



# Greater Hume Shire

To: «Name»

## **ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL**

**WEDNESDAY, 21 DECEMBER 2016**

NOTICE is hereby given that an Ordinary Meeting of the Greater Hume Shire Council will be held at the Culcairn Council Chambers, Balfour Street, Culcairn commencing at 6.00pm.

STEVEN PINNUCK  
GENERAL MANAGER

ORDER OF BUSINESS TO BE CONSIDERED  
REFER OVERLEAF

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL**

**WEDNESDAY, 21 DECEMBER 2016**

**BUSINESS TO BE CONSIDERED**

**1. PRAYER**

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY INTEREST  
(CONFLICT OF INTEREST)**

**4. APOLOGIES**

**5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

- Minutes of the Ordinary Meeting of Council – 7 December 2016

**6. REPORTS FROM OFFICERS**

**PART A For Determination**

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

**PART B For Information**

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

**7. MATTERS OF URGENCY**

**8. QUESTIONS ON NOTICE**

**9. CLOSED COUNCIL – CONFIDENTIAL REPORTS**

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## **OFFICERS' REPORTS – PART A – FOR DETERMINATION**

### **ENVIRONMENT AND PLANNING**

1. **APPLICATION TO MODIFY DEVELOPMENT CONSENT 10.2016.71.2 – 13 LOT SUBDIVISION, HOLBROOK AIRPARK**

**Report by Consultant Planner – Habitat Planning**

#### **INTRODUCTION**

Council is in receipt of an application to modify an approved 13 lot subdivision at the Holbrook Airpark. The modification relates to the use of a taxi way for vehicular access to the front of the hangars rather the required access to the rear along a constructed access way within an access easement. A copy of the original consent is included at **APPENDIX 1**.

The proposal relates to Lot 2 in DP1123880, addressed as 361 Holbrook-Wagga Road, Holbrook. The applicant is John Ferguson and the landowner is Council.

The application was notified to all landowners within the airpark. Three submissions were received objecting to the application and one in support as a result of this process **APPENDIX 1**. Consideration of these submissions is given later in the report.

The assessment of the application is made independently by town planning consultants Habitat Planning and is being reported to Council because it is the land owner and submissions have been received from the public following notification.

#### **ASSESSMENT**

Like a development application, a modification must be considered against the 'matters for consideration' at Section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

- **79C(a) The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations**

#### **State Environmental Planning Policies**

Within the context of the modification, there are no relevant SEPP's.

#### **Local Environmental Plans**

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

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APPLICATION TO MODIFY DEVELOPMENT CONSENT 10.2016.71.2 – 13 LOT SUBDIVISION,  
HOLBROOK AIRPARK [CONT'D]

***Land Use Table***

The subject land is zoned RU1 Primary Production under the LEP for which the objectives are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the rural landscape character of the land.*

These objectives are generally aimed at agricultural and related land uses. Within the context of the airpark, consistency with the objectives is about having minimal impact on the surrounding rural area. The modification has no impact in this regard.

**Clause 6.7** of the LEP relates to essential services and states:

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

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

As the modification seeks to change access arrangements, part (e) of this clause is relevant. The current approval provides for an aircraft taxi way along one side of the proposed hangar lots with an access easement for vehicles along the other. The purpose of this was to separate the ground movements of aircraft and vehicles. The creation of the vehicle access easement and construction of access way is required prior to a Subdivision Certificate (the final stage of subdivision before lots are registered) being issued. The modification application seeks to delete the requirement for a vehicle access easement at the 'rear' of the lots and use the existing taxi way at the 'front' of the lots for this purpose. In effect this will mean the existing taxi way will be utilised by both aircraft and vehicles.

Whilst the Holbrook Airpark is not a registered aerodrome, Council officers have sought the advice of the Civil Aviation Safety Authority (CASA) on the proposal. CASA have advised that for an aerodrome such as Holbrook, the dual use of taxi way would be satisfactory because of the low number of aircraft and vehicle movements. CASA have suggested the use of a flashing light on vehicles using the taxi way and a requirement that only one vehicle per hangar be permitted. Vehicles are to give way to aircraft at all times.



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HOLBROOK AIRPARK [CONT'D]

Whilst there may be little need for a vehicle access along the 'rear' of the lots at this time, if the airpark is to expand then it is considered desirable to at least have the opportunity for aircraft and vehicles to be separated. In addition, as much as the joint use of the taxiway would provide practical access to the lots for vehicles, it is necessary for a subdivision to also provide legal access, otherwise the lots become effectively 'landlocked'. The legal access to the lots should be maintained by the proposed easement, but the construction of the access can be deferred until a time it is necessary.

**Development Control Plans**

The *Greater Hume Development Control Plan 2012* ("the DCP") applies to all land within the Shire. **Chapter 6** of the DCP relates to subdivision generally, and sets out a number of development standards. Each of these is addressed in the following table.

DEVELOPMENT STANDARD	RESPONSE
<b>Staging</b>	
1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.	Not applicable to consideration of the modification.
2. Staging of subdivision should have regard to the existing and proposed provision of services and avoid staging development which would have negative impacts upon infrastructure provision and/or design.	Not applicable to consideration of the modification.
<b>Movement network</b>	
1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i> .	Not applicable to consideration of the modification.
2. All development for subdivision must comply with the Council's standards for road design.	Not applicable to consideration of the modification.
3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists.	Not applicable to consideration of the modification.
4. All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances.	By removing the 'rear' easement/access, no lot will have (legal) access to a public road. The use of an easement in the circumstances of the airpark is 'extraordinary'.
5. Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.	Not applicable to consideration of the modification.

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HOLBROOK AIRPARK [CONT'D]

DEVELOPMENT STANDARD	RESPONSE
<b>Lot design</b>	
1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	Not applicable to consideration of the modification.
2. Multi-lot subdivisions should provide for a range of lot sizes.	Not applicable to consideration of the modification.
3. Lots are to be provided with legal and practical public road access.	Whilst practical access for vehicles to the lots (via the taxi way) would be achieved without the 'rear' easement, the legal access would be lost. This is contrary to this requirement of the DCP.
4. Lots are to be designed to accommodate the type of development envisaged. Irregular shaped lots or lots too small will be regarded by Council as incompatible with objectives for this standard.	Not applicable to consideration of the modification.
5. For battle-axe allotments a minimum width of the access handle is to be 4.5m.	Not applicable to consideration of the modification.
6. Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling.	Not applicable to consideration of the modification.
7. Lots are to be designed to maximise solar access.	Not applicable to consideration of the modification.
<b>Infrastructure &amp; services</b>	
1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	Not applicable to consideration of the modification.
2. Where a reticulated external potable water supply is provided, all lots shall be connected.	Not applicable to consideration of the modification.
3. Where a reticulated external sewerage system is provided, all lots shall be connected.	Not applicable to consideration of the modification.

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APPLICATION TO MODIFY DEVELOPMENT CONSENT 10.2016.71.2 – 13 LOT SUBDIVISION,  
HOLBROOK AIRPARK [CONT'D]

DEVELOPMENT STANDARD	RESPONSE
<b>Hazards</b>	
1. On land mapped as bushfire prone, compliance with the <i>NSW Rural Fire Service guide Planning for Bushfire Protection (2006)</i> .	Not applicable to consideration of the modification.
2. On land considered by Council to potentially being subjected to flooding, an investigation of the land as to the flood risk and consideration of the <i>Floodplain Development Manual: the management of flood liable land (2005)</i> .	Not applicable to consideration of the modification.
3. On land that is, or has previously been used for a potentially contaminating activity, an investigation of the land in accordance with the requirements of <i>State Environmental Planning Policy No.55 – Remediation of Land</i> . An investigation should be in accordance with the process detailed in the State Government's <i>Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land (1998)</i> .	Not applicable to consideration of the modification.
<b>Site management</b>	
1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i> .	Not applicable to consideration of the modification.
2. Compliance with <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils</i> .	Not applicable to consideration of the modification.

- **79C(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

The modification will have no impact on the natural and built environment other than potential conflicts between aircraft and vehicles. CASA is not concerned with this outcome subject to a number of precautions being met.

- **79C(c) The suitability of the site for the development.**

The site is suitable for the proposed development because it is associated with the established airpark.

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APPLICATION TO MODIFY DEVELOPMENT CONSENT 10.2016.71.2 – 13 LOT SUBDIVISION,  
HOLBROOK AIRPARK [CONT'D]

• **79C(d) Any submissions made in accordance with this Act or the regulations.**

Four submissions have been received (three objecting and one in support) following the notification of the proposed modification. The issues raised in objection that are relevant to the modification include:

- Contrary to the applicant's claim, the existing 'rear' access will not prevent CASA requirements being met in the future.
- Contrary to the applicant's claim, it is not common at country airfields for there to be joint use of taxi ways.
- Aircraft and vehicles should be kept separate.
- The taxi way is not constructed to a standard capable of accommodating heavy vehicles that may need to access the lots for construction etc.
- The modification perpetuates the ill-conceived subdivision it seeks to change.

The issues raised in support include:

- The taxi ways at the airpark are already being used by vehicles.
- Contrary to the objectors claims, the taxi ways are constructed to a standard suitable for the use of vehicles (including heavy vehicles).
- The joint use of taxi ways works at other aerodromes with suitable warnings.
- The offer by the applicant to re-surface the taxi way will improve the airpark.

In response to these submissions:

- Regardless of the merits of having a 'rear' vehicle access or not, lots in a subdivision must have legal access.
- Accepting that there may be some good practical reasons for allowing the shared use of the taxi way under the current circumstances, there would appear to be some merit in maintaining the option of having a dedicated 'rear' vehicle access in the future.

• **79C(e) The public interest.**

There are no matters of public interest relating to the community as a whole.

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

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

1. approve the application, subject to conditions;
2. defer the application for further information or redesign; or
3. refuse the application.

After considering the assessment requirements of Section 79C of the EP&A Act, the application is supported for conditional approval.

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HOLBROOK AIRPARK [CONT'D]

**RECOMMENDATION**

That consent be granted to modify development application 10.2016.71.2 to allow joint use of the taxi way and deferral of the requirement for a dedicated 'rear' access subject to the following additional or modified conditions.

1. Delete part (b) of condition 4 so construction of the 'rear' access is not a prerequisite for release of the Subdivision Certificate.
2. Addition condition 8: "Any vehicle accessing the taxi way shall activate its hazard lights to alert aircraft of its presence."
3. Additional condition 9: "Vehicles utilising the taxi way shall give way to aircraft at all times."
4. Additional condition 10: "No more than one vehicle per hangar is permitted to use the taxi way at any given time."
5. The applicant is to reseal the taxiway to the satisfaction of Council prior to the issuance of a subdivision certificate.

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**2. DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET, WALBUNDRIE**

**Report by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

Council has received a development application from Kybren Homes to relocate a new transportable dwelling at Lot 1 Section 6 DP759034, 15 George Street Walbundrie. This application is being forwarded to Council for determination because an exception to Clause 6.5(4) of the Greater Hume Local Environment Plan 2012 (the LEP) cannot be achieved at the site and an exception to this development standard has been sought in accordance with the clause 4.6 of the LEP. In addition variations are sought from the setback provision of the DCP.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 7.8 Provide efficient and effective environmental health and building services to the community.

Action 7.8.1 Process all developments applications as submitted.

**DISCUSSION**

The proposal is to relocate a new transportable dwelling at Lot 1 Section 6 DP759034, 15 George Street Walbundrie (the site). The dwelling will have an area of 180.97m<sup>2</sup> and due to flooding the house will be raised on piers to a height of 2.1 metres and the area under the house will be used for parking. The walls will be weatherboard and the roof will be clad in Colorbond roof sheeting. Refer to **ANNEXURE 2**.

The property is situated at 15 George Street, Walbundrie which is on the western side of Billabong Street, Walbundrie. The owner of the land owns a number of adjacent allotments and the land is relatively flat.

The surrounding land could be described as small lot rural holdings with numerous trees being present. The Billabong Creek is located approximately 50-60 metres from the back of the proposed dwelling. The site is low lying and subject to flooding which will be discussed later.

The subject land is zoned RU1 Primary Production under the Greater Hume Local Environmental Plan 2012, in addition to being subject to flooding the land is also bushfire prone and subject to biodiversity overlay.

The building will need to comply with the Local Government (Manufactured, Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings Regulations 2005) and the provision as AS 3959 for a bushfire attack level of 12.5. The National Construction Code (NCC) classifies the building as a Class 1a.

**NOTIFICATION AND REFERRAL PROCESS**

Adjoining landowners were notified of the proposal in writing and no submissions have been received.

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DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

**ASSESSMENT**

The application has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act as discussed below:

***79C(a) The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations***

***Local Environmental Plans***

The subject land is zoned RU1 Primary Production under the LEP. The relevant matters of the LEP are addressed as follows.

The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural landscape character of the land.

Dwellings are permitted with consent within the RU1 zone and the minimum lot size for a dwelling in this zone is 100 hectares. This site has an area of 3050m<sup>2</sup> however the site has a dwelling entitlement under the provisions of Clause 4.3(b) of the LEP.

Clause 6.1 Flood Planning relates to this development and applies to the site because the land is beneath the flood planning level. Clause 6.1 (3) indicates that

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) Is compatible with the flood hazard of the land, and
- (b) Will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) Incorporates appropriate measures to manage risk to life from flood, and
- (d) Will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In response to the abovementioned stipulations it is advised that a flood level for the dwelling has been established from a datum point located at a nearby bridge. The applicant indicates that the dwelling will be erected so that the floor height exceeds that datum point. Further the house will be raised 2.1 metres above the ground level to allow car parking beneath the house. Consequently the house floor will significantly exceed the required flood level of 176.949 AHD.

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The previous assessing officer has indicated that the ground level will be acceptable for access from the site. Given the predicted flood activity this is considered acceptable because there should be considerable warning of the arrival of a flood allowing for safe evacuation. Also flood water quickly dissipates from the site due to its location in the catchment. Finally, the raising of the house will mean that flood water will not be directed to adjacent properties.

Clause 6.2 Terrestrial Biodiversity requires Council to consider the environmental effects of the proposed transportable home for the site which is subject to the biodiversity overlay. In response, it is advised that the site of the proposed transportable dwelling has been cleared and used for grazing and therefore the proposed dwelling will not have any adverse effect on the environment.

Clause 6.3 Riparian Land and Watercourses requires Council to consider the effects of the proposed transportable home upon the nearby Billabong Creek, particularly the land within 40 metres of the top of the bank. In response, it advised that the proposed dwelling will be setback more than 40 metres from the bank of the Billabong Creek and conditions of consent will be imposed to prevent the removal of any vegetation within this area. Further the effluent disposal area will not be permitted to be located within this area.

Clause 6.5 Development on River Front Areas – clauses (2) and (4) when read in conjunction prevent the siting of the transportable dwelling in the proposed location as it is to be located less than 100 metres from the high bank of the Billabong Creek. This provision relates because the site is zoned RU1. The owner has made a submission in accordance with Clause 4.6 Exception to Development Standards that the provisions of Clause 6.5(4) are unreasonable because Lot 1 Sec 6 DP759034 was created as a paper subdivision and the lot has a maximum depth of 89.92 metres. Consequently the provision of Clause 6.5 would prohibit the erection of a dwelling on the allotment despite it having a dwelling entitlement under clause 4.3(b) of the LEP. The owner contends that given the location of the site adjacent to the village area of Walbundrie and the proportions of the site the setback from the Billabong Creek should not be more onerous than 40 metres as is the case in the adjacent RU5 village zone.

It is considered that the request under Clause 4.6 is not against the public interest and that given the proportions of the site the siting of the transportable dwelling will not derogate from the objectives of Clause 6.5

***The Provisions of any Draft Environmental Planning Instrument that is or has been placed on Public Exhibition***

Nil.



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***Development Control Plan***

The Greater Hume Development Control Plan 2013 applies to the land.

2 Commercial Development:

<b>STANDARD</b>	<b>ACCEPTABLE</b>	<b>COMMENT</b>
2.1 Neighbourhood character	✓	The proposed transportable home will be acceptable in context and setting with adjacent land.
2.2 Streetscape	✓	The proposed transportable home is sited on a relatively isolated allotment which is accessed from a non-formed Crown road reserve which is leased by the owner. Consequently the property will not have any effect on the streetscape .
2.3 Site requirements	✓	The site requirements have been addressed above.
2.4 Building heights	✓	The height of the proposed transportable dwelling will have no effect on adjacent property because it is to be situated in a relatively isolated position.
2.5 Building setbacks	✓	The proposed transportable dwelling cannot meet the setback provision because the site is zoned RU1 but has the dimensions of a residential allotment. Given the owner owns all of the adjacent land and leases George Street it is considered that the setback provision can be dispensed to permit the proposed side set back of 6 metres and the front setback of 7 metres.
2.6 Privacy and amenity	✓	No adverse effect on adjoining owners.
2.7 Landscaping	✓	No issues.
2.8 Private open space	✓	No impacts.
2.9 Car parking and access	✓	No issues.
2.10 Earthworks and drainage	✓	No issues were observed with the driveway or gravel areas.
2.11 Ancillary development	<b>N/A</b>	
2.12 Outbuildings	<b>N/A</b>	
2.13 Development standards for particular land	✓	Greater Hume Development Control Plan 2013.
2.14 Site facilities	<b>N/A</b>	
2.15 Security	<b>N/A</b>	None. Adequate perimeter fencing already exists on the land.
2.16 Energy efficiency	<b>N/A</b>	No issues.

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
TO BE HELD AT THE CULCAIRN COUNCIL CHAMBERS, BALFOUR STREET,  
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DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

- 3 Industrial Development:  
Not applicable to this development.
- 4 Commercial Development:  
Not applicable to this development.
- 5 Township Structure Plans:  
Not applicable for this development.
- 6 Subdivision:  
Not applicable for this development.
- 7 Vegetation:  
Not applicable for this site on the removal of native vegetation.
- 8 Flood Liable Land:  
Yes but addressed through application of a floor height.
- 9 Heritage Conservation Areas:  
Not applicable for this development.
- 10 Notification Policy:  
The development was notified to all adjoining properties.
- 11 Site Specific Controls:  
Not applicable for this development.
- 12 Developer Contributions Plan:  
A contribution is required pursuant to Council's Contributions Plan.

***79C(b) The Likely Impacts of that Development, Including Environmental Impacts on Both the Natural and Built Environments, and Social and Economic Impacts in the Locality***

ISSUE	ACCEPTABLE	COMMENT
Context & setting	✓	The proposed transportable dwelling will be acceptable in context and setting with adjacent land.
Access & parking	✓	Access to the site is available from an unformed Crown road. No issue with parking.
Roads & traffic	✓	Access to the site is available from an unformed Crown road. No issue with parking.
Utilities	✓	All are available to the property.
Heritage	✓	No issues.
Stormwater	✓	Stormwater will be directed to discharge to natural drainage lines.
Soils & erosion	✓	No issues.
Flora & fauna	✓	No impacts.
Flooding	✓	No issues. Floor level above 1:100 flood level.
Bushfire	✓	The transportable dwelling will comply with AS 3959 – Construction of buildings in bushfire-prone areas.
Technological hazards	<b>N/A</b>	None.

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DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

ISSUE	ACCEPTABLE	COMMENT
Safety, security crime prevention	N/A	None.
Privacy	✓	No issues.
Landscaping	✓	No issues.
Overshadowing	N/A	None.
Land resources	✓	There are no resources known to exist on the land.

***79C(c) The Suitability of the Site for Development***

Site inspections carried out showed the site is suitable for the development having had regard to the nature of the site and the surrounding land use.

***79C(d) Any submissions made in accordance with this Act or the regulations***

No submissions have been received.

***79C(e) The Public Interest***

The siting of the transportable dwelling on the site is appropriate and not in conflict with the public interest.

**CONCLUSION**

In conclusion, the proposal to site the transportable dwelling at 15 George Street Walbundrie satisfies the assessment criteria under Section 79C of the EP&A Act. The Clause 4.6 exemption to Clause 6.5(4) of the LEP has been shown to be justified and so has the exemptions to the setback provisions of the Greater Hume Development Control Plan.

**RECOMMENDATION**

That:

1. Council assume the concurrence of the Director General of the Department of Planning and grant an exemption in accordance with Clause 4.6 to the development standard contained in clause 6.5(4) pertaining to setbacks from the Billabong Creek. Council also permits the reduced setbacks from those indicated within the Greater Hume Development Control Plan.
2. 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 10.2016.50 for the siting of a transportable dwelling at Lot 1 Section 6 DP759034, 15 George Street Walbundrie subject to the following conditions:

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

**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 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. All of these conditions are to be complied with prior to the commencement of any works on site.**

**3 Contract of Insurance or Owner-builder Permit**

Prior to the issue of a Section 68 approval, the Greater Hume Shire Council shall be satisfied that:

- (i) A contract of insurance that complies with Part 6 of the Home Building Act 1989 is in force in relation to the subject work. A certificate of insurance is to be provided to the other party of the contract; or
- (ii) An owner-builder has a valid owner-builder permit issued by the Department of Fair Trading.

**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 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 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

**6 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.

**PRIOR TO THE ISSUE OF A SECTION 68 APPROVAL FOR A RELOCATABLE DWELLING UNDER S68 OF THE LOCAL GOVERNMENT ACT 1993**

**The following conditions of consent must be complied with prior to the issue of a Section 68 approval for a relocatable dwelling under the Local Government Act 1993 by Greater Hume Shire Council. All necessary information to comply with the following conditions of consent must be submitted with the application for a Section 68 approval.**

**7 Demonstrate Compliance**

The applicant must demonstrate Compliance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

**8 Demonstrate Compliance with Bushfire Requirements**

The applicant must demonstrate Compliance with the NSW Rural Fire Service Planning For Bushfire Protection 2006 and the relevant requirements of AS 3959-2009 Construction of Buildings in Bushfire-prone Areas.

**9 Water Supply**

The applicant must confirm the availability of an adequate water supply of potable water and water storage for fire fighting purposes.

**10 A separate Local Government Act “Activity Approval” is required for the on-site sewage management system**

A separate approval under the Local Government Act is required for the on-site sewage management system. The application is to be accompanied by a site plan showing the location of the 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.

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DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

**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.**

**11 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 3500-2015 and the Local Government Act 1993 and Local Government (General) Regulations, 2005, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2012.

**12 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.

**13 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.

**14 Enclosure of Building**

The sub-floor area of the building shall not be enclosed without further consideration by Council.

**15 Vehicular Crossover**

The vehicle crossover to George Street table drain shall be in accordance with Council's Specifications Drawing No. 2002-010 (see attached). All works associated with the vehicle crossover shall be inspected by Council's Engineering Department prior to any pouring of concrete.

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DEVELOPMENT APPLICATION 10.2016.50 – CONSTRUCT A NEW TRANSPORTABLE DWELLING – LOT 1 SECTION 6 DP759034 – 15 GEORGE STREET WALBUNDRIE [CONT'D]

**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 Council.**

**16 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 Council must be satisfied that the development (part or whole) is in accordance with the respective Development Consent or Section 68 Approval.

**17 Certification of Approved Floor Level**

Prior to the issue of an occupation certificate (Interim or Final), a certificate by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the floor level of the dwelling has been constructed not less than 176.949AHD in accordance with the approved plans.

**18 Construction of Driveway and Parking Areas**

The carparking area and the access driveway are to be constructed to 175.90AHD prior to the issuing of an Occupation Certificate for the dwelling.

**19 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.

**20 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.

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**3. DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK**

**Report by Director Environment and Planning – Colin Kane and Building Surveyor – Bradley Peach**

**REASON FOR REPORT**

Council has received a development application from AE Landale and A Landale to demolish an existing dwelling and erect a new dwelling at Lot 2 DP600732, 181 Brigadoon Lane Holbrook (the site). This application is being forwarded to Council for determination because the requirements of Clause 6.5(4) of the Greater Hume Local Environment Plan 2012 (the LEP) cannot be achieved at the site and an exception to this development standard has been sought in accordance with the clause 4.6 of the LEP.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 7.8 Provide efficient and effective environmental health and building services to the community.

Action 7.8.1 Process all developments applications as submitted.

**DISCUSSION**

**DETAIL OF PROPOSAL**

The proposal is to demolish an existing dwelling and erect a new dwelling at the site. The dwelling will have a catchment area of 591m<sup>2</sup> and due to flooding the house will be raised on a slab to a height of 0.5 metre above a previous flood level of RL10.080. The walls will be weatherboard and the roof will be clad in zincalume roof sheeting. Plans are included as **ANNEXURE 3**.

The site is 16.5 hectares and situated approximately 7 kilometres to north east of Holbrook. The surrounding land is used for extensive agriculture. The Billabong Creek is located approximately 75 metres from the back of the proposed dwelling and native vegetation is present along the bank. An existing dwelling and associated infrastructure exists at the site and this dwelling is a replacement. The environmental impacts of the new dwelling on the watercourse and vegetation are anticipated to be minimal because the site is already used for this purpose.

The subject land is zoned Primary Production RU1 under the Greater Hume Local Environmental Plan 2012, in addition to being subject to flooding the land also has a biodiversity overlay.

The building will need to comply with the National Construction Code (NCC) which classifies the building as a Class 1a.

**NOTIFICATION AND REFERRAL PROCESS**

Adjoining landowners were notified of the proposal in writing and no submissions have been received.



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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND  
DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK  
[CONT'D]

**ASSESSMENT**

The application has been assessed against the relevant matters for consideration under Section 79C of the EP&A Act as discussed below:

***79C(a) The provisions of any current or draft environmental planning instrument, development control plan, or matters prescribed by the regulations***

***Local Environmental Plans***

The subject land is zoned RU1 Primary Production under the LEP. The relevant matters of the LEP are addressed as follows.

The objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural landscape character of the land.

Dwellings are permitted with consent within the RU1 zone and the minimum lot size for a dwelling in this zone is 100 hectares. This site has an area of 16.5 hectares however the site has a dwelling entitlement under the provisions of Clause 4.2 A(4) of the LEP.

Clause 6.1 Flood Planning relates to this development and applies to the site because the land is beneath the flood planning level. Clause 6.1 (3) indicates that:

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (c) Is compatible with the flood hazard of the land, and
- (d) Will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) Incorporates appropriate measures to manage risk to life from flood, and
- (d) Will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) Is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In response to the abovementioned stipulations it is advised that a flood level for the dwelling has been established from a mark 10.080 RL which was recorded during a previous flood event and is approximately 0.34 metres above the existing ground level. In a rural area the use of this level is the only flood data available and a freeboard of 0.5 of a metre is applied to that level. The plans indicate that the dwelling will be erected so that the floor height is 10.580. Given the predicted flood activity this is considered acceptable.

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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND  
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[CONT'D]

The existing ground level should suffice for safe evacuation as available data indicates that land will be inundated with approximately 0.34 metres of water. Also flood water should quickly dissipate from the site due to its location in the catchment. Finally, the raising of the house will mean that flood water will not be directed to adjacent properties.

Clause 6.2 Terrestrial Biodiversity requires Council to consider the environment effects of the proposed dwelling for the site which is subject to the biodiversity overlay. In response it is advised that the site of the proposed dwelling has been cleared and used for the same purpose and therefore the proposed dwelling will not have any adverse effect on terrestrial biodiversity.

Clause 6.3 Riparian Land and Watercourses requires Council to consider the effects of the proposed home upon the nearby Billabong Creek, particularly the land within 40 metres of the top of the bank. It advised that the proposed dwelling will be setback more than 40 metres from the bank of the Billabong Creek and conditions of consent will be imposed to prevent the removal of any vegetation within this area. Further, the effluent disposal area will not be permitted to be located within this area.

Clause 6.5 Development on River Front Areas – clauses (2) and (4) when read in conjunction prevent the erection of the dwelling in the proposed location as it is to be located less than 100 metres from the high bank of the Billabong Creek. This provision relates because the site is zoned RU1. The owner has made a submission in accordance with Clause 4.6 Exception to Development Standards that the provisions of Clause 6.5(4) are unreasonable because the site has already been cleared and used for the same purpose and that the erection of a new dwelling will not adversely affect the environment or derogate from the objectives of Clause 6.5.

It is considered that the request under Clause 4.6 is not against the public interest and that given the site and the location of dwelling the development will not derogate from the objectives of Clause 6.5.

***The Provisions of any Draft Environmental Planning Instrument that is or has been placed on Public Exhibition***

Nil.

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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK [CONT'D]

***Development Control Plan***

The Greater Hume Development Control Plan 2013 applies to the land.

2 Commercial Development:

<b>STANDARD</b>	<b>ACCEPTABLE</b>	<b>COMMENT</b>
2.1 Neighbourhood character	✓	Isolated dwelling N/A.
2.2 Streetscape	✓	Isolated dwelling N/A.
2.3 Site requirements	✓	The site requirements have been addressed above.
2.4 Building heights	✓	Isolated dwelling N/A.
2.5 Building setbacks	✓	Meets the requirements of the DCP.
2.6 Privacy and amenity	✓	Isolated dwelling N/A.
2.7 Landscaping	✓	No issues.
2.8 Private open space	✓	No impacts.
2.9 Car parking and access	✓	No issues.
2.10 Earthworks and drainage	✓	No issues.
2.11 Ancillary development	N/A	
2.12 Outbuildings	N/A	
2.13 Development standards for particular land	✓	Greater Hume Development Control Plan 2013.
2.14 Site facilities	N/A	
2.15 Security	N/A	None. Adequate perimeter fencing already exists on the land.
2.16 Energy efficiency	N/A	No issues.

3 Industrial Development:

Not applicable to this development.

4 Commercial Development:

Not applicable to this development.

5 Township Structure Plans:

Not applicable for this development.

6 Subdivision:

Not applicable for this development.

7 Vegetation:

Not applicable for this site on the removal of native vegetation.

8 Flood Liable Land:

Yes but addressed through application of a floor height

9 Heritage Conservation Areas:

Not applicable for this development

10 Notification Policy:

The development was notified to all adjoining properties.

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK [CONT'D]

- 11 Site Specific Controls:  
Not applicable for this development.
- 12 Developer Contributions Plan:  
There is a contribution required pursuant to Council's Contributions Plan.

***79C(b) The Likely Impacts of that Development, Including Environmental Impacts on Both the Natural and Built Environments, and Social and Economic Impacts in the Locality***

ISSUE	ACCEPTABLE	COMMENT
Context & setting	✓	The proposed dwelling will be acceptable in context and setting with adjacent land.
Access & parking	✓	Access to the site is available from existing arrangement.
Roads & traffic	✓	Access to the site is available from existing arrangement.
Utilities	✓	All are available to the property.
Heritage	✓	No issues.
Stormwater	✓	Stormwater will be directed clear of the dwelling and to natural drainage lines.
Soils & erosion	✓	No issues.
Flora & fauna	✓	No impacts.
Flooding	✓	Floor level 0.5 above known flood level.
Bushfire	✓	No issue.
Technological hazards	N/A	None.
Safety, security & crime prevention	N/A	None.
Privacy	✓	No issues.
Landscaping	✓	
Overshadowing	N/A	None.
Land resources	✓	

***79C(c) The Suitability of the Site for Development***

Site inspections carried out showed the site is suitable for the development having had regard to the nature of the site and the surrounding land use.

***79C(d) Any submissions made in accordance with this Act or the regulations***

No submissions have been received.

***79C(e) The Public Interest***

The construction of the dwelling on the site is appropriate and not in conflict with the public interest.

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DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK  
[CONT'D]

### **CONCLUSION**

In conclusion, the proposal to construct a dwelling at the site is acceptable given the assessment criteria under Section 79C of the EP&A Act. The Clause 4.6 exemption to Clause 6.5(4) of the LEP has been shown to be justified.

### **RECOMMENDATION**

1. Council assume the concurrence of the Director General of the Department of Planning and grant an exemption in accordance with Clause 4.6 to the development standard contained in clause 6.5(4) pertaining to setbacks from the Billabong Creek.
2. 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 10.2016.144.1 for the demolition of existing dwelling and construction of new dwelling at Lot 2 DP600732, 181 Brigadoon Lane Holbrook subject to the following conditions:

### **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.

### **DEMOLITION**

##### **3 General**

This consent relates to the **demolition of the existing dwelling and carport** as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

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[CONT'D]

**4 Asbestos – Statement**

No later than seven (7) days **prior to the demolition of any building or structure**, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must be provided:

- a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

**REQUIREMENTS DURING DEMOLITION WORKS**

**5 Asbestos – Licensed Contractors**

Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence or a current WorkCover Class 2 (Restricted) Asbestos Licence.

**6 Demolition – Work Cover**

Precautions shall be taken in accordance with the requirements of the Work Cover Authority of NSW in respect of:

- a) Protection of site workers and the public;
- b) Asbestos handling and disposal where applicable.

**7 Demolition**

Demolition work shall be carried out in accordance with Australian Standard AS2601-1991: The Demolition of Structures.

**DEMOLITION REQUIREMENTS PRIOR TO OCCUPATION CERTIFICATE**

**8 Asbestos – Clearance Certificate**

Following the removal of all asbestos and **prior to further works being carried out on the site**, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

**9 Asbestos – Tip Receipts**

Documentary evidence in the form of tip receipts from Holbrook Waste Management Facility shall be obtained demonstrating the appropriate disposal of the asbestos waste. Tip receipts shall be provided to Council **prior to any further building works being undertaken** on the site.

Note: All asbestos waste is to be disposed of at an approved Waste Management Facility only being Holbrook.

Should the volume of asbestos waste exceed 2.5m<sup>3</sup>, then arrangements must be made with Council prior to disposing of the waste.

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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK [CONT'D]

**10 Completion Requirements**

All of the foregoing conditions are to be at the full cost of the developer and to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.

**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.**

**11 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.

**12 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.

**13 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.

**14 Erosion and Sedimentation Control**

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

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

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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND  
DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK  
[CONT'D]

**15 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.

**16 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.**

**17 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.**

**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.**

**18 Interim / Final Occupation Certificate Required**

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

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



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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK [CONT'D]

**19 Certification of Approved Floor Level**

Prior to the issue of an occupation certificate (Interim or Final), a Statutory Declaration from the builder shall be submitted to the Principal Certifying Authority certifying that the floor level of the dwelling has been constructed not less than 500mm above the flood level event in the original dwelling.

**20 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.

**21 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.

**22 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.

**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.**

**23 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.

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DEVELOPMENT APPLICATION 10.2016.144.1 – CONSTRUCT A NEW DWELLING AND DEMOLISH EXISTING DWELLING – LOT 2 DP600732 – 181 BRIGADOON LANE HOLBROOK [CONT'D]

**24 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).

**25 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 may be issued for failing to request the Principal Certifying Authority to undertake the above inspections.**

**26 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 Part 3-2015, Part 5-2012 and the Local Government Act 1993 and Local Government (General) Regulations, 2005, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2012.

**27 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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[CONT'D]

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.

**28 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.

**29 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 96 of the Act.*

**30 A separate Local Government Act "Activity Approval" is required for the on-site sewage management system**

A separate approval under the Local Government Act is required for the on-site sewage management system. The application is to be accompanied by a site plan showing the location of the 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.

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**4. REQUEST BY THE ROTARY CLUB OF HOLBROOK FOR COUNCIL ASSISTANCE  
IN THEIR UNDERTAKING OF A KERBSIDE HARDWASTE COLLECTION**

**Report prepared by Manager Waste and Facilities – Andrew Shaw**

**REASON FOR REPORT**

Council has received correspondence from the Holbrook Rotary Club requesting support from Council to undertake another hard waste collection in 2017. A previous hard waste collection was undertaken on 12 and 13 November 2013 with Council's permission.

The purpose of this report is to clarify the level of assistance Council will provide for another hard waste collection to be undertaken.

**REFERENCE TO DELIVEY PLAN ACTIONS**

Nil.

**DISCUSSION**

As mentioned correspondence has been received from the Rotary Club Holbrook requesting support from Council to undertake a hard waste collection in Holbrook. The request is included in **ANNEXURE 4** of this report.

At Council's Ordinary Meeting held in November 2013 a report from the Rotary Club Holbrook regarding a hard rubbish collection was discussed with the following recommendations.

1. Council confirm that free access to the Holbrook Landfill is only for the Rotary Club for the purposes of disposing of hard waste collected by the club on the collection weekend.
2. Council offer to assist in the promotion of the hard waste collection.
3. Council refuse to collect or mulch green waste left on the footpaths during the hard waste collection.

The Rotary Club has requested a similar level of support for a hard waste collection to be undertaken for 5 March 2017 and Council should commit to the level of assistance as previously recommended in the points above.

**BUDGET IMPLICATIONS**

Forgone income in permitting free access to the Rotary Club of Holbrook to the Holbrook Landfill will be minimal.

**CONCLUSION**

Council should clarify with the Holbrook Rotary Club that free access to the landfill will only be provided to the Club on the weekend of 5 March 2017 and normal landfill access charges will apply for residents who wish to bring waste to the landfill. Further, Council should commit to helping promote the hard waste collection however, it should not commit to the collection or mulching of green waste material.

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REQUEST BY THE ROTARY CLUB OF HOLBROOK FOR COUNCIL ASSISTANCE IN THEIR  
UNDERTAKING OF A KERBSIDE HARDWASTE COLLECTION [CONT'D]

**RECOMMENDATION**

That:

1. Council confirm that free access to the Holbrook landfill is only for the Rotary Club for the purposes of disposing of hard waste collected by the club on the weekend of 5 March 2017.
2. Council assist where possible to promote a hard waste collection.
3. Council refuse to collect or mulch any green waste left on the footpaths resulting from the hard waste collection on 5 March 2017.

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**5. TENDER NO: TL33 2015-2016 NEW POOL AMENITIES BUILDING HENTY POOL COMPLEX (RE-TENDER)**

**Report by Manager Waste and Facilities – Andrew Shaw**

**REASON FOR REPORT**

For Council to consider new tenders received for the construction of new amenities for the swimming pool complex and Tennis Club at Henty that will replace the existing facilities.

**REFERENCE TO DELIVERY PLAN**

Strategy 5.11: To maintain and improve our sports and recreation facilities.

**DISCUSSION**

Council has re-advertised the tender for the construction of a new amenities building at the Henty pool complex. This tender is stage two of the Henty pool upgrade project that replaces the existing amenities building with a new multipurpose complex that also caters for the Henty Tennis Club. All tenders were declined from the first tender process and plans changed slightly with the aim to reduce the overall cost of construction.

The tender period expired on 21 November 2016.

Council received seven tenders from building companies that ranged from \$637,360 to \$954,329 (ex GST). See list below:

Tenderers	Ex GST
CUMNOCK CONSTRUCTIONS	\$954,329.09
BURTON CONSTRUCTIONS	\$715,214.00
JATCOR PTY LTD	\$714,425.62
PREMIER	\$709,430.50
DEZIGN INTERIORS	\$709,090.91
CONNELLY CONSTRUCTIONS	\$685,588.18
Q1 CONSTRUCTIONS	\$637,360.91

The evaluation and rating for tenders is scored out of 10 and assessed on the following criteria.

- 10 = Outstanding offer, greatly exceeds criterion.
- 8 = Very good offer, exceeds criterion.
- 6 = Good offer, no deficiencies, meets criterion.
- 4 = Fair offer, few deficiencies, almost meets criterion.
- 2 = Marginal offer, some deficiencies, partly meets criterion.
- 0 = Inadequate offer, many deficiencies, does not meet criterion.

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TENDER NO: TL33 2015-2016 NEW POOL AMENITIES BUILDING HENTY POOL COMPLEX  
(RE-TENDER) [CONT'D]

Previous building experience and capacity to complete works	Financial position of company	Use of local trades and services	Conforming tender	Price (\$)
30%	10%	10%	10%	40%

Following the tender evaluation process, reference checking and scoring of tenderers, Connelly Constructions has been selected as the preferred contractor to complete the building project.

Connelly Constructions is a Wodonga based company that has outstanding references from various local entities. Although Connelly's price is not the lowest tender, referees that were contacted have used Connelly Constructions for over 20 years and regard them as a reputable building firm that produces a quality product.

Scorecard results from the tendering process is **ENCLOSED SEPARATELY**.

#### **BUDGET IMPLICATION**

A preliminary estimate from David Robinson Pty Ltd (Quantity Surveyor) indicated an approximate budget of \$843,112 ex GST for the initial plans supplied.

Changes to the plans after the first tender process reduced the budget estimate to \$750,000.

The tendered price from Connelly Constructions of \$685,588 ex GST is well within this price expectation.

#### **CONCLUSION**

This report has been prepared to inform Council there have been seven quotes received for the building of a new amenities building at the Henty swimming pool complex. Connelly Constructions has been selected as the preferred tenderer based on the tendered price being within budget expectations.

#### **RECOMMENDATION**

That:

1. Council accept the tender submitted by Connelly Constructions for \$685,588 (excl. GST)
2. the General Manager and the Mayor be authorised to sign the contract with Connelly Constructions under the Common Seal of Council
3. that unsuccessful tenderers be advised of the outcome of Council's decision.

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**6. IMPLICATIONS OF THE COMMONWEALTH DISABILITY (ACCESS TO PREMISES – BUILDING) STANDARDS 2010**

**Report prepared by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

This report is a response to a question on notice from Councillor Hicks which enquired about difficulties that a potential applicant was having in progressing a proposal to undertake a commercial activity in Walla Walla. This report responds to this request by briefly explaining the implications of the Commonwealth Disability (Access to Premises – Building) Standards 2010 (the premises standard) with respect to redevelopment of commercial buildings.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 7.8 Provide efficient and effective environmental health and building services to the community.

Action 7.8.1 Process all developments applications as submitted.

**DISCUSSION**

At the November Ordinary Meeting of Council, Cr Hicks raised a Question On Notice, reproduced below:

*Cr Hicks advised that proponents exploring a new retail business opportunity in Walla Walla in a former retail space are facing regulatory impediments and he asked that Council work cooperatively with the proponents to find an approvable solution.*

In response to that question the author has made enquires with staff and is advised that this enquiry likely stems from a proponent trying to determine the feasibility of reopening the former supermarket at 73 Commercial Street, Walla Walla. The author has been informed that those premises ceased to operate several years ago when activities were transferred to another premises in Commercial Street Walla Walla.

The main impediment with reopening the premises relates to the need for physical building works to be undertaken which will require the issue of either a Construction Certificate (CC) or a Complying Development Certificate (CDC). Unfortunately for the potential applicant such an outcome triggers the Premises Standard (refer to **ANNEXURE 5**).

Triggering the premises standard as consequences of requiring a CC or CDC means that almost the entire premises must be accessible and a disabled toilet facility is required. Council staff indicated these requirements to the potential applicant. Theoretically it is possible under the premises standard to seek an exemption to the requirements of the standard however the author has been advised at training on the Premises Standard that exemptions will be very difficult to obtain.

**BUDGET IMPLICATIONS**

Nil.



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IMPLICATIONS OF THE COMMONWEALTH DISABILITY (ACCESS TO PREMISES – BUILDING)  
STANDARDS 2010 [CONT'D]

**CONCLUSION**

This report has provided a response to a Question On Notice raised by Councillor Hicks. It has shown how the Premises Standard is legislation that seeks to increase access to all buildings for the disabled. In some circumstances the cost of compliance with the legislation can be a barrier to potential applicants undertaking activities.

**RECOMMENDATION**

That the report be received and noted.

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**7. PETITION - DUST NUSIANCE – LOT 2 DP819835 OLIVE STREET BROCKLESBY**

**Report prepared by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

This report will present to Council a petition that has been received from Brocklesby residents which outline their concerns about dust nuisances that are emanating from grain handling activities at the grain silos located at Lot 2 DP819835 Olive Street Brocklesby (the site).

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 7.8 Provide efficient and effective environmental health and building services to the community.

**DISCUSSION**

Council has received a petition dated 29 November 2016 which has been signed by 24 residents of the Brocklesby township and expresses their concern about dust emanating from the Brocklesby grain silos. A copy of the petition is attached at **ANNEXURE 6**.

It is advised that Council has received numerous complaints about dust nuisances associated with grain handling activities at the site since the 2015/2016 harvest period and these complaints have continued into the 2016/2017 harvest period. Council has been proactive in attempting to resolve this matter and has been communicating regularly with GrainCorp who are the owners of the site.

During the 2015/2016 period it was resolved that GrainCorp would manage the site through the use of a water cart. This solution however proved to be unsatisfactory because the trucks conveyed mud onto the adjacent Olive Street where it subsequently dried and then became a source of dust.

When recent complaints were received by Council it was determined by the author that an alternative other than the use of a water cart was required. The author contacted GrainCorp and indicated that he intended to issue a Prevention Notice under the Protection of the Environment Operations Act 1997 which would require the following work to be completed:

**Option A**

1. Bitumen seal the access roadway on Lot 1 DP819835 and the entry point for 30 metres from Olive Street on both Lot 1 DP819835 and Lot 2 DP819835.
2. Bitumen seal the roadway on Lot 2 for a length of 60 metres adjacent to the dwelling on Lot 1 DP310488, 1905 Kywong Howlong Road Brocklesby.

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PETITION - DUST NUSIANCE – LOT 2 DP819835 OLIVE STREET BROCKLESBY [CONT'D]

Alternatively:

**Option B**

1. Install a permanent dust suppression system for the access roadways on Lot 1 DP819835 and the entry points for 30 metres from Olive Street on both Lot 1 DP819835 and Lot 2 DP819835.
2. Install a permanent dust suppression system for 100 metres of the road length adjacent to the dwelling on Lot 1 DP310488, 1905 Kywong Howlong Road Brocklesby.

As an alternative to the abovementioned works a senior representative of GrainCorp requested that Council permit the use of a chemical stabiliser. After consideration of that request the author agreed to trial this solution and correspondence to that effect was sent on

19 August 2016. Council received confirmation that this work was commenced on 7 September which was observed by author.

Several prior inspections have been undertaken since the work has been completed which did not reveal the presence of a dust nuisance. However, an inspection on 13 December 2016 has revealed that a large amount of dirt has dragged onto the neighbouring streets by trucks accessing the Grain Corp site. This would indicate that the use of the water cart and the chemical stabiliser has not been effective. Council may recommend to Grain Corp that the water cart has been used excessively, possibly diminishing the effectiveness of the chemical stabiliser. The neighbouring streets will require cleaning, at the expense of Grain Corp.

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

The decision to permit the trial of the chemical stabiliser is reasonable given that GrainCorp has had some success in dealing with another dust nuisance in this manner. The use of the chemical stabiliser product appears to be unsatisfactory at the Brocklesby site. Therefore, GrainCorp may be required to undertake the abovementioned works.

**RECOMMENDATION**

That the report be received and noted.

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**8. PLANNING PROPOSAL TO CHANGE APPLICABLE MINIMUM LOT SIZE FROM 4000M2 TO 2000M2 FOR LOTS 4 & 6 DP240938 AND LOTS 30 & 31 DP1062153 URANA ROAD AND PIONEER DRIVE JINDERA**

**Report prepared by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

The public exhibition of the abovementioned planning proposal concluded on 18 November 2016. This report will:

1. discuss the public and government agency responses to the exhibition;
2. explain the post exhibition process which may result in the gazettal of the amendments to the Greater Hume Local Environment Plan 2012 (GHLEP); and
3. provide recommendations to Council so that the process leading to the gazettal of the amending LEP can continue.

**REFERENCE TO THE DELIVERY PLAN**

Goal 2.1: Attract new residents to the shire.

**DISCUSSION**

The May 2016 Ordinary Meeting of Council received a report on a submitted planning proposal that sought amendments to the GHLEP seeking to change applicable minimum lot size of Lots 4 and 6 DP240938 and Lot 30 and 31 DP1062153 from 4000m<sup>2</sup> to 2000m<sup>2</sup> for subdivision and erection of a dwelling to reflect its future development as serviced low density development. In response to this report the following was resolved by Council:

**4361 RESOLVED** [O'Neill/Schoff]

That:

1. Council note the progress of the Jindera Low Density Residential Master Plan.
2. In accordance with Section 56 of the Environmental Planning and Assessment Act 1979, Council resolve to submit to the Department of Planning and Infrastructure for a Gateway Determination a planning proposal for an amendment to the existing minimum lot size for Lots 4 DP240938, Part Lot 6 DP240938 and Lots 30 and 31 DP1062153 from 4,000 sqm to 2,000 sqm.

A Gateway Determination for the planning proposal was received from the Department of Planning and Environment and Council was delegated the role of making or not making the plan in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.

In accordance with the requirements of the Gateway Determination the planning proposal was publically exhibited and there was a response from the public on the planning proposal.

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PLANNING PROPOSAL TO CHANGE APPLICABLE MINIMUM LOT SIZE FROM 4000M2 TO 2000M2 FOR LOT4 & 6 DP240938 AND LOT 30 & 31 DP1062153 URANA ROAD AND PIONEER DRIVE JINDERA [CONT'D]

The correspondence contained in **ANNEXURE 7** raises a number of issues that are discussed below:

ISSUE	COMMENT
The property will be surrounded with development	This concern is not correct as the portion of the property to the rear of the submitter is to remain as RU4 and the property on the southern side is to remain RU4. So on two of the three sides of this property there will not be any change.
Concern about people and animals entering their property from the neighbouring development. Would have preferred for the roadway to be along the fence line.	The submitter's concern about people and animals entering the property can be addressed at the development application stage when conditions of consent will require fencing to be provided that will prevent the passage of pets. Landscaping along this interface may also be required. The roadway was not placed along the common boundary for a number of reasons however one of these was to minimise development pressure to the south of the site which is a legitimate planning concern due to the proximity of the brickworks.

The Gateway determination also required that Council consult with the Office of Environment and Heritage (OEH) and Roads and Maritime Services.

The OEH provided comments on the rezoning which relate to biodiversity, aboriginal cultural heritage and flooding (refer **ANNEXURE 7**).

In response to the OEH concern about biodiversity it is advised that the area of vegetation that is of concern to the Office of Environment and Heritage is on 151-159 Pioneer Drive and is stand of mature native trees. These trees are located upon a part of the allotment that will not be subject to a change to minimum lot size and will remain 8 hectares. Despite the minimal effects on flora and fauna a desktop analysis has been undertaken by planning consultants Habitat Planning

Council has engaged planning consultants Habitat Planning to address the aboriginal cultural heritage concerns of OEH and they have prepared a response which is also included in **ANNEXURE 7**.

Flooding has been addressed by the OEH who has observed that the area is affected only to the extent of being exposed to a flood fringe and low hazard area. They recommend that Council should only apply the draft Local Flood Policy currently recommended in the draft Jindera Flood Risk Management Study and Plan.

The RMS response in **ANNEXURE 7** reiterated that RMS support was contingent on only one (1) new public road intersection with Albury–Urana Road which is to meet Austroads Guide to Road Design for the posted speed limit.

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PLANNING PROPOSAL TO CHANGE APPLICABLE MINIMUM LOT SIZE FROM 4000M2 TO 2000M2 FOR LOT4 & 6 DP240938 AND LOT 30 & 31 DP1062153 URANA ROAD AND PIONEER DRIVE JINDERA [CONT'D]

The RMS recommended Council also consider the adequacy of the intersection of Pioneer Drive with Urana Road to accommodate the future potential traffic generation through the intersection. Finally, prior to approval for the subdivision of any stage within the subject area a Traffic Impact Assessment is to be prepared.

If the planning proposal is not to be amended by Council as a result of its exhibition then the next step is for a request to be submitted to Parliamentary Counsel for drafting of the amendment to the LEP and the provision of an opinion on the validity of the proposal. Once this has been provided then the delegate of the Minister of Planning and Environment (the General Manager) can consider a Section 59 report on each of the planning proposals and decide to make or not make the amending LEP. Notification is then required to be made on the NSW Legislation website.

#### **BUDGET IMPLICATIONS**

The budget implication of proceeding with the planning proposal has been reported to Council previously.

#### **CONCLUSION**

This report has provided an overview on the process for amending the GHLEP. A submission from the public was received and has been considered by this report. Despite the submission the following recommendation are considered appropriate.

#### **RECOMMENDATION**

That:

1. As a result of the exhibition of the planning proposal Council resolve not to make any changes.
2. The planning proposal be forwarded to Parliamentary Counsel for drafting of the amendment to the GHLEP and the provision of an opinion on the validity of the proposal.
3. Subject to a favourable response from Parliamentary Counsel the delegate of the Minister for Planning and Environment (the General Manager) be permitted to consider a Section 59 Planning Report on the planning proposal and decide to make or not make the amending LEP and undertake notification on the NSW Legislation website.

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL  
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**9. PLANNING PROPOSAL TO REZONE AS R2 LOW DENSITY RESIDENTIAL ZONING AND APPLY A 2,000M<sup>2</sup> MINIMUM LOT SIZE FOR LOT 7 DP240938 PIONEER DRIVE JINDERA**

**Report prepared by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

The public exhibition of the abovementioned planning proposal concluded on 18 November 2016. This report will:

1. discuss the public and government agency responses to the exhibition;
2. explain the post exhibition process which may result in the gazettal of the amendments to the Greater Hume Local Environment Plan 2012 (GHLEP); and
3. provide recommendations to Council so that the process leading to the gazettal of the amending LEP can continue.

**REFERENCE TO THE DELIVERY PLAN**

Goal 2.1: Attract new residents to the shire.

**DISCUSSION**

The June 2016 Ordinary Meeting of Council received a report on a submitted planning proposal that sought amendments to the GHLEP seeking to change the zoning of the subject land from R5 Large Lot Residential with a minimum lot size of 2 hectares to R2 Low Density Residential with a minimum lot size of 2000m<sup>2</sup>. In response to this report the following was resolved by Council:

**4387 RESOLVED** [Osborne/O'Neill]

That:

1. In accordance with Section 56 of the Environmental Planning and Assessment Act 1979 Council resolve to submit to the Department of Planning and Infrastructure for a Gateway Determination the planning proposal for the rezoning of Lot 7 DP240938 Pioneer Drive Jindera to R2 Low Density Residential.
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.

A Gateway Determination for the planning proposal was received from the Department of Planning and Environment and Council was delegated the role of making or not making the plan in accordance with Section 59 of the Environmental Planning and Assessment Act 1979.

In accordance with the requirements of the Gateway Determination the planning proposal was publically exhibited and there was no response from the public on the planning proposal.

The Gateway determination also required that Council consult with the Office of Environment and Heritage (OEH). That organisation provided comments on the rezoning which relate to biodiversity, aboriginal cultural heritage and flooding (**ANNEXURE 8**).

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In response to the OEH concern about biodiversity, it is advised that the area of vegetation that is of concern to the Office of Environment and Heritage is on the road reserve along Pioneer Drive. A development consent has previously been given for a subdivision on this allotment and physical work has commenced on this development consent and a point of connection has been established with Pioneer Drive. It is considered that the work on the subdivision in creating the point of connection with Pioneer Drive has disturbed the vegetation and no additional works are now required. Despite the minimal effects on flora and fauna of this proposal, a desktop analysis has been undertaken by planning consultants Habitat Planning, *see following note*.

**[Note: the desktop analysis Habitat Planning - Due Diligence Flora & Fauna and Aboriginal Cultural Heritage Assessment 151–185 Pioneer Drive, & 1040–1080 Urana Road, Jindera applies to this matter and the preceding report, please refer this report contained within ANNEXURE 7].**

Council has engaged planning consultants Habitat Planning to address the aboriginal cultural heritage concerns of OEH and they have prepared a response, which is also discussed in the Habitat Planning document referred to above.

Flooding has been addressed by the OEH who has observed that the area is affected only to the extent of being exposed to a flood fringe and low hazard area. They recommend that Council should only apply the draft Local Flood Policy currently recommended in the draft Jindera Flood Risk Management Study and Plan.

If the planning proposal is not to be amended by Council as a result of its exhibition then the next step is for a request to be submitted to Parliamentary Counsel for drafting of the amendment to the LEP and the provision of an opinion on the validity of the proposal. Once this has been provided then the delegate of the Minister of Planning and Environment (the General Manager) can consider a Section 59 report on each of the planning proposals and decide to make or not make the amending LEP. Notification is then required to be made on the NSW Legislation website.

#### **BUDGET IMPLICATIONS**

The budget implication of proceeding with the planning proposal has been reported to Council previously.

#### **CONCLUSION**

This report has provided an overview on the process for amending the GHLEP. As no public comment to the exhibition of the planning proposal has been received the following recommendations are considered appropriate.



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A 2,000M2 MINIMUM LOT SIZE FOR LOT 7 DP240938 PIONEER DRIVE JINDERA [CONT'D]

**RECOMMENDATION**

That:

1. As a result of the exhibition of the planning proposal Council resolve not to make any changes.
2. The planning proposal be forwarded to Parliamentary Counsel for drafting of the amendment to the GHLEP and the provision of an opinion on the validity of the proposal.
3. Subject to a favourable response from Parliamentary Counsel the delegate of the Minister for Planning and Environment (the General Manager) be permitted to consider a Section 59 Planning Report on the planning proposal and decide to make or not make the amending LEP and undertake notification on the NSW Legislation website.

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**10. DEVELOPMENT APPLICATION 10.2016.123.1 – SUBDIVISION YIELDING 4 LOTS AT COMPLETION LOT 3 DP1142303 – 1019 GLENELLEN ROAD GEROGERY**

**Report prepared by Director Environment and Planning – Colin Kane**

**REASON FOR REPORT**

Council is in receipt of a development application for a subdivision that will ultimately yield 4 lots in Gerogery. The subject land is described as Lot 3 DP1142303, 1019 Glenellen Road Gerogery (the site). The applicant is Esler and Associates and the landowner is AD Baumgarten.

This report represents an assessment of the application under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application is being reported to Council because submissions have been received in response to the neighbour notification and an exemption to a development standard is being sought under Clause 4.6 of the Greater Hume Local Environment Plan (the LEP).

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 7.8 Provide efficient and effective environmental health and building services to the community.

Action 7.8.1 Process all developments applications as submitted.

**DISCUSSION**

The proposed development is to be carried out in 2 stages. Stage 1 (**ANNEXURE 9**) will be an excision of existing dwelling (proposed Lot 1) with an area of 7.2 ha. Stage 2 is the creation of the lots 2, 3, and 4 from a balance lot and each of these lots will be 8.77, 8.2 and 8.2 hectares respectively.

Stage 1 will excise the existing dwelling on the property which utilises a carriage way easement over Lot 249 DP753339 to Glenellen Road. Lot 2 will be accessed along the existing access track that is utilised by Lot 1 and it will also have a secondary battle axe access to Gerogery Road. Lot 3 will have a battle axe access to Gerogery Road and Lot 4 will have direct access to Gerogery Road.

No vegetation will need to be removed to create the fencing.

**Consultation & Referral Process**

The application was notified to seven adjoining landowners and 2 submissions were received from the notification process. Plans were altered prior to determination which necessitated readvertising and both submitters indicated that they did not wish to withdraw their submissions.

**NSW Rural Fire Service (NSW RFS)**

NSW RFS was consulted and that organisation has issued a bushfire safety authority under section 100B of the Rural Fire Act without any specific conditions.

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**Engineering Comments**

Council's Engineering Department has inspected the site and requested the following conditions for the development consent:

- No reticulated sewerage is available.
  - All lots to be connected to Village Water Supply. Water Development Servicing Plan (DSP) charges for additional lots \$3,136 each. Water main to be extended to service proposed Lots 2, 3 and 4. All costs to service these lots including design, supply, construct water services and water main extension shall be at the developer's cost.
- New driveway crossovers to be constructed for Lots 1 to 4 to Council's rural driveway crossover specifications. Note: Lot 1 access onto Glenellen Road requires a larger diameter pipe, head walls to suit and shaping of drainage to eliminate gravel spilling onto the road surface.
- Connect each new allotment to the village water supply at the full cost of the developer.

**Greater Hume Local Environmental Plan 2012**

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

**Clause 2.6** requires a development application for the subdivision of land.

The subject land is zoned RU4 Primary Production Small Lots by the LEP. The objectives of the RU4 zone are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly that that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones

The objectives of the RU4 zone are aimed at encouraging agricultural use of the land on a small scale. It is typically located between the RU1 Primary Production zone and other residential zones and is transition zone from one to the other.

**Clause 4.1 Minimum Lot Size** requires that lots created in a subdivision must be at least the size specified on the minimum lot size (MLS) map. In this case the MLS for the subject land is 8ha and therefore 3 of the lots are compliant with this requirement. Lot 1 is 7.2 hectares which has an area that is 90% of the required development standard. The applicant has provided a written request to justify an exemption under Clause 4.6 for the variation to the development standard contained in Clause 4.1 and this is discussed below.

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**Clause 4.6 Exemption to Development Standards** - As mentioned above the applicant has sought an exemption under this clause to vary the requirements of clause 4.1 to permit Lot 1 to be 7.2 hectares which is 90% of required development standard. In accordance with the requirements of Clause 4.6(3) the applicant has made a written request which is supported by the assessing officer and is provided in **ANNEXURE 9**. The provisions of Clause 4.6(6) are met by the proposal. Finally, it is advised that Council has the ability to assume the concurrence of the Director General in allowing the exemption under this clause.

**Clause 6.2 Terrestrial Biodiversity** requires Council to consider the environmental effects of the proposed subdivision for the site which is subject to the biodiversity overlay. There is a small area in proposed Lot 3 where there is several trees and an intermittent stream which is marked as biodiversity. It is advised that the subdivision should not have any adverse effect on the environment in this location.

**Clause 6.7 Essential Services** states:

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

- (f) The supply of water.*
- (g) The supply of electricity.*
- (h) The disposal and management of sewage.*
- (i) Stormwater drainage or on-site conservation.*
- (j) Suitable vehicular access.*

The subject land can be serviced by the village water supply and disposal of effluent will occur through Onsite Sewerage Management Systems. The applicant advises that reticulated electricity and telecommunications are both available.

**Greater Hume Development Control Plan 2013**

The Greater Hume Development Control Plan 2013 ("the DCP") applies to all land within the Shire. Chapter 6 of the DCP relates to subdivision generally and sets out relevant considerations.

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The development standards of the DCP are considered in the following table.

DEVELOPMENT STANDARD	COMMENT
<p><b>Staging</b></p> <p>1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.</p> <p>2. Staging of subdivision should have regard to the existing and proposed provision of services and avoid staging development which would have negative impacts upon infrastructure provision and/or design.</p>	<p>Staging is proposed with the initial subdivision being 1 lot of 7.2 hectares and a balance lot. Stage 2 will yield 3 lots of 8.77, 8.2 and 8.2 hectares respectively.</p> <p>The initial subdivision will not have any adverse effects on how services are provided. Conditions of consent will require that adequate services (access, power and water) are provided before titles are created for stage 2.</p>
<p><b>Movement network</b></p> <p>1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. All development for subdivision must comply with the Council's standards for road design.</p> <p>3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</p> <p>4. All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances.</p> <p>5. Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.</p>	<p>Council's Engineers have assessed the application and provide their conditional approval.</p> <p>No roads will be created as part of this subdivision.</p> <p>This requirement has been met for Lots 1 and 2 however there is no opportunity for access to be provided by a secondary road for lots 3 and 4.</p> <p>Lot 1 is accessed by an easement which simply maintains the status quo. Lot 2 will also utilise this easement however it has a direct access to a public road. Lots 3 and 4 have direct access to a private road.</p> <p>N/A.</p>
<p><b>Lot design</b></p> <p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. Multi-lot subdivisions should provide for a range of lot sizes.</p> <p>3. Lots are to be provided with legal and practical public road access.</p>	<p>Council's Engineers have assessed the application and provide their conditional approval.</p> <p>The proposal has a range of lot sizes that are all above the minimum size.</p> <p>All lots are provided with frontage to a public road except lot 1 which is an existing arrangement.</p>

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DEVELOPMENT STANDARD	COMMENT
<p>4. Lots are to be designed to accommodate the type of development envisaged. Irregular shaped lots or lots too small will be regarded by Council as incompatible with objectives for this standard.</p> <p>5. For battle-axe allotments a minimum width of the access handle is to be 4.5m.</p> <p>6. Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling.</p> <p>7. Lots are to be designed to maximise solar access.</p>	<p>Lots are adequate.</p> <p>The access for the battle axe lots are 20 metres wide.</p> <p>A building envelope with these dimensions can be accommodated on each lot and contain the existing dwellings.</p> <p>At 8ha in size these lots will afford excellent solar access.</p>
<p><b>Infrastructure &amp; services</b></p> <p>1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. Where a reticulated external potable water supply is provided, all lots shall be connected.</p> <p>3. Where a reticulated external sewerage system is provided, all lots shall be connected.</p>	<p>Council's Engineers have assessed the application and provide their conditional approval.</p> <p>All lots will be connected to reticulated town water supply.</p> <p>N/A.</p>
<p><b>Hazards</b></p> <p>1. On land mapped as bushfire prone, compliance with the <i>NSW Rural Fire Service guide Planning for Bushfire Protection (2006)</i>.</p> <p>2. On land considered by Council to potentially being subjected to flooding, an investigation of the land as to the flood risk and consideration of the <i>Floodplain Development Manual: the management of flood liable land (2005)</i>.</p>	<p>A bushfire safety authority has been provided without conditions.</p> <p>There is no flood study that has been commissioned for this area. It may be necessary for a dwelling on these lots to be erected on a pad.</p>

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DEVELOPMENT STANDARD	COMMENT
<p>3. On land that is, or has previously been used for a potentially contaminating activity, an investigation of the land in accordance with the requirements of <i>State Environmental Planning Policy No.55 – Remediation of Land</i>. An investigation should be in accordance with the process detailed in the State Government's <i>Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land</i> (1998).</p>	<p>There is no evidence to suggest the lot is potentially contaminated and hence further investigation in this regard is not necessary.</p>
<p><b>Site management</b> 1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>. 2. Compliance with <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils</i>.</p>	<p>Council's Engineers have assessed the application and provide their conditional approval.</p> <p>No details were provided with the application in regards to soil and water management. Having regard for the characteristics of the lot and the low risk of erosion etc, it is acceptable that a condition be included on the consent to comply with these guidelines.</p>

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- **79C(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

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

ISSUE	ACCEPT-ABLE	COMMENT
Context & setting	✓	The subject land is located between Gerogery and Gerogery West. The land further to the east is zoned RU1 Primary Production and is being used for agricultural purposes. Land to the south in Gerogery West has some smaller holdings while in the other directions land is the same size and has same zoning.  The proposal will be in keeping with the existing use of land in the locality.
Access & parking	✓	All lots will have access to a public road. Parking is not an issue for the proposal.
Roads & traffic	✓	All lots have frontage to a public road or access via a right of carriage way. The traffic impacts from stage 1 and stage 2 will not result in an adverse outcome in terms of the road network.
Utilities	✓	The lots are to be provided with reticulated water infrastructure, telecommunications and power.
Heritage	✓	The lot is not a heritage place nor contains any heritage items.
Archaeology	✓	There are no known archaeological items on the lot. As disturbance of the site has already been incurred through agricultural activity, this issue is not a concern for the subdivision.
Stormwater	✓	Stormwater from the future dwellings will be collected in rain water tanks. The dispersion of rain water over 8ha allotments will mean that there will be negligible effect on adjacent properties. The subdivision itself will have no impact on stormwater.
Soils & erosion	✓	Any works associated with the subdivision will need to be undertaken in accordance with the <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils</i> . The flatness of the site means there is a very low risk of erosion.
Flora & fauna	✓	The lot is cleared of vegetation except and hence the subdivision has no impact on flora and fauna.
Flooding	✓	The land is not flood prone as there has not been a flood study undertaken in this location.



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ISSUE	ACCEPT-ABLE	COMMENT
Bushfire	✓	A bushfire safety authority has been provided without conditions.
Technological hazards	N/A	-
Safety, security & crime prevention	N/A	-
Privacy	✓	This matter has been raised in a submission and will be discussed later.
Landscaping	N/A	-
Overshadowing	N/A	-
Land resources	N/A	-

• **79C(c) The suitability of the site for the development.**

The site is suitable for both stages of the subdivision. The lots are either compliant with the minimum lot size of 8ha or have been granted an exemption and they are of a proportion to comfortably accommodate new dwellings and associated infrastructure.

• **79C(d) Any submissions made in accordance with this Act or the regulations.**

Two submissions have been received to the notification of the proposed subdivision which is included in **ANNEXURE 9**. The issues raised in this submission are addressed.

ISSUE	COMMENT
Proposed Lot 1 will not meet the minimum size in the LEP	Proposed Lot 1 is less the minimum size however it is quite legitimate to seek an exemption to a development standard under the provision of Clause 4.6 of the LEP. It has been shown above that it is permissible for Council to grant an exemption which has been sought by the applicant.
Concern about dust from adjacent driveways affecting the health of residents in neighbouring property	The submitter is concerned about dust having a negative effect on health of residents of their household. The applicant has responded by advising that the closest driveway will be constructed utilising gravel in a manner that should minimise dust. Further, that driveway will be a secondary access for Lot 2. The access to Lot 3 is further away from the submitters dwelling and a condition of consent can be imposed to require it to be constructed in the same manner as the driveway of Lot 2 until it passes the submitter's dwelling.

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ISSUE	COMMENT
Overhead power line	Council requires that electricity is capable of being provided however it does not stipulate that electricity is physically connected because when allotments are 8 hectares there is many possible spots on the lot where a home could be constructed. Overhead power lines are considered to be part of the rural setting and it is unreasonable for Council to restrict the use of them.
Over development and "cramming in" a low density area	The development is consistent with Council's LEP and it is considered that one dwelling per 8 hectares of land will not result in an over development of the land.
Overlooking/loss of privacy	This concern primarily relates to the possibility that a dwelling may be erected in close proximity to the submitter's boundary and Lot 2. The applicant has made a response to the submission and indicates that it is proposed to site a house on Lot 2 that is 10 metres lower than the existing dwelling on Lot 2 DP1059386 which will be located 135 metres east of the shared boundary and almost 350 metres from the existing dwelling itself.

• **79C(e) The public interest.**

The proposed subdivision is consistent with the minimum lot size for the RU4 zoning which are stipulations that exist within the Greater Hume Local Environment Plan 2012, a planning instrument advertised and subsequently adopted by Council. Consequently it would be inconsistent to conclude that a subdivision undertaken in accordance with the applicable requirement of the Greater Hume Local Environment Plan 2012 is not in the public interest.

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

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

1. Approve the application, subject to conditions;
2. Defer the application for further information or redesign; or
3. Refuse the application.

After considering the assessment requirements of Section 79C of the EP&A Act, the proposal is recommended for conditional approval.

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COMPLETION LOT 3 DP1142303 – 1019 GLENELLEN ROAD GEROGERY [CONT'D]

**RECOMMENDATION**

- 1 Council assume the concurrence of the Director General of the Department of Planning and grant an exemption in accordance with Clause 4.6 to the development standard contained in clause 4.1 pertaining to minimum lot size.
- 2 That application DA10.2016.123.1 for a 4 lot subdivision in two stages on land described as Lot 3 DP1142303 1019 Glenellen Road Gerogery be approved subject to the following conditions:

**Stage 1**

- 1 The development is to be carried out generally in accordance with the approved plan and accompanying report endorsed DA10.2016.123.1 except where amended by any conditions of this consent.
- 2 Prior to the issue of a Subdivision Certificate for any lot 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. Provide a statement confirming that all services are physically separated and that there is no shared metering
- 3 Prior to the issue of a Subdivision Certificate for any lot the applicant shall undertake the following works in accordance with Council's specifications and at the applicant's expense:
  - a. Construction of a driveway crossover in accordance with Council's standard detail (attached) for Lot 1 and lot2 (residual lot). 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.  
**Note:** Lot 1 access onto Glenellen Road requires a larger diameter pipe head walls to suit and shaping of drainage to eliminate gravel spilling onto the road surface.
- 4 All easements necessary to ensure the supply of services and access shall be provided.
- 5 No trees shall be removed from this land as a result of the subdivision without the written permission of Council.

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COMPLETION LOT 3 DP1142303 – 1019 GLENELLEN ROAD GEROGERY [CONT'D]

- 6 Any works associated with this development shall be undertaken in accordance with Council's Soil and Water Management Guidelines for Subdivisions.
- 7 All Stormwater drainage shall be to natural drainage lines.
- 8 Written notice shall be given to Council seven (7) days prior to the commencement of any works associated with the subdivision.
- 9 This consent shall lapse if the development hereby permitted is not physically commenced within five (5) years of the date of consent.
- 10 Subdivision Certificate will only be issued upon completion of "Application for Subdivision Certificate" (form attached) and payment of the fee applicable when the subdivision certificate is issued.

**Note: Reticulated water is unavailable for the residual allotment.**

**Stage 2**

- 1 The development is to be carried out generally in accordance with the approved plan and accompanying report endorsed DA10.2013.122.1 except where amended by any conditions of this consent.
- 2 Prior to commencing any subdivision construction works, 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 following requirements if applicable for that stage of the development, shall be provided by the applicant to Council for approval:
  - a. Engineering Design Plans of all proposed civil works (including individual accesses to service Lots 2, 3 and 4 with Lots 2 and 3 being designed to minimise raised dust, and the extension of the water main to service Lots 2, 3 and 4).
  - b. A Soil Erosion and Sediment Control Plan prepared in accordance with Councils Soil and Water Management Guideline for Subdivision.
  - c. Payment of the prescribed fees in accordance with Councils adopted fees and charges for engineering assessment of subdivision construction plans

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DEVELOPMENT APPLICATION 10.2016.123.1 – SUBDIVISION YIELDING 4 LOTS AT  
COMPLETION LOT 3 DP1142303 – 1019 GLENELLEN ROAD GEROGERY [CONT'D]

- 4 Prior to seeking a subdivision certificate for any lot the following requirements where applicable for that stage of the development, shall be provided by the applicant to Council for approval.
  - a. Formal advice from Essential Energy and Telstra indicating that electricity and telecommunications is provided and is able to be connected to each of the proposed allotments,
  - b. A soil test and report from a suitably accredited practitioner indicating lot suitable for onsite effluent disposal.
  - c. **Payment of the following Development Servicing Plan (DSP) charges for water and sewer:**
    - (i) Water Supply \$9,408.**NB. Contributions are due prior to the release of the Subdivision Certificate and will be calculated or recalculated at the rate applicable under the plans current at the time of payment.**
  - d. In accordance with S88b of the Conveyancing Act a restriction on title of lot 2 is to impose a building envelope for the erection of a dwelling in the location indicated upon the approved plans.
- 5 Prior to seeking a subdivision certificate for any lot the following work where applicable for that stage of the development, shall be undertaken in accordance with Council's specification and at the applicant's expense:
  - a. The completion of works approved by Council's engineering construction certificate.
  - b. Each of the allotments is to be connected to Council's Villages Water Supply.
- 6 No work shall be carried out within a public road reserve unless a 'Road Opening Permit' under the Roads Act 1993 has been issued by either Council or the Roads and Traffic Authority.
- 7 No trees shall be removed from this land as a result of the subdivision without the written permission of Council.
- 8 This consent shall lapse if the development hereby permitted is not physically commenced within five (5) years of the date of consent.
- 9 It will be necessary to ensure that all dams comply with the appropriate 'harvestable rights' or are appropriately licensed as a result of the subdivision. [NOTE: In respect of this condition please refer to the 'Farm Dams Policy' administered by the Department of Primary Industries Office of Water.]

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DEVELOPMENT APPLICATION 10.2016.123.1 – SUBDIVISION YIELDING 4 LOTS AT  
COMPLETION LOT 3 DP1142303 – 1019 GLENELLEN ROAD GEROGERY [CONT'D]

- 10 During construction, work must be conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like.
- 11 Prior to the issue of a Subdivision Certificate, payment of \$110 per lot (except for lots that only provide access to other lots) for the provision of Rural Addressing Number plates for each lot in the development is to be made to Council (i.e. 20 lots x \$110 = \$2,200). In addition payment of \$250 per sign for the installation of road signs (including posts) for all road intersections created in the development (i.e. 4 intersections x \$250 = \$1,000). All proposed roads (including private roads) must be named with all names to be approved by Council.
- 12 Subdivision Certificate will only be issued upon completion of "Application for Subdivision Certificate" (form attached) and payment of the fee applicable when the subdivision certificate is issued.

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## **GOVERNANCE**

### **1. HOLBROOK CARAVAN PARK IMPROVEMENTS**

**Report by General Manager – Steven Pinnuck**

#### **REASON FOR REPORT**

For Council to consider further upgrade works at the Holbrook Caravan Park to be funded from a Reserve established from the proceeds of a partial sale of land leased as part of the Caravan Park.

#### **REFERENCE TO DELIVERY PLAN ACTIONS**

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including, roads, drainage and footpaths.

Action 5.2.1 Ensure that all land and buildings owned and controlled by Council are maintained in an appropriate manner and utilised for the designated and appropriate community purpose.

#### **DISCUSSION**

In late 2011 Greater Hume Shire Council received compensation of \$165,000 for the partial sale of land (included in the Holbrook Caravan Park lease) to the Roads and Maritime Services as part of the Hume Highway Bypass construction. At the time Council resolved to place these funds in Reserve for future upgrade works at the Caravan Park.

The lease payments to Council from the Holbrook Caravan Park (known as the Holbrook Motor Village) is based on a % of turnover. In the 2016/2017 budget it is estimated that Council will receive \$26,950 (exc. GST)

Obviously Council has a vested interest in ensuring that the viability of the Holbrook Caravan Park is maintained and where possible enhanced as Council's lease payments are linked to turnover.

The lease also identifies that Council owns and is responsible for maintenance and upgrade of electrical, water, sewerage, gas, drainage and road infrastructure along with the amenities building. Other assets such as the Lessees residence and office and on site cabins are owned and maintained by the lessee.

Since 2011 a number of projects have been completed including improved lighting, improvement and upgrade of the amenities building, constructing an all-weather gravel road at the western end of existing sites and lifting low sites. As at 30 June 2016 the Reserve balance was \$137,000.

Since that time \$8,499 has been expended on replacing the power heads that did meet current Australian standards and several other projects have been costed or are currently being costed.

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HOLBROOK CARAVAN PARK IMPROVEMENTS [CONT'D]

Projects costed to date include the following:

Item	Cost \$ (excl. GST)	Comment
Reticulation of natural gas into park and to onsite cabins and amenities building including the supply of two gas storage hot water units	\$17,349	Currently natural gas is only connected to the lessee's house and cabins and the amenities building are supported by heat pump hot water services that have been failing
Move waste and water points to power heads on 9 sites	\$6,800	This will significantly improve the aesthetics of serviced sites and reduce maintenance effort
Installation of new Holbrook Motor Village sign (location as detailed in <b>ANNEXURE 10</b> )	\$3,500	To increase visual awareness of the Park following the construction of the Service Centre
<b>Total</b>	<b>\$27,649</b>	

Other works currently being costed include:

- Improvements to drainage and a short section of internal road adjacent to the house and office
- 9 new sites further to the west of existing sites
- Shaping and draining of land at the southern end of existing caravan park and adding to lease. This would provide an additional camping area and reduce Council's maintenance as this area is currently unused.

At this point occupancy rates have held up reasonably well since the completion of the Holbrook Bypass in August 2013 and the Writer is of the view that proposed works totalling \$27,649 along with the emergency works to replace the non-conforming power heads enhances Council's investment.

**BUDGET IMPLICATIONS**

The proposed expenditure of \$36,148 (including the cost of replacement power heads) can be funded from the existing Reserve of \$137,000.

**CONCLUSION**

The proposed works, as outlined in this report enhance Council's investment with the Holbrook Caravan Park and can be accommodated within the existing Reserve. There will still be ample capacity to consider further upgrade works in 2017.



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HOLBROOK CARAVAN PARK IMPROVEMENTS [CONT'D]

**RECOMMENDATION**

That:

1. Council approve the works as outlined in the table below.

Item	Cost \$ (excl. GST)
Reticulation of natural gas into park and to onsite cabins and amenities building including the supply of two gas storage hot water units	\$17,349
Move waste and water points to power heads on 9 sites	\$6,800
Installation of new Holbrook Motor Village sign (location as detailed in <b>ANNEXURE 10</b> )	\$3,500
<b>Total</b>	<b>\$27,649</b>

2. Council endorse the emergency expenditure of \$8,499 to replace the non-conforming power heads and
3. the upgrade works be funded from the Holbrook Caravan Park Reserve and
4. a further a report be submitted to Council when estimates have been prepared for other identified improvement works.

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**2. DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT -  
BETTER REGIONS FUNDING PROGRAM**

**Report by General Manager – Steven Pinnuck**

**REASON FOR REPORT**

To advise Council that the Australian Government has announced the Better Regions funding program of \$297 million over 4 years. This replaces the National Stronger Regions Program.

**REFERENCE TO DELIVERY PLAN ACTIONS**

Strategy 5.1 To agree as a community on the strategic upkeep of our services and facilities.

Action 5.1.4.2 Council to lobby for funding to maintain services and facilities.

**DISCUSSION**

In November 2016 the Australian Government announced the release of the program guidelines for the new Building Better Regions Fund (BBRF).

The BBRF will invest \$297.7 million over four years in infrastructure projects and community investments to create jobs, drive economic growth and build stronger regional communities into the future.

Grants are available through two funding streams; Infrastructure Projects and Community Investments.

- Infrastructure Projects Stream will support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.
- The Community Investments Stream will fund community building activities including, but not limited to, new or expanded local events, strategic regional plans, and leadership and capability building activities. These projects will deliver economic and social benefits to regional and remote communities.

The Department of Industry, Innovation and Science's AusIndustry Business Grants Hub is responsible for administering the program on behalf of the Department of Infrastructure and Regional Development (this includes grant application, enquiries and project management activities).

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DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT - BETTER REGIONS  
FUNDING PROGRAM [CONT'D]

**Table 1** below outlines key grant requirements.

**Table 1**

<b>Criteria</b>	<b>Infrastructure Projects Stream</b>	<b>Community investments Stream</b>
<b>Co-funding</b>	\$ for \$	\$ for \$, applications > \$20,000
<b>Minimum-maximum grant</b>	\$20,000 to \$10,000,000	\$5,000 to \$10,000,000 Note: Given the nature of eligible projects it is expected that most grants will be less than \$100,000
<b>Merit criteria need to be addressed</b>	<ol style="list-style-type: none"> <li>1. Economic benefit (15)</li> <li>2. Social benefit (10)</li> <li>3. Value for money (5)</li> <li>4. Project delivery (5)</li> </ol>	<ol style="list-style-type: none"> <li>1. Economic benefit (15)</li> <li>2. Social benefit (10)</li> <li>3. Value for money (5)</li> <li>4. Project delivery (5)</li> </ol>
<b>Projects will be considered according to size</b>	Project cost < \$1,000,000 Project cost \$1m – 5million Project cost > \$5,000,000	Project cost \$5,000 to \$20,000 Project cost \$20,001 - \$100,000 Project cost > \$100,000
<b>Eligible projects</b>	Construction of new infrastructure or the upgrade or an extension of existing infrastructure.	<ul style="list-style-type: none"> <li>• Local events and activities</li> <li>• Strategic Planning</li> <li>• Regional leadership and capability</li> </ul>
<b>Grant opening date</b>	18 January 2017	18 January 2017
<b>Grant closing date</b>	28 February 2017	31 March 2017
<b>Project commencement date</b>	Within 12 weeks of executed grant agreement	Not stated
<b>Project completion date</b>	31 December 2019	12 months from signing grant agreement

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DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT - BETTER REGIONS  
FUNDING PROGRAM [CONT'D]

**Table 2** outlines projects that Council may consider submitting or supporting through existing resources and/or letters of support.

**Table 2  
Infrastructure stream**

<b>Applicant</b>	<b>Project</b>	<b>Estimated cost</b>	<b>Council funding required</b>	<b>Source</b>
Council	Henty Rail Crossing relocation and Upgrade	\$6m	Y	<ul style="list-style-type: none"> <li>• Partial loan borrowing</li> <li>• Other grant sources</li> <li>• Other partners</li> </ul>
Council	Morgans Lookout – Replacement of stairs, lookout and toilets.	\$150,000	Y	<ul style="list-style-type: none"> <li>• Other grant sources</li> <li>• Additional Council allocation required, possibly in 2017/2018 budget</li> </ul>
Holbrook Australian Rules Football Club	Upgrade of function and changeroom facility	\$1.5m	Y	<ul style="list-style-type: none"> <li>• Partial funding from existing Reserve</li> <li>• Other grant sources</li> </ul>
Walla Walla Sportsground	Upgrade of function and changeroom facilities	\$200,000	Y	<ul style="list-style-type: none"> <li>• Existing Reserve</li> </ul>

Organisations such as the Henty Machinery Field Days, Henty Lifestyle Centre, Headlie Taylor Header Museum Committee, Culcairn Sportsground Committee along with other Committees will have projects not known to Council at this time, and may be working towards to submitting an application.

It is possible that some projects, such as Morgan's Lookout (Regional Tourism Product Development Program) Holbrook Australian Rules Football Club (NSW ClubGrants) and Henty Rail Crossing relocation and upgrade (Fixing Country Roads, Heavy Vehicle Safety and Productivity Program) will have funding opportunities from other programs as well.

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DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT - BETTER REGIONS  
FUNDING PROGRAM [CONT'D]

Further, Councillors may be aware of other projects in their community and it is important that information about the funding program is distributed widely throughout the Shire. It is recommended that Council provides letters of support to community organisations when requested.

The wet weather this year has exposed significant drainage issues with a number of our sportsground playing surfaces particularly Culcairn, Henty, Holbrook and Jindera and an upgrade of playing surfaces would be an ideal project for future rounds once the project has been properly scoped. It may be appropriate to include an allocation in the 2017/2018 Budget to undertake the necessary investigations and planning to support a grant application for a project of this nature.

**BUDGET IMPLICATIONS**

Nil at this stage, however a further report will be submitted to the February meeting when more detailed information is to hand.

**CONCLUSION**

The Australian Government's Better Regions funding program provides an excellent opportunity for Council and community groups to access funding to upgrade and/or expand existing infrastructure.

It is strongly recommended that letters of support be provided to community organisations where requested.

**RECOMMENDATION**

That:

1. Council staff work towards submitting a funding applications for the following projects:
  - o Henty Rail Crossing relocation and upgrade
  - o Morgan's Lookout – replacement of stairs, lookout and toilet.
2. letters of support be provided to community organisations where requested.

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**3. WORKSHOP DATES FOR 2017**

**Report from General Manager – Steven Pinnuck**

**REASON FOR REPORT**

For Councillors to consider a proposed workshop schedule to 30 April 2017.

**REFERENCE TO DELIVERY PLAN ACTIONS**

Strategy 1.1 To improve community participation in decision making

Action 1.1.3.1 Provide Councillors with facilities and support (including training) to ensure their ongoing professional development.

**DISCUSSION**

Following the local government elections in September 2016 a number of workshop/briefing sessions have been held to enable Councillors to review existing strategies prior to revising Council Community Strategic Plan – Greater Hume 2030. Greater Hume 2030 was last revised in 2012.

It is proposed to hold a number of workshops in early 2017 to enable the examination of a number of issues including roads and rating strategies, revision of the Community Strategic Plan, Service Reviews and Budget preparation.

The proposed workshop scheduled is outlined below.

<b>Date</b>	<b>Workshop topic</b>	<b>Comments</b>
1 February 17	Preliminary Roads Workshop	
15 February 17	<b>Council meeting</b>	
22 February 17	Rating workshop and preliminary budget workshop	
24 February 17	Works and roads tour	This tour will be a full day tour of the shire
1 March 17	Community Strategic Plan	Revised draft for Council consideration prior to submission to April Council meeting
8 March 17	Final Roads Workshop	
15 March 17	<b>Council meeting</b>	
22 March 17	Service Review Workshop	
5 April 17	Final Budget Workshop	
19 April 17	Delivery Plan and 2017/2018 Budget endorsed for public exhibition	

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WORKSHOP DATES FOR 2017 [CONT'D]

It is important that sufficient opportunity is provided to Councillors to review existing policies and consider options for improvement.

**BUDGET IMPLICATIONS**

Nil – attendance at workshops/briefing sessions funded through existing allocations.

**CONCLUSION**

It is important that sufficient opportunity is provided to Councillors to review existing policies and consider options for improvement. The program outlined in this report provides an opportunity for all Councillors to raise issues of importance to their communities.

**RECOMMENDATION**

That the workshop/briefing sessions dates as outlined in the table below be endorsed.

<b>Date</b>	<b>Workshop topic</b>	<b>Comments</b>
1 February 17	Preliminary Roads Workshop	
15 February 17	<b>Council meeting</b>	
22 February 17	Rating workshop and preliminary budget workshop	
24 February 17	Works and roads tour	This tour will be a full day tour of the Shire
1 March 17	Community Strategic Plan	Revised draft for Council consideration prior to submission to April Council meeting
8 March 17	Final Roads Workshop	
15 March 17	<b>Council meeting</b>	
22 March 17	Service Review Workshop	
5 April 17	Final Budget Workshop	
19 April 17	Delivery Plan and 2017/2018 Budget endorsed for public exhibition	

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**4. NSW HEALTH ADMINISTRATION – REQUEST TO ACQUIRE SECTION OF LANE ADJACENT TO LOT 5 AND LOT 17 SECTION 4 DP 5523 AT CULCAIRN**

**Report by General Manager – Steven Pinnuck**

**REASON FOR REPORT**

For Council to consider a request from NSW Health Administration to acquire a short section of lane between Lot 5 and Lot 17 Sec 4 DP 5523 at Culcairn.

**REFERENCE TO DELIVERY PLAN ACTIONS**

Strategy 5.5 To maintain our health and aged care services  
Action 5.5.3.1 Proactively participate with Murrumbidgee Local Health District and Murrumbidgee Primary Health Network to ensure health services and facilities that adequately address the current and emerging health and lifestyle needs

**DISCUSSION**

At the June 2015 meeting Council resolved to gift Lot 15 Section 4 DP 5523 to NSW Health Administration to facilitate the expansion of the Culcairn Multi-Purpose Service (MPS). The land was previously acquired through funds raised by the Culcairn community to expand aged care facilities at the site. The land has been held in trust by Council.

At the same time Council approved disposing of a small section of laneway identified as Lot 1 DP 862523.

The Council resolution from the June 2015 Council meeting is reproduced below:

***RESOLVED*** [Meyer/McInerney]

*That subject to the redevelopment of the Culcairn Health Service receiving final approval and funding, it is recommended that Lot 15 Section 4 DP 5523 and Lot 1 DP 862523 be transferred to NSW Health Administration Corporation on the following conditions:*

- 1. All costs associated with the transfer be borne by NSW Health Administration Corporation.*
- 2. Lot 15 Section 4 DP 5523 and Lot 1 DP 862523 be valued and identified as a Council/Community contribution to the project.*

A full copy of the June 2015 Council report and annexures is attached as **ANNEXURE 11**. As Councillors may be aware NSW Health Administration have acquired a dwelling to the east of the existing MPS to meet concerns raised through the development assessment process with regard to the inability of service vehicles to enter and exit in a forward direction.

Correspondence has now been received from NSW Health Administration requesting Council consider disposing of a further section of lane, approximately 120sqm. between Lot 5 (the recently acquired dwelling) and Lot 17 already owned by NSW Health Administration. A copy of the correspondence from NSW Health Administration along with a plan highlighting the section of lane to be closed is also attached in **ANNEXURE 11**.



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NSW HEALTH ADMINISTRATION – REQUEST TO ACQUIRE SECTION OF LANE ADJACENT TO  
LOT 5 AND LOT 17 SECTION 4 DP 5523 AT CULCAIRN [CONT'D]

The request from NSW Health Administration is sensible as it may further enhance the ability of NSW Health Administration to improve manoeuvrability around the site. Accordingly it is recommended that the land be gifted on similar terms and conditions as previously gifted land.

**BUDGET IMPLICATIONS**

Nil – all costs associated with the application to close the road and transfer costs to be met by NSW Health Administration.

**CONCLUSION**

The request from NSW Health Administration to close and acquire approximately 120 sqm. of lane between Lot 5 and Lot 17, Section 4 DP 5523 is sensible as it may further enhance the ability of NSW Health Administration to improve manoeuvrability around the site. It is recommended that the land be gifted on similar terms and conditions as previously gifted land.

**RECOMMENDATION**

That subject to the final ratification that the redevelopment of the Culcairn Multi-Purpose Service is proceeding, it is recommended that approximately 120sqm. of lane between Lot 5 and Lot 17, Section 4 DP 5523 closed and transferred to NSW Health Administration Corporation on the following conditions:

1. all costs associated with the closure and transfer be borne by NSW Health Administration Corporation.
2. that the land valued and identified as a Council/Community contribution to the project.
3. the Mayor and General Manager be authorised to sign all related documentation under the Common Seal of Council.

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**5. POLICY DEVELOPMENT – CONTRACTS MANAGEMENT POLICY AND GREATER HUME SHIRE COUNCIL COMMUNICATIONS POLICY**

**Report prepared by General Manager – Steven Pinnuck and Executive Assistant Governance & Economic Development – Marg Killalea**

**REASON FOR REPORT**

To present two new policies for Council's determination.

**REFERENCE TO DELIVERY PLAN ACTION**

Not applicable.

**DISCUSSION**

Two new policies are presented for Council approval:

- Contract Management Policy
- Communications Policy

**A - Contract Management Policy**

**Background**

The Contract Management Policy has been developed as a result of an Internal Audit review of contract management procedures by internal auditors Crowe Howarth in March 2016. The audit recommended that Council formally document its policy, plan and procedures. It was also recommended that Council include in the contract management process, a number of key performance indicators which could include:

- the number of variations
- the number of accidents
- the number of complaints
- the quality of service
- benchmarking against other contractors.

**Purpose of Policy**

The purpose of the Contract Management Policy is to provide the framework and platform for the development of a formal Contract Management system.

The adoption of the policy will be the catalyst for the development of the contract Management plan and procedures which it is anticipated that it will be presented to the February 2017 meeting. A copy of the new policy is attached in **ANNEXURE 12**.

**B - Communications Policy**

**Background**

In December 2015 the NSW State Government released the Local Government 'blueprint' which determined Greater Hume Shire Council was not to be included in any merger proposal, and that Council could proceed with its Improvement Action Plan as included in its submission to IPART's Fit For The Future program.

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POLICY DEVELOPMENT – CONTRACTS MANAGEMENT POLICY AND GREATER HUME SHIRE COUNCIL COMMUNICATIONS POLICY [CONT'D]

Council's Improvement Action Plan included a 12 point plan of which Point 1 is reproduced below:

*Develop a Communications Plan to ensure contemporary and effective community engagement techniques are utilised. A priority initiative for the 2015/2016 Financial Year and then reviewed annually. Anticipated to commence first half of 2016/2017 Financial Year.*

Further, Council has received a report on the Community Satisfaction Survey at the meeting held on 7 December 2016. That report highlighted survey findings in relation to Council needing to improve communication with its residents in terms of responsiveness, leadership and advocacy, and informing the community of Council decisions.

**Purpose of the Policy**

The purpose of the Communications Policy is to provide the framework and platform for the development of a formal Communications Plan between Council and its internal and external stakeholders.

The adoption of the policy will be the catalyst for the development of the plan and will provide staff with a platform upon which to develop the document. A copy of the new policy is also attached in **ANNEXURE 12**.

**BUDGET IMPLICATIONS**

It is not anticipated that the development of the Contract Management Plan and Procedures will increase Council's operating costs, but it is expected that it will improve Council's efficiency, transparency and accountability in managing contracts.

In relation to the Communications Policy, the report to the Council meeting held on 7 December 2016 recommended that the existing budget allocation of \$30,000 for new signage be redirected to the development of the plan, including the creation of a brand manual and new communication platforms.

**CONCLUSION**

It is expected that the development of a Contract Management Policy, Plan and Procedures will improve Council's efficiency, transparency and accountability in managing contracts.

A Communications Policy is required to provide a strategic framework for the development of a Communications Plan for the entire Council organisation. The policy informs the creation of plan which will lead to the use of contemporary and effective community engagement techniques and improved communication outcomes with residents and ratepayers.

**RECOMMENDATION**

That Council adopt the following policies:

1. Contract Management Policy
2. Communications Policy.

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## **CORPORATE AND COMMUNITY SERVICES**

1. **PREPARATION OF REVISED COMMUNITY STRATEGIC PLAN – “GREATER HUME 2030” AND REVISED ECONOMIC DEVELOPMENT & SOCIAL PLAN**

**Report prepared by Director Corporate & Community Services – David Smith**

### **REASON FOR REPORT**

To present information on the revision of Council's Community Strategic Plan (CSP) “*Greater Hume 2030*” and the development of a revised Economic Development & Social Plan.

### **REFERENCE TO DELIVERY PLAN ACTION**

Statutory requirement.

### **DISCUSSION**

Section 402 (5) of the Local Government Act 1993 states that following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. That being the case, management has commenced reviewing Council's current CSP with the aim of having an updated draft document presented to the community for comment in April 2017 and ultimately formal adoption by Council in June 2017.

As Councillors would be aware, Council's current CSP has remained largely unchanged since being first adopted in 2011. Over the ensuing five years, Council's CSP has been found to be somewhat ineffective in truly articulating many of the community's key priorities as presented during the engagement process. It is timely therefore that a thorough review of Council's CSP be undertaken and that the strategies and outcomes presented in the CSP translate to meaningful and tangible benefits to our communities.

The review process being undertaken by management is based on consolidating the actions and strategies already articulated in a number of planning documents such as the Roads Strategy, Community Health & Wellbeing Plan, Visitor Experience Plan and the Economic Development & Social Plan. By bringing together the key strategies and actions identified in each of the above sub-plans, Council's CSP will be truly reflective of the 'on-ground' priorities across the various social pillars covered by the existing planning documents. The strategies and outcomes presented in the revised CSP will also flow into a revised four-year Delivery Program for the period 1 July 2017 to 30 June 2021.

Council has previously recognised that the development of a revised Economic Development & Social Plan will be a critical component of Council's Integrated Planning and Reporting (IP&R) framework. That being the case, a number of community engagement activities including focus groups and surveys were conducted during 2016 to inform the revised plan. The community engagement processes undertaken presented Council with a clear vision of the needs and desires of the community in relation to the economic and social development of Greater Hume Shire. These needs and desires have been used as the basis for the revised Economic Development & Social Plan and will ultimately be the guiding principles for Council's Community Strategic Plan and other IR&R documents.

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PREPARATION OF REVISED COMMUNITY STRATEGIC PLAN – “GREATER HUME 2030” AND  
REVISED ECONOMIC DEVELOPMENT & SOCIAL PLAN [CONT'D]

The revised Economic Development & Social Plan is now at the first draft stage and Management are seeking input from Councillors to further inform the Plan prior to calling for public feedback. Accordingly, a copy of the Draft Economic Development & Social Plan is **ENCLOSED SEPARATELY** for Councillors' information.

Following feedback from Councillors and resultant further refinement, it is envisaged that a final draft of the Plan will be presented to the February 2017 Council Meeting with a recommendation that Plan be placed on public exhibition so as to facilitate feedback and comment from the individuals and groups that participated in the initial focus groups and community engagement activities.

As mentioned, it is proposed that the revised draft CSP will be presented for community comment in April 2017. It will be important therefore that Councillors have the opportunity to participate in the formation of the CSP and other sub-plans such as the Economic Development & Social Plan during February and March 2017 and as such one or more workshops will be scheduled during this time to allow for Councillor input.

**BUDGET IMPLICATIONS**

Costs associated with the review of the CSP will be met from Council's recurrent budget. Costs associated with the development of the revised Economic Development & Social Plan have been met from existing Economic Initiatives budget allocations.

**CONCLUSION**

Since being adopted in 2011, Council's CSP has been found to somewhat ineffective in truly articulating many of the community's key priorities as presented during the engagement process. It is timely therefore that a thorough review of Council's CSP and other sub-plans be undertaken and that the strategies and outcomes presented in the CSP translate to meaningful and tangible benefits to our communities.

**RECOMMENDATION.**

That the report be received and noted.

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## **ENGINEERING**

### **1. DRAINAGE AND STREETScape WORKS, SLADEN STREET, HENTY**

**Report prepared by Works Engineer – Andrew Walls**

#### **REASON FOR REPORT**

To consider tenders (re-advertised) for the streetscape works and the upgrade of the drainage to Sladen Street, Henty, between Allen Street and Ivor Street.

#### **REFERENCE TO DELIVERY PLAN ACTION**

11.3.2.1 Upgrade streetscapes in all major towns within the shire

#### **DISCUSSION**

Sladen Street forms the basis of the main shopping precinct in Henty. Previous stages of the works included the Allan St/Sladen St roundabout and drainage outfall to Smart Street.

The work remaining to be completed is the continuation of drainage along Sladen Street and the construction of planter beds, asphalt footpaths and concrete pavers. Other works not contained in the tender scope include the re-location of two streetlights near the roundabout or remedial work to existing veranda posts/awnings.

An initial tender process was undertaken earlier in 2016 with tenders closing on 5 October 2016. Only a single tender was received from Longford Civil for an amount of \$669,625.08 (exclusive of GST). This tender was in excess of the remaining budget of \$507,700.

Council thus resolved:

- (1) in accordance with clause 178 (1) (b) of the Local Government (General) Regulation 2005 Council resolve to decline the tender submitted by Longford Civil and
- (2) Council invite, in accordance with clause 167 of the Local Government (General) Regulation 2005, fresh tenders based on the same or different details.

Advertisements were placed in the Sydney Morning Herald, Border Mail and on the Tenderlink website.

A site meeting was held for the information of prospective tenderers on 21 November 2016. No contractors attended this meeting.

Tenders closed on Thursday, 8 December 2016. One tender was received via the Tenderlink portal.

The submitted price from Longford Civil was \$658,262.25 (exclusive of GST).

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DRAINAGE AND STREETScape WORKS, SLADEN STREET, HENTY [CONT'D]

**BUDGET IMPLICATION**

The sole tendered price of \$658,262.25 (excl. GST) is in excess of the remaining budget of \$507,700. The tendered price does not include the relocation of streetlights or the possibility of provisional items such as unavoidable damage to awnings which could be expected to amount to 5% of the tender price.

**CONCLUSION**

Given that the works have been re-advertised and that only one tender has been received on both occasions (Longford Civil) it is considered appropriate to enter into negotiations with the sole tenderer. Council retains the option under section 178 (3) (e) of the Local Government (General) Regulation 2005 to negotiate with any person (whether or not the person was a tenderer).

**RECOMMENDATION**

That:

1. in accordance with clause 178 (1) (b) of the Local Government (General) Regulation 2005 Council resolve to decline the tender submitted by Longford Civil and
2. Council negotiate, in accordance with section 178 (3) (e) of the Local Government (General) Regulation 2005 to negotiate with Longford Civil and/or any other party in order to achieve a favourable outcome.

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**2. QUESTION ON NOTICE – COUNCILLOR STEWART - DAMAGE TO COUNCIL'S ROAD NETWORK FROM WET WEATHER**

**Report prepared by Director Engineering – Greg Blackie**

**REASON FOR REPORT**

To respond to a Question on Notice by Councillor Stewart about excessive and unexpected damage done to Council's Road Network from the prolonged wet weather experienced this year.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including roads, drainage and footpaths.

Action 5.2.6. Ensure that a quality rural road network is provided and maintained throughout the shire.

**DISCUSSION**

Cr Stewart proposed the following Question on Notice to the October Ordinary Meeting of Council:

*Cr Stewart requested that Council undertake an investigation and provide a comprehensive report. Cr Stewart indicated that she is interested in Council's response to that damage; specifically the report to provide response to the following questions:*

- *Will Council conduct an audit of the damage across the network and provide a summary report to Councillors.*
- *How will Council prioritise the repair of the damage?*
- *Will Council use the current damage to inform a review of the Roads Strategy including:*
- *Which roads best maintained their integrity in the damaging weather?*
- *Which roads were most damaged by the weather?*
- *Did recent maintenance provide any protection to individual roads?*
- *Have different methods of repair or maintenance been applied to different roads, resulting in more or less resilience to the weather?*
- *How were the roads in neighbouring Councils affected and can we draw any conclusions about maintenance procedures from these results?*
- *How did the roads and any recent repairs hold up to KPIs or expected lifetimes that have been determined for them?*
- *What public notification or communication will be made about Council's planned response to weather damaged roads?*

Whilst the report responds to Councillor Stewart's question, it does not purport to respond to all issues relating to the road network which will be undertaken as a part of the Review of Council's Road Strategy to be undertaken early in 2017.



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QUESTION ON NOTICE – COUNCILLOR STEWART - DAMAGE TO COUNCIL'S ROAD NETWORK FROM WET WEATHER [CONT'D]

In response to Cr Stewart's specific questions, the following responses are provided:

- ***Will Council conduct an audit of the damage across the network and provide a summary report to Councillors.***

Included in the Ordinary agenda to this meeting is a report on the flood damage to the road network, and specifically includes a detailed list of the damage and the cost to undertake repairs of which Council has put forward as a claim under the Natural Disaster Relief Assistance Program to the State Government.

The list details the road name, classification, damage detail and proposed method of repair including quantum of materials, and estimated cost.

Whilst this report is not an "audit" it does give a comprehensive list of the major works which has been or are still to be completed.

- ***How will Council prioritise the repair of the damage?***

In repairing damage Council's priorities are based on the following principles:

First to ensure all properties have access to the road network (i.e. undertake to have all closed roads be opened following the event as soon as possible). Firstly, Council has no closed roads except for the Taylors Bridge on Burma Rd which goes underwater when the Hume Weir goes over 90% full. Council has installed permanent gates this year to prevent access whilst the water is over the bridge.

Secondly, to ensure the higher classified roads and school bus routes (i.e. high trafficked local roads and regional roads) are kept open to a safe standard and to ensure interconnectivity between towns and villages is maintained to minimize impact on the general community.

Thirdly, low use unsealed and sealed roads in the shire.

Presently, Council staff are undertaking extensive maintenance grading of unsealed roads and heavy patching of sealed roads so that the current harvest season is not impacted by the damage done to the road networks. Council has also prioritised an upgraded program of maintenance in lieu of some capital works up to Christmas to ensure all roads are kept to a safe and suitable level for the busy Christmas holiday period.

Major repair work to be undertaken to drainage infrastructure will be completed during the drier months early next year, when it is possible to get large machinery into these areas.

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QUESTION ON NOTICE – COUNCILLOR STEWART - DAMAGE TO COUNCIL'S ROAD NETWORK FROM WET WEATHER [CONT'D]

- *Will Council use the current damage to inform a review of the Roads Strategy including:*
  - *Which roads best maintained their integrity in the damaging weather?*
  - *Which roads were most damaged by the weather?*
  - *Did recent maintenance provide any protection to individual roads?*
  - *Have different methods of repair or maintenance been applied to different roads, resulting in more or less resilience to the weather?*

There is no doubt information obtained from the impact on the roads will be used in the updating of the Road Strategy.

Already some good feedback has come from staff as well as the public to the way certain roads have handled the wet conditions. Clearly this information will be further collated over the coming months to be used in the review.

Also the information collated has highlighted some specific areas where some significant capital works are needed to remedy some of the major emerging issues (i.e. Jingellic Rd (Wantagong area) /Howlong - Gombargama Rd)

Whilst all roads suffer in sustained wet weather without suitable drainage no matter what construction they are: be it sealed, unsealed or earth (dry weather) they will all come under distress quickly. Clearly some of the problems have been from inadequately maintained drains and the volume of flows that were experienced. It has been noted, however, that drainage coming from some properties has been altered which has caused issues in areas not previously seen, this impacting on the road network and downstream property owners. Clearly in these areas discussions between all parties are required to come up with appropriate solutions.

In relation to types of maintenance and the roads that handled the weather better, it is clear that simply resheeting an unsealed road with any locally sourced gravel is not going to provide a suitable result all of the time. It is clear a good quality gravel is required to provide the life expectancy required of the resheeting process as well as provide good access in wet weather. It was also noted that application of additives suitable to the road condition also provided some good results; however, the application of this process is not suitable for all roads.

Council staff are endeavouring to develop an overall plan of proposed treatments for each road across the network which will form part of the updated road strategy.

- *How were the roads in neighbouring councils affected and can we draw any conclusions about maintenance procedures from these results?*

Whilst the writer has had some very preliminary discussions with other engineers in other councils, it is clear that all councils face similar problems with no one solution to fix all.

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QUESTION ON NOTICE – COUNCILLOR STEWART - DAMAGE TO COUNCIL'S ROAD NETWORK FROM WET WEATHER [CONT'D]

- *How did the roads and any recent repairs hold up to KPIs or expected lifetimes that have been determined for them?*

It is evident that the wet winter has impacted significantly on some roads requiring additional gravel resheeting or chemical treatment, that were not due as part of the annual management program for that road. Other roads have either handled the conditions well and have required little work where others have required additional grading to bring them to an acceptable standard. It is obvious additional maintenance has been undertaken to sustain the network during the wet weather.

Council has no set KPI's for the network however within the current Road Strategy we have started to set parameters for the grading frequency of unsealed roads. It is obvious that these parameters have been exceeded for a number of roads for this current financial year.

*What public notification or communication will be made about Council's planned response to weather damaged roads?*

It is proposed that Council's quarterly newsletter to residents and some additional media releases Council will advise residents of our proposed response including funding received by Council to undertake remedial works on the road network.

**BUDGET IMPLICATION**

Whilst the full impact of the wet weather on the road maintenance budget has not been determined maintenance cost at this time of the year is approximately \$340,000 above expected costs for both sealed and unsealed roads with a majority of the over expenditure in unsealed roads.

**CONCLUSION**

As stated earlier this report provides a general response to the Question On Notice raised by Councillor Stewart, with further data being captured for consideration in the review of the road strategy to be undertaken early next year. Council however as mentioned has undertaken an extensive maintenance program to ensure the road network is in a safe and suitable standard for users leading up to the Christmas holiday period. Clearly the required works has impacted on the budget and the current proposed capital works program. It is however pleasing to be advised that additional funding has been offered to Council as part of a Natural Disaster Declaration to undertake some of the work required.

**RECOMMENDATION**

That the report be received and noted.

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**3. PROPOSED SPEED ZONE CHANGE - BROWNRIGG STREET MORVEN**

**Report prepared by Manager Traffic & Infrastructure – Michael Oliver**

**REASON FOR REPORT**

For Council to endorse a proposed speed zone change for Brownrigg Street Morven following resident's survey.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including roads, drainage and footpaths.

Action 5.2.6 Ensure that a quality rural road network is provided and maintained throughout the shire.

**DISCUSSION**

Council has received a number of requests from residents living in Morven to review the speed zone limit along Brownrigg Street Morven. After discussion at Councils Local Traffic Committee with Roads & Maritime Service (RMS) it was recommended that Council undertake a community consultation survey to review and make a final determination as to the appropriate speed limit along Brownrigg Street Morven. The current posted speed limit is 80 km/h with a suggested reduction to 50 km/h.

On 19 September 2016 Council sent survey forms to residents requesting comment regarding the current speed zone limit along Brownrigg Street, Morven. The survey form was required to be completed and returned to Council by 28 October 2016. A total of 40 surveys were sent to residents. Of the surveys received there were 19 requests for speed zone reduction to 50 km/h, 3 requests for reduction to 60 km/h, 2 requests to remain at 80 km/h and 16 residents did not reply to the survey. A summary of surveys returned is attached in **ANNEXURE 13**.

In October 2016 Council also received a petition from Morven and surrounding residents requesting a speed limit change along Brownrigg Street from 80 km/h to 50 km/h, south of the Round Hill Hotel (Billabong Creek Bridge) to the Culcairn-Holbrook Road Intersection. The petition suggested the cost to Council would be outweighed by the safety benefits to the community and protect residents who use Brownrigg Street for catching school buses, bicycle riding, walking and moving livestock. A copy of the petition is attached in **ANNEXURE 13**.

It should be noted that the Road Transport (Safety and Traffic Management) Act 1999 allows only the Roads & Maritime Services (RMS) to set speed limits for vehicles. Therefore the speed zone change at Brownrigg Street Morven would require Roads & Maritime Services (RMS) Authorisation, however RMS have indicated that it will consider a change if supported by the community.

From the petition received and surveys completed, it is clear that a reduction from 80 km/h to 50 km/h is supported by the Morven Community.

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PROPOSED SPEED ZONE CHANGE - BROWNRIGG STREET MORVEN [CONT'D]

**BUDGET IMPLICATION**

Installation of new speed zone signage would be required along Brownrigg Street Morven and at the intersection of Culcairn-Holbrook Road. Also advertising of speed zone changes. This can be undertaken from Council Maintenance Budget.

**CONCLUSION**

In response to the request from Morven Residents and recommendation of the Local Traffic Committee Council requires Roads & Maritime Services (RMS) to undertake a proposed reduction in speed zoning for Brownrigg Street Morven from 80 km/h to 50 km/h.

**RECOMMENDATION**

That Council endorse the recommended reduction in speed zone from 80 km/h to 50 km/h along Brownrigg Street Morven and that Roads and Maritime Services (RMS) is notified of the endorsement.

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**4. JINDERA FLOODPLAIN RISK MANAGEMENT STUDY & PLAN – ENDORSING  
& PUBLIC EXHIBITION PERIOD**

**Report prepared by Manager Traffic & Infrastructure – Michael Oliver**

**REASON FOR REPORT**

For Council to consider endorsing the draft final report and placing on public exhibition the Jindera Floodplain Risk Management Study and Plan.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 8.3 To provide approximate infrastructure to cater for our population.

Action Develop floodplain risk management plans for Council's towns.

8.3.5.2

**DISCUSSION**

The main objective of the Floodplain Risk Management Studies & Plans is to identify floodplain risk, test amelioration strategies for the management of risk and to put forward priorities and approximately costed recommendations in regards to flood risk mitigation at Jindera.

Council requires consideration of a range of management options to effectively manage existing, future and continuing flood risks at Jindera. The outcomes from the Floodplain Risk Management Study and draft Floodplain Risk Management Plan will also assist the SES in preparing a Local Flood Plan for Jindera.

The objective of the Floodplain Risk Management Study is to investigate a range of flood mitigation works and measures to address the existing, future and continuing flood problems, in accordance with the NSW Government's Flood Policy. This includes review of Council's existing environmental planning policies and instruments including Council's long term planning strategies for the study area. Also identification of works, measures and restrictions aimed to reduce the social, environmental and economic impacts of flooding and the losses caused by flooding on development and the community, both existing and future, over the full range of potential flood events.

The Floodplain Risk Management Draft Plan makes a range of recommendations relating to flood mitigation works and measures that address the existing, future and continuing flood problems, in accordance with the NSW Government Flood Policy. Recommended works and measures are to reduce the flood hazards and risks to people and property in the community and to ensure future development is controlled in a manner consistent with the flood hazards and risks. Also to ensure that the floodplain risk management plan is fully integrated with Council's existing corporate, business and strategic plans, existing and proposed planning proposals, meets Council's obligations under the Local Government Act, 1993 and has the support of the local community.

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JINDERA FLOODPLAIN RISK MANAGEMENT STUDY & PLAN – ENDORSING & PUBLIC EXHIBITION PERIOD [CONT'D]

**BUDGET IMPLICATION**

Funding has been acquired for the completion of the Floodplain Risk Management Study and Plan. Completion and adoption of the studies is a requirement for approval of any future funding for further drainage infrastructure to improve flood risks within the Greater Hume Shire Council Communities.

**CONCLUSION**

The completed Floodplain Risk Management Study and Plan for Jindera provide an important step in the process to reduce the impact of flooding on this community. Future adoption of the report will highlight works and strategies that have been determined and be implemented to improve the flood risk on the community.

Extensive consultation and work has gone into the Floodplain Risk Management Study and Plan report and it is considered appropriate that it is now considered for adoption.

**RECOMMENDATION**

That Council endorse the draft final report on the Jindera Floodplain Risk Management Study and Plan, and place on public exhibition for a minimum period of 30 days.

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**5. CONSTRUCTION OF 15 LOT INDUSTRIAL SUBDIVISION, JINDERA INDUSTRIAL ESTATE**

**Report prepared by Works Engineer – Andrew Walls**

**REASON FOR REPORT**

To consider tenders for the construction of a 15 lot industrial subdivision off Stockwell Road, Jindera.

**REFERENCE TO DELIVERY PLAN ACTION**

- Action 7.6.3.1 Facilitate opportunities for residential, industrial and commercial land development and sale.
- Action 9.2.3.1 Subject to resources provided by Council plan for the construction of industrial parks in identified priority areas.
- Action 9.2.4.1 Finalise design plans for Jindera Industrial Estate.

**DISCUSSION**

The plans for the 15 lot Industrial Subdivision off Stockwell Road Jindera were completed to tender issue stage in October 2016.

Advertisements calling for tenders were placed in the Sydney Morning Herald, Border Mail and on Tenderlink.

Tenders closed on 18 November 2016. Five tenders were received via the Tenderlink portal.

Submitted prices ranged from \$824,574.58 to \$958,725.50. All prices are exclusive of GST.

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

No.	Name	Tendered amount (exc. GST)
1.	A.P Delaney	\$938,800.00
2.	Bede Hutchinson	\$952,095.10
3.	Hurst Earthmoving	\$867,387.13
4.	KC Earthmoving	\$958,725.50
5.	Longford Civil	\$824,574.58

The tender submitted by Longford Civil was checked and is mathematically correct. Longford Civil has worked for Greater Hume Council previously and Council Officers have no concerns regarding breadth of personnel experience, quality of workmanship and professional conduct.



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CONSTRUCTION OF 15 LOT INDUSTRIAL SUBDIVISION, JINDERA INDUSTRIAL ESTATE  
[CONT'D]

Longford Civil attended a post-tender interview where they confirmed that they were satisfied with the price as submitted and have the experience and equipment to complete the project to the required standard in a safe and timely manner.

An overall plan of the development and a table of the apportionment used to assess the five tenders is **ENCLOSED SEPARATELY** for councillors' information.

**BUDGET IMPLICATION**

The tendered price of \$824,574.58 (excl. GST) is within the estimate of \$1,006,298 provided by SJE Consulting. The tendered price does not include the supply and installation of electrical or telecommunication services. The tendered price does not include the possibility of provisional items which in any case would be expected to amount to less than 10% of the tender price.

**CONCLUSION**

Five tenders were received for the construction of Jindera industrial Subdivision project. All five tenders were considered.

The tender submitted by Longford Civil has been assessed and there is no technical or practical reason to conclude that Longford Civil is not capable of completing the contract to the required standard and within the allotted timeframe.

**RECOMMENDATION**

That:

1. the tender submitted by Longford Civil of \$824,574.58 (excl. GST) be accepted.
2. the General Manager and the Mayor be authorised to sign the Contract with Longford Civil
3. the unsuccessful tenderers be notified of Council's decision.

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**6. NATURAL DISASTER FUNDING – ROAD REPAIRS**

**Report prepared by Director Engineering – Greg Blackie**

**REASON FOR REPORT**

To advise Council on funding received for the repair of roads following the flooding in September/October.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including roads, drainage and footpaths.

Action 5.26 Ensure that a quality rural road network is provided and maintained throughout the shire.

**DISCUSSION**

Greater Hume Shire has been approved to receive funding under the Natural Disaster Relief and Recovery Arrangements (NDRRA) for the repair of roads damaged in recent flooding. A copy of the media release is attached in **ANNEXURE 14**. Following the announcement, Council staff have since compiled a list of works for consideration to the value of \$1,133,600. A copy of the works listed is also enclosed at **ANNEXURE 14**.

Roads and Maritime Service (RMS) is the agency responsible for management of the funding. RMS will shortly schedule an assessment of Council's claim and following assessment Council will be advised of what financial assistance will be provided.

Council has also recently received information from the NSW Government advising that it will receive funding of \$500,000 to assist with repair of roads following the flood events of September and October across the region. A copy of that correspondence is also attached in **ANNEXURE 14**.

The funds have been designated for road repairs however unlike the funding under NDRRA it is untied with the only a reference for it to be used to fix roads affected by flooding.

Council staff are undertaking an assessment of where this should be spent with an emphasis on undertaking works with a long term benefit and which are not able to be funded under NDRRA funding. A further report will be presented to the February Meeting on these proposed works.

**BUDGET IMPLICATION**

The additional funding will improve Council's budget position however will impact on programming of other road projects proposed for this financial year

**CONCLUSION**

The funding offers received are definitely welcomed by Council and will go some way to offset some of the additional expenditure Council has incurred. It will also allow repairs to continue on the road network to ensure the roads are maintained to an appropriate standard.

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NATURAL DISASTER FUNDING – ROAD REPAIRS [CONT'D]

**RECOMMENDATION**

That Council receive and note the report.

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**ITEM TO BE REFERRED TO CLOSED COUNCIL (COMMITTEE OF THE WHOLE)**

**1. JINDERA INDUSTRIAL ESTATE – PROPOSED 15 LOT EXPANSION**

**Report prepared by General Manager - Steven Pinnuck**

**REASON FOR REPORT**

For Management to present final estimated construction costs of the 15 lot expansion to the Jindera Industrial Estate.

**REFERENCE TO DELIVERY PLAN ACTIONS**

Strategy 9.2 To provide the supporting infrastructure, facilities and services to attract businesses and new employees

Action 9.2.3.1 Continue to plan for future industrial releases.

**DISCUSSION**

A report on the tenders to provide infrastructure to the proposed 15 lot expansion to the Jindera Industrial Estate has been considered at Item X of the Engineering report to the December meeting.

The design of the 15 lot expansion to the industrial estate was previously presented to the October 2015 meeting of Council is included again as **ANNEXURE 15**.

Now that tenders have closed, Management is in a position to provide revised estimate for the project and determine market values for the allotments.

**BUDGET IMPLICATIONS**

The project will be funded from Reserve funds held totalling \$840,000 and the proceeds of the disposal of part of Lot 11 DP 1164647 at Jindera.

**CONCLUSION**

As consideration of the potential market value for the disposal of the residual large lot residential land (part of Lot 11 DP 1164647) at Jindera needs to remain confidential to ensure the integrity of Council's marketing strategies it is recommended that the matter be referred to Closed Council in accordance with section 10 A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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JINDERA INDUSTRIAL ESTATE – PROPOSED 15 LOT EXPANSION [CONT'D]

**RECOMMENDATION**

That further consideration of construction costs and market values along with the of the valuation for the potential disposal of the residual part of Lot 11 DP 1164647 at Jindera be referred to Closed Council in accordance with section 10 A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

**REASON**

On balance the need to preserve the confidentiality of the valuations received from Taylor Byrne Property Valuers to ensure that the proceeds of any future sale are maximised, outweighs the public interest in maintaining openness and transparency in Council decision making because the disclose of this information could compromise the commercial position of Council.

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## **PART B - ITEMS FOR INFORMATION**

### **GOVERNANCE**

#### **1. OFFICE OF LOCAL GOVERNMENT CIRCULARS**

##### **REASON FOR REPORT**

To ensure councillors are updated with changes to legislation or the strategic direction of Local Government in NSW.

##### **DISCUSSION**

**ENCLOSED SEPARATELY** with the agenda is a listing of OLG Circular 44 - 47/2016. Copies of OLG Circulars are available from the website [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) or alternatively by contacting Council.

##### **BUDGET IMPLICATIONS**

Nil.

##### **CONCLUSION**

For councillors' information.

#### **2. LOCAL GOVERNMENT NEW SOUTH WALES (LGNSW) – WEEKLY CIRCULARS**

##### **REASON FOR REPORT**

To ensure councillors are updated with changes to legislation or the strategic direction of Local Government in NSW.

##### **DISCUSSION**

**ENCLOSED SEPARATELY** is a listing of Table of Contents of LGNSW Weekly Circulars and 45 - 49/2016. Copies of LGSA Weekly Circulars are available from the website [www.lgsa.org.au](http://www.lgsa.org.au) or alternatively by contacting Council.

##### **BUDGET IMPLICATIONS**

Nil.

##### **CONCLUSION**

For councillors' information.

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**3. TOURISM AND PROMOTIONS OFFICER'S REPORT**

**Report by Tourism and Promotions Officer – Kerrie Wise**

**REASON FOR REPORT**

To update councillors regarding working projects undertaken by the Tourism and Promotions Officer.

**DISCUSSION**

The report on projects being undertaken by the Tourism and Promotions Officer is attached at **ANNEXURE 16**.

**BUDGET IMPLICATIONS**

Nil.

**CONCLUSION**

For councillors' information.

**CORPORATE AND COMMUNITY SERVICES**

**1. CUSTOMER REQUEST MODULE – SUMMARIES OF MONTHLY REQUESTS**

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

**2. STATEMENTS OF BANK BALANCES AND INVESTMENTS AS AT 30 NOVEMBER 2016**

The statements of bank balances and investment report as at 30 November 2016 are attached at **ANNEXURE 17**.

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**3. HUMAN RESOURCES REPORT FOR NOVEMBER 2016**

**REASON FOR REPORT**

To advise councillors on human resources activities such as new staff, resignations and staff development programmes.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 9.4 To provide appropriate training and mentoring for our shire's workforce.

Action 9.4.1 Implement continual learning actions.

The following staff commenced duties with Council during November 2016 -

- Julie Barber                      Casual Pool Lifeguard
- Zoe Briese                        Casual Pool Lifeguard
- Elise Merkel                      Casual Pool Lifeguard
- William Nauer                    Casual Pool Lifeguard.

The following staff ceased duties with Council during November 2016 -

- Russell Boyd                      Building Surveyor.

**BUDGET IMPLICATION**

Nil.

**CONCLUSION**

For Councillors' information.



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**4. DAVID & CHERYL PAECH – LEASE OF LAND**

**Report prepared by Manager Corporate Services – Suzanne Klemke**

**REASON FOR REPORT**

To advise Councillors of further proposals in relation to the Licence between Greater Hume Shire Council and David & Cheryl Paech.

**REFERENCE TO DELIVERY PLAN ACTION**

Strategy 5.2 To provide and maintain safe and serviceable public facilities and infrastructure including, roads, drainage and footpaths.  
Action 5.2.1.1 Ensure that all land and buildings owned and controlled by Council are maintained in an appropriate manner and utilised for the designated and appropriate community purpose.

**DISCUSSION**

Based on the recommendation of the Walla Walla (Gum Swamp) Management Committee, at the Ordinary Meeting of Council held 16 November 2016 Council resolved that:

*The parties agree that*

*Preference will be given to grazing in late winter or early spring (August/September) to coincide with the major growth period of the introduced annual pastures and flat weeds, and then the grazing removed to allow the native perennial species to regenerate.*

Members of the Walla Walla (Gum Swamp) Management Committee and David & Cheryl Paech have recently met with Ian Davidson (author of the Gum Swamp Reserve Management Plan 2003) to discuss the management practices for the environmental protection of the land in question.

Mr Davidson indicated that given the age of the plan, the recommended wording is too restrictive and not conducive to current grazing conditions.

As suggested the following the following wording replace the recommended clause as detailed above.

*Consideration will be given to grazing in late winter or early spring to coincide with the major growth period of the introduced annual pastures and flat weeds, and then the grazing reduced to allow the native perennial species to regenerate. Grazing shall be removed during drought periods.*

**CONCLUSION**

For Councillors' Information

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## **ENGINEERING**

### **1. NOVEMBER REPORT OF WORKS**

#### **November Report of Works**

##### **Grants Program**

##### **State Roads Maintenance (RMCC):**

Maintenance works on state roads under the RMCC with the Roads and Maritime Services is continuing.

Three Heavy Patches on Olympic Highway (MR78) have been completed as emergency works, one in Gerogery and two north of Gerogery.

##### **Regional Roads Block Grant:**

Shoulder widening on Howlong Kywong Rd (MR370), south of Brocklesby as part of Repair Program is continuing.

Extensive patching maintenance is continuing on Jingellic Rd (MR331). A number of heavy patches on Culcairn Holbrook Rd (MR331) between Morven and Billabong Creek Bridge have been completed.

General maintenance is continuing on all other Regional Roads.

##### **Local Roads**

##### **Sealed:**

Increased pavement maintenance has been carried out on many local roads throughout the Shire.

Roadside slashing has been carried out on a number of sealed roads.

Shoulder widening on Henty Pleasant Hills Rd between Henty Ryan Rd and the Lockhart boundary has commenced.

Heavy patching works is currently being undertaken on Coppabella Rd.

##### **Unsealed:**

Gravel resheeting program is complete for this financial year.

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REPORT OF WORKS [CONT'D]

Maintenance grading has taken place on the following roads in November.

- Alma Park Cemetery Rd
- Back Ferndale Rd
- Barbers Rd
- Beckett Rd
- Bona Vista Rd
- Bowlers Rd
- Brocklesby Balldale Rd
- Bunyans Rd
- Coach Rd
- Finlay Rd
- Howlong Goombargana Rd
- Hudsons Rd
- Jacka Ln
- Mahers Rd
- Mandaring Rd
- Mitchells Rd
- Munyaplah Boundary Rd
- Munyaplah Settlement Rd
- Narribilla Rd
- Ralstons Rd
- Rockingham Rd
- Schoff Rd
- Sherwyn Rd
- Stonehaven Rd
- Thugga Rd
- Top Springs Rd
- Walla West Rd
- Yarra Yarra Rd

**Urban Streets:**

Sealing works in Victoria St, Culcairn, will be undertaken in early December, which will complete this project.

Road rehabilitation on Raymond St, between Fleet St and Bond St, Holbrook is 90% complete. A second coat of seal will be applied next year along with linemarking and landscaping, this will finalise the project.

A parking bay in Adams St, Jindera is complete.

**General:**

Footpath replacement in Young St, Holbrook adjacent to the Hall has been complete.

Major reconstruction works on Ten Mile Creek Bridge in Albury St, Holbrook has commenced. Roads and Maritime Services anticipate this will continue into early next year.

General maintenance of all parks and public toilets within the shire is ongoing.

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REPORT OF WORKS [CONT'D]

**Monthly Works Maintenance Expenditure:**

<b>Local Roads Program</b>	<b>Original Budget</b>	<b>Amended Budget (September Budget Review)</b>	<b>YTD Budget</b>	<b>YTD Expenditure</b>	<b>YTD Variance</b>
Urban Local Roads	\$530,000.00	\$530,000.00	\$220,833.33	\$150,001.42	\$70,831.91
Urban Roads Unsealed	\$60,000.00	\$60,000.00	\$25,000.00	\$15,784.81	\$9,215.19
Rural Roads Sealed	\$600,000.00	\$600,000.00	\$250,000.00	\$306,368.48	-\$56,368.48
Rural Roads Unsealed	\$1,050,625.00	\$1,050,625.00	\$437,760.42	\$723,004.73	-\$285,244.31
Street Tree Maintenance	\$247,235.00	\$247,235.00	\$103,014.58	\$85,690.55	\$17,324.03

<b>Regional Roads Program</b>	<b>Original Budget</b>	<b>Amended Budget (September Budget Review)</b>	<b>YTD Budget</b>	<b>YTD Expenditure</b>	<b>YTD Variance</b>
Maintenance	\$799,360.00	\$800,321.00	\$333,467.08	\$296,433.68	\$37,033.40
Traffic Facilities	\$133,933.00	\$136,000.00	\$56,666.67	\$24,799.24	\$31,867.43

<b>Sportsgrounds, Parks &amp; Public Toilets</b>	<b>Original Budget</b>	<b>Amended Budget (September Budget Review)</b>	<b>YTD Budget</b>	<b>YTD Expenditure</b>	<b>YTD Variance</b>
Sportsground Maintenance	\$112,000.00	\$147,675.00	\$61,531.25	\$66,381.09	-\$4,849.84
Parks & Gardens Maintenance	\$240,643.00	\$256,486.00	\$106,869.17	\$92,807.62	\$14,061.55
Public Toilets Maintenance	\$171,134.00	\$169,301.00	\$70,542.08	\$54,055.75	\$16,486.33

NB : Sportsground Maintenance excludes annual GHSC contribution payment

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**2. WATER & SEWER REPORT – NOVEMBER 2016**

**Capital Works Program:**

- Culcairn re-use extension to golf course completed

**Operation & Maintenance:**

- Sewer main choke cleared – Holbrook pool Street
- Sewer main choke cleared – Walla Walla hall toilets
- 2 mains repairs – Culcairn WS
- 1 Water service repairs - Culcairn
- 3 Water service repairs – Jindera area
- 1 New water service – Gerogery West
- NBN locate Council's water & sewer assets
- 3- Meter replacements - VWS
- 2- Meter replacements – Culcairn WS

**Drinking Water Monitoring Program:**

- 8 - Water samples for Microbial Water Analysis submitted in the month of November 2016 for Villages and Culcairn Water Supply have all complied with the Australian Drinking Water Guidelines.

**Upcoming Month:**

- Village Water Scheme, water main maintenance
- Culcairn, water main maintenance and new services
- Water meter replacements
- Water meter reading.

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## **ENVIRONMENT AND PLANNING**

### **1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF NOVEMBER 2016**

The schedule of development applications processed for the month of November 2016 is attached at **ANNEXURE 18**.

### **2. SENIOR WEEDS OFFICER'S REPORT – NOVEMBER 2016**

Roadside shoulder spraying on the Olympic Way has been completed for the second time due to the rains received in late October.

Several drains in and around Jindera and Walla Walla have been sprayed.

The Senior Weeds Officer has attended further weed management executive meetings in Wagga Wagga and Albury. The progress of putting together a new listing of weeds for the Biosecurity Act has now been completed. These will appear as an appendix in the new Murray Weed Strategy presently being compiled by both a state writer and a local writer employed by the Local Land Services. This strategy is due to be completed by 31 January after which it will go out for public exhibition.

Inspections have continued on both roadsides and private property for Sweet Briar, Blackberry and Chilean Needle Grass.

Chilean Needle Grass is probably at its worst extent over the western side of the shire since the amalgamation in 2004. There are areas where it has never been and appears to be on roads that have had stock movements. The Senior Weeds Officer is to have talks with the LLS Ranger to close these roads to travelling stock from September through to the end of March.

Council has employed three contractors in an attempt to spray St. John's Wort on all roads at least once before the Christmas break. Some roads may require a follow up in January.

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**3. RANGER'S REPORT – OCTOBER 2016**

**COMPANION ANIMALS**

<b>No. of Complaints Received 19</b>		<b>Including: 3 barking dogs, 14 roaming dogs, and dealing with 2 aggressive dogs.</b>	
No. of dog attacks:	5	Location:	Holbrook: 2 dogs chasing and biting horse, minor injury. Dogs' owner contacted, pound fees and Order issued. Holbrook: 2 dogs escaped and bit a dog, minor injury and Order issued on dogs and pound fees. Culcairn: 2 dogs killed a kitten, Order and fines issued. Walla Walla: 2 dogs attacked sheep, 2 died from injuries. The dogs identified and owner paying for sheep, fines and Order being issued Gerogery: 1 dog chased neighbour's sheep, warning issued.
Comments:			
		<b>Dogs</b>	<b>Cats</b>
<b>In Council's Facility at Beginning of Month</b>		1	
<b>Captured &amp; Returned to Owners</b>		3	
<b>Captured &amp; Impounded</b>		8	2
<b>Released from Pound to Owners</b>		6	
<b>Surrendered by Owners</b>			
<b>Rehomed</b>		3	1
<b>Euthanased</b>			1
<b>Remaining in Council's Facility at End of Month</b>			

**FERAL CATS**

<b>No. of Complaints:</b>	5
<b>No. Feral Cats caught:</b>	10

**LIVESTOCK**

	<b>Cattle</b>	<b>Sheep</b>	<b>Horses</b>	<b>Goats</b>	<b>Other Pigs</b>
<b>No. of Reports of Stock on Roads</b>	2	3			
<b>Instances - Returned to owners</b>	2	3			
<b>Impounded</b>					
<b>Vehicle accidents involving stock</b>					

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RANGER'S REPORT – OCTOBER 2016 [CONT'D]

**OTHER LIVESTOCK, WILDLIFE COMPLAINTS**

4 kangaroos euthanased after vehicle accidents.

**ABANDONED VEHICLES**

- One vehicle impounded from Moorwatha.
- Two vehicles removed by owners in Henty.
- Ten vehicles remain impounded.

**POLLUTION AND ENVIRONMENTAL INCIDENTS**

<b>Inspection conducted: Overgrown Vegetation Unsafe Land</b>	Jindera and Holbrook – unsightly and overgrown properties - 23 proposed Orders and 49 Orders issued.
<b>Pollution: Noise</b>	Culcairn– barking dogs – owners spoken to and addressing the issue. Holbrook- barking dogs.
<b>Pollution: Waste</b>	Holbrook – household items. No owner identified. Council to remove. Cookardinia – Wagga Road household waste, no owner identified, Council removed.

**ON-SITE SEWERAGE MANAGEMENT SYSTEMS**

<b>Inspection Type</b>	<b>No.</b>	<b>Compliant</b>	<b>Works required</b>	<b>Order Issued</b>	<b>Re-Inspection Required</b>
<b>OSMS Compliance Inspections</b>	2		2		2
<b>Pre-Purchase Inspections</b>	2		2	2	2
<b>OSMS Orders Compliance Inspections</b>	9	3			6

**OTHER WORKS CONDUCTED**

- Companion Animal registrations continuing to come in from the letters sent out and follow up.
- Menacing and dangerous dog compliance checks.
- Microchipping dogs and cats.
- Assisting the RSPCA with welfare of animals kept.
- Holbrook Show amusement ride inspections.
- RID online (Report Illegal Dumping online) updating with data entry.
- Illegal camping Holbrook, moved on twice with Police assistance.

**RECOMMENDATION**

That Part B of the Agenda be received and noted.



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## **PART C – COMMITTEE AND DELEGATE REPORTS**

Attached, in **ANNEXURE 19**, are notes of the following meeting:

- Petaurus Education Group Inc. Meeting Notes of scoping meeting for Botanical Gardens Walbundrie held on 2 December 2016.

### **DELEGATE REPORTS**

Nil.

### **RECOMMENDATION**

That Part C of the Agenda be received and noted.