



Greater Hume Shire

To:

ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL

WEDNESDAY, 20 JULY 2016

NOTICE is hereby given that an Ordinary Meeting of the Greater Hume Shire Council will be held at 4.30pm at the Community Meeting Room, Library Complex, Library Court, Holbrook.

Ms Julie Fischer, Mr Charles Rigg and Ms Robin McLean are listed to speak in the public forum in relation to Holbrook Airpark Development Application.

STEVEN PINNUCK
GENERAL MANAGER

ORDER OF BUSINESS TO BE CONSIDERED
REFER OVERLEAF

ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL

WEDNESDAY, 20 JULY 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 – 22 June 2016

6. ACTION REPORT FROM THE MINUTES

7. REPORTS FROM OFFICERS

PART A For Determination

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

PART B For Information

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

PART C For Information

8. MATTERS OF URGENCY

9. QUESTIONS ON NOTICE

10. CLOSED COUNCIL – CONFIDENTIAL REPORTS

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OFFICERS' REPORTS – PART A – FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. **MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT
SUBDIVISION - MOKKENTIN ROAD JINDERA**

Report prepared by Consultant Planner – Habitat Planning

REASON FOR REPORT

Council is in receipt of an application under Section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify an existing development consent 10.2003.261.2 relating to a staged 21 lot subdivision. The consent related to Lots 1021 in DP858646 and Lot 11 in DP621746 and as a result of this consent commencing, the two lots are now described as Lots 1 and 2 in DP1106498. The modification proposed specifically relates to Lot 2 and is addressed as Molkentin Road, Jindera. The applicant is Neil Wright from Wright Barrat and the landowner is Tim Phegan.

This report represents an assessment of the application under Part 4 of the EP&A Act made by town planning consultants Habitat Planning on behalf of Council. The application is being reported to Council because submissions have been received from the public following notification.

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 modification is a re-design of the approved 21 lots on Lot 2 DP1106498 to provide a drainage reserve for on-site stormwater retention and thus reducing the number of residential lots to 19. The application was accompanied by a Stormwater Management Report that addresses issues surrounding drainage and flooding.

The proposed modified subdivision plan is attached at **ANNEXURE 1**. Also attached with **ANNEXURE 1** is the original consent conditions.

CONSULTATION & REFERRAL PROCESS

The application was notified to adjoining landowners and given public notification. Two submissions were received as a result of this process.

Referral of the application was also made to NSW Rural Fire Service (RFS) as the lot is mapped as a bush fire risk.

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MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT SUBDIVISION -
MOLKENTIN ROAD JINDERA [CONT'D]

ENGINEERING COMMENT

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

- The proposed road to be constructed to Council's road design specifications, including semi-mountable kerb and gutter.
- Semi-mountable kerb and gutter to be constructed to Council specification in Molkentin Road east and west of the proposed new road intersection and match into the table drain at the intersection.
- As per condition 4(d) of the consent, DSP charges for water @ \$3,045 per lot making a total of \$54,810 (18 lots).
- As per condition 4(e) of the consent, DSP charges for sewer @ \$4,138 per lot making a total of \$74,484 (18 lots).
- Three new street lights are required within the court head, Molkentin Road intersection and in-between.
- Stormwater drainage to be directed to the proposed new road and proposed drainage reserve.
- Stormwater pipes and entry pits to be constructed along the proposed new road and dispersed into the drainage reserve.
- Proposed new road to be designed as an overflow stormwater drainage channel to cater for large storm events.
- A retardation/detention basin is to be constructed in the drainage reserve in the north east corner of the proposed subdivision.

Following submission of a Stormwater Management Report, the following additional comments were made by Council's Director of Engineering:

- A freeboard of 300mm is considered acceptable for this area as the proposed flood study has indicated that a level higher than this would be greater than a 1 in 500 year event. The 300mm freeboard is being proposed in Council's *Floodplain Risk Management Plan* for Jindera.
- The conceptual drainage layout as proposed in the report is considered acceptable in relation to dealing with the proposed flows. The proposed drainage/diversion channels have been appropriately sized (i.e. have been designed to manage the flows as determined by Council's Flood Study for Jindera i.e. 3.5m³/sec on side of Molkentin Road and 5m³/sec on the north).
- It is noted however that the proposed drain on the northern side of Molkentin Road has berms to protect the houses on Lot 1 and 19, however the stated height of these are currently only 200mm and should be 300mm (i.e. the same as the required freeboard).
- The proposed detention basin and spillway provides the capacity to ensure post development flows of the northern part of the site are not greater than predevelopment up to a 1 in 100 flood event. So there should be no impact on the upstream or northern neighbour.
- It must be noted that as no detailed designs have been presented, any design must ensure that the adjoining neighbouring properties drainage (i.e. east and west) is not impacted.

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MOLKENTIN ROAD JINDERA [CONT'D]

ASSESSMENT

A modification under Section 96(2) of the EP&A Act requires Council to consider the application against the requirements of Section 79C(1). The following represents that assessment.

- **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

State Environmental Planning Policy 55 - Remediation of Land (SEPP55) requires Council to consider the potential for any land proposed for development to be contaminated. There is no evidence or known specific locations within the subject land that may have been utilised for activities leading to potential contamination.

Consequently Council can be satisfied that further investigation of the land for potential contamination is not warranted.

Hume Local Environmental Plan 2001

The *Hume Local Environmental Plan 2001* ("the LEP") was the principal environmental planning instrument applicable to the original development application and therefore it is also applicable to the proposed modification. The relevant matters of the LEP are addressed as follows.

Clause 11 of the LEP requires Council not to consent to development unless it has made an assessment of the matters for consideration expressed in the *Consideration of Applications Development Control Plan*. The consideration of Section 79C(b) of the EP&A Act undertaken later in this assessment represents an appropriate response to this requirement.

Clause 20(2) of the LEP requires a development application for the subdivision of land. This in effect is satisfied by the granting of the original consent in 2004 (i.e. the consent to be modified).

The subject land is zoned Township by the LEP, for which the objectives are:

- *to define the town boundaries of Howlong, Jindera, Burrumbuttock, Gerogery and Brocklesby, and to maintain flexibility in land use controls, and*
- *to encourage and provide opportunities for population and local employment growth in the townships, and*
- *to implement Council's strategic directions for townships, and*
- *to ensure development maintains and contributes to the character of townships, and*
- *to protect the amenity of all residents, and*
- *to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.*

The objectives of the Township zone are aimed at encouraging a range of urban development opportunities to support village locations and the proposed subdivision is consistent with this.

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MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT SUBDIVISION -
MOLKENTIN ROAD JINDERA [CONT'D]

Clause 20(2) also requires that serviced lots created in a subdivision must be at least 600m² and all lots are compliant with this requirement.

Greater Hume Development Control Plan 2012

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
<p>Staging</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>No staging is proposed.</p> <p>No staging is proposed.</p>
<p>Movement network</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>The new road is designed in accordance with Council specifications. The road will be required to be constructed to meet Council's engineering standards.</p> <p>No lots front a main road.</p> <p>All lots are provided with frontage to a public road.</p> <p>The consent will be conditioned to require this.</p>
<p>Lot design</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>Council's Engineers have assessed the application and provide their conditional approval.</p> <p>Lot sizes in the proposed subdivision range from 620m² to 936m² and thus satisfy this standard.</p>

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MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT SUBDIVISION -
MOLKENTIN ROAD JINDERA [CONT'D]

DEVELOPMENT STANDARD	RESPONSE
<p>3. Lots are to be provided with legal and practical public road access.</p> <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>All lots have frontage to a public road and thus satisfy both these requirements. Lots 7 and 8 are shown with battle-axe handles for access but it is accepted that they are necessary having regard for the configuration of the lot being subdivided and the challenges this makes for subdivision design. Both the battle-axe handles are of a short length.</p> <p>The majority of the proposed lots are proportional with a good ratio of depth to frontage. Those lots with a narrower street frontage (particularly Lots 7, 8, 11 & 12) are of a larger size to compensate. Consequently all lots are considered satisfactory for the siting of future dwellings.</p> <p>The two lots with battle-axe handle access have widths of 5 metres and thereby comply with this standard.</p> <p>A building envelope with these dimensions can be accommodated on all lots proposed.</p> <p>The majority of the lots are aligned east/west which dictates that the long axis of future dwellings have the opportunity to face north. This maximises solar access. The remaining north/south orientated lots have sufficient depth to not be compromised for solar access opportunities.</p>
<p>Infrastructure & services</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 Jindera's reticulated town water supply.</p> <p>All lots will be connected to Jindera's reticulated town sewerage system.</p>

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MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT SUBDIVISION -
MOLKENTIN ROAD JINDERA [CONT'D]

DEVELOPMENT STANDARD	RESPONSE
<p>Hazards</p> <p>1. On land mapped as bushfire prone, compliance with the <i>NSW Rural Fire Service guide Planning for Bushfire Protection</i> (2006).</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</i> (2005).</p> <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>The lot being subdivided is mapped as a bush fire risk and consequently the application has been referred to the RFS. The agency does not object to the development subject to a number of conditions being imposed.</p> <p>The lot was anecdotally regarded as flood prone at the time of the original application and this has been confirmed with the 2015 Flood Study for Jindera. In this study most of the lot is predicted to flood to a depth of between 100 and 300mm in a 1 in 100 year ARI event. The site is also rated as a 'low hazard' and on the 'flood fringe'. All of this indicates the flood risk is low for residential development.</p> <p>The applicant has provided a Stormwater Management Report to address drainage. This report concludes that "<i>the requirement for deviating flood waters, storage and releasing flows at pre-developed rates has been achieved, in our opinion, noting that detailed design has not been completed at this early phase of the project.</i>" Council's Engineers are conditionally satisfied with the report.</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>Site management</p> <p>1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>.</p> <p>2. Compliance with <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils</i>.</p>	<p>Council's Engineers have assessed the application and provided 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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MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT SUBDIVISION -
MOLKENTIN ROAD JINDERA [CONT'D]

- **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	RESPONSE
Context setting &	✓	The subject land is located at the fringe of the Jindera township and is included in the Township Zone. The characteristics of the location are residential/rural living and the proposal is consistent with this residential use.
Access & parking	✓	All lots will have direct access to a new road (cul-de-sac). Parking is not an issue for the proposal being for residential purposes.
Roads & traffic	✓	All lots have frontage to a public road. The traffic generated by residential development of the 19 new lots can be accommodated by Molkentin Road. The intersection of Molkentin Road and Urana Street will not be compromised by the additional traffic generated by the subdivision.
Utilities	✓	The lots are provided with all urban infrastructure that is available in the Jindera township.
Heritage	✓	The lot is not a heritage place nor contains any heritage items.
Archaeology	✓	There are no known archaeological items on the lot. As is standard practice, if any items are discovered through construction of the subdivision then works shall cease until the item is investigated.
Stormwater	✓	The applicant has provided a Stormwater Management Report to address drainage. This report concludes that <i>"the requirement for deviating flood waters, storage and releasing flows at pre-developed rates has been achieved, in our opinion, noting that detailed design has not been completed at this early phase of the project."</i> Council's Engineers are conditionally satisfied with the report.
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 & Hume Councils</i> . The flatness of the site means there is a very low risk of erosion.
Flora & fauna	✓	Trees on the site have already been removed under the auspices of the original development consent. Consequently the habitat value of the subject land is now low and the amended subdivision will have no impact.

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MOLKENTIN ROAD JINDERA [CONT'D]

ISSUE	ACCEPT -ABLE	RESPONSE
Flooding	✓	The lot was anecdotally regarded as flood prone at the time of the original application and this has been confirmed with the 2015 Flood Study for Jindera. In this study most of the lot is predicted to flood to a depth of between 100 and 300mm in a 1 in 100 year ARI event. The site is also rated as a 'low hazard' and on the 'flood fringe'. All of this indicates the flood risk is low for residential development.
Bushfire	✓	The lot is mapped as being a bush fire risk. The RFS have no objection to the proposal subject to requested conditions being included on the consent.
Technological hazards	N/A	-
Safety, security & crime prevention	N/A	-
Privacy	N/A	-
Landscaping	N/A	-
Overshadowing	N/A	-
Land resources	✓	There are no known land resources beneath the lot.

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

The site is suitable for a residential subdivision as it is within the boundary of the Jindera township. Whilst flooding is an issue, the applicant has provided sufficient evidence to demonstrate that residential development can be accommodated on the subject land and thereby enhancing its suitability.

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

Two submissions have been received following the notification of the proposed subdivision.

The issues raised in these submissions include:

- Design, costs, timing and responsibilities for perimeter fencing.
- Flooding of adjoining properties.
- Utilities should take into account other future development in the vicinity (strategies to be prepared).

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MOLKENTIN ROAD JINDERA [CONT'D]

In response to these submissions:

- Fencing along common boundaries is a matter between the two landowners.
- The flood risk has been adequately addressed by the applicant.
- The developer will be responsible for providing utility services to the subject land in accordance with requirement of the utility provider.

• **79C(e) The public interest.**

It is in the public interest that the development of the land does not exacerbate any existing environmental impacts. In particular it is important that it adequately addresses drainage to ensure there are no consequences for nearby land or downstream areas as a result of flooding. The applicant has provided sufficient evidence to demonstrate that this won't be the case.

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.

RECOMMENDATIONS

That the following changes be made to development consent DA261-03/04-AM3:

- a. Replace condition 1 with the following to reflect the current modification:
Development shall be generally in accordance with the plans and accompanying information (including the Statement of Environmental Effects) consented to on 20 May 2004 except where modified by the approved plans and accompanying information submitted with modifications approved on 9 December 2004, 3 August 2005, 18 October 2006 and submitted with DA10.2003.261.2, and by the following conditions.
- b. Amend condition 2 as follows to ensure current lot references:
Following the reference to Lot 1 add DP1106498 and following the reference to Lot 2 add DP1106498.

Alter Condition 3 (a) to include after floodway "for events greater than 1%AEP".
- c. Delete condition 4(b) because it is redundant with the modification.

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MOLKENTIN ROAD JINDERA [CONT'D]

- d. Delete condition 4(g) because it is redundant with the subdivision approved on Lot 1 DP1106498.
- e. Amend condition 5(b) to reflect contributions to Village Water Supply (\$54, 810) and Jindera Sewerage Supply (\$74,484).
 - i. Alter condition 6 to include after conjunction, is "greater than".
 - ii. Alter Condition 8 to replace 5 years with 10 years .
 - iii. Alter Condition 10 to remove "as a result of the subdivision" and replace with unless approved
- f. Add the following four new conditions after Condition 15 under the heading of NSW Rural Fire Service:

RFS conditions

- a. *The development proposal is to comply with the subdivision layout identified on the drawing prepared by Wright Barrat numbered 15098, dated 24 March 2016.*
- b. *At the commencement of building works and in perpetuity all lots (including the drainage reserve) shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. A plan of management shall be created to ensure ongoing management of the drainage reserve.*
- c. *Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*
 - i. *Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1-2005 'Fire Hydrant Installations'.*
 - ii. *Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.*
- d. *Public road access shall comply with the following requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.*
 - i. *Road(s) shall be two wheel drive, all weather roads.*
 - ii. *Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.*
 - iii. *Public roads have a cross fall not exceeding 3 degrees.*
 - iv. *Non perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.*
 - v. *Curves of roads (other than perimeter roads) are a minimum inner radius of 6 metres.*
 - vi. *The minimum distance between inner and outer curves is 6 metres.*
 - vii. *Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.*
 - viii. *There is a minimum vertical clearance to a height of 4 metres above the road at all times.*

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MODIFICATION OF DEVELOPMENT CONSENT 10.2003.261.2 – 21 LOT SUBDIVISION -
MOLKENTIN ROAD JINDERA [CONT'D]

- ix. The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.*
- x. Dead end roads shall incorporate a 12 metre outer radius turning circle and be clearly signposted as a dead end.*

Reason for Conditions

The above conditions have been imposed:

- a. to ensure compliance with the terms of the environmental planning instruments;
- b. having regard for the requirements of any agency consulted as integrated development;
- c. having regard to Council's duties of consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, as well as Section 80A which authorises the imposing of the consent conditions; and
- d. having regard to the circumstances of the case and the public interest.

**ORDINARY MEETING OF GREATER HUME SHIRE COUNCIL
TO BE HELD AT THE COMMUNITY MEETING ROOM, LIBRARY COMPLEX,
LIBRARY COURT, HOLBROOK
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2. DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET HENTY (VARIATION TO MINIMUM LOT SIZE)

Report prepared by Consultant Planner – Habitat Planning

REASON FOR REPORT

Council is in receipt of a development application for a two lot subdivision in Henty for which the applicant is seeking a variation to the Minimum Lot Size (MLS). The subject land is described as Lot 227 in DP753741 and addressed as 1A Elm Street, Henty. The applicant is Spiire and landowner is J I Klemke.

This report represents an assessment of the application under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by town planning consultants Habitat Planning on behalf of Council. The application is being reported to Council because of the request to vary the MLS.

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 subdivide the land into two lots of 519.3m² and 494.5m². The larger lot will remain on the corner of Elm and Comer Streets and the smaller lot will have frontage to Comer Street and a laneway. Both Elm and Comer Streets are constructed to an urban street standard with full width seal and kerb and gutter. The two proposed lots are more or less square in shape with frontages of between 22 and 23 metres.

Two dwellings of a three unit development approved in 2005 have been constructed on the lot.

The proposed subdivision plan is attached at **ANNEXURE 2**.

Consultation & Referral Process

The application was notified to four adjoining landowners and no submissions were received from the notification process. Referral of the application was also made to NSW Rural Fire Service (RFS) as the lot is mapped as a bush fire risk. A Bush Fire Safety Authority (BFSA) has been issued for the proposal.

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET
HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

Engineering Comment

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

- A sewer charge of \$4,138 for the additional lot created is payable prior to the release of the Subdivision Certificate.
- Each lot shall be separately connected to Council's sewer.
- Lot 2 shall remain connected to the existing sewer located in the south west corner of the lot. The remaining sewer that services Lot 1 shall be disconnected.
- Lot 1 to be disconnected from the existing sewer and reconnected the new sewer main extension. The owner shall pay all costs to design, supply and install the new sewer main extension.

Assessment

The following represents an assessment of the application as required by Section 79C of the 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

State Environmental Planning Policy 55 - Remediation of Land (SEPP55) requires Council to consider the potential for any land proposed for development to be contaminated. There is no evidence or known specific locations within the subject land that may have been utilised for activities leading to potential contamination.

Consequently Council can be satisfied that further investigation of the land for potential contamination is not warranted.

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 RU5 Village by the LEP, as is the entire Henty township. The objectives of the RU5 zone are:

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

The objectives of the RU5 zone are aimed at encouraging a range of urban development opportunities to support village locations. In effect the development of the land has already occurred with the two dwellings and the subdivision is simply putting each on their own title.

Clause 4.1 requires that lots created in a subdivision must be at least the size specified on the MLS map. In this case the MLS for the subject land is 600m² and therefore the two lots are non-compliant with this requirement.

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HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

Clause 4.6 makes provision for Council to grant variations to development standards, which includes MLS. In seeking a variation the applicant must provide justification and demonstrate that the "*development standard is unreasonable or unnecessary in the circumstances of the case*". The reasons given by the applicant in this case are that the variance is minor and that consent for the development of the lot for a multi-dwelling development has already been granted. Within the context of the proposed subdivision, these grounds are considered satisfactory.

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.*

The subject land can be serviced by all necessary urban infrastructure, as confirmed by Council's Engineers. In addition, both lots have frontage to a sealed road and thus demonstrate an appropriate access and egress arrangement.

Greater Hume Development Control Plan 2012

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 relevant considerations.

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

DEVELOPMENT STANDARD	COMMENT
Staging	
1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.	No staging is proposed.
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.	No staging is proposed.

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

DEVELOPMENT STANDARD	COMMENT
<p>Movement network</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 are proposed in the subdivision.</p> <p>No lots front a main road.</p> <p>Both lots are provided with frontage to a public road.</p> <p>No roads are proposed in the subdivision.</p>
<p>Lot design</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>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>Council's Engineers have assessed the application and provide their conditional approval.</p> <p>The proposal is for just two lots.</p> <p>Both lots are provided with frontage to a public road.</p> <p>The 'type of development' is already established with two dwellings already on the lot. The proposed lots are square and accommodate the dwellings satisfactorily. Whilst the lots are less than the MLS expressed in the LEP they are adequate for the purpose.</p> <p>There are no battle-axe lots.</p> <p>A building envelope with these dimensions can be accommodated on each lot and contain the existing dwellings.</p> <p>Lot 1 will have excellent solar access facing both north and east. Lot 2 will have an eastern orientation to Comer Street and because the dwelling on this lot is sited towards the southern end, it will still achieve satisfactory solar access.</p>

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET
HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

DEVELOPMENT STANDARD	COMMENT
<p>Infrastructure & services</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>Both lots will be connected to Henty's reticulated town water supply.</p> <p>Both lots will be connected to Henty's reticulated town sewerage system. Some adjustments will be required to the existing sewer connections to the dwellings and this this will be reflected in conditions of consent.</p>
<p>Hazards</p> <p>1. On land mapped as bushfire prone, compliance with the <i>NSW Rural Fire Service guide Planning for Bushfire Protection</i> (2006).</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</i> (2005).</p> <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>The lot is mapped as a bush fire risk. The application has been referred to the RFS and this agency has responded and granted consent unconditionally.</p> <p>The lot is not flood prone.</p> <p>There is no evidence to suggest the lot is potentially contaminated and hence further investigation in this regard is not necessary. In any case, consideration of this issue should have been made with the application for multi-dwelling development on the lot in 2005.</p>

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

DEVELOPMENT STANDARD	COMMENT
Site management 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 & Hume Councils</i> .	Council's Engineers have assessed the application and provide their conditional approval. 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.

- **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 at the northern fringe of the Henty township. The land itself contains two dwellings being part of a three unit development approved in 2005 and modified in 2014. It is through where the 'middle' unit was proposed that the boundary dividing the two proposed lots runs. The characteristics of the location are residential and the proposal is consistent with this, particularly given two dwellings are already in place.
Access & parking	✓	Both lots will have access from a constructed urban street. Parking is not an issue for the proposal.
Roads & traffic	✓	Both lots have frontage to a public road, and in the case of Lot 1, frontage to two public roads. The traffic impacts from two dwellings is already established and the subdivision will not exacerbate that.
Utilities	✓	The lots are provided with all urban infrastructure that is available in the Henty township.
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 development of the two dwellings, this issue is not a concern for the subdivision.
Stormwater	✓	Stormwater from the two dwellings is already collected and conveyed to a point of discharge approved by Council. The subdivision itself will have no impact on stormwater.

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

ISSUE	ACCEPT-ABLE	COMMENT
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 & 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 hence the subdivision has no impact on flora and fauna.
Flooding	✓	The land is not flood prone.
Bushfire	✓	The lot is mapped as a bush fire risk. The application has been referred to the RFS and this agency has responded and granted consent unconditionally.
Technological hazards	N/A	-
Safety, security & crime prevention	N/A	-
Privacy	✓	The proposed dividing boundary is situated almost midway along the lot. Both existing dwellings will be set well back from this proposed boundary. Consequently the subdivision is considered to have no impact on privacy.
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 a two lot subdivision. Whilst the lots are non-compliant with the minimum lot size of 600m² they are still an adequate size and proportion to comfortably accommodate the two dwellings that already exist. The modest dimensions of the dwellings assist in this regard.

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

No submissions have been received to the notification of the proposed subdivision.

• **79C(e) The public interest.**

It is in the public interest for fully serviced urban residential land to be developed for residential purposes. Most, if not all, impacts on the surrounding area have already been imposed with the development of the two dwellings. The subdivision in many ways will be 'invisible'.

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET
HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

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.

RECOMMENDATION

That application DA 10.2016.64 for a two lot subdivision on land described as Lot 227 in DP753741 and addressed as 1A Elm Street, Henty be approved subject to the following conditions:

1. Development shall be generally in accordance with the approved plans and accompanying information (including the Statement of Environmental Effects), except where modified by the following conditions.
2. **Prior to the issue of a Construction Certificate** for any lot, the applicant shall provide to Council for approval:
 - a. Engineering plans, including those for alterations and connection to sewer.
 - b. A Soil and Water Management Plan prepared in accordance with Council's guidelines and that addresses:
 - i. The diversion of uncontaminated run-off around cleared or disturbed areas.
 - ii. The erection of a silt fence to prevent debris escaping into drainage systems or waterways.
 - iii. The prevention of tracking of sediment by vehicles onto roads.
 - iv. The stockpiling of topsoil, excavated material, construction and landscaping supplies and debris within the site, and the removal or utilisation (where appropriate) of that stockpile after completion of the works.
3. **Prior to the issue of a subdivision certificate** for any lot, the applicant shall provide to Council:
 - a. All easements necessary to ensure the supply of, and access to, services.
 - b. Written advice from Country Energy, Telstra, Origin Energy and Riverina Water indicating the availability of electricity, telephones, gas and water to the proposed allotments.
 - c. Payment of a Sewer Headworks charge of \$4,138.
 - d. Connection of all lots to the Henty Sewerage System.

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DEVELOPMENT APPLICATION 10.2016.64 – TWO LOT SUBDIVISION, 1A ELM STREET
HENTY (VARIATION TO MINIMUM LOT SIZE) [CONT'D]

- e. Connection of all lots to the Henty town water supply in accordance with the requirements of Riverina Water.
 - f. A written request from the applicant surrendering development consent 061-05/06 as modified by 10.2014.6.2 under Section 104A of the *Environmental Planning and Assessment Act 1979*.
4. Lot 2 shall remain connected to the existing sewer located in the south west corner of the lot. The remaining sewer that services Lot 1 shall be disconnected.
 5. Lot 1 to be disconnected from the existing sewer and reconnected the new sewer main extension. The owner shall pay all costs to design, supply and install the new sewer main extension.
 6. Written notice shall be given to Council seven (7) days prior to the commencement of any works on the site.
 7. This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.

Reason for Conditions

The above conditions have been imposed:

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

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**3. DEVELOPMENT APPLICATION 10.2016.71 – 13 LOT SUBDIVISION -
HOLBROOK AIRPARK**

Report prepared by Consultant Planner – Habitat Planning

REASON FOR REPORT

Council is in receipt of an application for a 13 lot subdivision at the Holbrook Airpark. 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.

This report represents an assessment of the application under the *Environmental Planning and Assessment Act 1979* (EP&A Act) made independently by town planning consultants Habitat Planning because of Council's ownership. The application is being reported to Council because it is the land owner and submissions have been received from the public following notification.

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 create 13 small allotments on Lot 2 DP1106498 within the Holbrook Airpark to provide additional development opportunities for users of the facility. All lots are square in shape with an area of 324m². They are aligned along the opposite side of a taxiway that currently services other airpark related development.

The proposed modified subdivision plan is attached at **ANNEXURE 3**.

Consultation & Referral Process

The application was notified to all landowners within the airpark and given public notification. Four submissions were received objecting to the application and two in support as a result of this process. Consideration of these submissions is given later in the report.

Engineering Comment

Council's Engineering Department has reviewed the application and advises:

- An engineering construction certificate is required to be submitted which will demonstrate how drainage from the development is to be addressed and provision for access to the allotments.

Assessment

A development application requires Council to make an assessment in accordance with the requirements of Section 79C(1) of the EP&A Act. The following represents that assessment.

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

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DEVELOPMENT APPLICATION 10.2016.71 – 13 LOT SUBDIVISION - HOLBROOK AIRPARK
[CONT'D]

State Environmental Planning Policies

State Environmental Planning Policy 55 - Remediation of Land (SEPP55) requires Council to consider the potential for any land proposed for development to be contaminated. There is no evidence or known specific locations within the subject land that may have been utilised for activities leading to potential contamination.

Consequently Council can be satisfied that further investigation of the land for potential contamination is not warranted.

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 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 more about 'fitting in' with the surrounding rural area.

Clause 4.1 of the LEP 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 100ha and consequently all lots are non-compliant. However **Clause 4.2AA** allows for lots less than the MLS to be created within the RU1 zone "*if the consent authority is satisfied that the use of the land after the subdivision will be the same use (other than a dwelling house or a dual occupancy) permitted under the existing development consent for the land.*" As the use of the land for an airpark is approved, Clause 4.2AA can be utilised to create the smaller lots. Subclause (3) requires that Council must not grant consent to development on land to which this clause applies unless it is satisfied in regards to a number of matters. An assessment of these matters is undertaken in the following table.

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DEVELOPMENT APPLICATION 10.2016.71 – 13 LOT SUBDIVISION - HOLBROOK AIRPARK
[CONT'D]

MATTER TO BE SATISFIED	RESPONSE
(a) the subdivision will not adversely affect the use of the surrounding land for agriculture.	The airpark is already established and the additional lots will not create any additional effects on the surrounding land.
(b) the subdivision is necessary for the ongoing operation of the permissible use.	The subdivision will create the opportunity for additional users of the airpark and enhance current operations.
(c) the subdivision will not increase rural land use conflict in the locality.	The airpark is a 'low use' facility that does not generate a large amount of activity and the additional lots are not expected to exacerbate current impacts.
(d) the subdivision is appropriate having regard to the natural and physical constraints affecting the land.	The airpark is of little environmental significance. It is situated on flat land and devoid of trees. The subdivision will exacerbate any existing environmental impacts.

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:

- (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.*

There is no reticulated water or sewerage at the airpark although it is noted that the lots proposed are for 'hangars only' with no infrastructure other than drainage.

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DEVELOPMENT APPLICATION 10.2016.71 – 13 LOT SUBDIVISION - HOLBROOK AIRPARK
[CONT'D]

Greater Hume Development Control Plan 2012

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
<p>Staging</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>The subdivision is not proposed in stages however the Master Plan in Chapter 11 of the DCP indicates a staged development of the airpark. The proposal is generally consistent with Stage 1 of the Master Plan.</p> <p>No staging of the subdivision is proposed.</p>
<p>Movement network</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 have requested an engineering construction certificate.</p> <p>No new roads are proposed. Access to the new lots is to be via an easement which will likely be at the rear of the hangars.</p> <p>Whilst the airpark itself has frontage to the Holbrook-Wagga Road, all of the lots are contained within the site.</p> <p>Lots will access a public road (Holbrook-Wagga Road) via an easement over the airpark site. The creation of public roads to service lots is not warranted having regard for their size and low level of usage.</p> <p>There are new roads and existing roads (Holbrook-Wagga Road) will not require upgrading as a result of the lots being created and subsequently developed with hangars only.</p>
<p>Lot design</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>Council's Engineers have assessed the application and requested an engineering construction certificate.</p> <p>All lots are proposed to be around 324m² in area. A range of lot sizes is not necessary at this stage of the airpark's development.</p>

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DEVELOPMENT APPLICATION 10.2016.71 – 13 LOT SUBDIVISION - HOLBROOK AIRPARK
[CONT'D]

DEVELOPMENT STANDARD	RESPONSE
<p>3. Lots are to be provided with legal and practical public road access.</p> <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>Legal and practical access to a public road from the lots is provided via an easement.</p> <p>The lots are designed to accommodate a hangar for a small aircraft and nothing else. The lots are square in shape to best suit the purposes for which they are being created.</p> <p>There are no battle-axe lots proposed.</p> <p>As the purpose of the lots is not for a dwelling, this control is not relevant.</p> <p>As the purpose of the lots is not for a dwelling, this control is not relevant.</p>
<p>Infrastructure & services</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 requested an engineering construction certificate.</p> <p>As the purpose of the subdivision is to provide 'hangar only' development, connections to a water supply is not required.</p> <p>As the purpose of the subdivision is to provide 'hangar only' development, it is not intended to connect the lots to a reticulated sewerage system or cater for the on-site disposal of effluent.</p>
<p>Hazards</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>The airpark is not mapped as a bush fire risk.</p> <p>The airpark is not flood prone.</p>

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DEVELOPMENT STANDARD	RESPONSE
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).	There is no evidence to suggest the land being subdivided is potentially contaminated and hence further investigation in this regard is not necessary.
Site management	
1. Compliance with the <i>Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i> .	Council's Engineers have assessed the application and requested an engineering construction certificate.
2. Compliance with <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils</i> .	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.

In addition **Chapter 11** of the DCP applies specifically to the airpark, the purpose of which is stated as "*to guide future development of the Holbrook Air Park precinct*". Much of the chapter relates to controls for buildings and structures as well as operational matters. The one control for subdivision is that "*land must be subdivided in accordance with the Holbrook Air Park Master Plan and the provisions of this DCP*". The Holbrook Air Park Master Plan ("the Master Plan") was prepared by Council in 2005 and involved an extensive consultative process with occupants and users of the airpark. The Master Plan was incorporated into the DCP with the preparation of the new LEP in 2012.

Chapter 11 of the DCP includes a plan showing the existing development at the air park as well as future development in three stages. Stage 1 represents the existing hangar complex as well as an additional 10 small lots. Stages 2 and 3 relate to additional hangar development within the southern and northern quadrants of the site respectively. The development applicant is consistent with the Stage 1 expansion although it proposes 13 lots rather than 10. Despite this discrepancy and having regard for the DCP acting as a guide only for development, the proposed subdivision is considered to be generally consistent with this Chapter of the DCP.

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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	RESPONSE
Context setting &	✓	The subject land is located within the airpark just north of Holbrook on the Holbrook-Wagga Road. It is not an agricultural land use and consequently it is prominent in the rural landscape. The airpark has however been established for a long time and the subdivision will not be out of context in this regard.
Access & parking	✓	All lots will have access to a public road via an easement. The purpose of the subdivision is to create small lots for 'hangar only' development. The demand for parking from such development is expected to be very low and restricted to the owner/lessee of the premises. Consequently parking is not an issue for the development.
Roads & traffic	✓	Access to the site is via the Holbrook-Wagga Road, which is a main road and constructed and maintained accordingly. The amount of traffic generated by development on the proposed lots is very small and will have no impact on the condition or function of the Holbrook-Wagga Road.
Utilities	✓	The lots are to be provided with no utilities because their purpose is to provide hangars only for small aircraft. There is no use other than storing aircraft.
Heritage	✓	The airpark is not a heritage place and does not contain any heritage items.
Archaeology	✓	There are no known archaeological items at the airpark. The likelihood of such items being present is low having regard for the lack of a watercourse being present.
Stormwater	✓	Whilst no details have been provided with the application, drainage will need to be provided for the lots created. This drainage can be relatively informal having regard for the characteristics of the site but will need to cater for stormwater generated by future hangars on the lots.
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 & Hume Councils</i> . The flatness of the site means there is a very low risk of erosion.

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ISSUE	ACCEPTABLE	RESPONSE
Flora & fauna	✓	The airpark is essentially devoid of trees and thus has a low habitat value in terms of native flora and fauna. Being a place catering for aircraft, trees are not something that should be encouraged.
Flooding	✓	The airpark is not flood prone.
Bushfire	✓	The airpark is not a bush fire risk.
Technological hazards	N/A	-
Safety, security & crime prevention	N/A	-
Privacy	N/A	-
Landscaping	N/A	-
Overshadowing	N/A	-
Land resources	✓	There are no known land resources beneath the subject land.

• **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 and is in accordance with a Master Plan for future development.

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

Six submissions (Refer to **ANNEXURE 4**) have been received (four objecting and two supporting) following the notification of the proposed subdivision. The issues raised in objection include:

- Hangars on the lots will not be CASA compliant for setbacks from the airstrip.
- Hangars would detrimentally impact on the value of others that have a residential component.
- The site for the lots is used for the mooring of a large airship that regularly stops at Holbrook on journeys between Sydney and Melbourne. This site within the airpark is preferred for a number of operational reasons. The visits by the airship have a significant economic and social benefit to the community. It is also used by powered parachutists.
- *"A hangar farm is not a nice, friendly or indeed honest way for a developer to acquire land in order to make money".*
- It will make the airfield too busy.
- Future hangars will be detrimental to the views from existing hangars/dwellings.
- The objectives of the RU1 zone are not met.

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- The criteria for considering a reduced lot size under clause 4.2AA of the LEP are not fulfilled.
- The objectives of the DCP are not supported.
- A similar proposal 10 years ago was rejected.
- The Statement of Environmental Effects accompanying the application is inadequate.
- The amenity of the airpark will be detrimentally affected by the industrial appearance the hangars on the new lots.
- The existing taxiway will not cope with the additional traffic.
- Vehicle traffic and parking is not adequately addressed in the application.
- Dimensions on the plans need to be definitive and not "*to be confirmed by survey*" as shown.
- Future development of the airpark should be done in consultation with existing owners/residents (the current application was a secretive process).
- There are alternative sites for 'hangar only' lots.
- Proposal does not indicate vehicle access to the lots (separate to the taxiway).

The issues raised in support include:

- There is demand for new 'hangar only' lots but there are none available.
- It will make the airpark more viable.
- The proposal is compliant with the Master Plan.
- Appearance of the airpark would benefit from a more uniform type of hangar.

In response to these submissions:

- The Master Plan prepared in 2005 was compliant with CASA standards and the proposed subdivision is generally consistent with this.
- Impact on property values is not a planning consideration and it is a held planning principle that 'you can't own a view'.
- Whilst the existing development at the airpark allows the opportunity for the mooring of the visiting airship where it does, this is in contravention of the endorsed Master Plan that clearly shows this location for future lots. It is noted that the Master Plan has been in place at the airpark for 10 years and the applicant is entitled to be confident that development in accordance with it will have a reasonable chance of success. It is noted that whilst it may be less convenient, there are other locations at the airpark that could be used for the airship and powered parachutists.
- The Master Plan anticipates that in the future the airpark will become quite substantial and consequently it is inevitable that it will get busier. As this happens infrastructure will need to be upgraded accordingly.
- It is acknowledged that there is some resistance to the proposal from existing owners/residents and this will potentially cause 'conflict' within the zone but this is not the point of the RU1 zone objectives. The airpark is not anticipated to cause conflict between it and other land uses in the vicinity and the nearest different zone is some distance away.
- See the assessment earlier in regards to Clause 4.2AA.

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- The hangars to be constructed upon the proposed lots in the future will have a visual impact in the sense that there will be buildings where previously none existed. However for the last 10 years the endorsed Master Plan has clearly indicated that this is what will occur. There are 13 controls in the DCP relating to buildings and structures at the airpark that will ensure they are designed and constructed to a high standard.
- The rejection of a previous proposal is irrelevant in terms of considering the current development application.
- The details provided in the Statement of Environmental Effects are brief but this hasn't prevented an appropriate assessment of the application being undertaken.
- The appearance of hangars as large sheds is unavoidable because of the dimensions necessary to accommodate an aircraft. There is already several large sheds within Stage 1 of the airpark.
- The existing load limit of the taxiway should be adequate to protect the surface with the small amount of additional aircraft traffic generated by development of the lots proposed.
- No details on vehicle traffic and access have been provided, but having regard for the simplicity of the type of development and the endorsed Master Plan, it is adequate to condition these matters to be addressed by the applicant prior to creating the lots.
- The dimensions shown on the plan are adequate for the purposes of development application assessment. Survey details will be provided later in the subdivision process.
- All landowners in the airpark were directly notified of the application and given the opportunity to comment. This is adequate for the purposes of receiving public opinion on the proposal.
- The grounds given in support of the application are noted, particularly the reference to adherence of the proposal with the endorsed Master Plan.

- **79C(e) The public interest.**
There are no matters of 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 application is supported for conditional approval.

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[CONT'D]

RECOMMENDATIONS

That consent be granted to development application 10.2016.71 for 13 new lots at the Holbrook Air Park subject to the following conditions:

1. Development shall be generally in accordance with the approved plans and accompanying information (including the Statement of Environmental Effects), except where modified by the following conditions.
2. Prior to commencing any subdivision construction works, a construction certificate is to be obtained in accordance with Section 81A(4)(a) of the Environmental Planning and Assessment Act 1979.
3. **Prior to the issue of a Construction Certificate** for any lot, the applicant shall provide to Council for approval:
 - a. A plan and design for the drainage of the lots.
 - b. A plan and design of the vehicle access to the lots.
4. **Prior to the issue of a subdivision certificate** for any lot, the applicant shall provide to Council:
 - a. An easement for vehicle access to the lots.
 - b. Evidence of construction of the vehicle access to all lots in accordance with Council specifications.
 - c. Demonstrate to Council that occupants of the hangers can access a communal ablutions facility. Further the applicant will demonstrate how this facility will be maintained.
 - d. complete works which are subject to the construction certificate.
5. Written notice shall be given to Council seven (7) days prior to the commencement of any works on the site.
6. This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.

Advisory Note: Council will restrict hangers to a specific size and uniform appearance through constraints on Title.

Reason for Conditions

The above conditions have been imposed:

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

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**4. DEVELOPMENT APPLICATION 10.2016.78 – CONSTRUCTION OF A SHED–
LOT 23 DP 2741 – 3 RAILWAY STREET WALLA WALLA**

Report by Building Surveyor – Russell Boyd

REASON FOR REPORT

Council has received a development application from Culcairn Steel Fabrication to construct a 135m² shed at Lot 23 DP2741, 3 Railway Street Walla Walla owned by Owen Scholz. This application is being forwarded to Council for determination because Council's Development Control Plan 2013 specifies a maximum size of 60m² for sheds on land zoned RU5(Village) with a building setback of less than 2.5metres on land with a width of at least 24 metres.

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 property is situated at 3 Railway Street Walla Walla. The subject site is 1770m² with a 28.2 metre width, relatively flat with an existing dwelling and small shed.

The subject land is zoned RU5 (Village) under the Greater Hume Local Environmental Plan 2013, is neither bushfire or flood prone nor has a biodiversity overlay.

The Greater Hume Development Control Plan 2013 states;

1. The total floor area of an outbuilding or outbuildings shall not exceed 60m².
2. Outbuildings shall not exceed 4500mm in height.

The method of construction entails construction of steel framed and colorbond clad building and will comply with the Building Code of Australia (BCA) as Class 10a building.

DETAIL OF PROPOSAL

The proposal is to construct a new shed on a residential allotment with a 1000mm setback from the eastern boundary. This building will have colorbond walls and roof and have a floor area of 135m². Refer to **ANNEXURE 5**.

The height of the shed at the eaves is 3500mm and 4500mm at the ridge.

The proposed shed as designed will comply with the structural requirements of Building Code of Australia (BCA) as Class 10a building.

NOTIFICATION AND REFERRAL PROCESS

Adjoining landowners were notified of the proposal in writing. No submissions were received by Council from the adjoining landowners.

The basis for referral of this application to Council for decision is that the building has a floor area of 135m² which is twice the size for a shed/s permitted under the Greater Hume Development Control Plan 2013 on land zoned RU5 (Village).

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– 3 RAILWAY STREET WALLA WALLA [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 RU5 Village under the Greater Hume Local Environmental Plan 2012. The relevant matters of the LEP are addressed as follows.

The objectives of the RU5 zone are:

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

The proposed shed is permitted with consent within the LEP as long as the structure is deemed to be in keeping with the objectives of the LEP.

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

Nil.

Development Control Plan

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

2 Residential Development:

STANDARD	ACCEPTABLE	COMMENT
2.1 Neighbourhood character	Yes	The proposed shed if constructed will be located in the rear yard of the allotment and will not be visible from the street. At 135m ² the shed will be slightly more than twice the size of the maximum 60m ² size permitted under Council's Development Control Plan.
2.2 Streetscape	Yes	The proposed shed will not be visible from the street and will not have any impact on the streetscape.
2.3 Site requirements	Yes	The proposed shed together with the existing dwelling and shed when constructed will be well under the maximum 45% site coverage allowed.
2.4 Building heights	Yes	The proposed shed wall height is 3.5m with the ridge height at 4.500m is at the maximum heights permitted under Council's Development Control Plan.

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STANDARD	ACCEPTABLE	COMMENT
2.5 Building setbacks	Yes	The proposed shed has a setback of 1000mm from the eastern boundary and exceeds all minimum setbacks from the front, western and rear boundaries. No other issues.
2.6 Privacy and amenity	Yes	No issues.
2.7 Landscaping	Yes	None proposed.
2.8 Private open space	Yes	No impacts.
2.9 Car parking and access	Yes	No issues.
2.10 Earthworks and drainage	yes	No issues.
2.11 Ancillary development	N/A	None.
2.12 Outbuildings	Yes	In this instance the shed will not have any adverse effect on the amenity of the occupants of the subject land or the occupants of adjoining allotments,
2.13 Development standards for particular land	No	Council's Development Control Plan has a maximum limit for sheds on this site of 60m ² . The shed at 135m ² although well in excess of the maximum permitted under Council's Development Control Plan is not considered as over development of the site by the author of this report due to the overall size of the allotment 1770m ² and the residential nature of the occupation of adjoining land.
2.14 Site facilities	N/A	None.
2.15 Security	✓	No issues.
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.

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- 7 Vegetation:**
Not applicable for this development.
- 8 Flood Liable Land:**
Not applicable for this development.
- 9 Heritage Conservation Areas:**
Not applicable for this development
- 10 Notification Policy:**
The development was notified to all adjoining properties. No submissions were received from the adjoining neighbours.
- 11 Site Specific Controls:**
Greater Hume Development Control Plan 2013.
- 12 Developer Contributions Plan:**
There is no 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	Yes	The proposed shed is situated at the rear of a very large allotment and is screened from the street and all but one adjoining allotment by existing buildings and established trees. The dwelling on the allotment that does not have the benefit of full screening is a double allotment and the dwelling is not in close proximity of the proposed shed and has partial screening from an existing tree on the allotment.
Access & parking	Yes	Access to the site is available from an existing public road.
Roads & traffic	Yes	The existing public road Railway Street is suitable to continue to service the development.
Utilities	Yes	All are available to the property.
Heritage	N/A	None.
Stormwater	Yes	Stormwater will be directed to the existing storm water drainage system for the dwelling.
Soils & erosion	Yes	No issues.
Flora & fauna	Yes	No impacts.
Flooding	Yes	No issues. The allotment is not flood prone land.
Bushfire	N/A	None.
Technological hazards	N/A	None.
Safety, security crime prevention	N/A	None.
Privacy	Yes	No issues.

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ISSUE	ACCEPTABLE	COMMENT
Landscaping	Yes	No additional landscaping is recommended for this development.
Overshadowing	Yes	None.
Land resources	N/A	There are no resources known to exist on the land.

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

A site inspection has been undertaken confirming that the property is suitable for the development having 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 received in relation to this development application.

79C(e) The Public Interest

The erection of this size shed on the land is not against the public interest and is still an appropriate use of the land and not in conflict with the aims of both Council's Local Environmental Plan and Council's Development Control Plan which endeavours to protect the residential character of the surrounding land.

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 the conditions,
2. Defer the application for further information or redesign, or
3. Refuse the application

In conclusion, if Council agrees with the recommendation contained in this report based on its own deliberations and approval is granted, the works will need to comply with the Building Code Australia (BCA) and the Local Government Act 1993 and appropriate conditions will need to be imposed on the consent.

In summary, the proposal does satisfy the objectives of the Greater Hume Local Environmental Plan 2012 and the Greater Hume Development Control Plan 2013 due to not unreasonable overall size of the proposed shed and the absolute minimal impact on the streetscape and adjoining properties.

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RECOMMENDATION

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979 Council consent be granted to Development Application 10.2016.78 for the construction of a proposed 135m² shed at 3 Railway Street, Lot 23 DP2741 Walla Walla.

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.

3. Construction - Hours of Work

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

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

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

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

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GENERAL CONDITIONS

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

4. Compliance with Construction Certificate

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

5. 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.

6. 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.

7. Construction – Maintenance and Clearing of Site

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

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DEVELOPMENT APPLICATION 10.2016.78 – CONSTRUCTION OF A SHED – LOT 23 DP 2741
– 3 RAILWAY STREET WALLA WALLA [CONT'D]

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.

8. Construction Certificate Required

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

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

9. 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.

10. 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.

11. Kerb and Gutter Protection

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

12. Erosion and Sedimentation Control

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

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

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– 3 RAILWAY STREET WALLA WALLA [CONT'D]

13. 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.

14. 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.

PRESCRIBED CONDITIONS OF CONSENT

The following conditions are known as “Prescribed Conditions” and are required by the Environmental Planning and Assessment Regulation 2000 to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Development Department who will be happy to advise you as to whether or not the conditions are relevant to your consent.

15. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).

16. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

17. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a. in the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of the Act,

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- b. in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

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

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

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.

20. 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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21. 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 3-2003, 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.

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5. SOUTH JINDERA LOW DENSITY RESIDENTIAL MASTER PLAN & AMENDMENT TO GREATER HUME DEVELOPMENT CONTROL PLAN 2012

Report prepared by Consultant Planner – Habitat Planning

REASON FOR REPORT

The reason for the report is to obtain Council's endorsement of the South Jindera Low Density Residential Master Plan & Development Control and to place the Master Plan and Development Control Plan on concurrent public exhibition.

REFERENCE TO THE DELIVERY PLAN

Action 3.1 To improve quality of life and sustain our populations.

DISCUSSION

As a result of initial interest in development of low density residential zoned land on the southern fringe of Jindera, Council resolved in October 2015 to engage a consultant team of Habitat Planning, Spiire and Peter Meredith Consulting to prepare the South Jindera Low Density Residential Master Plan ("the Master Plan"). The Master Plan sets the overall framework for new development as well as accompanying development controls, which will provide mechanisms for Council consideration against future development.

The study area for the Master Plan comprises four separate lots described as Lots 4 & 6 in DP240938 and Lots 30 & 31 on DP1062153, having a total area of 46.42 hectares. These lots are located immediately south of existing low density residential development along Pioneer Drive. Previous strategic planning for Jindera has identified the study area as being a preferred area for short term urban growth, albeit at a larger lot density than the conventional urban densities north of Pioneer Drive. Strategically, the intention for the study area is to provide a transition between conventional residential land to the north and rural zoned land to the south.

As each of the existing parcels are currently held in separate ownership, the framework ensures that each of the existing parcels can be developed separately, without resulting in any impact upon adjacent properties. Although it should be noted that some of the parcels (i.e. existing Lot 4 DP240938 and Lot 30 DP1062153) could only be developed after those lots which are recommended to comprise lead in infrastructure, such as new intersections at Pioneer Drive and Urana Road (i.e. existing Lot 6 DP240938 and Lot 31 DP1062153 respectively). The framework does not prevent the ability for multiple lots to be developed at once, either by a group of landowners or a future purchaser of multiple existing properties.

The present minimum lot size for the land is 4,000m², which was adopted as the default minimum lot size at the introduction of the *Greater Hume Local Environmental Plan 2012* for land zoned R2 Low Density. However, this is reflective of land which may not provide all residential services, such as reticulated sewer or water. It is generally recognised that in a fully serviced residential environment it is not inconsistent for a 2,000m² minimum lot size to be applied, in recognition of lots requiring less land to accommodate on-site services and the increased costs to developers for providing for such new infrastructure and services.

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SOUTH JINDERA LOW DENSITY RESIDENTIAL MASTER PLAN & AMENDMENT TO GREATER HUME DEVELOPMENT CONTROL PLAN 2012 [CONT'D]

The development of the study area would be provided with new road intersection and drainage infrastructure, to be funded by Council as needed and these costs recouped via a new site specific Development Contributions Plan. The land is also fully serviced with reticulated sewer, with a new main having been recently constructed by Council along the eastern frontage of the precinct. Likewise, reticulated water mains are available at both road frontages and can be extended to service the new lots. Development contributions would also be made towards open space provisions, including new footpaths at Pioneer Drive and Urana Road, as well as costs incurred by Council during the Master Plan preparation.

Given the availability of infrastructure and location of the land adjacent to the higher density urban area of Jindera, the Master Plan has investigated the potential for the minimum lot size zone to be reduced from 4,000m² to 2,000m² and consequently increase the lot density benefitting from the new infrastructure. An increased density would be consistent with the strategic vision of the Jindera, as it would remain a low density zone, would make more efficient use of the required urban infrastructure, and reduce the per lot contribution costs for the precinct. Notwithstanding this, it will remain a transitional area between conventional residential land to the north, and rural land to the south.

Both density outcomes are achievable within the parameters of the precinct, and can deliver upon the intended outcome of an integrated residential development. The existing minimum lot size density option (4,000m²) could deliver a lot yield of up to approximately 85 lots, while the decreased minimum lot size (2,000m²) option could deliver an increased yield of up to approximately 185 lots. Importantly, it has been found that given the scale of existing and proposed infrastructure to be provided to the land, the required development contributions costs to be apportioned would be much greater for a 4,000m² minimum lot size than 2,000m² minimum lot sizes.

The proposed Master Plan is provided at **ANNEXURE 6**. The consolidated South Jindera Low Density Residential Development Control Plan is also attached in full at **ANNEXURE 7**.

To give effect to the recommended framework, supporting development objectives and guidelines have been prepared as part of the Master Plan to allow Council officers to consider future development proposals against this framework. Council now insert these recommended controls at Chapter 11 (site specific matters) of the *Greater Hume Development Control Plan 2012*. The development controls for the South Jindera Low Density Residential area are contained at Section 5 of the Master Plan document.

It is advised that at the April Ordinary Meeting of Council it was resolve that Council would:

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.

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That planning proposal is nearing completion and will be submitted at the earliest opportunity. Anecdotally there has been some level of support given to Council from the Department of Planning and Infrastructure on the proposed change from 4,000 sqm to 2,000 sqm.

BUDGET IMPLICATION

Council has incurred a cost in the preparation of the DCP by consultants. These costs have been considered and endorsed previously by Council.

It should be noted that future preparation of a Section 94 Development Contributions Plan will include a mechanism for Council to recoup the costs incurred in preparing the Master Plan as future development is undertaken.

CONCLUSION

The Master Plan will set out a consolidated urban framework for the future growth precinct on the southern fringe of the town, consistent with the identified strategic vision for Jindera. The preferred urban framework presented will also provide for a new low density precinct which makes efficient use of infrastructure that is to be funded by Council.

RECOMMENDATIONS

That Council:

1. Council adopt the draft South Jindera Low Density Residential Master Plan for the purposes of public exhibition.
2. In accordance with Clause 18 of the Environmental Planning and Assessment Regulation 2000 concurrently exhibit the draft South Jindera Low Density Residential Master Plan and draft South Jindera Low Density Residential Development Control Plan.
3. In the event no submissions are received and no alterations are required to the draft Development Control Plan, adopt the draft Plan as the final Plan.

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6 QUESTION ON NOTICE – DEBRIEF – OPERATION OF COUNCIL'S PUBLIC SWIMMING POOLS 2015/2016 SEASON

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

This report responds to a question on notice that requested a debrief of pool users to ascertain issues encountered during the operation of the Council swimming pools for the 2015/2016 swimming pool season. A debrief was undertaken during a telephone conversation between the author and a member of the Jindera Swimming Pool Committee and through a conversation with Council's lessee Terry Melbourne.

REFERENCE TO DELIVERY PLAN

Goal 5 Maintain and improve our sports and recreation Facilities

DISCUSSION

From the debriefing exercise it was discovered that the following matters were a concern during the 2015/2016 swimming pool season:

- The employment of younger persons as lifeguards presents an issue it was felt that they were less likely to monitor swimmers to the same extent as older lifeguards. Further they may not have the judgment skills to know to intervene when other young people become over exuberant in their use of the pool. Finally, young people are likely to be more defiant towards a young person who is trying to exert some authority over them;
- Not having the swimming pool kiosk leased at Jindera meant that lifeguards were distracted from their lifeguard duties when collecting money;
- Not having a lessee for the Jindera swimming pool kiosk lessened the enjoyment of the facility for patrons;
- Signage should be provided to advise parents that it is their responsibility to supervise their children;
- The age of the Henty and Holbrook facilities has caused some operational issues;
- Solar heating was slow to heat the water at the beginning of the season.

As part of the debriefing exercise the author tried to formulate some solutions with the participants and solutions to some of the issues were discussed which are listed below:

- It was acknowledged that due to the seasonal nature of swimming in Greater Hume that there would always be a reliance on employing younger lifeguards. Therefore strategies will need to be developed to better support these employees. For example, it was discussed that Council's lessee Terry Melbourne would undertake enhanced training of all lifeguards, both his own and potentially Council's. Council is also hoping to employ a senior lifeguard at Jindera to provide more support for the other lifeguards.
- Council would be prepared to obtain signage indicating that parents are responsible for supervising their young children.
- A concerted effort will be made to find a lessee for the Jindera swimming pool kiosk.
- Facilities at Henty and Holbrook will be redeveloped however this work won't be completed until the 2017/2018 swimming pool season.

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QUESTION ON NOTICE – DEBRIEF – OPERATION OF COUNCIL'S PUBLIC
SWIMMING POOLS 2015/2016 SEASON [CONT'D]

BUDGET IMPLICATIONS

Employing a senior lifeguard will not have an adverse effect on the budget as Council's recurrent budget has the capacity to accommodate this change.

CONCLUSION

Council will implement the suggestions that have been discussed during the debriefing exercise. It is hoped that these changes will result in improvements to the operation of Council's swimming pools for the upcoming swimming season.

RECOMMENDATION

That the contents of this report be received and noted.

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GOVERNANCE

6. LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - SUNDAY 16 TO TUESDAY 18 OCTOBER 2016

Report by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Councillors that the Local Government NSW Annual Conference will be held from Sunday 16 October to Tuesday 18 October 2016.

REFERENCE TO DELIVERY PLAN ACTIONS

Nil

DISCUSSION

The Local Government NSW Annual Conference will be held from Sunday 16 October to Tuesday 18 October 2016 at the WIN Entertainment Centre, Wollongong.

Motions

Council has the opportunity to submit motions for consideration at the Conference.

The Board has resolved that motions will be included in the Business Paper for the Conference where they:

- a. are consistent with the objects of the Association (rule 4 of the Association's rules);
- b. relate to Local Government in NSW and/or across Australia;
- c. concern or are likely to concern local government as a sector;
- d. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
- e. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- f. are clearly worded and unambiguous in nature; and
- g. do not express preference for one or several members over one or other several members.

Motions from councils are generally required to be submitted towards the end of August.

A proposed motion has already been received from Cr Wilton which has been reproduced below:

Changing Places

"That LGNSW make urgent representations to the Premier of NSW, Minister for Local Government and the Minister for Disability Services, to request that their departments begin making provision in the NSW budget for planning and construction of a "Changing Place", at least in each local government area throughout NSW."

Notes

Changing Places are purpose built toilet and bathing facilities for profoundly disabled children and adults, who are travelling for family or social occasions, or for those who need to travel for medical appointments, often for several hundreds of kilometres to hospitals in the regions or cities.

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Currently, disabled toilets or similar are simply unsuitable due to their small size, lack of cleanliness, inaccessibility and lack of proper facilities such as a hoist, high-low bench and adequate washing facilities etc.

Changing Places are accessed with a special key, obtainable by request, and with the proviso of demonstrated need. I would hope that we as a State would not require donors or sponsors to assist with the costs, as Council think that such facilities are essential for the disabled, just as are adequate toilet facilities for able bodied people. And nobody expects those facilities to be funded by sponsorship!

Most people with a disabled family member need to travel with many medical aids, including a wheelchair taking up space in a motor vehicle. When a toilet stop is necessary, sometimes at a less than clean place and usually on the floor, it is not best of experiences. Council sincerely hope that you all appreciate the need for this essential facility for profoundly disabled children and adults.

Furthermore Cr Quinn has also foreshadowed his intention to submit a motion tying water to land. Accordingly it is requested that Councillors submit proposed motions to the General Manager by Friday 29 July 2016 to enable investigation (if required) and a report to be prepared for consideration at the August Council meeting to be held on 17 August 2016.

Attendance

Generally Council approves the attendance of the Mayor and Deputy Mayor as voting delegates and the General Manager and one other Councillor as observers for the annual Conference of the peak local government body in NSW. For the last two years Council approved Cr Osborne as an additional delegate due to her position on the LGNSW Board. Recently Cr Osborne has been reappointed to the LGNSW Board for a further two years.

In recent years attendance has been restricted to the Mayor, Deputy Mayor, Cr Osborne (as the other Councillor) and the General Manager. However, as Council has been significantly underspent in its Conferences expenditure allocation in the past, it may be appropriate to consider sending an additional Elected Member.

2015 Conference

Council submitted two motions to the 2015 Conference and motions are the responses in the Action report are outlined below.

60 Greater Hume Shire Council – Amendments to Rural Fires Act

That LGNSW seeks to have Section 86 Rural Act 1997 and Clause 33 Rural Fires Regulation be amended to remove the requirement to notify before certain fires can be lit in circumstances where no fire risk is prevalent outside of bush fire danger periods.

Carried

Included in letter to Hon David Elliott MP, NSW Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs dated 5/11/2015.

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The NSW Minister for Corrections, Minister for Emergency Services and Minister for Veterans Affairs, the Hon David Elliott, responded on the 21 March 2016, as follows:

"Notification requirements about certain fires being lit ensure that NSW RFS Fire Control Centres and brigades are aware of controlled burns in the event of a Triple Zero call in order to avoid emergency responses being despatched to controlled fires. The notification process also provides the NSW RFS with an opportunity to provide advice to landowners on matters such as forecast weather conditions before they light a fire, because of the inherent risk when any fire is lit.

I understand the NSW RFS has written to you in relation to an alternate approach to funding allocations for implementation in the 2016/17 financial year. I am advised the proposed model seeks to assist Local Government in relation to the timing of budget allocations and associated contributions. This model would allow earlier notification of individual council contributions and avoid the current peaks and troughs in funding allocations that are created by the current model. If the new approach is agreed to, I encourage Local Government NSW to engage with the NSW Rural Fire Service with a view to implementing the new model as soon as possible."

80 Greater Hume Shire Council – Diverting Coastal Rivers

That LGNSW urges the NSW Government to investigate the concept of diverting coastal rivers inland where possible during times of excess flows.

Carried

Included in letter to Hon Niall Blair MLC, NSW Minister for Primary Industries, and Minister for Lands and Water dated 5/11/2015.

The NSW Minister for Primary Industries and Minister for Lands and Water, the Hon Niall Blair, responded on the 17 February 2016, as follows:

"The NSW Government undertook reviews of the feasibility of proposals to divert coastal streams inland in the 1980s, which concluded that there were a number of physically practicable schemes. However, they were shown to be too costly and incur significant environmental impacts. The Snowy Mountains Engineering Corporation further reviewed the potential for diversions from the Clarence River to south-east Queensland in 2007.

These investigations also concluded that "The wide ranging economic, environmental and social implications of diverting rivers and piping water make such projects prohibitively expensive, and socially and environmentally disruptive.

The NSW Government has committed \$1.25 billion to water security through town water supply, wastewater treatment and dam safety infrastructure projects."

Responses to all motions carried at the 2015 Conference can be found at the following link:
<http://www.lgnsw.org.au/files/imce-uploads/90/2015-Action-Report.pdf>

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LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - SUNDAY 16 TO TUESDAY 18 OCTOBER 2016 [CONT'D]

BUDGET IMPLICATIONS

Expenditure allocations are included in the 2016/2017 Budget to enable Councillor and senior staff attendance at Conferences.

CONCLUSION

The annual conference of NSW Local Government is an excellent forum to raise issues affecting local government and Council should be represented and give consideration to formulating motions to put forward.

RECOMMENDATION

1. That the Mayor and Deputy Mayor attend the Local Government NSW Annual Conference as voting delegates and Cr Osborne and General Manager as Observers
2. Council give consideration to approving the attendance of an additional observer this year and
3. Councillors submit proposed motions to the General Manager by Friday 29 July 2016 to enable a report to be submitted to the August Council meeting for consideration.

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2. PROPOSED CHANGE OF VENUE - AUGUST COUNCIL MEETING

Report by General Manager – Steven Pinnuck

REASON FOR REPORT

For Council to consider changing the venue of the August Council meeting from Culcairn to Holbrook.

REFERENCE TO DELIVERY PLAN ACTIONS

Nil

DISCUSSION

As the August Council meeting will be last meeting of the current local government term it has been requested that the meeting be transferred from Culcairn to Holbrook to enable a dinner to be held immediately following the meeting.

BUDGET IMPLICATIONS

Nil

CONCLUSION

This is an administrative matter only.

RECOMMENDATION

That the August ordinary meeting of Council to be held on Wednesday 17 August 2016 be transferred from the Council Chambers, Culcairn to Community Meeting Room at Holbrook.

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3. PROPOSED HOLBROOK COMMUNITY COMMITTEE

Report by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Council of action taken to establish a community based Committee in Holbrook following the winding up of the Holbrook Bypass Committee earlier this year.

REFERENCE TO DELIVERY PLAN ACTIONS

Strategy 1.1 Improve community participation in decision making.

DISCUSSION

As Councillors would be aware the Holbrook Bypass Committee was wound up earlier this year and at that time it was determined to ascertain whether there was sufficient community interest to establish a community based Committee.

Council initiated a community meeting on 4 April 2016 and approximately 25 interested local residents attended. From this meeting a Steering Committee was elected comprising the following people:

- Trevor Liddell
- Warren Thompson
- Trent Geddes
- Jacqui Graham and
- Gail Chenoweth

The Steering Committee met on 12 April to consider the best structure for a community based Committee in Holbrook and it is their view that a Reference Committee to Council, similar to a number of other committees, would be the most appropriate at this time. A copy of the minutes of the Steering Committee is attached as **ANNEXURE 8**.

The Steering Committee have also worked with Council to develop a draft 'Terms of Reference' which is also included as **ANNEXURE 9** for Councillors information.

Expressions of Interest (EOI) from interested community representatives have now been sought through advertisement in the Holbrook Happenings and will be received up to 31 July 2016.

The Committee is to consist of at least five and up to nine local citizens representative of the various demographic groups to ensure a broad community and business representation including where possible each of the following five groups:

- Rural
- Young Families
- Senior Citizens
- Business

BUDGET IMPLICATIONS

Nil

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PROPOSED HOLBROOK COMMUNITY COMMITTEE [CONT'D]

CONCLUSION

With the winding up of the Holbrook Bypass Committee it would seem appropriate that a broad based community Committee be established in Holbrook to consider issues important to and affecting the Holbrook Community and make recommendations to Council regarding the allocation of resources for expenditure within the Holbrook and district.

RECOMMENDATION

That the report be received and noted.

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CORPORATE AND COMMUNITY SERVICES

1. REQUEST TO AMEND NON RESIDENTIAL SEWER AND LIQUID TRADE WASTE CHARGES

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

REASON FOR REPORT

To present a request from the owners of the Jindera Plaza Shopping Centre to review the amount levied for non-residential sewer and liquid trade waste charges for the period November 2015 to March 2016.

REFERENCE TO DELIVERY PLAN ACTION

Not Applicable

DISCUSSION

Council has received correspondence from the owners of the Jindera Plaza Shopping Centre in relation to non-residential sewer and liquid trade waste charges levied for the period November 2015 to March 2016. The charges were based on an abnormally high water consumption of 3,479kls or a daily average of 27.39kls.

The owners of the Plaza have written to Council seeking to have the amount of non-residential sewer and liquid trade waste charges reduced on the basis that an error in the programming of the sprinkler system connected to gardens within and adjacent to the carpark had resulted in an abnormally large amount of water being used on the gardens. Council's Manager of Water & Waste Water has confirmed that he has personally witnessed water running across the asphalt pavement of the carpark. Indeed, it was through the personal observations of Council's Manager Water & Waste Water that the property owner was first made aware of the problem with the automatic sprinkler system.

A review of water usage at the site for the preceding two years indicates an average daily usage of 3.4kls compared to the average usage of 27.39kls per day during the November 2015 – March 2016 billing period. This clearly indicates that the excessive water usage during this period is an abnormality.

Given the issues with the automatic sprinkler system, the property owner acknowledges that the water was consumed on his property and as such the account rendered by Council for the water consumption being \$8,349.60 will remain due and payable. However, given that the water consumption figure is the main determinant when calculating non-residential sewer and liquid trade waste charges it is considered reasonable that these charges should be reviewed.

Non-residential sewer and liquid trade waste charges are based on the fact that a percentage of water consumed within a property makes its way into Council's sewerage system. Given that most commercial properties have little if any outside water usage, this percentage, known as the Sewer Discharge Factor is 95% meaning that 95% of water consumed makes its way into the sewerage system. A similar philosophy applies to Liquid Trade Waste charges.

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REQUEST TO AMEND NON RESIDENTIAL SEWER AND LIQUID TRADE WASTE CHARGES
[CONT'D]

As mentioned, it would appear in this case that the vast majority of the excessive amount of water consumed during the November to March period was used on the gardens in and around the carpark and was not used within the plaza buildings. That being the case it is reasonable to assume that the amount of water actually entering Council's sewerage system was no higher than that which would have occurred during previous billing periods. It is therefore recommended that the charges for non-residential sewer and liquid trade waste of \$4,494.87 and \$5,009.76 respectively be reviewed as follows:

Non-residential Sewer Charge

Current charge 3,479kls @\$1.36 x 0.95 Sewer Discharge Factor =\$4,494.87

Proposed Charge 432kls* @\$1.36 x 0.95 Sewer Discharge Factor = \$558.14

*Noted. The consumption of 432kls is based on an average consumption of 3.4kls per day for 127 days of the November 2015 to March 2016 billing period.

Liquid Trade Waste Charges

Current charge 3,479kls @\$1.60 x 0.90 Discharge Factor =\$5,009.76

Proposed Charge 432kls* @\$1.60 x 0.90 Discharge Factor = \$622.08

Based on the above calculations, total non-residential sewer and liquid trade waste charges would reduce by \$8,324.41.

BUDGET IMPLICATIONS

The amendments to water usage charges referred to in this report would result in a reduction in charges of \$8,324.41 and would therefore impact on total revenue for the Greater Hume Sewer Fund.

CONCLUSION

It would appear that the vast majority of the excessive amount of water consumed during the November 2015 to March 2016 period at the Jindera Plaza was used on the gardens in and around the carpark and was not used within the plaza buildings. It is therefore recommended that the charges for non-residential sewer and liquid trade waste of \$4,494.87 and \$5,009.76 respectively be amended.

RECOMMENDATION

That the non-residential sewer and liquid trade waste charges levied to the Jindera Plaza, Assessment Number 10017549 be adjusted to \$558.14 and \$622.08 respectively for the period November 2015 to March 2016.

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2 DAVID & CHERYL PAECH – LEASE OF LAND

Report prepared by Manager Corporate Services – Suzanne Klemke

REASON FOR REPORT

To seek Council endorsement to enter into a Lease 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

Council is in receipt of correspondence from David & Cheryl Paech requesting consent to re-enter a lease arrangement with Greater Hume Shire Council for Lot 136 DP 753764, being part of the Gum Swamp Reserve 1003019, Walla Walla for a term of five years. Map attached in **ANNEXURE 10**.

The former Culcairn Shire Council, as the Trustee of Reserve 1003019 Walla Walla Gum Swamp for Public Recreation or Conservation, had previously leased this parcel to the Paech Family for a number of years. The lease agreement has expired and the agreement not renewed.

DAVID & CHERYL PAECH – LEASE OF LAND [CONT'D]

The lessee is responsible for the control and minimisation of grass levels for fire mitigation, controlled grazing and maintenance of structures and fencing in accordance with Council's lease agreement, of which Mr & Mrs Paech have previously complied.

The remaining section of the Walla Walla Gum Swamp Reserve is managed by the Walla Walla (Gum Swamp) Management Committee. Correspondence has been forwarded to the committee to advise that Council has received the request and that consideration of the request is being undertaken.

As the land in question is Crown Land held under trusteeship, Council is required to obtain permission from the Crown Lands Division to enter into a lease in accordance with the Crown Lands Act 1989 - Sec 102 (d) which states:

*"A reserve trust may not sell, lease or mortgage land, or grant an easement or a licence (except a temporary licence) in respect of land, comprising the whole or any part of the reserve unless:
(d) the Minister has consented in writing to the proposal."*

BUDGET IMPLICATION

As a minimum, it is likely that a slight rental increase will be imposed in accordance with the Crown Lands Act 1989 which will not be material in respect of Councils income.

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DAVID & CHERYL PAECH – LEASE OF LAND [CONT'D]

CONCLUSION

Approval is now sought to proceed with the preparation of the new Licence in accordance with Crown Lands Division of Department of Primary Industries. Upon completion the Licence will be forwarded to the Minister for consideration.

RECOMMENDATION

That

1. Council resolve to enter into a new Lease for Lot 136 DP 753764 being a section of Walla Walla Gum Swamp Reserve 1003019 to David & Cheryl Paech for a 5 year term.
2. Correspondence be forwarded to the Crown Lands Division of Department of Primary Industries seeking approval from the Minister to enter into a Lease for Lot 136 DP 753764 being a section of Walla Walla Gum Swamp Reserve 1003019 for a 5 year term.
3. The Mayor and General Manager be authorised to sign the Lease to the David & Cheryl Paech for a section of Walla Walla Gum Swamp Reserve 1003019 under the Common Seal of Council.

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**3. SEWER EASEMENT – PROPOSED EASEMENTS WITHIN LOT 31 DP 1062153,
LOT 4 DP 240938, LOT 30 DP 1062153, LOT 33 DP 1099619, JINDERA**

Report prepared by Manager Corporate Services – Suzanne Klemke

REASON FOR REPORT

To seek Council approval for the execution of documents for the acquisition of easements affecting private land.

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 5.2.11.1 Manage waste water and effluent in a sustainable manner.

DISCUSSION

The Jindera Trunk Sewer (Pioneer Drive to Stockwell Road) has been completed and will provide the infrastructure to allow the sewerage of land in the existing and proposed industrial estate, as well as the masterplan area on Urana Road. A critical aspect of the project is securing an easement over private land. Council staff has negotiated with the landowners in this regard and Council is requested to consent to the signing and registration of the Deed of Agreement for Acquisition of Sewer Easement over Lot 31 DP 1062153, Lot 4 DP 240938, Lot 30 DP 1062153, and Lot 33 DP 1099619, Jindera.

Accordingly, it is a requirement that the Deed of Agreements for Acquisition of Sewer Easement be executed by the Mayor and General Manager under the Common Seal of Council.

BUDGET IMPLICATION

No impact on budget as all costs are included within project estimates.

CONCLUSION

It is a requirement under the Local Government Act 1993 that Council acquisition of interests in property requires a resolution of Council.

The acquisition of the easements will proceed by way of agreement with the landowner and the Deed of Agreements entered into setting out the undertakings of both parties to do all things necessary to affect registration of the easements, provide access to Council staff and contractors for the purposes of constructing, installing or otherwise carrying out works necessary for the installation and maintenance of sewage infrastructure.

The Deed and Transfer Granting Easements documentation have been prepared by Council's solicitor, with all costs associated with creation and registration of the easement to be borne by Council.

Approval is now sought from Council for the Deed of Agreements for Acquisition of Sewer Easement to be executed by the Mayor and General Manager under the Common Seal of Council.

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SEWER EASEMENT – PROPOSED EASEMENTS WITHIN LOT 31 DP 1062153, LOT 4 DP 240938, LOT 30 DP 1062153, LOT 33 DP 1099619, JINDERA [CONT'D]

RECOMMENDATION

That the Mayor and General Manager be authorised to execute the Deed of Agreement for Acquisition of Sewer Easement over Lot 31 DP 1062153, Lot 4 DP 240938, Lot 30 DP 1062153 and Lot 33 DP 1099619, Jindera under the Common Seal of Council.

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2. POLICY DEVELOPMENTS

Report prepared by Manager Corporate Services – Suzanne Klemke

REASON FOR REPORT

To present new and revised policies for consideration.

REFERENCE TO DELIVERY PLAN ACTION

Not Applicable

DISCUSSION

Development and enhancement of Council's Policy Register is continuing. The following policies are now presented for consideration by Council:

1. Street Stall Policy (Revised policy)

The purpose of the Street Stall Policy is to provide guidelines to community groups for the use of public footpath areas for street stalls, raffle ticket sales and door knock appeals.

A minor amendment to the existing policy to reflect the newly developed application form to conduct Street Stalls, Raffles and Door Knocks within the Greater Hume Shire area.

2. Document Control Policy (Reviewed policy)

The purpose of this policy is to ensure Council's key documents are standardised and document controlled to ensure that current version is readily available.

A minor amendment to correct the title of the responsible officer for Document Control within Greater Hume Shire Council.

3. Customer Service Policy (Reviewed policy)

The purpose of the Customer Service Policy is to ensure the provision of a high level of customer service to Council customers.

No changes have been made to the existing Policy.

4. Complaints Handling Policy (Reviewed policy)

The purpose of the Complaints Handling Policy is to ensure the provision of high quality service. The feedback, including complaints, will be used to evaluate and improve the services offered by Greater Hume which will improve the performance of and increase the level of public confidence in Council.

No changes have been made to the existing Policy.

5. Core Staff Numbers (Reviewed policy)

The purpose of the Core Staff Numbers Policy is to formally record the core staff numbers applicable to Greater Hume Shire Council as at 26 May 2004.

No changes have been made to the existing Policy.

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POLICY DEVELOPMENTS [CONT'D]

6. Transfer Notice Access Policy (Now Obsolete)

The purpose of the Transfer Notice Access policy was to provide guidelines with regard to access of property sales information contained in a Notice of Transfer which is generally provided to Council by way of Solicitors or Land & Property Information. Land & Property Information have now digitalised their records and this information is freely accessible by the general public and Valuers, Real Estate Agents and bodies with interests in property sales.

Given the availability online for property sales information, this policy is no longer required and deemed obsolete.

7. Access to Information Policy (Reviewed Policy)

The purpose of the Access to Information Policy is to ensure Council is committed to being transparent and proactive when disclosing and disseminating Council information at the same time as having respect for the privacy of individuals.

No changes have been made to the existing Policy.

8. Staff Uniform Policy (Reviewed Policy)

The purpose of the Staff Uniform Policy is to enhance the image of Council employees through the provision of assistance when purchasing of approved corporate Local Government Uniforms.

Minor amendment to include a Scope statement for the policy.

All policies are included as **ANNEXURE 11**.

BUDGET IMPLICATIONS

There are no direct budget implications resulting from the adoption of the above policies.

CONCLUSION

The continual review and development of Council policies is essential to ensure adequate internal control systems are in place and for Council to remain abreast of emerging trends and issues with the local government sector.

RECOMMENDATION

That:

1. The Greater Hume Shire Council Street Stall Policy be adopted.
2. The Greater Hume Shire Council Customer Service Policy be adopted.
3. The Greater Hume Shire Council Complaints Handling Policy be adopted.
4. The Greater Hume Shire Council Core Staff Numbers Policy be adopted.
5. The Greater Hume Shire Council Transfer Notice Access Policy be removed from Councils Policy Register and noted as Obsolete.
6. The Greater Hume Shire Council Access to Information Policy be adopted.
7. The Greater Hume Shire Council Staff Uniform Policy be adopted.

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3. JINDERA PRE SCHOOL ASSOCIATION INCORPORATED – LEASE RENEWAL

Report prepared by Manager Corporate Services – Suzanne Klemke

REASON FOR REPORT

To seek Councils consent to renew a Lease with the Jindera Pre School Association Incorporated.

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

In 1991 the former Hume Shire Council entered into a lease with the Jindera Pre School Association Incorporated for a parcel of land being Lot 121 DP 801547, Jindera. The 25 year lease expired on 31 December 2015.

Council owns the land upon which the community based pre-school operates. However, the Jindera Pre-School committee fundraised for many years to enable the construction of the existing building and as such Council agreed that the lease be for a nominal amount of \$10.00 per annum. It is recommended that Council continue this arrangement to assist with the financial self-sustainability of the pre-school.

Negotiations have finalised and the Jindera Pre School Association Incorporated have agreed to renew the lease for a further twenty five years in accordance with the existing terms and conditions, with a minor amendment which reflects Councils current insurance requirements.

The negotiated terms of the lease are as outlined below:

Lessee:	Jindera Pre School Association Incorporated
Property Leased:	Lot 121 DP 801547, Corner Adams and Jindera Streets, Jindera. Copy of plan is attached in ANNEXURE 12 .
Term:	Twenty Five (25) years.
Option Term(s):	Nil.
Commencement date:	1 January 2016
Rent:	\$10.00 per annum

The draft Lease has been revised to reflect the agreed amendment and is awaiting Councils approval.

BUDGET IMPLICATION

Nil.

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JINDER A PRE SCHOOL ASSOCIATION INCORPORATED – LEASE RENEWAL [CONT'D]

CONCLUSION

It is the recommendation of staff that the proposed renewal of the lease be approved in accordance with the terms and conditions, as identified.

RECOMMENDATION

That

1. Council approve the terms and conditions of the Lease between Greater Hume Shire Council and Jindera Pre-School Association Incorporated, as provided.
2. The Mayor and General Manager be authorised to sign the Lease to Jindera Pre-school Association Incorporated under the Common Seal of Council.

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4. GREATER HUME COMMUNITY HOUSING REFERENCE COMMITTEE

Report prepared by Community Health and Wellbeing Coordinator – Jody Whitley

REASON FOR REPORT

To consider approval for the formation of a Greater Hume Community Housing Reference Committee.

REFERENCE TO DELIVERY PLAN ACTION

Strategy	5.5	To maintain our health and aged care services.
Action	5.5.13	Encourage new development proposals in aged care to consider a range of accommodation, from independent living to high care services.

DISCUSSION

In partnership with the Department of Housing, Council manage 35 houses and units that are leased to aged and low to moderate income residents. As part of the funding agreement for the properties, Council is required to have an effective means for residents to communicate to Council any issues, suggestions or concerns. Following the dissolving of the Holbrook Aged Services Committee after the hostels were sold, and the changing of the Culcairn properties from being managed by an external provider to being in-house, there has been only an informal process of communication between Council and these residents.

In addition to the rental properties, Council also operate nine units at the Kala Court Retirement Village in Holbrook. All 44 properties across the shire are designed for low maintenance living and offer residents a secure, age friendly and low fee property that often allows a person to downsize and continue to live in their community of choice without having to move to a larger centre.

Discussions have been held with the Kala Court resident representative and other housing residents and there is agreement that the reformation of the committee to be one which includes a wider representation from across the shire will result in a more effective committee. While there will be challenges associated with bringing such a geographically diverse committee together, with cooperation from members and Council staff, moving the meetings around the shire, and providing transport where needed, these issues will be overcome. The aims of the Reference Committee will be as follows:-

- To help inform Council decisions that affect the health and wellbeing of residents living in aged and community housing in Greater Hume Shire
- To provide an easy way for residents of Council's aged and community housing to have their voice heard in relation to Council activities that affect their accommodation
- To increase the community's level of knowledge of aged and community accommodation services in the Greater Hume Shire and how to access them
- To provide an effective means of promoting health, social and other services to residents

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GREATER HUME COMMUNITY HOUSING REFERENCE COMMITTEE [CONT'D]

A copy of the Draft Terms of Reference is attached for Councils approval, in **ANNEXURE 13**.

BUDGET IMPLICATION

Nil.

CONCLUSION

There has been a need identified for a formal group representing Council's 44 aged, community and retirement village residents. In recent years, there has been a Holbrook specific group, however, it is important that residents of Council's aged and community housing from across the shire have the opportunity to engage with Council through a reference committee. A reference committee will also provide an effective means of promoting other aged and community services to the residents of the units and houses and to increase the Greater Hume Shire community's knowledge generally of the facilities and services available to keep residents in their community of choice when they can no longer live in their own home.

RECOMMENDATION

1. That a new reference committee of Council be established comprising of representatives, where possible, from Frampton Court Holbrook, Kala Court Holbrook, Culcairn Aged and Community Housing and Jindera Aged Housing.
2. That the Draft Terms of Reference for the Greater Hume Community Housing Reference Committee be adopted by Council.

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ENGINEERING

1. PROPOSED CHANGE TO PARKING IN ALBURY STREET HOLBROOK

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To present a request to Council to change one parallel parking bay to a timed loading bay outside Meals on Wheels and the addition of four extra angle bays near the Holbrook Bakery in lieu of a unused driveway in Albury St Holbrook.

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

Loading Bay

Council has received a request from Holbrook Meals on Wheels to change an existing parallel parking bay to a timed loading bay in front of their premises at 114 Albury St Holbrook to improve access by clients/families and volunteers. see **ANNEXURE 14**.

In previous conversations with the manager of Meals on Wheels it was discussed about the possibility of a disabled bay being installed, however as advised in the correspondence the organization are not in favour of this as some of the drivers and users of the organization are not disabled persons and it would be of no value to them and would probably make their parking issues greater.

The loading bay is to be timed so it will only be active 5 days a week between the hours of 10AM to 1PM with all other times the bay remaining a normal parallel parking bay available to anyone.

The proposal has been put and approved by the Council's traffic committee.

Additional Angle Bays

Following a number of requests and after discussions with the owner of the closed Shell service station next to the Holbrook Bakery, it has been agreed that Council be allowed to install four marked angle bays in front of its northern driveway.

It has been noted by many that drivers do currently use this area for parking however are risking a fine for illegal parking.

As the service station has been closed for many years the owners are happy to allow parking in front of the northern driveway as they only need to access the site on the odd occasion and which the southern driveway will satisfactorily accommodate their current needs. Due to the size of the driveways it is considered by the writer that the use of the northern driveway for parking would benefit the local businesses during busy times.

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PROPOSED CHANGE TO PARKING IN ALBURY STREET HOLBROOK [CONT'D]

It must be noted that this agreement is only on the proviso that if the landowner wishes to reopen the driveway they can do so. (ie if another business want to use the premise etc). Due to the minor cost involved this is considered a reasonable request

As shown on the attached plan (**ANNEXURE 15**) the change to close the driveway increases the number of angle car spaces available by four.

BUDGET IMPLICATION

Some minor cost in changing signage and line marking.

CONCLUSION

The request to change the parking arrangement in front of 114 Albury St and 122 – 124 Albury St is considered to be an appropriate change which will improve the current parking arrangements in this area.

RECOMMENDATION

That Council endorse:

1. the change of a standard parallel parking bay to a combined timed loading bay (10AM to 1PM Mon – Fri) and standard parallel parking bay in front of Meals on Wheels at 114 Albury St, and
2. the addition of four angle parking bays in front of the northern driveway to the old shell service station (next to Holbrook Bakery) at 122 – 124 Albury St.

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**2. REQUEST TO CONSTRUCT AND MAINTAIN A SECTION OF MCLEOD ST
GEOGERY WEST – RESUBMITTED TO JULY COUNCIL**

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To again consider a request to construct an access and undertake maintenance of an unused road reserve in McLeod St Gerogery West.

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

At the June Meeting of Council this report was considered and the following was adopted by Council

“That a decision on the matter be deferred until the July meeting to enable councillors the opportunity for an on-site inspection.”

A number of Councillors have visited the site and from discussion held the writer has considered no change to the original report is required.

The report from the June Meeting has therefore has been resubmitted below in full as provided to Council at the June Meeting

Council has received correspondence from a landowner in Gerogery West requesting Council maintain a section of road reserve and construct an access from the end of Margaret St to a vacant parcel of land in McLeod St they own. A copy of the correspondence is attached as **ANNEXURE 16.**

As shown on the attached map in **ANNEXURE 17.** the McLeod St Road Reserve in Gerogery West extends from Gerogery Road on its eastern end to Greenwood Rd on its western end approximately 1.8km in length. A majority of the road reserve is an unconstructed “Green Lane” with only 250m on the most western end a maintained road which provides access to one property with a house on it.

An unconstructed “Green Lane” or a Class 8 Road under Councils Road Strategy is a road reserve not maintained formally by Council other than vegetation management where required in township areas to control vermin and mitigate fire hazards. However adjoining landowners may use the reserve to access their properties and the public can access the road reserve however at their own risk as there is no formed road. In rural areas and villages or on the fringes of town areas Council normally leases unused road reserves to adjoining landowners so they have access to additional areas of feed for stock as well as it helps Council reduce the fire hazard in these areas.

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REQUEST TO CONSTRUCT AND MAINTAIN A SECTION OF MCLEOD ST GEOGERY WEST –
RESUBMITTED TO JULY COUNCIL [CONT'D]

As detailed in the correspondence one of the landowners adjoining the McLeod St road reserve has requested the reserve be maintained so that emergency vehicles such as fire trucks can use the reserve in emergency situations and also for a formed access road (approximately 200m in length from the end of Margaret St) be constructed to the parcel of land that the landowner wishes to sell. The landowner has stated that when they contacted Council about seven years ago when purchasing the land and they were told the parcel of land would have reasonable access provided by Council but this has not been confirmed in any written correspondence.

It is Councils policy that any new or existing property requiring access that is not on Councils current designated road network (as detailed in Councils Road Strategy) is required to construct and maintain any new access at their cost. Council permits the construction of private accesses on Council controlled public road reserves so this can occur. Council will only take on the responsibility of the maintenance of any new access if the access is built to Councils road standard normally involving the full construction and sealing of the access at the landowners expense.

It is known vehicles do transverse parts of the McLeod St road reserve as there is a visual evidence of this on site (see photos in ANNEXURE...) however due to large number of trees on the lane it would be difficult for anything larger than a 4wd to traverse the lane. After visiting the site and discussing with the Rural Fire Service the removal of a small number of trees would allow a fire truck to access this laneway if needed, however as noted by all parties improving the access may encourage the inappropriate use of the area.

BUDGET IMPLICATION

The addition of any new roads to be constructed and maintained will add to Councils maintenance budget

CONCLUSION

Council already has an extensive road network and there are many instances where private accesses are built on Council controlled road reserves. It is Councils policy that any property requiring access that is not on the designated road network as detailed in Councils Road Strategy is required to construct the access at their cost. However in this instance it would be considered appropriate for Council to remove a small number of trees to ensure access is available to Rural Fire Service vehicles, with any additional work to construct a suitable access to Lot 184 from Margaret St to be the responsibility of the landowner

RECOMMENDATION

That Council:

1. Remove a small number of trees to improve access by emergency service vehicles in the McLeod St road reserve.
2. Advise the landowner that the cost of construction of access and future maintenance to the property at Lot 184 McLeod St from the end of the constructed section of Margaret St Gerogery West is the responsibility of the landowner.

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3. PURCHASE OF TWO CONSTRUCTION GRADERS

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To endorse the purchase of two new motor graders as part of Council's adopted fleet replacement program.

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

As part of Council's Plant Replacement Program, Council has undertaken the procurement of two new motor graders to replace two existing graders in the Council Plant Fleet. Tenders were sought through Local Government Procurement and this report is presented to ensure compliance with Council's Procurement Procedure.

As shown in the tender report in **ANNEXURE 18**, the recommended tender is from Komatsu Aust Pty Ltd for two Komatsu GD 655-5 Motor Graders.

BUDGET IMPLICATION

Council's budget for the purchase of the two graders (less trade in value) is \$350,000 and \$300,000 (excl GST) per grader or a total of \$650,000 (excl GST) for both.

As detailed in the Plant Purchase Report the cost for each grader from Komatsu Aust Ltd is \$324,542.60 (excl GST) per grader (or \$649,085.20 for both). The estimated auction values of the graders to be sold is \$59,000 and \$64,000 (excl GST) or a total of \$123,000 (excl GST) for both giving an overall cost of \$526,359.20 (excl GST) for the purchase of both graders.

The submitted prices for the trade in graders submitted by Komatsu are less than the auction estimate by Rundles and therefore it is considered appropriate for the graders to be sold at auction instead of traded in to Komatsu. As shown the prices less trade in values are below Council's total budget for the purchase of the graders.

CONCLUSION

As advised in the report the Komatsu GD 655-5 Motor graders are considered to be the most suitable for Council's purposes from the tenders received and are within Council's budget.

RECOMMENDATION

That Council receive and note the report outlining the purchase of two new Komatsu GD 655-5 Motor Graders for a purchase price of \$324,542.60 (excl GST) each and selling Council's existing motor graders through a public plant auction at Rundles Auctions in Wagga Wagga.

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MATTERS REFERRED TO CLOSED COUNCIL

1. TENDER NO: TL 33 2015-2016 NEW POOL AMENITIES BUILDING HENTY POOL COMPLEX

Report prepared by Director Environment and Planning - Colin Kane

REASON FOR REPORT

To allow Council to make a determination on tenders received for the construction of a new pool and tennis amenities building at the Henty Pool Complex.

REFERENCE TO DELIVERY PLAN

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

DISCUSSION

Council has advertised a 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 old amenities building with a new multipurpose complex that also caters for the Henty Tennis Club.

The tender period expired on 20 June 2016.

Council received eleven (11) quotes from building companies that ranged from \$663,602 to \$1,024,468 (Ex GST)

BUDGET IMPLICATIONS

The stage one pool replacement budget is \$764,740. The price for the amenities building being \$735,885 will equate to a total cost expectation of \$1,500,625. The current total budget for the Henty pool and amenities upgrade is \$1,400,000.

(Note: A preliminary estimate from David Robinson (Quantity Surveyor) Pty Ltd indicated a budget of \$843,112 Ex GST for a building of this size).

Should Council elect to proceed with the tender the allocated budget would be exceeded however, the overall effect on Council's budget would be minor because the variance will be met through payments from the Henty Tennis Club, the Swimming Pool Committee and through Section 94A contributions.

Should all tenders be declined and the plans altered it is anticipated that the project's total costs will be closer to the current total budget.

CONCLUSION

This report has been prepared to inform Council there have been 11 quotes received for the building of a new amenities building at the Henty Swimming Pool Complex and the tender prices exceed expected costs for a building installation of this size and complexity.

It is recommended that Council decline all tenders in accordance with Clause 178(3) of the Local Government(General) Regulations and revise the plans and call tenders at a later date.

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TENDER NO: TL 33 2015-2016 NEW POOL AMENITIES BUILDING HENTY POOL COMPLEX
[CONT'D]

It is proposed to call for tenders based on revised plans, disclosing the prices of tenderers may confer a commercial advantage upon potential tenderers it is recommended that the matter be referred to Closed Council in accordance with section 10A(2)(d)(1) information that would, if disclosed, prejudice the commercial position of the person who supplied it.

RECOMMENDATION

That the consideration of the tender for the construction of a new amenities building at the Henty Pool Complex be referred to Closed Council in accordance with section 10(2)(d)(1) information that would, if disclosed, prejudice the commercial position of the person who supplied it.

REASON

On balance the public interest in preserving the confidentiality of the tendered prices for the construction of a new amenities building at the Henty Pool Complex outweighs the public interest in maintaining openness and transparency in Council decision making because the disclosure of this information may prejudice the commercial position of the person who supplied it.

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2. WRITING OFF UNRECOVERABLE RATES AND CHARGES 2015-2016

Report prepared by Accounting Officer - Camilla Webb

REASON FOR REPORT

To advise Council of unrecoverable rates and charges written off during the 2015/2016 Financial Year.

REFERENCE TO DELIVERY PLAN ACTION

Nil

DISCUSSION

The General Manager has delegated authority to write off any individual rates and charges where the amount is \$1000 or less.

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

BUDGET IMPLICATION

The write off of balances totalling \$1,803.10 will have a small negative impact on Council's budget throughout the year.

CONCLUSION

This report is provided to council is an administrative report in accordance with Clause 131 of the Local Government (General) Regulations 2005.

RECOMMENDATION

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

REASON

On balance the need to preserve the confidentiality of the persons subject to the writing off of rates and charges outweighs the public interest in maintaining transparency in Council decision making because the information in the report may disclose issues of personal hardship or other person information relating to individuals.

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PART B - ITEMS FOR INFORMATION

GOVERNANCE

1. LOCAL GOVERNMENT NSW – AR BLUETT AWARD ENTRY

Report by General Manager – Steven Pinnuck

REASON FOR REPORT

To advise Councillors that Management has substantially completed an entry to the Local Government NSW 2016 AR Bluett Awards.

REFERENCE TO DELIVERY PLAN ACTIONS

DISCUSSION

At recent Local Government NSW Annual Conferences it has been suggested by Greater Hume Shire delegates that Council should make an entry to the A R Bluett Memorial Awards. As the 2015/2016 Financial Year has been one of significant accomplishment, Management considered it appropriate to prepare an entry for this year's Awards.

The Local Government NSW website provides the following information on AR Bluett and the Awards.

Albert Robert Bluett was an outstanding figure in Local Government, serving as the Secretary and Solicitor to the Local Government and Shires Associations of NSW for 30 years. He was the authority on Local Government law, and his opinion was respected by the legal profession and ministers of the crown. He helped to write the Local Government Act of 1919.

Following Bluett's death in April 1944, the councils of NSW subscribed to a fund as a permanent memorial to his work. This money funds the bronze plaques, awarded to the winning councils each year. His legacy also lives on through 'Bluett Local Government Handbook' often referred to as the Local Government bible.

Categories for Councils

There are two categories for the Bluett Awards:

1. City & Regional Councils

This includes city, metropolitan and major regional rural councils.

2. Rural Councils

This includes all other rural councils and county councils.

The Trustees believe the two categories provide fairness and equity for all councils, whilst at the same time preserving the original intent of the Trust Deed to judge councils on 'relative progress'.

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LOCAL GOVERNMENT NSW – AR BLUETT AWARD ENTRY [CONT'D]

The Awards Trustees encourages NSW councils to enter this prestigious Award and are interested in all aspects of council operations and services. Entries for the 2016 Awards close 1 August 2016.

Recent rural Council winners in our area have included:

2014 – Cootamundra

2013 – Tumbarumba

2009 – Temora

2003 – Junee

2001 – Tumut

In addition Holbrook Shire Council won the prestigious award in 1948.

Preparation of the entry is well advanced and once completed a copy will be provided to all Councillors and placed on Council's website.

BUDGET IMPLICATIONS

The entry is being prepared within existing resources.

CONCLUSION

Submitting an entry into the AR Bluett Awards provides an opportunity for Council to formally recognise the achievements of the past few years and will provide an excellent document to make available to residents and ratepayers.

RECOMMENDATION

For Councillors information.

2. 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

Attached, at **ANNEXURE 19** is the report on projects being undertaken by the Tourism and Promotions Officer, Kerrie Wise.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

For councillors' information.

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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 JUNE 2016

Attached, in **ANNEXURE 20** are the statements of bank balances and investment report as at 30 June 2016.

3. HUMAN RESOURCES REPORT

Report prepared by Director Corporate & Community Services – David Smith

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.

DISCUSSION

The following staff concluded their employment with Council during June 2016.

Shelagh Merlin	Road Safety Officer (shared position with Greater Hume, Lockhart and former Urana Shire Council)
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BUDGET IMPLICATION

Nil.

CONCLUSION

For councillors' information.

4. COMMUNITY SERVICES QUARTERLY BRIEFING REPORT

Report prepared by Community Health & Wellbeing Coordinator – Jody Whitley

REASON FOR REPORT

To provide a quarterly briefing regarding community service initiatives undertaken by community service staff.

DISCUSSION

Attached, at **ANNEXURE 21** is the report on progress on initiatives being undertaken during the period January to March 2016.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

For councillors' information.

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ENGINEERING

1. JUNE 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.

Tree pruning and removal on various segments on MR 284 (Tumbarumba Rd) is underway due to heavy growth, site distance issues and the instability of trees.

Regional Roads Block Grant:

General maintenance on Regional roads throughout the shire is continuing.

Local Roads

Sealed:

Road widening and rehabilitation on Henty Cookardina Rd intersection back towards Ross Rd is complete.

Earthworks and stabilisation of shoulders on Corowa Rand Rd from MR331 (Dayesdale Rd) has been completed, with linemarking being undertaken when weather conditions are more favourable.

Road rehabilitation and widening through the cutting, including tree trimming has commenced on Fairbairn Rd, just west of Hume Highway.

Pavement maintenance on local roads throughout the Shire is ongoing.

Unsealed:

Pavement road reconstruction on Balldale Walbundrie Rd from Corowa boundary has been undertaken with sealing works delayed due to poor weather conditions.

Gravel resheeting on Back Ferndale Rd, Ferndale Boundry Rd and Finlay Rd has been undertaken.

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

Balldale Walbundrie Rd	Hymans Rd
Benambra Rd	Kenya Rd
Bloomfield Rd	Lennons Rd
Boxwood Park Rd	Munyaplah Settlement Rd
Brocklesby Goombargana Rd	Plunkett Rd
Burma Rd	River Rd
Coach Rd	Scholz Rd
Graetz Rd	Shannons Rd
Howlong Goombargana Rd	Trigg Rd

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JUNE REPORT OF WORKS [CONT'D]

Urban Streets:

Drainage works have been undertaken in various urban areas due to consistent rainfall.

General:

New street furniture has been installed at Gerogery Recreation Reserve.

Concreting of kerb and bases for street furniture at rest area in Woomargama has been completed.

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

Monthly Works Maintenance Expenditure:

Local Roads Program	Original Budget	Amended Budget (March Budget Review)	YTD Budget	YTD Expenditure	YTD Variance
Urban Local Roads	\$540,000.00	\$480,000.00	\$480,000.00	\$452,981.77	\$27,018.23
Urban Roads Unsealed	\$90,000.00	\$90,000.00	\$90,000.00	\$65,142.80	\$24,857.20
Rural Roads Sealed	\$500,000.00	\$443,866.00	\$443,866.00	\$461,819.73	-\$17,953.73
Rural Roads Unsealed	\$1,025,000.00	\$1,075,000.00	\$1,075,000.00	\$1,115,934.91	-\$40,934.91
Street Tree Maintenance	\$202,180.00	\$232,180.00	\$232,180.00	\$250,362.99	-\$18,182.99

Regional Roads Program	Original Budget	Amended Budget (March Budget Review)	YTD Budget	YTD Expenditure	YTD Variance
Maintenance	\$535,477.00	\$735,477.00	\$735,477.00	\$772,965.04	-\$37,488.04
Traffic Facilities	\$131,000.00	\$133,000.00	\$133,000.00	\$92,434.36	\$40,565.64

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JUNE REPORT OF WORKS [CONT'D]

Sportsgroun ds, Parks & Public Toilets	Original Budget	Amended Budget (March Budget Review)	YTD Budget	YTD Expenditure	YTD Variance
Sportsground Maintenance	\$170,835.00	\$170,835.00	\$170,835.00	\$175,873.80	-\$5,038.80
Parks & Gardens Maintenance	\$295,610.00	\$325,610.00	\$325,610.00	\$344,261.09	-\$18,651.09
Public Toilets Maintenance	\$185,090.00	\$185,090.00	\$185,090.00	\$174,181.92	\$10,908.08

NB : Sportsground Maintenance excludes annual GHSC contribution payment

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2. WATER & SEWER REPORT – JUNE 2016

Capital Works Program:

- Meter replacements VWS

Operation & Maintenance:

- 2 - Sewer chokes cleared at Holbrook.
- 1 - Sewer choke cleared at Henty.
- 2 – Water service repairs at Culcairn.
- 2 - New water services installed at Jindera.
- 2 – Relocate water services, Walla Walla Jindera Rd & Luther Rd.
- 10 – Meter replacements – frost damaged meters.

Drinking Water Monitoring Program:

- 8 - Water samples for Microbial Water Analysis submitted in the month of June 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.
- Replacement of dosing shed at Henty.
- Gerogery Park new toilets.
- Commissioning new sewer pump station Jindera Industrial Estate.

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ENVIRONMENT AND PLANNING

1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF JUNE 2016

Attached, as **ANNEXURE 22** is the schedule of development applications processed for the month of June 2016.

2. SENIOR WEEDS OFFICER'S REPORT – JUNE 2016

The recent inclement weather has reduced the amount of weed control although the spraying of Horehound has continued on the some road reserves around Walbundrie and Brocklesby.

Inspections have been ongoing for African Boxthorn. Roadsides have been inspected for Coolatai Grass and Serrated Tussock. Properties adjoining these roads have been inspected at the same time.

Feral animal control around Culcairn has been undertaken.

Weed update from last regional meeting.

Community consultation- priority weed list- Biosecurity

In 2017 the *Biosecurity Act 2015* will repeal the *Noxious Weeds Act 1993* and the current declaration list will be null and void. A critical part of the implementation of the Biosecurity Act will be the development of Regional Strategic Weed Management Plans (RSWMP). The recently appointed Regional Weed Committees (Murray & Riverina) will be developing the RSWMP that will clearly explain the weed management responsibilities and obligations of land managers.

Although all weeds that create a biosecurity risk can be managed under the General Biosecurity Duty, the RSWMP will describe what weeds will be prioritised for management action, investment and compliance within Murray and Riverina.

Weed Risk Assessment (WRA)

All currently declared weeds have been prioritised using the NSW Weed Risk Management System <http://www.dpi.nsw.gov.au/agriculture/pests-weeds/weeds/wrm-system>.

Community input is being sought regarding weed species (not already WRA) that are of significance within the LLS region that Council would like considered for inclusion in the Regional Priority Weed Lists.

This process is due by 29 July 2016.

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3. RANGER'S REPORT – JUNE 2016

COMPANION ANIMALS

No. of Complaints Received		Including: 3 barking dogs, 7 roaming dogs, and dealing with 1 excessive number of animals kept. 4 Infringements issued.	
No. of dog attacks:	1	Location: Holbrook	2 dogs mauled a sheep, dogs identified. 2 nuisance dog orders and fines issued
Comments:			
		Dogs	Cats
In Council's Facility at Beginning of Month			
Captured & Returned to Owners		6	
Captured & Impounded		6	6
Released from Pound to Owners		6	
Surrendered by Owners			
Rehomed			
Euthanased			1
Remaining in Council's Facility at End of Month			5

FERAL CATS

No. of Complaints:	2
No. Feral Cats caught:	Holbrook tip 4

LIVESTOCK

	Cattle	Sheep	Horses	Goats	Other
No. of Reports of Stock on Roads	7	4			
Instances - Returned to owners	7	4			
Impounded					
Vehicle accidents involving stock		1 sheep killed			

OTHER LIVESTOCK, WILDLIFE COMPLAINTS

Nil.

ABANDONED VEHICLES

Eight vehicles remain impounded.

One vehicle impounded from the Holbrook Industrial Park. Owner claimed vehicle.

One vehicle impounded from MR284.

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RANGER'S REPORT – JUNE 2016 [CONT'D]

POLLUTION AND ENVIRONMENTAL INCIDENTS

Inspection conducted: Overgrown Vegetation Unsafe Land	
Pollution: Noise	Jindera – barking dogs – owners spoken to and addressing the issue. Sound meter installed. Holbrook – caravan park noise monitoring with sound meter.
Pollution: Air	Henty – spray painting at a residence. Owner spoken to.

ON-SITE SEWERAGE MANAGEMENT SYSTEMS

Inspection Type	No.	Compliant	Orders for work issued	Re-Inspection Required
OSMS Compliance Inspections	5	0	5	5
Pre-Purchase Inspections	5		5	5
OSMS Orders Compliance Inspections	2	2		

URANA SHIRE COUNCIL OVERVIEW

- Two separate dog incidents reported, attended by Council Ranger and the police. Three dogs were identified creating nuisance.
- Three nuisance dog orders and infringements were issued.
- Patrol Rand and Urana for cat issues.
- 7.5 hours.

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 excessive number of animals kept.
- RID online (Report Illegal Dumping online) updating with data entry.
- OSMS templates all completed in Authority.
- NSW Companion Animal Register upgrades training webinars attended.
- Culcairn livestock pound loading ramp and holding yards completed.

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PART C – COMMITTEE AND DELEGATE REPORTS

Attached, in **ANNEXURE 23**, are minutes/notes of the following meeting:

- Minutes of the Greater Hume Tourism Advisory Committee Meeting held on 11 May 2016.
- Minutes of the Greater Hume Youth Advisory Committee Meeting held on 2 June 2016.
- Minutes of the Culcairn Development Committee Meeting held on 14 June 2016.
- Minutes of the Henty Community Development Committee Meeting held on 10 May 2016.

DELEGATES REPORTS

Nil.

RECOMMENDATION

That Part C of the Agenda be received and noted.