

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

The meeting opened at 6:04pm.

IN ATTENDANCE

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

Councillor Cr Schilg read a prayer to commence the meeting.

ACKNOWLEDGEMENT OF COUNTRY

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

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

6422 RESOLVED [Cr Wilton/Cr Parker]

That an apology be recorded for Cr. Hicks and leave of absence be granted

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

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CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 15 MARCH 2023

6423 RESOLVED [Cr Meyer/Cr Wilton]

That the Minutes of the Ordinary Meeting of Greater Hume Council held at Walla Walla on Wednesday 15 March 2023 as printed and circulated to be confirmed as a true and correct record of the proceedings of such meeting.

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

ACTION REPORT FROM THE MINUTES

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

Cr. Schilg raised concern around the time frame of the scheduled work and if this can occur shortly now that the weather is favourable and notification to be issued to the public outlining the work schedule and dates.

2. TENDER TL 13-2-21 / 22 DESIGN AND CONSTRUCT 5 BRIDGES – MINUTE 6234 PAGE 5.

Cr. Parker wanted to be further advised into the process of the tender and the stages. Director of Engineering responded by advising that tender packages being developed for project with three separate tenders to be advertised. First tender has been advertised.

3. INTRODUCTION OF OVERNIGHT TRUCK PARKING RESTRICTIONS IN ALBURY STREET HOLBROOK – MINUTE 6413 PAGE 8.

Cr. Lindner questioned delaying the signage that is currently in place restricting parking until alternative arrangements have been made. However, Director of Engineering advised that an alternative arrangements could take a number of years.

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

Nil

MAYORAL MINUTE

Nil.

NOTICE OF MOTIONS

Nil

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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**

MOTION [Cr Forrest/ Cr Lindner]

At this juncture Cr. O'Neill foreshadowed an amendment to the motion.

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*.

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.

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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.*

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.

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- 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 (UPSS) Legislation

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

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15. Payment of Long Service Levy

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

16. An amended vehicular manoeuvrability plans

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

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

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

17. Liquid Trade Waste Agreement/s

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

Note: a fee on application submission will apply.

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.

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19. Traffic Management and Control Plan

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

The Traffic Management Plan must include the following:

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

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

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.

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22. Forecourt Design

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

23. Underground Petroleum Storage Systems (UPSS)

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

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

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

'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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**Prior to the issue of the Construction Certificate
Dilapidation Survey and Report- Private Properties (Neighbouring Buildings and Structures)**

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

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

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

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

Notes:

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

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

24. Construction Certificate

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

25. Appointment of a Principal Certifier and Notice of Commencement

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

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

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

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

28. Disconnection of Essential Services

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

CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

29. Construction - Hours of Work

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

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

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

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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.
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.

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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.

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.

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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'.

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;

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- 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.

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.

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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.

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Prior to the issue of the Occupation Certificate

Final Dilapidation Survey and Report - Completion of Works

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

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

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

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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AMENDMENT

[Cr O'Neill / Cr. Schilg]

This motion be held over to the May meeting so that there can be further investigation to see if the existing building on the site was listed as ' Not for demolition' and to allow for wider community consultation to ensure that the community is more informed about the development.

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

6424 RESOLVED

[Cr. O'Neill / Cr. Schilg]

Amendment became the motion and was carried.

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

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

6425 **RESOLVED** [Cr Wilton/ Cr Forrest]

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.

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.

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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.

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.

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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.

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.

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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.

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.

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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.

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.

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ON WEDNESDAY 19 APRIL 2023**

DEVELOPMENT APPLICATION 10.2023.17.1 – RELOCATABLE BUILDING FOR
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[CONT'D]

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 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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[CONT'D]

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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CONVERSION TO RESIDENCE - LOT 2 DP1272560 – 8 BRUCE STREET HOLBROOK
[CONT'D]

- 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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[CONT'D]

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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[CONT'D]

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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[CONT'D]

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.

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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.]

- 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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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.

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

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

6426 RESOLVED [Cr Parker / Cr Lindner]

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 appoint Cr. Parker to the Southern Regional Planning Panel and Cr. Forrest as the alternate delegate.
3. Council resolve for the term of the appointees to conclude in September 2024.

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

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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

6427 RESOLVED [Cr Forrest / Cr Parker]

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.

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

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5. DRAFT CONFLICTS OF INTEREST POLICY FOR COUNCIL RELATED DEVELOPMENT

6428 RESOLVED [Cr Wilton / Cr O'Neill]

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.

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

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GOVERNANCE

1. GENERAL MANAGER'S PERFORMANCE REVIEW

6429 RESOLVED [Cr O'Neill / Cr Schilg]

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.

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

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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

MOTION [Cr Forrest / Cr Lindner]

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

AMENDMENT [Cr Meyer/Cr Schilg]

Move that the matter lay on the table for a month, so as more information can be obtained from Murrumbidgee Local Health District as to the exact manner in which the money is held and the legal structure of the proposed entity to which the funds are proposed to be granted.

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

6430 RESOLVED [Cr. Meyer / Cr. Schilg]

Amendment came the motion and was carried.

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

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

6431 RESOLVED [Cr Wilton / Cr Parker]

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.

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

ENGINEERING

1. ROAD STRATEGY 2023 - 2027

6432 RESOLVED [Cr Meyer / Cr Schilg]

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

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

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2. CULCAIRN BUSINESS DISTRICT UPGRADE

6433 RESOLVED [Cr Forrest / Cr Parker]

That Council endorse the final items to be scoped in the Culcairn CBD Upgrade Project to be:

1) Ramp Access to Supermarket, Newsagent and proposed Café

Separate access ramps be installed to the Supermarket and Proposed Café with the ramp to the supermarket being increased in width to 2.5m with the ramp to the newsagency removed as the access is to be closed

2) Creation of pedestrian plaza

That the plaza as shown be installed

3) Pattern and Colours of Footpaths

That the colours to be used for the footpath be a light and dark grey with a new modern tile based pattern.

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

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

6434 RESOLVED [Cr Meyer/ Cr Schilg]

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.

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

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

6435 RESOLVED [Cr Parker/ Cr Schilg]

That:

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

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

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

CORPORATE AND COMMUNITY SERVICES

1. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 MARCH 2023

6436 RESOLVED [Cr Wilton/ Cr Forrest]

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

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

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PART C - ITEMS FOR INFORMATION

GOVERNANCE

1. TOURISM AND PROMOTIONS REPORT - MARCH 2023

CORPORATE AND COMMUNITY SERVICES

1. GREATER HUME LIBRARY SERVICES
2. GREATER HUME CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS
3. STATEMENT OF BANK BALANCES AS AT 31 MARCH 2023

ENGINEERING

1. MARCH 2023 REPORT OF WORKS

ENVIRONMENT AND PLANNING

1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF MARCH 2023

6437 RESOLVED [Cr Parker/ Cr Wilton]

That Part C of the Agenda be received and noted.

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

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PART D

COMMUNITY MEETING – MINUTES

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**

6438 RESOLVED [Cr Schilg / Cr Lindner]

That Part D of the Agenda be received and noted.

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

There being no further business, the meeting concluded at 7:23pm

THESE MINUTES WERE CONFIRMED at the Council meeting held on 17 May 2023 at which time the signature hereon was subscribed.

Cr Tony Quinn
Mayor, Greater Hume Council