
- vi) Compliance Plate for dwelling and associated structures.
- vii) Proof of Termite Treatment.

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.

15 Compliance with the National Construction Code (NCC)

All building work must be carried out in accordance with the provisions of the NCC. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

16 Construction – Maintenance and Clearing of Site

The site shall remain clean and all waste building materials and the like shall be contained within the site boundaries. The site is to be cleared of all building refuse and spoil immediately after completion of the works.

17 Critical Stage Inspections

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E(3)(d) Environmental Planning and Assessment Regulation 2021.

Note: A \$1500 on the spot fine may be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2021 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

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[CONT'D]

- 18** Any development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.

NOTE: The condition referred to in sub clause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

19 Compliance plates

- (i) A compliance plate must be attached to an accessible part of each of the following structures:
 - a) a manufactured home,
 - b) an associated structure that forms part of a manufactured home,
 - c) an associated structure that comprises a free-standing garage.
- (ii) A compliance plate must specify the following:
 - a) the name of the manufacturer of the manufactured home or associated structure,
 - b) the unique identification number for each major section of the manufactured home,
 - c) the month and year during which the manufactured home or associated structure was constructed,
 - d) the design gust wind speed for the manufactured home or associated structure,
 - e) a statement to the effect that the manufactured home or associated structure complies with the requirements of this Division,
 - f) the name of the practising structural engineer by whom the engineer's certificate has been issued in respect of the manufactured home,
 - g) whether a manufactured home is intended for use as a park van or holiday van.
- (iii) A unique identification number must be permanently marked on each major section of the manufactured home.
- (iv) The Minister may, by order published in the Gazette, issue specifications for the design, construction, issue and registration of compliance plates for the purposes of clause 159 of the Local Government (Manufactured Home Estates, Caravan Parks, and Moveable Dwellings) Regulations 2021.
- (v) A compliance plate must be designed, constructed, issued and registered in accordance with any specifications in force under clause 159 of the Local Government (Manufactured Home Estates, Caravan Parks, and Moveable Dwellings) Regulations 2021.

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DEVELOPMENT APPLICATION 10.2023.17.1 – RELOCATABLE BUILDING FOR
CONVERSION TO RESIDENCE - LOT 2 DP1272560 – 8 BRUCE STREET HOLBROOK
[CONT'D]

Conditions have been placed on the consent for the following reasons:

- 1 To ensure the compliance with the terms of the Environmental Planning Instruments.
- 2 Having regard to Council's duties of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, as well as Section 4.17 which authorises the imposing of consent conditions.
- 3 Having regard to the comments made by referral authorities and submissions received from the public
- 4 Having regard to the circumstances of the case and the public interest.

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3. GREATER HUME COUNCIL APPOINTEE TO THE SOUTHERN REGIONAL PLANNING PANEL

Report by Director Environment and Planning – Colin Kane

REASON FOR REPORT

Council has been advised by the Planning Panel Secretariat that Council's appointees for the Southern Regional Planning Panel has expired. The purpose of this report is for Council to resolve the selection of two appointees for the Southern Regional Planning Panel and a Councillor to act as an alternative.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION

As mentioned, Council has been contacted by the Planning Panel Secretariat to advise Council that its appointees to the Southern Regional Planning Panel has expired and that Council needed to nominate two new appointees. Council also has the option to appoint a person to be an alternate of a member nominated by the council.

The function of the Southern Regional Planning Panel is to determine regionally significant DAs and undertake rezoning reviews. Additional functions of Planning Panels include:

- preparing planning proposals if they are directed to be a planning proposal authority,
- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs, and
- advising the Minister upon request.

It is a requirement that at least one Council member is required to have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

As a result of the abovementioned requirement the author approached consulting town planner Mr Peter O'Dwyer to ascertain that he is willing to continue being Council's appointee as he has extensive experience in urban and regional planning. Fortunately Mr Peter O'Dwyer has agreed to continue to be Council's appointee subject to Council's resolution.

In addition to the appointee with expertise, Council has previously nominated a Councillor to be an appointee to the Southern Regional Planning Panel and it will be recommended that Councillors select a Councillor. In addition Council should appoint a second Councillor as an alternate member

Since the inception of Regional Planning Panels, Greater Hume Council has only had three matters which have been determined by the Panel.

Council can nominate appointees to serve a three year maximum length of time as a member of the Southern Regional Planning Panel. With Council elections due in September 2024 Council should resolve for the term of the appointees to run until then.

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GREATER HUME COUNCIL APPOINTEE TO THE SOUTHERN REGIONAL PLANNING
PANEL [CONT'D]

BUDGET IMPLICATIONS

Council's external appointee can invoice Council for their costs associated with representation on the Southern Regional Planning Panel.

CONCLUSION

It is a requirement that Council maintain two appointees to the Southern Regional Planning Panel and consequently it will be recommended that Council reappoint Mr Peter O'Dwyer and a Councillor with an alternate to be its appointees.

RECOMMENDATION

1. Council resolve to select Mr Peter O'Dwyer to be its appointee with planning expertise to the Southern Regional Planning Panel.
2. Council resolve to select a suitable Councillor and an alternate Councillor to be its additional local appointees to the Southern Regional Planning Panel.
3. Council resolve for the term of the appointees to conclude in September 2024.

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4. CONVERSION OF A PORTION OF PUBLIC LAND LOT 5812 DP 1181658 CLASSIFIED AS COMMUNITY LAND TO OPERATIONAL PUBLIC LAND, ADJOINING COMMERCIAL STREET AND THE WALLA WALLA SPORTS GROUND AND POTENTIAL SALE TO ADJOINING MANUFACTURING BUSINESS, PJN STEEL FABRICATION

Report prepared by Director Environment and Planning – Colin Kane and Economic Development Coordinator – Marg Killalea

REASON FOR REPORT

In response to correspondence advising of an interest to purchase a small portion of Council owned land in Walla Walla this report will seek Council’s consideration to provide permission to undertake a planning proposal to convert a small section of the land from community land to operational land.

REFERENCE TO DELIVERY PLAN ACTIONS

CSP Strategy	G.2.2 Encourage social enterprises and businesses to grow local employment
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DISCUSSION

Council has received correspondence from PJN Steel Fabrication in relation to an interest to purchase a small section of Council owned land, which adjoins their manufacturing business site at Walla Walla. A copy of the correspondence is **ENCLOSED SEPARATELY** for councillors’ information.

Shown below is an image of the land, which forms part of a larger allotment which currently in whole is classified as public ‘community’ land.



Source: Intramaps

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CONVERSION OF A PORTION OF PUBLIC LAND LOT 5812 DP 1181658 CLASSIFIED AS COMMUNITY LAND TO OPERATIONAL PUBLIC LAND, ADJOINING COMMERCIAL STREET AND THE WALLA WALLA SPORTS GROUND AND POTENTIAL SALE TO ADJOINING MANUFACTURING BUSINESS, PJN STEEL FABRICATION [CONT'D]

In his correspondence, Mr Naudebaum acknowledges that “*the land is occasionally used as a thoroughfare for people accessing the sportsground and he offers to commit to providing a better, more suitable entry point in its place*”.

Mr Naudebaum’s letter outlines that his desire to acquire the section of land is enable future business expansion.

The classification of the land as community land was achieved by the Greater Hume Local Environmental Plan 2012, and generally speaking, the classification determines that the land should be kept for use by the general public (community). Council is unable to dispose of community land.

Section 27 of the Local Government Act 1993 indicates that the classification or reclassification of public land may be made by a local environment plan. To investigate the merits of converting the thin western section of the allotment (shown above by yellow outline) from community to operational land, a planning proposal will need to be prepared in accordance with Division 3.4 of the Environmental Planning and Assessment Act 1979. The planning proposal will include the following-

- A statement of the objectives or intended outcomes of the proposed instrument,
- An explanation of the provisions that are to be included in the proposed instrument,
- The justification for those objectives, outcomes and provisions for their implementation,
- Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument,

Section 29 of the Local Government Act requires a council to arrange a public hearing in respect of a planning proposal under Part 3 of the Environmental Planning and Assessment Act that intends to reclassify community land as operational land.

Should Council support the first step to change the yellow lined section of land from community to operational land it would be on the understanding that PJN Steel Fabrications would met the cost of the planning proposal and any associated costs.

As a result of the planning proposal, Council will be informed by the community consultation and then would receive a further comprehensive report and be in a position to support or not support disposal of the land to PJN.

CONCLUSION

Council has received correspondence from PJN Steel Fabrication to express interest in purchasing a small section of Council owned land at Walla Walla which is currently classified as community land. A planning proposal is required to consider the reclassification of the land to operational land, from which Council may be informed by the consultation process and then be in a position to decide whether to dispose of the land.

Should Council support the request, it would be on the understanding that PJN Steel Fabrication will meet all costs to prepare the planning proposal.

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CONVERSION OF A PORTION OF PUBLIC LAND LOT 5812 DP 1181658 CLASSIFIED AS COMMUNITY LAND TO OPERATIONAL PUBLIC LAND, ADJOINING COMMERCIAL STREET AND THE WALLA WALLA SPORTS GROUND AND POTENTIAL SALE TO ADJOINING MANUFACTURING BUSINESS, PJN STEEL FABRICATION [CONT'D]

Any negotiations to result in the sale of the land would be considered by way of a separate report at a future time.

RECOMMENDATION

That Council:

1. Indicates that it is in agreement that a planning proposal be undertaken to reclassify the portion of land highlighted in the report from community land to operational land
2. Will be informed by community consultation through this process
3. Agrees that PJN Steel Fabrication will meet all associated costs to undertake the planning proposal
4. Will receive further reports in relation to the outcome of the planning proposal and future sale of the land.

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5. DRAFT CONFLICTS OF INTEREST POLICY FOR COUNCIL RELATED DEVELOPMENT

Report prepared by Town Planner – Gayan Wickramasinghe

REASON FOR REPORT

The NSW State Government and the Department of Planning and Environment (DPE) are in the process of introducing amendments to the Environmental Planning and Assessment Regulation (EP&A Reg) 2021 to address potential conflicts of interest in Council related development applications.

This report presents for Council's consideration of a policy for handling of Council related development applications.

REFERENCE TO DELIVERY PLAN

Nil.

DISCUSSION

As mentioned above to comply with the amendments to the EP&A Reg 2021, Council must adopt and have a policy that specifies how conflicts of interest in connection with council related development applications will be handled.

The amendments will take effect on 3 April 2023.

Council is generally the development regulator within its local government area. It is noted Council also can be the developer, landowner or hold a commercial interest in the land or a development that Council regulates. Where Council has this dual role, an inherent conflict can arise between Council's interests in the development and Council's duty as regulator.

Council has previously adopted the 'Independent Assessment of Development Applications Policy' to address development applications received from Council or Council staff or where Council is the owner of the land. Please refer to **ANNEXURE 7**. Council staff have reviewed the current policy and since the current policy is not in line with the proposed changes to the EP&A Reg 2021 a new draft policy has been prepared for Council adoption. The DPE has issued guidelines and draft changes to the EP&A Reg 2021 relating to this matter. A copy is attached in **ANNEXURE 8**. The intent of the policy is to specify how potential conflicts of interest will be identified and managed in perpetuity for Council related development applications, development applications by senior Council staff member or Councillors and to update Council policies to reflect the legislative requirements.

A draft 'Conflicts of Interest Policy for Council Related Development' is provided for Council's review and approval for public exhibition prior to the commencement of legislative changes in **ANNEXURE 9**.

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DRAFT CONFLICTS OF INTEREST POLICY FOR COUNCIL RELATED DEVELOPMENT
[CONT'D]

As per the DPE Guidelines, the following requirements have been introduced into the Environmental Planning and Assessment Regulation 2021 to address conflicts of interest in Council related development and will take effect on 3 April 2023:

- *Councils must adopt and have a policy that specifies how conflicts of interest in connection with council related development applications will be handled. The policy must comply with the requirements in these Guidelines.*
- *Council related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application.*
- *Councils must record conflicts of interest in connection with each council related development application, and the measures taken to manage the conflicts, in their existing DA register.*
- *Council related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process.*

The amended Regulation also provides the following definitions related to **council related development application** and **development process**:

council-related development application means a development application, for which a council is the consent authority, that is—
(a) *made by or on behalf of the council, or*
(b) *for development on land—*
(i) *of which the council is an owner, a lessee or a licensee, or*
(ii) *otherwise vested in or under the control of the council.*

development process means application, assessment, determination, and enforcement.

Finally, the DPE Guidelines also noted that the policy prepared and adopted by Council must:

- *establish management controls and/or a management strategy to address potential conflicts of interest at the different phases of the development process for the types of council-related development that the council could be involved in,*
- *outline the process through which potential conflicts of interest will be identified, the risks assessed and appropriate management controls determined, and*
- *outline the process that will be followed to publicly communicate the management approaches for each development subject to the policy.*

The Guidelines also allow Council to include its own definition within the policy. Therefore in line with the current policy the following definitions will be included into the new draft Policy;

senior council staff member means a staff member that is a General Manager, Director, or a Manager, or a staff member routinely involved with the assessment and determination of Development Applications.

Councillor means a currently elected Councillor of Greater Hume Council.

close family relative means spouse, partner, parent, child, sibling, mother- or father -in- law, son- or daughter-in-law or brother- or sister -in-law.

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DRAFT CONFLICTS OF INTEREST POLICY FOR COUNCIL RELATED DEVELOPMENT
[CONT'D]

Please also refer to the policy for other standard definitions.

To meet the above legislative requirements a draft 'Managing Conflicts of Interest for Council Related Development Applications Policy' has been prepared and is contained in **ANNEXURE 10**.

BUDGET IMPLICATIONS

Finalisation of the draft policy can be undertaken with Council internal staff. Adoption of the policy will help to reduce conflict of interest risks for future Council-related development applications.

CONCLUSION

The draft policy establishes the process for identifying and managing potential conflicts of interest, and includes requirements during the preparation, assessment, and determination stages of a council related development application.

RECOMMENDATION

Council resolves:

1. that draft 'Conflicts of Interest Policy For Council Related Development' be adopted;
2. That the draft policy be exhibited for community input for twenty eight (28) days, to allow for its adoption as required by the Environmental Planning and Assessment Act 1979. If any submissions received a supplementary report be tabled. In the event if no submissions received, the policy be adopted and published on Council's website;
3. Once Council adopted the 'Conflicts of Interest Policy For Council Related Development' the existing policy '(Independent Assessment of Development Applications Policy)' be revoked.

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GOVERNANCE

1. GENERAL MANAGER'S PERFORMANCE REVIEW

Report prepared by Mayor Tony Quinn

REASON FOR REPORT

For Council to consider the appointment of an Independent Consultant to undertake the General Manager's Performance Review 2023/2024 appraisal period.

REFERENCE TO DELIVERY PLAN ACTIONS

Nil

DISCUSSION

Expression of Interest Proposals sort for the Performance Appraisal for General Manager was advertised for the 2023/2024 appraisal period.

The General Manager's Performance Review process noted that the submitted proposals need to take into consideration the following:

- The facilitator will conduct the annual review during the 2023/2024 appraisal period, in-house at Council's Culcairn Office with Councillors;
- The facilitator will also provide the 2023/2024 Annual Performance Agreement, addressing the core functions and a rating system to objectively assess requirements;
- Prepare necessary correspondence on behalf of the Performance Review Committee;
- Provide ongoing support and advice to the Mayor regarding performance management;
- Facilitate appraisal training for councillors and the Performance Review Committee; and
- Provide an outline of fees and charges for the 2023/2025 appraisal period. Agreements outlines the Key Performance Indicators (KPIs) used in reviewing their performance.

Two applications were submitted in the time frame provided prior to Expression of interest closing at 12 noon Wednesday, 1 March 2023.

The proposals are **ENCLOSED SEPARATELY**.

BUDGET IMPLICATIONS

The budget for the General Manager is included in the 2023/24 budget

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GENERAL MANAGER'S PERFORMANCE REVIEW [CONT'D]

CONCLUSION

Expressions of Interest have been received by Mason Blackadder and Redshift Consulting Pty Ltd. The proposals are listed in alphabetical order as follows:

COMPANY	SERVICE	FEE (excl GST)
Mason Blackadder	Facilitate General Manager's Performance Review for 2022/23	\$3,000.00
	Develop the General Manager's Performance Agreement 2023/23	
	Prepare and Monitor any Performance Management Plan determined by the Panel	
	Additional – Travel costs \$0.80 per kilometre (131km return)	\$104.80
TOTAL		\$3,104.80
Redshift Consulting Pty Ltd	Initial Consultation	\$1,500.00
	Create 2023/2024 Annual Performance Agreement (APA)	\$3,000.00
	Appraisal Training	\$3,000.00
	Prepare Correspondence	\$200.00 per hour
	Provide support to Mayor regarding performance Management	\$200.00 per hour
	Facilitate Annual Review	\$3,000.00
TOTAL		\$7,500.00 plus unforeseen hourly rate charges

RECOMMENDATION

That:

1. Council accept the Expression of Interest (EOI) submitted by Mason Blackadder for the amount of \$3,104.80 excluding GST for the General Managers Performance Review for the 2023/2024 appraisal period.
2. The unsuccessful consultant be advised.

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CORPORATE AND COMMUNITY SERVICES

1. **REQUEST FOR SUPPORT FOR UTILISATION OF SPECIAL PURPOSE AND TRUST FUND MONIES FOR CULCAIRN MEDICAL BUILDING COMMITTEE**

Report prepared by Director Corporate & Community Services – David Smith

REASON FOR REPORT

To present a request from Murrumbidgee Local Health District (MLHD) seeking Council support for the utilisation of funds currently being held in Trust by MLHD.

REFERENCE TO DELIVERY PLAN ACTION

Objective Our lifestyle and services nurture the health and wellbeing of the individual and community as a whole

CSP Strategy H2.1 Provide the facilities, spaces and activities that support wellbeing, active and healthy communities

DISCUSSION

Correspondence has been received from the Murrumbidgee Local Health District (MLHD) seeking Council's support for the allocation of funds currently held by MLHD to the Culcairn Medical Building Committee for the purpose of purchasing a property for the intention of supporting a General Practice premises in Culcairn.

MLHD currently has retained earnings from the previous aged care facility, Kiltearn House, following its conversion to operating as a Multi-Purpose Service under NSW Health. These retained earnings are held in a restricted financial asset Special Purpose and Trust (SP&T) account, managed by MLHD.

The Culcairn Medical Building Committee has requested that the funds retained in two SP&T accounts be made available and transferred to a legal entity, as yet unknown, so that a building can be purchased. Release of the funds will be subject to a condition that MLHD Asset and Accommodation team complete a pre-assessment to provide opinion on the suitability of the chosen property. Further, MLHD have advised that the provision of this building will be under the condition that GP Visiting Medical Officer services will also be provided to the Culcairn Multi-Purpose Service (MPS) located at 50-55 Balfour Street, Culcairn NSW. As part of the SP&T Account conditions, MLHD is seeking Council's approval as a key stakeholder for the release of these funds.

As Councillors would be aware, Council is currently supporting existing GP services in Culcairn in accordance with a resolution passed at the April 2022 Council Meeting as follows:

*That Council offer to secure a suitable residential rental property with rental payments being met by Council for the first 12 months and thereafter set the rental at 75% of the market rent
The above rental be funded by Culcairn community funds currently held by Council*

Rental of a property was secured in September 2022 and the GP currently working at the Culcairn Medical Practice is occupying the property.

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REQUEST FOR SUPPORT FOR UTILISATION OF SPECIAL PURPOSE AND TRUST FUND
MONIES FOR CULCAIRN MEDICAL BUILDING COMMITTEE [CONT'D]

The proposal from MLHD is seeking to allocate funding towards the establishment of an additional medical centre in Culcairn which is a further step from Council's current position as resolved at the April 2022 meeting. Having said that, the proposed funds are held in Trust under the management by MLHD and as such Council does not have any direct control over how the funds are utilised.

That being the case, it is recommended that Council agree and approve the use of the above mentioned retained earnings held in trust by the Murrumbidgee Local Health District to be provided for the purpose of purchasing a suitable property for the provision of a General Practice business in Culcairn.

BUDGET IMPLICATIONS

Nil

CONCLUSION

MLHD is seeking Council's support for the allocation of funds currently held by MLHD to the Culcairn Medical Building Committee for the purpose of purchasing a property for the intention of supporting a General Practice premises in Culcairn. Whilst the proposal from MLHD is a further step from Council's current position as resolved at the April 2022 meeting it is recommended that Council agree and approve the use of the above mentioned retained earnings held in trust by MLHD to be provided for the purpose of purchasing a suitable property for the provision of a General Practice business in Culcairn.

RECOMMENDATION

That Council agree and approve the use of retained earnings held in trust by the Murrumbidgee Local Health District to be provided for the purpose of purchasing a suitable property for the provision of a General Practice business in Culcairn. The provision of this building will be under the condition that GP Visiting Medical Officer services will also be provided to the Culcairn Multi-Purpose Service (MPS) located at 50-55 Balfour Street, Culcairn NSW

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2. SIGNING OF CONTRACT FOR LICENCE TO OCCUPY – UNIT 5 KALA COURT

Report prepared by Director Corporate & Community Services – David Smith

REASON FOR REPORT

To seek Council approval to sign contracts for the Licence to Occupy, Unit 5 Kala Court under the Common Seal of Council.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

DISCUSSION

Council has reached agreement with Mr Richard Murphy to occupy Unit 5, Kala Court Holbrook under Council's standard Licence to Occupy contract.

Accordingly, approval is hereby sought for the Mayor and General Manager to execute the required contracts under the Common Seal of Council.

BUDGET IMPLICATION

Nil

CONCLUSION

Approval is sought to execute contract documentation for occupation of Unit 5 Kala Court under the Common Seal of Council.

RECOMMENDATION

That the Mayor and General Manager be authorised to sign the Licence to Occupy Agreement for Unit 5 Kala Court under the Common Seal of Council.

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ENGINEERING

1. ROAD STRATEGY 2023 -2027

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To consider the adoption of the updated Greater Hume Road Strategy 2023 – 2027 after the completion of public consultation

REFERENCE TO DELIVERY PLAN ACTION

CSP Strategy Initiative N2 Our road and transport network is maintained and accessible
N2.1.1. Implement asset management and renewal programs in accordance with adopted budgets and capital works programs.

DISCUSSION

At the Ordinary meeting of Council in December 2022, Council adopted

That Council endorse the proposed draft Greater Hume Road Strategy 2023 -2027 and take to public consultation prior to referring to a future Council meeting for adoption.

Following the meeting Council undertook public consultation of the Road Strategy via a number of mediums including:

- Have Your Say on Council Website from 19 January 2023
- Advert in Border Mail on 21 January 2023
- Social Media Posts on 19 Jan, 26 Jan, 2 Feb, 9 Feb, 16 Feb, 23 Feb

A have you say questionnaire was also created to allow comments to be made simply by respondents

At the closure of the public consultation, one response was received (which is attached in **ANNEXURE 11** which was mostly not relevant to the strategy as it requested the extension of a Council street (Cross St) in Gerogery to help with the development of land owned by the person.

It is noted that all costs associated with a development is the responsibility of the landowner and not Council.

As no other responses were received it is proposed that Council adopt the strategy as published

A copy of the report and minutes to the December Meeting of Council, a copy of the advertisement of the exhibition of the road strategy and a copy of the Road Strategy are attached in the **ANNEXURE 12** to this report

BUDGET IMPLICATION

As shown in the strategy Council is now undertaking the desired level of rural and urban road resealing (35-40km/year), following on from increased budgets helped by the special rate variation implemented some years ago. The amount of rural road resheeting has improved and Council is now undertaking approximately 45-50km/year of the required 55-60km/year

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ROAD STRATEGY 2023 -2027 [CONT'D]

Reconstruction budgets vary significantly year to year, following both the State and Federal Government are now providing funding through specific grant programs to the upgrade the Road Network. Unfortunately this provides a challenge to Council to obtain the required funding to maintain the road network in a structured way due to the fallibilities of grant funding.

Increasing costs for maintenance grading will require additional funding to be allocated to meet required grading standards as detailed in the strategy partly due to the increase in basic operational costs (ie fuel, repairs etc). This has been noted and changes have been applied in this year's draft budget to increase funding in this area over the next few years to reach the desired level

CONCLUSION

The updated road strategy provides Council with detailed information and direction on the ongoing challenges of the strategic management of the road network, and the financial issues involved. The overarching principles of the management remain the same as stated in previous versions where the management of the network is based on, current usage (traffic volumes), b-double accessibility (approved B- Double routes), school bus usage, and providing a satisfactory level of access to all households based on all weather (gravel) road surface.

The strategy is an important document to Council as it also sets the standard of road construction and maintenance to be undertaken on roads in Greater Hume as well setting priorities for the upgrading of certain roads that formulates a majority of Council forward works road construction program.

RECOMMENDATION

That Council adopt the Greater Hume Road Strategy 2023-2027 as published with no changes following public consultation.

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2. CULCAIRN BUSINESS DISTRICT UPGRADE

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

For council to determine the final scope of works for the Culcairn Business District Upgrade.

REFERENCE TO DELIVERY PLAN ACTION

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

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

DISCUSSION

As a meeting is being held on Monday 17th April with business and landowners in the CBD and the Culcairn Community Development Committee with a report to be provided at the Meeting.

Following the Culcairn Community Meeting an addendum report will be prepared and submitted for consideration.

RECOMMENDATION

That Council receive the addendum report being submitted to April 2023 Council meeting.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK
ON WEDNESDAY 19 APRIL 2023**

3. PROVISION OF FOOTPATH, HAYES AND IVOR STREETS, HENTY

Report prepared by Works Engineer – James Phelps

REASON FOR REPORT

To inform Councillors of the response from landowners following their notification of apportioned contributions for the construction of a new concrete footpath in Hayes and Ivor Streets, Henty.

REFERENCE TO DELIVERY PLAN ACTION

REFERENCE TO DELIVERY PLAN ACTION

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

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

DISCUSSION

This project was added to the Council 2022/23 Delivery Plan after funding was received from the Stronger Country Communities Fund Round 5.

This project was endorsed by Council at the September 2022 Council meeting to receive funding, and upon confirmation of the funding landowners were notified of the amount of their contribution to the project.

The proposed works include the construction of a 1.5m footpath on the western side of Ivor Street and the north side of Hayes Street. The new footpath on Ivor Street begins at the existing footpath that currently terminates between Lyne and Keightley Streets, and extends it to now terminate at Day Street. The Hayes Street footpath will begin with a road crossing at Allan Street and continue east, connecting the existing footpath to the proposed footpath on Ivor Street. A plan of the proposed works is included in **ANNEXURE 13**.

As required by Council policy landowners are required to contribute to the construction of new footpath adjacent to their property.

Following the Council meeting landowners were notified via letter, mailed and emailed depending upon available contact details, on the 24th of January 2023 of the amount of their contribution to the project.

A table showing the current estimated rate used to calculate the landowners contributions is **ENCLOSED SEPARATELY** for Councillors information.

One submission was received from a landowner regarding the proposed charges. This submission is **ANNEXURE 13**.

As per Council policy the submission is to be considered by Council prior to making a decision to proceed with the project.

Management has considered that as the Henty community prioritised the construction of the footpath with Council only receiving one objection then it is considered that a majority of the landowners and residents support the construction of the project.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK
ON WEDNESDAY 19 APRIL 2023**

PROVISION OF FOOTPATH, HAYES AND IVOR STREETS, HENTY [CONT'D]

BUDGET IMPLICATION

Total Project Cost	\$135,000
Funded From: SCCF Round 5 and landowner contributions	
Adopted Budget Item	\$135,000
Grant - (SCCF Round 5)	\$100,000
Transfer from Internal Reserve	\$0
External Contribution (Landowner contributions as per policy)	\$35,000
TOTAL	\$135,000

CONCLUSION

The project scope has been costed and apportioned to show landowner estimated contribution costs.

There was one submission received from a landowner regarding the contribution scheme.

Management has considered that as the Henty community prioritised the construction of the footpath with Council only receiving one objection then it is considered that a majority of the landowners and residents support the construction of the project.

RECOMMENDATION

1. That Council adopt the scheme as detailed and arrange for construction to proceed.
2. That the landowners be notified of the intention to proceed with the scheme as previously advised.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK
ON WEDNESDAY 19 APRIL 2023**

4. TENDER TL 05 – 2022/23 JINGELIC ROAD RECONSTRUCTION-STAGE 2

Report prepared by Works Engineer – James Phelps.

REASON FOR REPORT

To consider tenders for the reconstruction of the Jingelic Road Reconstruction Stage 2 project.

REFERENCE TO DELIVERY PLAN ACTION

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

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

DISCUSSION

This project is part of the Council 2022/2023 Operational Plan.

The scope of the contract covers the reconstruction, widening and sealing of approximately 800m of Jingelic Road to continue west from the previously completed section at the eastern end of Wantagong Straight. This previous section was completed by Council staff.

Provisional quantities allow for a further 580m of works should the budget and circumstances permit.

Councillors should be aware that this project is funded by the Road Repair Block Grant which requires the project to be completed by the end of the 2022/2023 financial year.

Advertisements were placed in the Border Mail and on Tenderlink with tenders closing on 28th March 2023. Two tenders were received via the Tenderlink portal.

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

Company	Tender Price (excluding GST)
Excell Gray Bruni P/L	\$ 967,860.00
Sancon Civil P/L	\$1,135,641.20

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

It should be noted that it is unusual for only two tenders to be received for a project of this nature. The reason for this can be most likely attributed to the large number of similar projects currently being undertaken in the region leading to a reluctance by contractors to seek additional projects beyond their capacity to complete within a reasonable timeframe.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK
ON WEDNESDAY 19 APRIL 2023**

TENDER TL 05 – 2022/23 JINGELIC ROAD RECONSTRUCTION-STAGE 2 [CONT'D]

BUDGET IMPLICATION

Total Project Cost	\$860,000
Funded From: Regional Road Repair Grant and Block Grant	
Adopted Budget Item	\$860,000
Grant - (Repair Grant Program)	\$430,000
Regional Road Block Grant	\$430,000
External Contribution (Specify who/where from)	\$
TOTAL	\$860,000

The remaining budget for the Jingellic Road Reconstruction Stage 2 project is \$810,000.00 (excl GST) following the completion of the survey, design and purchase of the required culverts.

Both tender prices received exceed the engineers estimate and the remaining budget of \$810,000.00 (excl GST).

Due to the excessively high tender prices received it is proposed to re-program Council's construction crew to allow the works to be carried out by in house by Council staff so it can be completed within the required timeframe and budget.

CONCLUSION

The two tenders received for the Jingellic Road Reconstruction Stage 2 project both exceed the remaining budget for these works. The works can be completed by Council staff within the remaining budget and within the required timeframe.

RECOMMENDATION

That:

1. Council decline both of the two submitted tenders.
2. Tenderers be notified of this decision.
3. Council staff undertake the required works.

ITEM TO BE REFERRED TO CLOSED COUNCIL

Nil

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY LANE, HOLBROOK
ON WEDNESDAY 19 APRIL 2023**

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

CORPORATE AND COMMUNITY SERVICES

1. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 MARCH 2023

Report prepared by Accountant – Camilla Webb

REASON FOR REPORT

This report presents to Council details of all funds invested as at 31 March 2023 as required by the Local Government (General) Regulation 2021.

REFERENCE TO DELIVERY PLAN ACTION

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

DISCUSSION

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

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

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

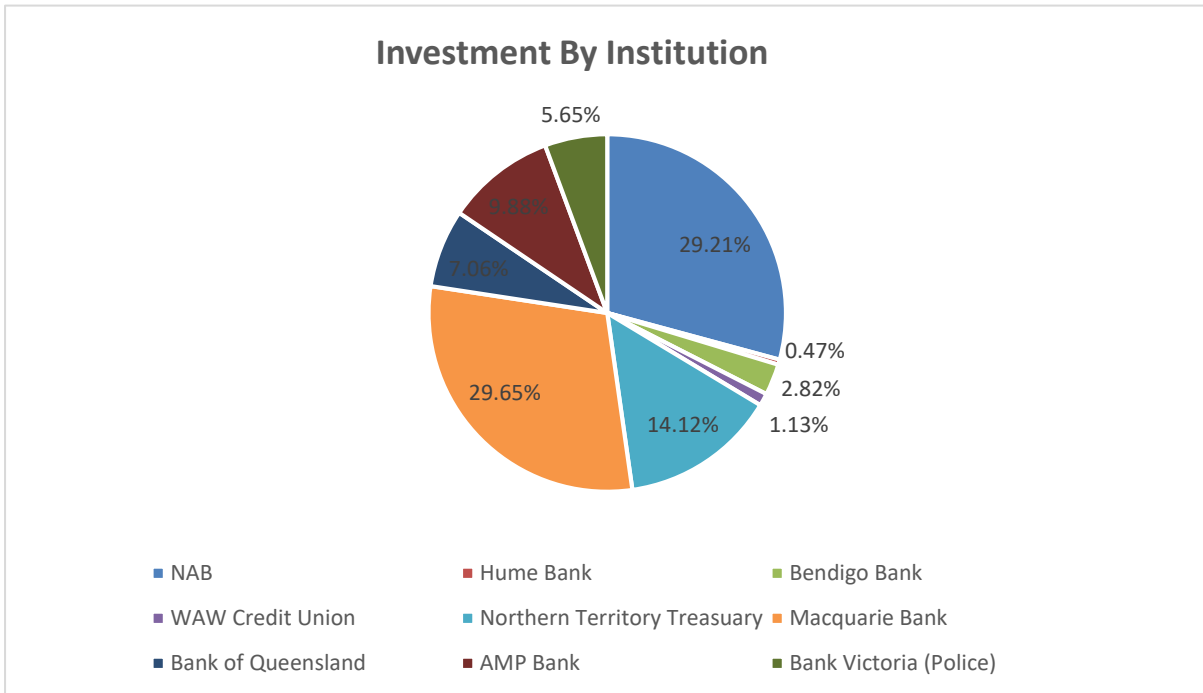
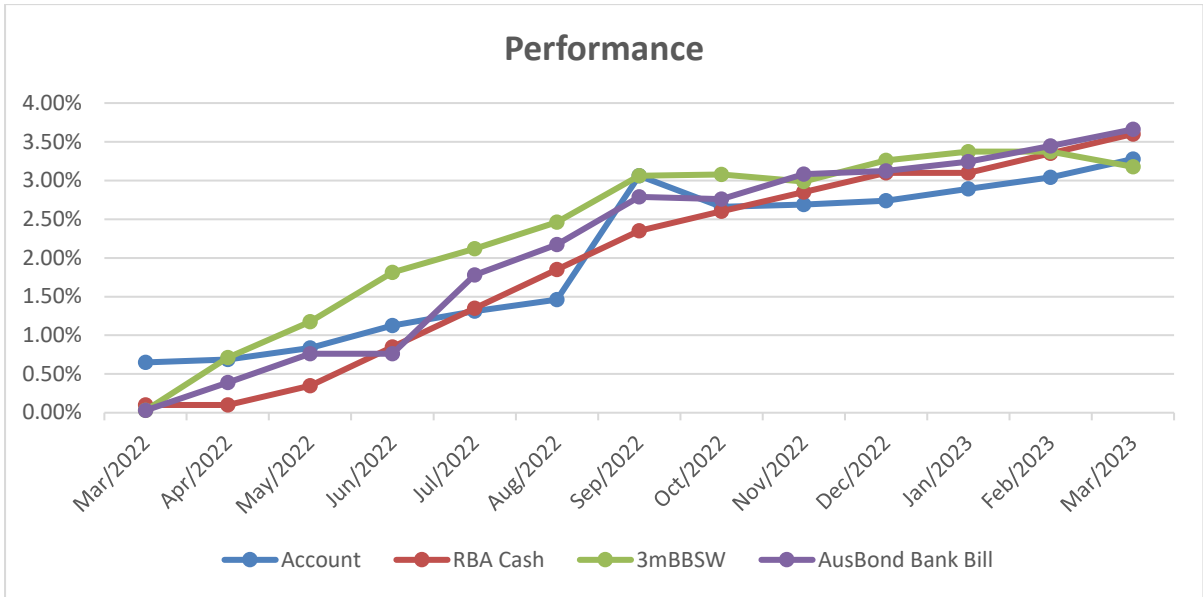
Greater Hume's overall investment portfolio

Total Portfolio Value	\$35,407,496.37
Weighted Average Term (days)	233
Weighted Average Yield	3.28%
Total Monthly Accrued Interest	\$87,289.09
Total Interest Received this month	\$38,966.64
Interest Payments this month	4
Matured Investments this month	4
Total Funds Matured this month	\$2,569,371.71
New Investments this month	13
Total Funds Invested this month	\$7,068,304.65

Note: The Reserve Bank of Australia raised the cash rate from 3.35% to 3.60% on the 8 March 2023.

**ORDINARY MEETING OF GREATER HUME COUNCIL
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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 MARCH 2023 [CONT'D]



**ORDINARY MEETING OF GREATER HUME COUNCIL
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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 MARCH 2023 [CONT'D]

Investment Register

Contract Number	ADI/Security Name	Maturity Date	Amount	Long Term Rating	Term in Days	Monthly Accrued Interest	Yield
62575	Macquarie Bank	12/04/2023	\$1,000,000	A+	90	\$3,482.19	4.10%
60785	Bank Of Queensland.	13/04/2023	\$2,000,000	BBB+	182	\$6,624.66	3.90%
60884	Bendigo & Adelaide Bank	17/04/2023	\$500,000	BBB+	182	\$1,656.16	3.90%
58094	Macquarie Bank	19/04/2023	\$500,000	A+	330	\$1,146.58	2.70%
57638	AMP Bank	21/04/2023	\$1,000,000	BBB	365	\$1,656.16	1.95%
58201	Hume Bank	2/05/2023	\$46,751.06	NR	365	\$23.82	0.60%
58000	Macquarie Bank	19/05/2023	\$1,000,000	A+	365	\$2,293.15	2.70%
58022	Bendigo And Adelaide Bank	19/05/2023	\$500,000	BBB+	365	\$1,189.04	2.80%
63561	Macquarie Bank	1/06/2023	\$500,000	A+	90	\$1,696.30	4.27%
63556	NAB	1/06/2023	\$500,000	AA-	91	\$1,726.03	4.20%
63087	Macquarie Bank	13/06/2023	\$1,000,000	A+	123	\$3,524.66	4.15%
63745	Macquarie Bank	13/06/2023	\$500,000	A+	91	\$1,072.60	4.35%
63536	NAB	26/06/2023	\$500,000	AA-	150	\$1,783.56	4.20%
63463	Macquarie Bank	27/06/2023	\$500,000	A+	120	\$1,809.04	4.26%
58640	Hume Bank	30/06/2023	\$50,112.21	NR	365	\$117.04	2.75%
62452	Bank Of Queensland.	4/07/2023	\$500,000	BBB+	180	\$1,847.26	4.35%
63230	Police Financial Services	18/07/2023	\$500,000	BBB	152	\$1,868.49	4.40%
63023	Macquarie Bank	8/08/2023	\$1,000,000	A+	180	\$3,541.64	4.17%
63022	NAB	8/08/2023	\$1,000,000	AA-	181	\$3,652.05	4.30%
63314	Macquarie Bank	11/08/2023	\$1,000,000	A+	171	\$3,838.90	4.52%
63557	NAB	21/08/2023	\$500,000	AA-	172	\$1,869.86	4.55%
63284	Police Financial Services	21/08/2023	\$1,500,000	BBB	182	\$5,669.18	4.45%
63562	Macquarie Bank	22/08/2023	\$500,000	A+	172	\$1,807.53	4.55%
63558	NAB	30/08/2023	\$500,000	AA-	181	\$1,869.86	4.55%
63564	Macquarie Bank	30/08/2023	\$500,000	A+	181	\$1,869.86	4.55%
54123	NAB	13/09/2023	\$2,000,000	AA-	727	\$1,019.18	0.60%
63908	NAB	20/09/2023	\$500,000	AA-	184	\$731.51	4.45%
63907	Macquarie Bank	20/09/2023	\$1,000,000	A+	184	\$1,489.32	4.53%
60497	AMP Bank	27/09/2023	\$500,000	BBB	365	\$1,995.89	4.70%
60822	WAW Credit Union	9/10/2023	\$400,000	NR	365	\$1,189.04	3.50%
60817	AMP Bank	12/10/2023	\$1,000,000	BBB	365	\$3,864.38	4.55%
60956	AMP Bank	20/10/2023	\$1,000,000	BBB	365	\$4,034.25	4.75%
63063	NAB	6/11/2023	\$1,000,000	AA-	270	\$3,779.45	4.45%
63559	NAB	27/11/2023	\$500,000	AA-	270	\$1,931.51	4.70%
63565	Macquarie Bank	27/11/2023	\$500,000	A+	269	\$1,875.07	4.72%
63842	Macquarie Bank	11/12/2023	\$1,000,000	A+	271	\$2,151.78	4.62%
63568	Hume Bank	1/03/2024	\$68,304.65	NR	365	\$241.41	4.30%
56079	Northern Territory Treasury Corp	15/06/2025	\$1,000,000	NR	1,248	\$1,189.04	1.40%
52490	Northern Territory Treasury Corp	16/06/2025	\$1,500,000	NR	1,481	\$1,401.37	1.10%
51782	Northern Territory Treasury Corp	15/06/2026	\$2,500,000	NR	1,887	\$2,760.27	1.30%
49570	NAB	1/04/2023	\$3,342,328.45	AA-	1	\$0	2.60%
Total			\$35,407,496.37			\$87,289.09	

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 MARCH 2023 [CONT'D]

Declaration

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

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

CONCLUSION

As at 31 March, 2023 total Investments held were \$35,407,496.37. The year to date accrued investment earnings for 2022/23 was \$645,073.53 representing a weighted average yield of 3.28%.

RECOMMENDATION

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

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
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PART C - ITEMS FOR INFORMATION

GOVERNANCE

1. TOURISM AND PROMOTIONS REPORT – MARCH 2023

Prepared by: Kerrie Wise, Executive Assistant, Governance, Tourism and Promotions

Greater Hume Council Websites

Outcome 4.2 - Our communication is open, effective and purposeful to connect and educate our community.

Continued implementation of the GHC Communication Plan. Maintain and manage the Greater Hume Council suite of websites which are compliant with accessibility standards. Seamless CMS(OpenCities) is the provider of Council's websites – Greater Hume Council, Visit Greater Hume, Greater Hume Children Services and Town and Village websites.

Comments

		greaterhume.nsw.gov.au		ghchildren.com.au		visitgreaterhume.com.au	
March 2023		Previous	Current	Previous	Current	Previous	Current
Website Traffic	New	5264	4596	598	361	1120	758
	Returning	1724	1450	209	168	126	100
Traffic Source	Organic	4853	3856	432	323	701	446
	Direct	1124	1227	235	193	127	105
	Referral	193	217	15	9	349	237
	Social	128	173	125	9	6	2
Device Paths	Desktop	2557	2765	408	243	473	383
	Mobile	3465	2461	389	284	628	353
	Tablet	156	144	10	2	45	43
Bounce Rate	%	63.31	63.60	73.98	68.24	76.13	69.75

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

1. Living in Greater Hume - Roads and Road Safety - Current Road and Facility Closures
2. Living in Greater Hume – Waste Facilities Opening Times Charges and Accepted Waste
3. Contact Us
4. Your Greater Hume Council – Careers with Us
5. Newsroom – Greater Hume Council Newsletters

www.ghchildren.com.au – top pages:

1. Family Day Care
2. Contact Us
3. Enrol Your Child/Children
4. Featured Content - Enrol Your Child - Our Services
5. Culcairn Centre

www.visitgreaterhume.com.au – top pages:

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

**ORDINARY MEETING OF GREATER HUME COUNCIL
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TOURISM AND PROMOTIONS REPORT – MARCH 2023 [CONT'D]

Social Media

Outcome 4.2 - Our communication is open, effective and purposeful to connect and educate our community.

Continued implementation of the GHC Communication Plan. Expand the information available to the community online and encourage online collaboration and self-serve service platforms

Comments

Instagram, #visitgreaterhume – 1059 followers

Individual facebook pages:

- Greater Hume Council – 3500 followers
- Visit Greater Hume – 644 followers
- Holbrook Submarine Museum – 1235 followers
- Greater Hume Children's Services – 1000 followers
- Greater Hume Youth Advisory Committee – 493 followers
- Buy Local in Greater Hume – 605 followers

Greater Hume Council Newsletters

Outcome 4.2 - Our communication is open, effective and purposeful to connect and educate our community.

Develop quarterly Council newsletters and a rates notice insert whilst ensuring effective and targeted content

Comments

Autumn edition of Greater Hume Council Newsletter was sent electronically to over 2800 email addresses, in early March. Articles covered were Australia Day, SCCF Round 5 Grants, 8 residents become Australian Citizens, Engineering Works, Hazards Near Me NSW app. What's On, Meals on Wheels Grater Hume Area, Not in any Bin, Costa visits Burrumbuttock and DE Lieschke & Sons turns 100.

Grants and Funding

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

Comments

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

**ORDINARY MEETING OF GREATER HUME COUNCIL
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TOURISM AND PROMOTIONS REPORT – MARCH 2023 [CONT'D]

Name	About	Current
NSW Government - Bushfire Local Economy Recovery Fund - \$451,054 – Hanel's Lookout	This project at Hanel's Lookout (Woomargama National Park) will create viewing platforms, walk ways, sealed car park, sealed Hanel's Road, toilet, picnic area and signage.	Australia Ramp and Access Solutions Albury has completed construction of the walkway, viewing platform and toilets and Longford Civil has commenced construction of the road, carpark and sealed footpath.
Riverina Water	Painting and lighting for AE2 exhibition space.	Successful - \$20,000 - organising painters and lighting equipment.
Reconnecting Regional NSW - Community Events Program	Greater Hume Council has been advised of an allocation of \$301,708 towards the NSW Government's Reconnecting Regional NSW – Community Event Program.	17 events have been funded with the majority of events already held. The program has provided communities with some very successful events. Acquittal in Progress
Maritime Museum	Submarine Museum Holbrook – Restoration and Framing of WWII Jolly Roger Flag \$1350.00	Successful - Work in Progress
National Australia Day	The funding will cover AD merchandise, photographer, MC, community event and furniture.	\$19,800.00 – Acquittal in Progress

Greater Hume Tourism and Promotions

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

Comments

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

**ORDINARY MEETING OF GREATER HUME COUNCIL
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TOURISM AND PROMOTIONS REPORT – MARCH 2023 [CONT'D]

Visitor Information Centre and Submarine Museum

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

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

Comments

Visitor Information Centre Statistics:

Mar 23 - Walk In – 1213, Phone Calls - 44, Emails – 4.

Mar 19 - Walk In – 989, Phone Calls - 39, Emails – 15.

Submarine Museum Statistics:

Mar 23 - Adult - 116, Child - 12, Concession - 202, Family - 48, Group - 0, Total - 378.

Mar 19 - Adult - 135, Child - 28, Concession - 112, Family - 10, Group - 0, Total - 285.

Events

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

To assist with the promotion of Greater Hume's many and varied events. Encourage more residents to be involved in Greater Hume and events.

Comments

During this period we are currently supporting Festival by the Sub, Holbrook; Henty Streetscape Party; Values Festival in Holbrook; Back to G-Rodge Festival; Holbrook Triathlon; Commander Holbrook Races; Morgan Country Car Club Swap Meet & Show and Shine, Jindera; High Tea at Jindera Pioneer Museum; Holbrook Easter Fly In; Culcairn Station House Museum Open Day; Jindera Community Garage Sale; Holbrook Agricultural Show and ANZAC Day.

Australia Day

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

Comments

Australia Day 2024 will be held at Wymah.

Signage

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

Comments

Developing signage for Yambla View Wambariga Lookout and Jindera Pioneer Museum.

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

Murray Regional Tourism (MRT)

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

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

Comments

- MRT Board has announced the appointment of a new Chief Executive Officer (CEO), Cameron Sutton, who will commence on 17 April 2023. Cameron has considerable local and international tourism and hospitality management experience, having worked in senior leadership roles in Canada, the United Kingdom and Australia. He was also a member of MRT Board as a skills-based director before he took on a role at Moira Shire Council in the tourism team with the current position of Manager- Tourism & Events.
- Currently attending monthly zoom meetings with MRT and the VIC network group.
- Advocacy for current flooding crisis along the Murray and positive promotions depicting The Murray as still open for visitors with a wide range of activities still open.
- COVID Recovery Funding - A Greater Hume promotional campaign in partnership with Murray Regional Tourism and Destination NSW has been developed and has now been extended to May 2023.

Museums and Heritage

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

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

Comment

A full training/workshop program has been developed for 2023 by the Museum Adviser with museum volunteers, staff of Albury and Greater Hume at the new Digitisation Hub. The next workshop is on Oral History to be held on 13 April, 10am to 12pm, the online/inperson session will delivered by a trainer from the Oral History Association of NSW.

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

**ORDINARY MEETING OF GREATER HUME COUNCIL
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CORPORATE AND COMMUNITY SERVICES

1. GREATER HUME LIBRARY SERVICES

Report prepared by Library & Youth Services Team Leader – Susan Kane

REASON FOR REPORT

To inform Council on library membership and participation in Greater Hume Council Libraries.

REFERENCE TO DELIVERY PLAN ACTIONS

Objective Our lifestyle and services nurture the health and wellbeing of the individual and community as a whole

CSP Strategy H2.1 Provide the facilities, spaces and activities that support wellbeing, active and healthy communities

DISCUSSION

The Greater Hume Council Libraries continue to organise and facilitate programs and services that meet the needs and wants of the community.

Library Programs – February - March 23

February – March 23	Location	Event
Library Lovers' Day	All Libraries	Take a book on a blind date and enter a competition to win a voucher – February 23
Student Based Trainee	Henty Library	Student Based Trainee Lucas Odewahn from St Paul's College Walla Walla commenced at Henty Library on 14 February.
Seniors Festival	All Libraries	The events were held in February and included: Fitness classes, guest presenters including General Manager of Greater Hume Council, art & crafts,
Bring Youth Own Devices	Henty & Holbrook Libraries	A partnership with TAFE NSW to deliver free technology classes. Programs will continue to run Term 1 & 2.
Storytime Sessions	Culcairn, Henty, Holbrook Libraries	Storytime sessions were held in February with community members, Children Services, Preschools, and schools attending
Book Nooks	Henty, Holbrook Libraries	Delivery of books to Age Care Facilities and Businesses – Increasing Literacy in our community
Knitting Groups	Culcairn & Jindera Libraries	Community members come together for a morning of knitting and conversations
Staff meeting/Change of name	Culcairn Office	Staff meeting 8 March to discuss new name "Customer Relations Officers"
Radio 2GHR	All Libraries	GHC Libraries programs and services are promoted monthly on 2GHR informing the public about upcoming events.

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GREATER HUME LIBRARY SERVICES [CONT'D]

Henty Streetscape	Henty Library	The event was held on Friday 10 March. The library remained open for young people read, play games and also for mothers with babies. Open until 8pm
Book reviews	On behalf of all GHC libraries	RRL requested that library staff contribute some book reviews (with a photo) to go on RRL social media (and GHC social media)
Easter Colouring Competition	Henty Library	Children's colouring competition for Easter
Women's Week	All Libraries	Women's Week was held in March at all libraries. Women were invited to make Babushka Dolls and enjoy a scrumptious supper.
Be Connected – Building Digital Skills - March	All Libraries	Free computer lessons were held at each library in March – part Be Connected grant funding
Bring Your Own Device – with TAFE NSW	Henty & Holbrook Libraries	Individual Computer Classes with TAFE NSW. This program is held each Wednesday.
Afterschool Technology Program Facilitated by SBAT Student	Henty Library	Tuesday afternoons – children are invited along to enjoy technology devices, Lego and painting.
Rural Outreach Counselling Program FREE	Henty Library	Free QPR Suicide Prevention training to the community under the NSW Government Bushfire grant

Upcoming library programs – April 23

Upcoming Programs	Location	Event
April School Holiday Programs	All Libraries	Arts & crafts including sand art and painting
Afterschool Technology & Games Program with Lucas	Culcairn and Henty Libraries	Discover the fun of technology games and other games with SBAT student Lucas from St Paul's College Walla Walla
Author visit – Anne Smith	Henty Library	Anne Smith author of Private CRL SMITH – A digger's story from the Western Front will visit the Henty Library on Friday 28 April 23 from 12noon – 1pm. A light lunch will be provided.

Trove Funding

Funding for the country's largest digitised archive has been announced, after months of the National Library of Australia (NLA) calling for more financial support.

Minister for the Arts Tony Burke announced the funding as part of Revive, the Government's National Cultural Policy to "maintain our strong cultural infrastructure". In its upcoming May budget, the federal government has promised \$33 million over four years to the NLA.

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GREATER HUME LIBRARY SERVICES [CONT'D]

The NLA, which runs digital archive database Trove, will also be separately allocated funding of more than \$9 million — a move the government said would secure the future of the service for years to come.

"Trove is, in many ways, Australia's digital memory: It records and retains some of our most important stories, moments, challenges, controversies and successes in one accessible location," Mr Burke said.

"Whether you're using it to look up a bit of family history, or for academic research, Trove is an incredibly important part of our national cultural institutions."

Key points:

- The federal government says the future of the National Library of Australia's (NLA) database, Trove, has been secured
- National institutions have been calling out for funding over the past few months after little funding increases under the Coalition
- In the May federal budget, \$33 million dollars will be included for the NLA, plus a \$9.2 million cash injection specifically for Trove

Library Statistics – February – March 23

Library Statistics – February 23	Henty	Culcairn	Holbrook	Jindera
Issues	650	536	1086	297
Online Resources eBook and eAudios	277	253	318	86

Mobile Library Statistics – February - March 23

Mobile Library Statistics	Brocklesby	Burrumbuttock	Gerogery	Jindera	Walla Walla	Walbundrie	Woomargama
	90	59	43	64	202	44	12

BUDGET IMPLICATIONS

Nil. Works are funded from budget allocations.

CONCLUSION

Greater Hume Council Libraries continue to facilitate programs and services that meet the needs and wants of the community. Throughout February and March the Greater Hume Council Libraries held over 17 programs and events catering for all age demographics of the community.

After months of campaigning Minister for the Arts Tony Burke announced ongoing funding for TROVE as part of Revive, the Government's National Cultural Policy to "maintain our strong cultural infrastructure".

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

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

3. STATEMENT OF BANK BALANCES AS AT 31 MARCH 2023

The statement of bank balances as at 31 March 2023 is attached at **ANNEXURE 14.**

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ENGINEERING

1. MARCH 2023 - REPORT OF WORKS

Grants Program

State Roads Maintenance (RMCC)

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

Resealing works on MR78 & MR284 has been completed with linemarking to undertake shortly.

Regional Roads

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

Jingellic Road (MR331) 1km rehabilitation works including table drains and road widening is to commence in mid April.

Walla Walla Jindera Road (MR 547) has been resealed through Walla Walla with linemarking to be completed shortly.

Local Roads

Sealed

General maintenance on local roads is continuing.

Road reconstruction of 4.4km of Gerogery Road, starting at Charles Street, Gerogery West is complete, apart from a short section of linemarking and guardrail installation, which will be installed shortly.

Road reconstruction of 4km of Brocklesby Balldale Road, from Brocklesby Goombargana Road to Woodland Road is continuing. Installation of culverts is commencing.

Reconstruction of 3.25km of Brocklesby Balldale Road (Stage 2) has been approved along with appointment of contractor to undertake tree removal and trimming.

Clean up of tree debris from severe weather events in September/November 2022 is progressing under natural disaster funding.

Clean up of tree debris and culvert repairs has commenced from storm damage caused in January 2022 as approved by TfNSW (Natural Disaster AGRN 1001).

Unsealed:

Clean up of tree debris, medium grading, heavy grading and culvert repairs has commenced as approved from TfNSW (Natural Disaster AGRN 1001).

Immediate repairs are being conducted on various roads from damage caused by storms September 2022 onwards. (AGRN 1034).

Replacement of Coppabella Road Bridge has commenced following damage caused by storms/floods March 2021 (AGRN 960) as approved by TfNSW.

Maintenance grading has been carried out on the following roads during March. See Map **ANNEXURE 15**.

Capital Works Program 2022-2023 spreadsheet is also attached as **ANNEXURE 15**.

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MARCH 2023 - REPORT OF WORKS [CONT'D]

Road Name	Location & Length (km)
Alma Park Cemetery Road	Patches – 0.2km
Bethel Road	Patch in middle - 1.3km
Brocklesby Balldale Road	Old Balldale Rd to Ryan Rd - 2km
Chambers Road	Methodist Rd to Ferguson Rd – 1.2km
Clifton Ring Road	From Westby in both directions – 3.2km
Coppabella Road	Between Cribbs Rd and Maginnitys Gap Rd – 2.4km
Dunwandren Lane	Entire length – 1km
Edgehill Stock Route	Entire length – 5.2km
Ferguson Road	From Chambers Rd end – 0.6km
Four Mile Lane	All unsealed – 10km
Glenelg Lane	Entire length – 1.5km
Halford Drive	Entire length - 1.5km
Howlong Goombargana Road	Entire length – 7.7km
Humphreys Road	From Riverina Hwy – 1.7km
Kellys Road	From near Stein Road to Ryan Stock Route – 10.5km
Kensall Green Road	Entire length – 2.4km
Luther Road	Entire length – 1.3km
Maginnitys Gap Road	From Coppabella Road – 3km
Millswood Road	Unsealed section – 0.6km
Old Balldale Road	From Balldale Rd end – 2.1km
Roblin Road	Entire length – 4.4km
Ryan Stock Route	Entire length – 6km
Schlenkers Road	Entire length – 3.2km
Sherwyn Road	Patches only – 1.5km
Shoemarks Road	Patches only – 1.2km
Trebleys Road	Entire length – 2.2km
Vokins Creek Road	Entire length – 4.7km
Yaparra Road	First half – 0.7km

Urban Streets:

General maintenance of urban streets and signage is continuing.

Underground stormwater drainage in Fraser and Balfour Streets, Culcairn is continuing.

Underground storm drainage construction in Adams Street, Jindera Street to Watson Street, Jindera is continuing.

General:

General maintenance of public toilets and parks is continuing.

General sign maintenance is continuing.

Road works at Jacob Wenke Drive subdivision is nearing completion.

Road reconstruction of Hanel's Road, Woomargama has been carried out with sealing to commence mid April, which will complete the construction works on the Hanel's Lookout project.

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MARCH 2023 - REPORT OF WORKS [CONT'D]

Monthly Works Maintenance Expenditure:

Local Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Urban Roads Maintenance	\$210,000	\$157,500	\$188,120	-\$30,620	\$18,013	Natural Disaster & Pothole expenditure not included in Actual Cost Column. Over expenditure to be adjusted in March budget review from savings in resealing budget.
Urban Roads Town Maintenance	\$250,000	\$187,500	\$231,945	-\$44,445		Over expenditure to be offset by under expenditure in Street Tree Maintenance.
Rural Roads Sealed	\$764,975	\$573,731	\$705,152	-\$131,421	\$712,813	Natural Disaster & Pothole expenditure not included in Actual Cost Column. Over expenditure to be adjusted in March budget review from savings in resealing budget.
Rural Roads Unsealed	\$1,221,603	\$916,202	\$1,017,743	-\$101,541	\$744,328	Natural Disaster & Pothole expenditure not included in Actual Cost Column. Over expenditure to be adjusted in March budget review from savings in resealing budget.
Street Tree Maintenance	\$250,000	\$187,500	\$135,324	\$52,176		

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

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MARCH 2023 - REPORT OF WORKS [CONT'D]

Regional Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Regional Roads Maintenance	\$750,000	\$562,500	\$1,134,368	-\$571,868	\$306,712	Natural Disaster & Pothole expenditure not included in Actual Cost Column. Resealing projects to be deferred to offset over expenditure.

Sportsgrounds, Parks & Public Toilets	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Sportsground Maintenance	\$353,512	\$265,134	\$281,772	-\$16,638		Offset from under expenditure on P&G Maintenance.
Parks & Gardens Maintenance	\$353,378	\$265,034	\$202,648	\$62,385		
Public Toilets Maintenance	\$163,248	\$122,436	\$169,635	-\$47,199		Over expenditure is offset from under expenditure on P&G Maintenance

NB : Sportsground Maintenance excludes annual GHC contribution payment

Major Projects Expenditure:

Project	Budget	YTD	Committed	Total	Remaining	Comments
Gerogery Road Rehab	\$2,609,911	\$1,516,013	\$22,782	\$1,538,796	\$1,071,115	Second section has been stabilised and 1.4km has been overlayed ready for sealing early March
Brocklesby Balldale Road Rehab	\$1,750,000	\$299,922	\$0	\$299,922	\$1,450,078	Drainage works have commenced.
Pothole Funding - State Government	\$3,801,504	\$0	\$0	\$0	\$3,801,504	Vender Panel request has been issued and work has been scoped.
Brocklesby Balldale Road Rehab - Stage 2	\$2,921,579	\$0	\$78,136	\$78,136	\$2,843,442	Tree removal has been awarded and culvert pipes ordered
Coppabella Bridge Replacement	\$1,566,500	\$134,301	\$13,636	\$147,938	\$1,418,562	Contractor has commenced

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ENVIRONMENT AND PLANNING

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

The schedule of development applications processed for the month of March 2023 is attached at **ANNEXURE 16**.

PART D

COMMUNITY MEETING- MINUTES

Attached in **ANNEXURE 17**, are minutes of the following items:

1. **CULCAIRN COMMUNITY DEVELOPMENT COMMITTEE MEETING 21ST MARCH 2023, 5.30PM CULCAIRN COUNCIL CHAMBERS**
2. **MINUTES OF THE WALLA WALLA COMMUNITY DEVELOPMENT COMMITTEE HELD ON MONDAY 6TH FEBRUARY 2023 AT THE WALLA WALLA HALL AT 7 P.M.**
3. **HENTY COMMUNITY DEVELOPMENT COMMITTEE MEETING AGENDA 27/03/2023**
4. **HOLBROOK BUSINESS MEETING MINUTES FEB 2023**