

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
HELD AT THE CULCAIRN COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
AT 4.30 PM ON WEDNESDAY, 17 JULY 2013**

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

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

At this juncture the Mayor advised that due to another meeting commitment at Holbrook this afternoon, Cr Osborne has indicated that she may be a late arrival at the Council meeting.

Cr McInerney opened the meeting with a prayer.

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

Nil.

CONFIRMATION OF MINUTES

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 26 JUNE 2013

3477 RESOLVED [O'Neill/Schilg]

That the Minutes of the Ordinary Meeting of Greater Hume Shire Council held at Holbrook on Wednesday, 26 June 2013 as printed and circulated, be confirmed as a true and correct record of the proceedings of such meeting subject.

ACTION REPORT FROM THE MINUTES

Nil.

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MAYORAL MINUTE

1. REVIEW OF THE GENERAL MANAGER'S PERFORMANCE REVIEW

MOTION [Quinn/

That the General Manager's Performance Review consist of all councillors without the presence of the General Manager, with notations be taken by the Mayor and Deputy Mayor and they present their report to the General Manager.

The motion lapsed for want of a seconder.

3478 MOTION [McInerney/O'Neill]

1. That the General Manager's Performance Review to be conducted on 31 July be undertaken under the existing arrangement utilising the services of Mark Anderson from Local Government Management Solutions.
2. That the General Manager's Performance Review for the assessment of performance to 30 June 2014 be conducted by a General Manager's Performance Review Committee (in accordance with the Guidelines) comprising Mayor, Deputy Mayor, one other councillor and a further councillor nominated by General Manager (if he deems it necessary) and that Committee to provide a report to full council.

CR QUINN REQUESTED THAT HIS OPPOSITION TO THE MOTION BE RECORDED.

At this juncture, in regard to Council's additional councillor to participate in the General Manager's Review Performance Committee, it was proposed by Cr McInerney and seconded by Cr Heriot that Cr Quinn be the additional (Council) councillor representative.

Additionally, in regard to Council's additional councillor to participate in the General Manager's Review Performance Committee, it was proposed by Cr Schoff and seconded by Cr O'Neill that Cr Schilg be the additional (Council) councillor representative.

Following, Cr Quinn declined his nomination and Cr Schilg accepted the position on the General Manager's Performance Review Committee as Council's additional councillor representative.

OFFICERS' REPORTS – PART A – FOR DETERMINATION

ENVIRONMENT AND PLANNING

- 1. DEVELOPMENT APPLICATION 90-11/12 – SIX (6) TOWN HOUSE UNITS AND SEVEN (7) LOT STRATA SUBDIVISION, LOTS 3 & 4 SECTION 44 DP 758522, 26 BOWLER STREET, HOLBROOK**

3479 RESOLVED [Quinn/McInerney]

That Development Application 90-10/11 for six (6) units and a seven (7) lot strata subdivision on land described as 26 Bowler Street Holbrook be approved subject to the following conditions:

PLANNING CONDITIONS

1. APPROVED PLANS

1.1 Compliance with Plans and Conditions

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

1.2 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.

2. PRIOR TO THE COMMENCEMENT OF 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.

2.1 Construction Certificate Required

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

Enquiries regarding the issue of a construction certificate can be made to Council on (02) 6036 0100.

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2.2 Appointment of a Principal Certifying Authority

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

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

2.3 Notify Council of Intention to Commence Works

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

2.4 Kerb and Gutter Protection

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

2.5 Erosion and Sedimentation Control

Prior to the commencement of any works on site, controls in accordance with Council's Erosion and Sedimentation Control Policy 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.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

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.

2.6 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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2.7 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.

2.8 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.

2.9 Long Service Levy

Prior to the issue of a Construction Certificate, the Building Industry Long Service Levy is to be paid in accordance with the provisions of Section 34 of the *Building and Construction Industry Payments Act 1986*. This fee is payable on all projects in excess of \$25,000 in value and is calculated at the rate of 0.35% of the current value of works.

2.10 Sewage Disposal

The applicant carrying out all necessary investigations to ensure that it is possible to discharge sewerage to Council's sewer main by gravity. The alternative being a sewer pump with installation and maintenance at the owner's cost. The applicant shall provide a proposed sub floor and sewer drain layout prior to commencement of any associated works with grades and levels to ensure connection to existing sewer junction point (located approximately 600mm below natural ground surface level).

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3 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.

3.1 Interim / Final Occupation Certificate Required

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

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

3.2 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.

3.3 Smoke Alarm Certification

Prior to the issue of an occupation certificate (Interim or Final), a certificate prepared by licensed electrical contractor shall be submitted to the Principal Certifying Authority, certifying that the smoke alarms have been installed in accordance with the Building Code of Australia 2012, AS 3786 and AS 3000.

3.4 Termite Protection Certification

Prior to the issue of the final occupation certificate, a certificate of treatment prepared by a suitably qualified pest control contractor shall be submitted to the Principal Certifying Authority. The certificate of treatment shall certify that the building has been protected from subterranean termites in accordance with AS 3660-2000.

3.5 Manufacturers Roof Truss and Engineers Certification

Manufacturer's roof truss specifications and certification shall be submitted to Council prior to the frame inspection. The details shall specify member sizes and spacing's, roof pitch, fixing details, wind loading, name and address of manufacturer etc. Engineer's certification shall be submitted to Council prior to installation for all steelwork.

3.6 Drainage Works-As-Executed Plan

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

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3.7 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 dwelling 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.

3.8 Side Boundary Fences

A 1.8 metre high colourbond fence shall be erected on the site's side boundaries behind the front building alignment and between each required courtyard at the sole cost of the developer. Fencing not exceeding 1.2 metres high within the front setback of the site shall be provided unless otherwise approved, in writing, by Council. Any trees requiring removal for the erection of any fence will be also be at the applicants cost.

3.9 Lattice on Top of Fence

The provision of a 300mm high lattice panel shall be erected on top of the side boundary fences and the boundary fences between the courtyards of the unit development at the full cost to the developer where there is a deemed privacy issue.

3.10 Rear Fence

A 1.8 metre high colourbond fence shall be erected on the site's rear boundary at the sole cost of the developer. Such fence shall be constructed to incorporate a minimum gap of 300mm from the base of the fence to the finished ground level at the rear of the allotment to facilitate any stormwater flow through the property.

3.11 Finished Floor Height Compliance

The finished floor height of the unit's habitable areas shall be a minimum of 400mm above the natural surface.

4 GENERAL CONDITIONS OF CONSENT

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.

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4.1 Compliance with Construction Certificate

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

4.2 Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. 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).

4.3 Critical Stage Inspections

In accordance with Section 109E 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 2000.

Note: A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

4.4 All Work to be Carried out by a Licensed Plumber & Drainer

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500-2003 and the New South Wales Code of Practice, Plumbing and Drainage.

4.5 Services - separate water control cocks and water meters

Separate water control cocks and water meters being provided to each tenement or sole occupancy unit to enable the isolation of any tenement or sole occupancy unit so as not to cause inconvenience to other tenements or units.

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4.6 Multiple Occupancy

Properties proposed for multiple occupancy shall have the sanitary drainage lines designed and installed so as each occupancy has its own individual sanitary drainage line, each with an inspection shaft and overflow gully. Note however that only one connection to the sewer main is to be provided for the entire site.

4.7 Construction - hours of work

Demolition, subdivision or 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.

4.8 Unit/street Numbers

Unit identification numbers and a street number of at least 7 centimetres in height is to be displayed in a prominent location at the front of the property in the interest of public safety and the efficient delivery of goods, parcels and emergency services.

4.9 Driveway and Parking Area Surface

All driveway and parking area surfaces shall be constructed of concrete or other approved all-weather surface.

4.10 Vehicle Crossovers

The existing bridge type vehicle crossovers on Bowler Street are to be replaced with standard vehicle crossovers in accordance with Council's Urban Driveway Crossover Specification (see attached).

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4.11 Vehicle Driveway – Flood Waters Diversion Requirements

The vehicle driveway shall be constructed to grade towards the rear of the property to facilitate stormwater disposal in the event of any minor flooding and shall be constructed of concrete or other approved all-weather surface. All stormwater from the property shall be directed to the rear lane stormwater pit.

4.12 Rear Laneway Stormwater Disposal Requirements

Proposed 225mm concrete stormwater pipe outlet to be provided with a Reino Mat or equivalent to Council's satisfaction to eliminate soil and bank erosion. All such works to at the applicant's cost.

4.13 Construction - clearing site

The site is to be cleared of all building refuse and spoil immediately after completion of the works.

4.14 Use of Site Area – Basix Certificate

The commitments listed in the BASIX Certificate for each unit forms part of the development consent and, are to be maintained during the life of each 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.

BASIX Certificate to the Certifying Authority and Council. If any proposed change in the approved BASIX Note: Where there is any proposed change in the BASIX commitments the applicant must submit a new commitments 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 96 of the Act.

5.0 PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

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.

5.1 Release of Strata Subdivision Certificate

Prior to Council endorsing the subdivision linen plan the development is to be fully completed in accordance with the plans and conditions of any extant Development Consent and, the building fully compliant with the Building Code of Australia. A letter outlining relevant conditions of consent and how each of the conditions has been satisfied or addressed satisfactorily shall be submitted to Council to confirm compliance.

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5.2 Strata Scheme Services Plan

A plan shall be submitted for approval, showing services, existing or proposed to be provided within the scheme and their maintenance. All service authorities including particulars relating to services included in the management statement should approve such plan. Letters of arrangement shall be submitted to Council prior to release of the Subdivision Certificate.

5.3 Body Corporate Letter Box

The provision of an identifiable receptacle for the receipt of mail addressed to the Body Corporate. This condition is not applicable if the Body Corporate address is off-site and shown on the formal plan.

5.4 Subdivision - evidence of service supply

Prior to the release of the Subdivision Certificate the following documentary evidence is to be obtained and forwarded to the Principal Certifying Authority: -

- (a) A Notification of Arrangement issued by the relevant electricity supplier;
- (b) A letter of compliance from the relevant telecommunications carrier.
- (c) A letter of compliance from the relevant gas supplier.

5.5 Easement Creation

Drainage, water, sewer and service easements not less than three (3) metres wide being created where required and/or as directed by Council so that adequate access to, and protection of, services will be ensured. A registered surveyor may be required to certify all services (e.g. inter-allotment drainage, water, gas, electricity and telephone) are contained separately within each new lot or alternatively within easements created to accommodate such services.

5.6 Occupation Certificate

The strata plan of survey will not be released prior to the issue of a Compliance/Occupation Certificate to confirm that all requirements of Development Consent have been satisfied and that the units are fit for occupation.

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Reasons for Conditions

The above conditions have been imposed:

1. To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979.s*
2. Having regard to Council's duties of consideration under Section 79C and 80A of the Act.
3. To ensure an appropriate level of provision of amenities and services occurs within the Village and to occupants of sites.
4. To improve the amenity, safety and environmental quality of the locality.
5. Having regard to environmental quality, the circumstances of the case and the public interest.
6. Having regard to the former Holbrook IDO.
7. To help retain and enhance streetscape quality.
8. Ensure compatibility with adjoining and neighbouring land uses and built form.
9. To protect public interest, the environment and existing amenity of the locality.
10. To minimise health risk to neighbouring residents and workers.

Advisory and Ancillary Matters

1. Compliance

It is the responsibility of the applicant to check, understand and seek assistance where needed so as to ensure full compliance with the conditions of this Development Consent. Please contact the Greater Hume Shire Planning & Environment Department on 02 6036 0100 if there is any difficulty in understanding or complying with any of the above conditions.

2. Road and Public Domain Works – Council approval required

This development consent does not give approval to works or structures over, on or under public roads or footpaths excluding minor works subject to separate Road Opening Permit.

Details plans and specifications of all works (including but not limited to structures, road works, driveway crossings, footpaths and storm water drainage) within existing roads, must be submitted to and approved by Council under the *Roads Act 1993*, before the issue of any Construction Certificate.

All public domain works must comply with Council's "*Engineering Guidelines for Subdivisions and Development Standards*".

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3. Obtaining a Construction Certificate for building work

This development consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate.

At this juncture, Cr Osborne arrived to the meeting at 5.05pm.

DEVELOPMENT APPLICATION NO 90-11/12

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

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**2. DEVELOPMENT APPLICATION 92-12/13 – PROPOSED DWELLING AND
SHED – No 7916 - Lot 3, DP 1128986, RIVER ROAD WYMAH**

3480 RESOLVED [Quinn/Heriot]

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the following conditions of consent Council approve the Development Application 92-12/13 for a proposed dwelling and shed at 7916 (Lot 3, DP 1128986) River Road, Wymah subject to the following conditions:

1.0 APPROVED PLANS

1.1 Compliance with Plans and Conditions

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

1.2 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.

2.0 PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

2.1 Section 94A Contributions

Prior to the issue of a construction certificate, a receipt for the payment to Greater Hume Shire Council of Section 94 contributions (EP&A Act 1979) for works detailed in the administration sheet attached to this consent shall be submitted to the Certifying Authority.

The total contribution to be paid to Council (as in force at the date of this consent) is **\$4,300.00**

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DEVELOPMENT APPLICATION 92-12/13 – PROPOSED DWELLING AND SHED – NO 7916
LOT 3 DP 1128986, RIVER ROAD WYMAH

3.0 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.

3.1 Construction Certificate Required

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

Enquiries regarding the issue of a construction certificate can be made to Council on (02) 6036 0100.

3.2 Appointment of a Principal Certifying Authority

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

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

3.3 Notify Council of Intention to Commence Works

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

3.4 Erosion and Sedimentation Control

Prior to the commencement of any works on site, controls in accordance with Council's Erosion and Sedimentation Control Policy 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.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

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.

3.5 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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DEVELOPMENT APPLICATION 92-12/13 – PROPOSED DWELLING AND SHED – NO 7916
LOT 3 DP 1128986, RIVER ROAD WYMAH

3.6 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.

3.7 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.

3.8 Long Service Levy

Prior to the issue of a Construction Certificate, the Building Industry Long Service Levy is to be paid in accordance with the provisions of Section 34 of the *Building and Construction Industry Payments Act 1986*. This fee is payable on all projects in excess of \$25,000 in value and is calculated at the rate of 0.35% of the current value of works.

3.9 Separate Local Government Act 1993 “Activity Approvals” Required

A separate approval under the Local Government Act is required for the on-site sewage management system, stormwater and water supply works.

The application is to be accompanied by a site plan showing the location of wastewater tank(s), the drainage lines and the irrigation/absorption area in relation to the buildings on the site and the site boundaries. A copy of the manufacturer's details for the proposed tank is also required together with an on-site wastewater disposal design in accordance with AS1547-2000.

Details of potable water supply shall also be detailed on the application.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
HELD AT THE CULCAIRN COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
AT 4.30 PM ON WEDNESDAY, 17 JULY 2013**

DEVELOPMENT APPLICATION 92-12/13 – PROPOSED DWELLING AND SHED – NO 7916
LOT 3 DP 1128986, RIVER ROAD WYMAH

4.0 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.

4.1 Interim / Final Occupation Certificate Required

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

4.2 Stormwater Works-As-Executed Plan

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

4.3 Smoke Alarm Certification

Prior to the issue of an occupation certificate (Interim or Final), a certificate prepared by licensed electrical contractor shall be submitted to the Principal Certifying Authority, certifying that the smoke alarms have been installed in accordance with the Building Code of Australia 2012, AS 3786 and AS 3000.

4.4 Termite Protection Certification

Prior to the issue of the final occupation certificate, a certificate of treatment prepared by a suitably qualified pest control contractor shall be submitted to the Principal Certifying Authority. The certificate of treatment shall certify that the building has been protected from subterranean termites in accordance with AS 3660-2000.

4.5 Manufacturers Roof Truss and Engineers Certification

Manufacturers roof truss specifications shall be submitted to the Principal Certifying Authority prior to the frame inspection. The details shall specify member sizes and spacings, roof pitch, fixing details, wind loading, name and address of manufacturer etc. Engineers certification shall be submitted to the Principal Certifying Authority prior to installation for all steelwork.

4.6 Drainage Works-As-Executed Plan

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

4.7 Smoke Alarm Certification

Prior to the issue of an occupation certificate (Interim or Final), a certificate prepared by licensed electrical contractor shall be submitted to the Principal Certifying Authority, certifying that the smoke alarms have been installed in accordance with the Building Code of Australia 2012, AS 3786 and AS 3000.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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LOT 3 DP 1128986, RIVER ROAD WYMAH

4.8 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 dwelling 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.

4.9 Driveway Upgrade

The driveway shall be upgraded to an all-weather surface to ensure access at all times to and from the dwelling.

4.10 Potable Water Supply

The dwelling is to be provided with on-site water storage vessels of minimum 20,000 litres capacity for potable water supply.

5.0 GENERAL CONDITIONS OF CONSENT

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.

5.1 Compliance with Construction Certificate

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

5.2 Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. 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).

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LOT 3 DP 1128986, RIVER ROAD WYMAH

5.3 Critical Stage Inspections

In accordance with Section 109E 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 2000.

Note: A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

5.4 All Work to be Carried out by a Licensed Plumber & Drainer

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500-2003 and the New South Wales Code of Practice, Plumbing and Drainage.

Reason for Conditions

The above conditions have been imposed:

1. to ensure compliance with the terms of the environmental planning instruments;
2. having regard to Council's duties of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as well as Section 80A which authorises the imposing of the consent conditions; and
3. having regard to the circumstances of the case and the public interest.

DEVELOPMENT APPLICATION NO 92-12/13

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

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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**3. DEVELOPMENT APPLICATION 111-12/13 – 2 LOT SUBDIVISION – LOT 34
DP 787558, 90 GOULBURN STREET, JINDERA**

3481 RESOLVED [O'Neill/Heriot]

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the following conditions of consent Council approve the Development Application 111-12/13 for a 2 lot subdivision of Lot 34 DP 787558 Goulburn Street Jindera:

1. The development is to be carried out generally in accordance with the approved plan and accompanying report endorsed DA 111-12/13 except where amended by any conditions of this consent.
2. Prior to commencing any subdivision construction works for each stage a Construction Certificate is to be obtained in accordance with Section 81(4)(a) of the *Environmental Planning and Assessment Act 1979*.
3. Prior to seeking a Construction Certificate for any lot, the applicant shall provide to Council for approval:
 - (i) Engineering design plans of all services and proposed easements.
4. Prior to seeking a Subdivision Certificate for any lot, the applicant shall undertake the following works in accordance with Council's specification and at the applicants expense:
 - (i) Connection of Lot 341 to the village water supply scheme
 - (ii) Construction of a driveway crossover in accordance with Councils standard detail (attached) to service proposed lot 341.
 - (iii) Undertake engineering work the subject of Councils construction certificate.
5. **Prior to the issue of a subdivision certificate**, the applicant shall provide to Council for approval:
 - (a) Written advice from Essential Energy, and Telstra indicating the availability of electricity and telecommunications to each lot.
 - (b) Payment of the following developer contributions:
 - (i) Sewer \$305
 - (ii) Water Supply \$1009 (the applicable service connection fee will be charged in addition to this charge).

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DEVELOPMENT APPLICATION 111-12/13 – 2 LOT SUBDIVISION – LOT 34 DP 787558, 90 GOULBURN STREET, JINDERA [CONT'D]

6. All easements necessary to ensure the supply of services and access shall be provided.
7. All stormwater drainage shall be directed to natural drainage lines.
8. Any works associated with the subdivision shall be undertaken in accordance with Council's *Soil and Water Management Guidelines for Subdivisions*.
9. Written notice shall be given to Council seven (7) days prior to the commencement of any works associated with the subdivision.
10. Subdivision Certificate will only be issued upon completion of "Application for Subdivision Certificate" (form attached) and payment of the appropriate fee.
11. This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.

Reason for Conditions

The above conditions have been imposed:

1. to ensure compliance with the terms of the environmental planning instruments;
2. having regard to Council's duties of consideration under Section 79C of the Environmental Planning and Assessment Act 1979, as well as Section 80A which authorises the imposing of the consent conditions; and
3. having regard to the circumstances of the case and the public interest.

DEVELOPMENT APPLICATION NO 111-12/13

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

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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**4. PLANNING PROPOSAL - PARTIAL REZONING TO R5 LARGE LOT
RESIDENTIAL OF LOT12 DP1074222, HALFORD DRIVE HOLBROOK**

3482 RESOLVED [McInerney/Quinn]

That:

1. In accordance with Section 56 of the Environmental Planning and Assessment Act 1979 Council resolve to submit the planning proposal for the rezoning of Lot 12 DP 107422 Halford Drive Holbrook to R5 Large lot Residential to the Department of Planning and Infrastructure for a Gateway Determination.
2. Council advise the Department of Planning and Infrastructure that it will utilise its delegations under Section 59 of the Environmental Planning and Assessment Act 1979 to make or not make the plan.
3. Council resolve to exhibit the planning proposal in accordance with the Gateway Determination.

**PLANNING PROPOSAL - PARTIAL REZONING TO R5 LARGE LOT
RESIDENTIAL OF LOT12 DP1074222, HALFORD DRIVE HOLBROOK**

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

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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5. AMENDMENT TO GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012

3483 RESOLVED [Meyer/Quinn]

That Council:

1. endorse the Planning Proposal amending the *Greater Hume Local Environmental Plan 2012* and specifically to:
 - include 'function centres' and 'electricity generating works' in Section 3 of the land use table to the RU1 Primary Production Zone;
 - amend the wording in Clause 4.2(3) to allow consideration of lots less than the minimum lot size for any purpose permissible in the rural zones (except for dwellings); and
 - introduce a flood planning clause.
2. request a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979* be issued to enable public exhibition of the Planning Proposal.
3. upon receipt of a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979*, Council place the Planning Proposal on public exhibition pursuant to any requirements of the Gateway Determination and Section 57 of the *Environmental Planning and Assessment Act 1979*.
4. Council advise the Department of Planning and Infrastructure that it will utilise its delegations under Section 59 of the *Environmental Planning and Assessment Act 1979* to make or not make the plan.

**AMENDMENT TO
GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012**

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

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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GOVERNANCE

1. HOLBROOK SUBMARINE MUSEUM COMMITTEE

3484 RESOLVED [McInerney/Meyer]

That Mr Ian Taber be appointed to the Holbrook Submarine Museum Committee for the term of the current Council.

The Director Environment and Planning left the meeting at 5.16pm.

2. ECONOMIC ACTIVITY RESEARCH PROJECT

3485 RESOLVED [Meyer/McInerney]

That Council:

1. accept the recommendation from the Economic Development Committee to and engage WHK to undertake the Economic Profile Research Project at a cost of \$18,250 (exc. GST)
2. an additional funding allocation of \$18,250 (exc. GST) be included in the 2013/2014 Estimates of Income and Expenditure.
3. the outcomes sought from the brief be reviewed by the Economic Development Committee prior to the commencement of the engagement.

CR QUINN REQUESTED THAT HIS OPPOSITION TO THE MOTION BE RECORDED.

3. EMERGENCY PLANNING POLICY

3486 RESOLVED [Osborne/Quinn]

That the Greater Hume Shire Council's Emergency Planning Policy be adopted.

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4. WORK HEALTH AND SAFETY AND INSURED RISK PLAN

Cr McInerney left the meeting room at 5.21pm.

3487 RESOLVED [O'Neill/Schoff]

That:

1. the report be received and noted, and
2. the Risk Management Policy, Work Health and Safety Policy and the Work Health and Safety Consultation Policy be adopted.

5. DIVISION OF LOCAL GOVERNMENT ACT – COMMENCEMENT OF LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) ACT 2013

Cr Schilg left the meeting room at 5.22pm.

Cr McInerney returned to the meeting room at 5.24pm.

3488 RESOLVED [Osborne/Quinn]

That the report be received and noted.

6. MURRAY DARLING ASSOCIATION CONFERENCE – 8 to 11 OCTOBER 2013

Cr Schilg returned to the meeting room at 5.25pm.

3489 RESOLVED [Meyer/McInerney]

Council approve the attendance of Cr Heriot to attend the Murray Darling Association Conference to be held in October 2013.

7. LOCAL GOVERNMENT NSW – ANNUAL CONFERENCE 1 – 3 OCTOBER 2013

3490 RESOLVED [Schoff/Schilg]

That:

1. Council nominate the Deputy Mayor, Cr Meyer as Council's additional voting delegate along with the Mayor, Cr Wilton.
2. Council consider current issues and motions to be submitted to Local Government NSW by Friday 19 July 2013, including:
 - Status of the Local Government Review
 - Status of NSW Planning White Paper
 - Lack of road funding

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LOCAL GOVERNMENT NSW – ANNUAL CONFERENCE 1 – 3 OCTOBER 2013 [CONT'D]

- A trend of governments at both federal and state levels to use the private sector and not for profit non-government organisations to deliver services rather than local government
- Red tape impost by State Government.

8. REGIONAL DEVELOPMENT AUSTRALIA FUND – ROUND 5 (ALLOCATIVE ROUND)

3491 RESOLVED [Osborne/McInerney]

- A. That Council put forward the following projects for Round 5 of the Regional Development Australia Fund:-
- o Burrumbuttock Netball Reconstruction Project \$95,000; and
 - o Holbrook Sports Pavilion Extensions and Refurbishment \$205,455.
- B. Further that:
1. Council offers up to \$33,000 (of funds set aside) to the Walla Walla Sportsground Management Committee to further develop their project.
 2. Council officers continue to work with the Walla Walla, Henty, Jindera and Walbundrie Communities to identify suitable funding programs for their projects.

CORPORATE AND COMMUNITY SERVICES

1. WATER CONSUMPTION ACCOUNT

3492 MOTION [Osborne/O'Neill]

That the water consumption account for property assessment number 301-6002 not be reduced and that the full amount levied (\$876.10) remain due and payable.

AMENDMENT [Quinn/Meyer]

Reduce the account by \$150.00.

ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST. THE MOTION WAS SUBSEQUENTLY PUT TO THE VOTE AND CARRIED.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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2. RIVERINA REGIONAL LIBRARY DEED OF AGREEMENT

3493 RESOLVED [Osborne/Heriot]

That the Mayor and General Manager be authorised to sign the *Deed of Agreement between the Council of the City of Wagga Wagga and the Councils of the Shires of Coolamon, Cootamundra, Corowa, Greater Hume, Gundagai, Junee, Lockhart, Temora, Tumbarumba, Tumut and Urana for the Provision of Library and Information Services* under the Common Seal of Council.

3. OUTSTANDING RATES AND CHARGES

3494 RESOLVED [Osborne/Schoff]

That Council not accede to WAW Credit Union's request for a reduction in rates and charges outstanding on property assessment number 52406-0 and that the full amount outstanding remain due and payable on sale of the property.

4. LEASE – LOT 11 DP 253097, COACH ROAD, GEROGERY

3495 RESOLVED [Quinn/Meyer]

That Council accept the Tender from Barbara Lord in the amount of \$200.00 (inc GST) to lease Lot 11 DP 253097, Coach Road, Gerogery for a period of twelve months commencing 1 August 2013, with an option to renew for a further twelve month term.

ENGINEERING

Nil.

REFERRED TO CLOSED COUNCIL

1. WRITING OFF UNRECOVERABLE RATES AND CHARGES

3496 RESOLVED [McInerney/Heriot]

That consideration of the report on the writing off of unrecoverable rates and charges be referred to Closed Council in accordance with Section 10A 2(b) of the Local Government Act, 1993 – the personal hardship of any resident or ratepayer.

REASON - Information contained in the report relates directly to the personal circumstances of ratepayers and therefore is confidential.

PART B - ITEMS FOR INFORMATION

GOVERNANCE

1. DEPARTMENT OF LOCAL GOVERNMENT CIRCULAR
2. LOCAL GOVERNMENT NEW SOUTH WALES (LGNSW) – WEEKLY CIRCULARS
3. TOURISM AND PROMOTIONS OFFICER'S REPORT

CORPORATE AND COMMUNITY SERVICES

1. CUSTOMER REQUEST MODULE
2. STATEMENTS OF BANK BALANCE AS AT 30 JUNE 2013, INVESTMENT ACCOUNT AS AT 30 JUNE 2013
3. HUMAN RESOURCES ACTIVITY REPORT – JULY 2013

ENGINEERING

1. REPORT OF WORKS – JULY 2013

ENVIRONMENT AND PLANNING

1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF JUNE 2013
2. SENIOR WEEDS OFFICER'S REPORT – JULY 2013
3. RANGER'S REPORT – JULY 2013

3497 RESOLVED [McInerney/Schoff]

That Part B of the Agenda be received and noted.

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PART C – COMMITTEE AND DELEGATE REPORTS

3498 RESOLVED [McInerney/Osborne]

That Part C of the Agenda be received and noted.

MATTER OF URGENCY

3499 RESOLVED [McInerney/Osborne]

And ruled by the Chair that the matter of LETTER RECEIVED FROM STUART HERIOT, CHAIRMAN OF HOLBROOK BYPASS COMMITTEE, STAGE 2 ALBURY STREET, HOLBROOK UPGRADE distributed to councillors prior to the commencement of the meeting be dealt with at this time.

- **LETTER RECEIVED FROM STUART HERIOT, CHAIRMAN OF HOLBROOK BYPASS COMMITTEE, STAGE 2 ALBURY STREET, HOLBROOK UPGRADE**

3500 RESOLVED [McInerney/Osborne]

The Council re-affirms its decision taken at the June meeting to defer any Stage 2 Streetscape Upgrade for Albury Street, Holbrook until after Easter 2014.

CR HERIOT REQUESTED THAT HIS OPPOSITION TO THE MOTION BE RECORDED.

QUESTIONS ON NOTICE

1. GENERAL BUSINESS SECTION IN FORMAL MEETING AND MEETING FORMAT

Cr Quinn enquired as to why Council does not have a general business section in the agenda. Cr Quinn also queried whether Council or the Department determines the format of the meeting.

In response General Manager advised that Council in 2005 (and revised in 2009) developed its Code of Meeting Practice for councillors and staff and at the time the Code was developed in accordance with the provisions of the Local Government Act 1993, and the Local Government Regulation.

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Councillors may only raise matters not listed in the agenda in the Questions On Notice section of the meeting, "*questions on notice must be received by Council 7 clear calendar days prior to the Council meeting, or can be raised at the Council meeting for listing on the agenda for the following meeting*" [extract page 32 of Council's Code of Meeting Practice]. A copy of the Greater Hume Shire Code of Meeting Practice is included in councillors' induction manual. The Department of Local Government Circular 10/10 also provides further advice on the matter.

2. MULLERS LANE

Cr Meyer required that the Director Engineering inspect this road following recent rain events.

3. POLICY ON ATTENDANCE AT CONFERENCES

Cr Osborne questioned whether Council should have a policy in regard to situations where the alternate delegate declines the opportunity to attend a conference, and whether other councillors should be given the opportunity to nominate to attend.

General Manager advised that, in his opinion, Council should consider attendance at conferences on a case by case basis.

CLOSING THE MEETING

The one person in the public gallery departed the meeting room at this time (6.04pm).

3501 RESOLVED [6.04pm] [Quinn/Osborne]

That the meeting be closed during the discussion of the confidential matter listed in the agenda.

COMMITTEE OF WHOLE SECTION

3502 RESOLVED [Osborne/McInerney]

That, in accordance with the provisions of the Local Government Act 1993, Council enter into 'Committee of the Whole' for the discussion of the following items of business:

1. WRITING OFF UNRECOVERABLE RATES AND CHARGES

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
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ORDINARY MEETING RECONVENED

3503 RESOLVED 6.30pm [Quinn/O'Neill]

That the Ordinary Meeting be reconvened for the purpose of determining the report of the matter dealt with in Committee.

COMMITTEE REPORT

The General Manager reported that the Committee of the Whole makes the following recommendation from the Committee Meeting regarding the following items:

1. WRITING OFF UNRECOVERABLE RATES AND CHARGES

RECOMMENDATION [McInerney/O'Neill]

That Council note the writing off of rates and charged as detailed in **ANNEXURE 1** under the General Manager's delegated authority, as reported to the Closed Council Report to the meeting held on 17 July 2013.

RECOMMENDATION OF CLOSED COUNCIL (COMMITTEE OF THE WHOLE)

3504 RESOLVED [Quinn/McInerney]

That the foregoing report and recommendations from Closed Council (Committee of the Whole) be adopted.

There being no further business, the meeting concluded at 6.34pm.

THESE MINUTES WERE CONFIRMED at the Council meeting held on 21 August 2013 at which time the signature hereon was subscribed.

Cr Heather Wilton
Mayor, Greater Hume Shire Council