



**Greater
Hume
Council**

Ordinary Meeting of Greater Hume Council

Wednesday, 20 November 2024

NOTICE is hereby given that an Ordinary Meeting of the Greater Hume Council will be held at Council Chambers, Balfour St, Culcairn commencing at 6.00pm. The meeting commences with a Public Forum.

Persons wishing to address Council in the forum must register by 5pm Wednesday, 20 November 2024. The conduct of the forum is governed by the Council's Code of Meeting Practice.

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

A handwritten signature in blue ink, appearing to read 'E. Arnold', with a horizontal line extending to the right.

Evelyn Arnold
GENERAL MANAGER

**ORDER OF BUSINESS TO BE CONSIDERED
REFER OVERLEAF**

Ordinary Meeting of Greater Hume Council

Wednesday, 20 November 2024

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

BUSINESS:

1. OPENING THE MEETING

2. PRAYER

3. ACKNOWLEDGEMENT OF COUNTRY

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

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

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

- Minutes of the Ordinary Meeting of Council – October 2024

6. ACTION REPORT FROM THE MINUTES

7. DISCLOSURES OF INTERESTS

8. MAYORAL MINUTE(S)

9. NOTICES OF MOTIONS

10. REPORTS FROM OFFICERS

PART A For Determination

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

ITEM REFERRED TO CLOSED COUNCIL

- Corporate and Community Services

PART B To Be Received and Noted

- Governance
- Corporate and Community Services

PART C Items For Information

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

PART D Items for Information

11. MATTERS OF URGENCY

12. COMMITTEE OF THE WHOLE – CONFIDENTIAL CLOSED COUNCIL REPORT

13. CONCLUSION OF THE MEETING

ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COUNCIL CHAMBERS, BALFOUR ST, CULCAIRN
ON WEDNESDAY, 20 NOVEMBER 2024

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MAYORAL MINUTE

Nil

NOTICE OF MOTIONS

Nil

ORDINARY MEETING OF GREATER HUME COUNCIL
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OFFICERS' REPORTS – PART A - FOR DETERMINATION

CORPORATE AND COMMUNITY SERVICES

1. PRESENTATION OF 2023/2024 FINANCIAL STATEMENTS

Report prepared by Director Corporate & Community Services – Louise Frichot

REASON FOR REPORT

To formally present the 2023/2024 Financial Statements and Auditors Reports to Council.

REFERENCE TO DELIVERY PLAN ACTION

Objective Our leadership and communication cultivate confidence in our decision making

CSP Strategy L3.3 Deliver efficiency, effectiveness and probity in Council processes and services.

DISCUSSION

Councillors will recall that a comprehensive report on the 2023/2024 Financial Statements was submitted to the October 2024 extraordinary meeting of Council.

At that meeting, Council resolved to refer its 2023/2024 Financial Statements to Council's Auditor for audit. The auditor's reports were subsequently received by Council and have been attached to the General Purpose and Special Purpose Financial Statements in accordance with Section 417(1) of the Local Government Act 1993.

The audited Financial Statements and a copy of the Auditor's Reports have been available for public inspection at Council's offices and on Council's website since 1 November 2024. As required by Section 418 of the Act, Council must give seven (7) days public notice for the meeting at which it presents the Audited Financial Statements and Auditor's Reports. The public notice appeared in The Border Mail newspaper on Saturday, 2 November, 2024. Section 420 of the Act requires that all submissions in respect of the audited Financial Statements must be in writing and must be lodged with Council within seven (7) days after the November 2024 Council Meeting. Copies of all submissions received must be referred to Council's Auditor. At the time of preparing this report no submissions have been received.

A copy of the Financial Statements and Auditor's Reports have been distributed to Councillors. The Audit reports and financial statements have been forwarded to the Office of Local Government.

Council's external auditors, Ms Nirupama Mani and Mr Unaib Jeffrey from the NSW Audit Office will be in attendance (online) at the Council Meeting to provide Councillors with a report on the conduct of the audit and the financial result for the year ending 30 June 2024.

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PRESENTATION OF 2023/2024 FINANCIAL STATEMENTS [CONTD]

BUDGET IMPLICATIONS

Nil.

CONCLUSION

Development of the financial statements and external audit has been completed and a copy of the financial statements has been forwarded to the Office of Local Government within the statutory timeframe.

RECOMMENDATION

That:

1. In accordance with Section 419 (1) of the Local Government Act 1993, the audited Financial Statements and the Auditor's Reports for the year ended 30 June 2024 are hereby received and noted.
2. If applicable, a further report be presented to the December 2024 Council Meeting detailing any submissions received in respect of Council's audited Financial Statements.

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2. **INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024**

Report prepared by Chief Financial Officer – Dean Hart

REASON FOR REPORT

To present the Interim Budget Review as at 30 September 2024 in accordance with Section 203 of the Local Government (General) Regulation 2005.

REFERENCE TO DELIVERY PLAN ACTION

Not Applicable – legislative requirement

DISCUSSION

The interim budget review as at 30 September 2024 is included as **(ANNEXURE 1)** for Councillors' perusal. The budget review, as presented, indicates that the projected 2024/2025 cash surplus will be \$ 11,139 which represents a reduction of \$ 7,366 on the original estimated surplus of \$18,505.

The major reason for this variance is discussed below.

Local Roads and Community Infrastructure

As discussed at the Council meeting on 14th August 2024 Council was required to lodge a revised work schedule with the Department of Infrastructure, Transport, Regional Development, Communications and the Arts as some of the previously nominated projects were not eligible for consideration. All projects listed in the revised schedule were accepted by the funding authority. The grant funds will offset the cash spent in the 2023-2024 year. This is reflected in the budget review in the unrestricted cash reserve.

Remediation and Rehabilitation of Funks Pit

As resolved at the Council meeting on 9th October 2024 an amount of \$230,000 has been brought out of the internal Waste Management reserve to cover the initial cost of removing the waste material to the Walla Walla Landfill, screening the material and completing the remediation of the Walla Walla landfill site.

As at 30 June 2024 the following internal cash reserves are held by Council;

Waste Management Reserve	\$1,226,239
Quarries/Pits Restoration	\$ 375,238

The allocation of \$375k is available to Council in the Quarries/ Pits restoration reserve to carry out the remainder of the rehabilitation of Funks Pit. As per the Council resolution a detailed cost estimate will be tabled at a future Council meeting.

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024

Solar Farm Voluntary Planning Agreements

As at 30 June the following amounts are held in externally restricted cash reserves for VPA contributions;

Walla Walla Solar Farm	\$738,552
Culcairn Solar Farm	\$152,455

(Please note: interest has accrued on the initial amounts received)

\$340,000 has been allocated from the Walla Walla Solar Farm contributions toward the renovation of the Walla Walla Hall in this budget review. \$100k of the Culcairn Solar farm reserve has been utilised for the Culcairn Business District Beautification. A further \$50k has been allocated to an environmental assessment of the Culcairn Rail Precinct.

Audit Fees

The auditors have indicated that additional fees associated with the revaluation of infrastructure assets may impact on the next quarter.

Depreciation Expenses Adjustment

A depreciation expense adjustment will be incorporated into the December 2024 budget review to address the revised treatment of road asset sub-base components, as identified during our recent audit. This change reflects a more accurate assessment of our road infrastructure depreciation methodology and will improve our financial reporting accuracy.

It's important to note that while this adjustment will affect our reported depreciation figures, it is purely a non-cash accounting entry. This means there will be no impact on our available funds, cash position or bottom line budget and our operational capabilities remain unchanged.

Adjustment/Corrections identified by the Audit Office

Council have clarified that the Actual net operating result for 2023/2024 of \$10,840M is confirmed. The Net Operating result of \$10,290M in the Audit Office Closing Engagement Report is after the reduction of depreciation relating to Rural Fire Service Assets in the amount of \$550,000. Council are treating the depreciation as an uncorrected misstatement. The Auditor confirmed this will not require any adjustment in the publication of the 2023/24 financial year results advised to Council at its meeting on 22 October 2024. As Council has chosen to not recognise RFS Assets in previous accounting periods.

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[CONTD]

The Operating Income that was stated in the 10 September ARIC Report in the amount of \$45,476M income was reduced by \$437,000 in the Final Annual Financial Statements as stated in the 22 October ARIC Report. The reason for the reduction in income was a \$1M reduction in Operating Grant Funding (as identified by the Audit Office) combined with an increase in Other Revenues of \$563,000. This increase related to the Provision for Remediation Rehabilitation Tips and Quarries. The Audit Office identified that this movement in provision should be treated as income (previously treated as an expense) but due to inflation it is a negative movement thus reducing income. This has resulted in the net movement of \$437,000 (overall decrease in Net Operating Income to \$45,039M).

UNCOMPLETED WORKS AND UNEXPENDED GRANTS CARRIED FORWARD

The budget has been adjusted to bring forward uncompleted works and unexpended grants (where required). A list of the uncompleted works carried forward is listed below for Councillors reference.

OVERALL BUDGET REVIEW

Detailed below is a full review on a functional basis with comments. The commentary below provides an explanation of major variances (greater than \$5,000) except where offset within the same function. It should be noted that the variance figures quoted in the following table have been calculated on the basis of the actual budget variance figures net of the proposed carried forward amounts. A number of small adjustments have been made across functional areas to bring budget in line with actual costs for rates and insurance for 2024/2025. A positive number represents an improvement in the budget.

GOVERNANCE & ADMINISTRATION

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Elected Members Expenses	+\$3,377		
Governance Expenses	+\$1,363		
Risk Management	+\$6,218		Adjustment to Insurance Premiums due to lower than budget increases.
Corporate Services Administration	+\$501		
Information Technology Services	Nil		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

Employment On-Costs	Nil		
Engineering Administration	Nil		
Depot Administration and Maintenance	+\$2,109		
Plant Operations	Nil		
TOTAL GOVERNANCE & ADMINISTRATION	+\$13,568		

PUBLIC ORDER AND SAFETY

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Animal Control	Nil		
Fire Services	-\$227		
Emergency Services	-\$970		
TOTAL PUBLIC ORDER & SAFETY	-\$1,197		

HEALTH SERVICES

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Health Administration	Nil		
TOTAL HEALTH SERVICES	Nil		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

ENVIRONMENT

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Waste Management	+\$690		
Noxious Animals & Insects	Nil		
Noxious Plants	Nil		
Street Cleaning			
Stormwater Maintenance & Drainage	Nil		
TOTAL PUBLIC ORDER & SAFETY	+\$690		

COMMUNITY SERVICES AND EDUCATION

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Children Services	Nil		
Preschools	+\$988		
Youth Services	Nil		
Community Housing	Nil		
Frampton Court Rental Units	Nil		
Kala Court Rental Units	Nil		
Kala Court Self-Funded Units	Nil		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

Aged Care Rental Units – Culcairn	Nil		
Aged Care Rental Units – Jindera	Nil		
Other Community Services	-\$170		
TOTAL COMMUNITY SERVICES & EDUCATION	+\$818		

HOUSING AND COMMUNITY AMENITIES

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Street Lighting	Nil		
Public Cemeteries	+\$282		
Town Planning	-\$4,500		
Public Conveniences	-\$5,166		Adjustment for costs of repairing damage caused by vandalism
Council Owned Housing	Nil		
Other Community Amenities	-\$296		
TOTAL HOUSING & COMMUNITY AMENITIES	-\$9,680		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

RECREATION AND CULTURE

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Public Halls	Nil		
Libraries	+\$1,170		
Museums	+\$400		
Swimming Pools	Nil		
Sporting Grounds & Recreation Reserves	Nil		
Parks & Gardens	-\$10,242		Adjustment for costs of repairing damage caused by vandalism
Other Cultural Services	Nil		
TOTAL RECREATION & CULTURE	-\$8,672		

MINING, MANUFACTURING & CONSTRUCTION

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Building Control	Nil		
Quarries & Pits	Nil		As discussed earlier an adjustment has been made for Funks Pit clean up. This has been financed from reserves resulting in no adjustment.
TOTAL MINING, MANUFACTURING & CONSTRUCTION	Nil		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

TRANSPORT AND COMMUNICATIONS

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
FAG Grant – Roads Component	Nil		
Urban Roads Local	Nil		
Sealed Rural Roads – Local	Nil		
Sealed Rural Roads – Regional	Nil		
Unsealed Rural Roads – Local	+\$14,187		Propose reallocation to Aerodromes to finance additional gravel re-sheeting works undertaken at the Holbrook Aerodrome.

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

Bridges	Nil		
Kerb & Gutter	Nil		
Footpaths	-\$226		
Aerodromes	-\$16,080		Propose reallocation from Unsealed Rural Roads to finance additional gravel re-sheeting works undertaken at the Holbrook Aerodrome.
Bus Shelters	Nil		
Ancillary Road Works and PAMPS	+2,000		
State Roads RMCC Works	Nil		
Natural Disaster Recovery	Nil		
TOTAL TRANSPORT & COMMUNICATIONS	+\$511		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

ECONOMIC AFFAIRS

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
Jindera Medical Centre	Nil		
Caravan Parks	-\$281		
Tourism Operations	Nil		
Visitor Information Centre & Submarine Museum	+\$90		
Economic Development			
Economic Development	Nil		
Community Development Projects			
Community Development Projects	Nil		
Real Estate Development			
Real Estate Development	-\$3,213		
Real Estate Sales			
Real Estate Sales	Nil		
Private Works			
Private Works	Nil		
TOTAL ECONOMIC AFFAIRS	-\$3,404		

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INTERIM 2023/2024 QUARTERLY BUDGET REVIEW AS AT 30 SEPTEMBER 2024
[CONTD]

GENERAL PURPOSE REVENUES

Function	Projected Budget Variance	Budget Reallocation \$	Comment (where variance exceeds \$5000)
FAG Grant – General Component	Nil		
Interest on Investments	Nil		
Rates	Nil		
TOTAL GENERAL PURPOSE REVENUES	Nil		

SUMMARY OF BUDGET VARIATIONS

SUMMARY OF BUDGET VARIATIONS	-\$7,366		
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WATER AND SEWERAGE

General income and expenditure figures appear to be satisfactory.

SUMMARY

Council's overall budget position has reduced as at 30 September 2024 with a surplus of \$11,139 predicted.

It should be noted that this review is for one quarter only, further adjustments will be necessary as the year progresses. The budget also includes a number of projects which will require additional funding to be sourced if they are to proceed. Some of this may need to come from own sourced funding which will impact on the reported surplus.

RECOMMENDATION

That Council note and approve the Interim Budget Review Statement as at 30 September 2024.

ORDINARY MEETING OF GREATER HUME COUNCIL
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3. POLICY DEVELOPMENT

Report prepared by Director Corporate & Community Services – Louise Frichot

REASON FOR REPORT

For Council to consider the re-adoption and introduction of the following policies.

REFERENCE TO DELIVERY PLAN ACTIONS

Objective Our leadership and communication cultivate confidence in our future direction

Outcome L1 Our decision-making is inclusive, collaborative and encourages ownership of our future

DISCUSSION

Over the coming months officers will be conducting a review of policies as they fall due. The policies listed below have been reviewed and the recommended action is outlined in the table below;

Policy Name	Re-adoption/Rescission	Comment/Changes Made
Behaviour Guidance Policy – Children Services	Introduction of new policy	Introduction of a new policy that outlines Greater Hume Children Services standards for acceptable behaviours of children enrolled in our Services and strategies that may be utilised to encourage positive behaviours.
Suspension and Termination of Enrolment Policy – Children Services	Introduction of new policy	To advise families on the Services’ right to suspend or terminate a child’s enrolment from Council operated Children Services and identify the process and on the basis that may lead to this outcome.
WHS Policy	Re-adoption	Review of existing Policy to ensure compliant with legislation

Policies are attached as **(ANNEXURE 02)**.

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POLICY DEVELOPMENT [CONDT]

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 the Greater Hume Council adopt the action with regard to the Policy as detailed in the table below;

Policy Name	Re-adoption/Rescission
Child Safe Policy	Introduction of New Policy
Suspension and Termination of Enrolment Policy	Introduction of new policy
WHS Policy	Re-adoption

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ENVIRONMENT AND PLANNING

1. **PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 - REZONING OF PART LOT 2 & 3 OF DP: 1287711 AND LOT 1 DP 1287711 FROM R5 TO RU5 WITH REDUCTION OF MINIMUM LOT SIZE FROM 2HA TO 600M² AND CHANGES TO THE MINIMUM LOT SIZE OF PARTS OF THE LAND (LOT 2 & 3 DP 12897711) ZONED RU5 FROM 0 M² TO 600 M² AT WALLA WALLA ROAD WALLA WALLA NSW 2659.**

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

The purpose of this report is to seek a resolution from the Council requesting the Department of Planning, Housing and Industry to finalise the Planning Proposal to amend the zoning and minimum lot size provisions for land situated on part Lot 2 and Lot 3 of DP 1287711 and Lot 1 of DP 1287711 at Walla Walla Road, Walla Walla, NSW 2659.

REFERENCE TO DELIVERY PLAN

The following strategies have direct or indirect connection with the proposed reclassification as outlined in the Greater Hume Council Community Strategic Plan 2022-2032:

- *'Promote Greater Hume as a great place to live, work, visit and invest;*
- *Pursue a high standard of planning, urban design and development that supports urban centres and rural localities.'*

DISCUSSION

Council has received a privately initiated Planning Proposal via the NSW Planning Portal (**ANNEXURE 3**) from Blueprint Planning (hereafter referred to as 'the Applicant') for the amendment of the GHLEP 2012. The proposal essentially seeks to rezone part Lot 2 and Lot 3 of DP 1287711 and Lot 1 of DP 1287711 from R5 to RU5, with a reduction in minimum lot size from 2 ha to 600 m² and changes to the minimum lot size of parts of the land (Lots 2 and 3 of DP 1287711) zoned RU5 from 0 m² to 600 m² (**Figures 1-2 and 4**).

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PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 - REZONING OF PART LOT 2 & 3 OF DP: 1287711 AND LOT 1 DP 1287711 FROM R5 TO RU5 WITH REDUCTION OF MINIMUM LOT SIZE FROM 2HA TO 600M² AND CHANGES TO THE MINIMUM LOT SIZE OF PARTS OF THE LAND (LOT 2 & 3 DP 12897711) ZONED RU5 FROM 0 M² TO 600 M² AT WALLA WALLA ROAD WALLA WALLA NSW 2659. [CONTD]

The summary of the proposal is as below:

LEP map proposed to be amended	Description of the amendment
<i>Land Zoning Map - Sheet LZN_001B</i>	Rezone part of the Land from R5 Large Lot Residential Zone to RU5 Village Zone.
<i>Lot Size Map – Sheet LSZ_001B</i>	For the western part of the Land, which is already zoned RU5 Village Zone, change the minimum subdivision lot size from 0 m ² to 600 m ² to be consistent with the existing Walla Walla Township minimum subdivision lot size. For the eastern part of the Land, which is already zoned R5 Large Lot Residential Zone, change the minimum subdivision lot size from 2 ha to 600 m ² to be consistent with the existing Walla Walla Township minimum subdivision lot size.

At the ordinary meeting held on 20 December 2023, a report was presented by Council's Director of Planning and Environment to enable the above land rezoning process. Councillors have considered the report and resolved that:

• 'That Council:

1. In accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979 Council request a Gateway Determination from the Department of Planning and Environment;
2. Riverina Water be consulted concurrently regarding the supply of reticulated water to the proposed rezoning as part of Gateway Determination;
3. Upon receipt of a Gateway Determination, Council place the Planning Proposal on public exhibition pursuant to any requirements of the determination and Section 3.34(2) of the Environmental Planning and Assessment Act 1979.'

As per Council's decision (**Min 6557**), a Gateway Determination was requested via the Planning Portal from the Department of Planning, Housing and Infrastructure (hereafter referred to as 'the Department').

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In their response dated 4 April 2024, the Department issued a Gateway Determination (**ANNEXURE 3**) for the Planning Proposal, subject to a number of conditions summarised as follows:

1. Conditions for minor amendments to the Planning Proposal prior to the public exhibition include amending the Project Timeline, including clear maps that show the current and proposed zoning and minimum lot size, and incorporating further discussion regarding the inconsistency with the Walla Walla Structure Plan in relation to the demand and supply of commercial land;
2. Public exhibition of the proposal for a minimum of twenty (20) days in accordance with the 'Local Environmental Plan Making Guideline' (Department of Planning and Environment, 2023);
3. Consultation with Riverina Water and the NSW Rural Fire Service for a minimum of thirty (30) days;
4. No public hearing is required.

The Department, in their Gateway Determination letter, also authorised Council to finalise the amendment to the planning controls.

In accordance with Gateway Determination **Condition 1**, Council has requested the applicant to update the Planning Proposal to address inconsistencies with the Walla Walla Structure Plan that are contained within the Greater Hume Development Control Plan (GHDECP) 2013 and the project timeline. This is in addition to the supplementary letter (**ANNEXURE 3**) that Council staff have provided to the Department, justifying why the proposal should proceed and addressing inconsistencies with the Planning Proposal and the Structure Plan contained in the GHDECP 2012. Council also assisted the applicant with the preparation of a minimum lot size map (**Figure 3**) and a land zoning map (**Figure 5**). Although Council was not required to seek additional opinion on whether the preparation of the above documents would satisfy 'Condition 1' of the Gateway Determination, Council has forwarded a copy of the updated Planning Proposal, maps, and supplementary documents to the Department seeking preliminary comments. The

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Department, in its email correspondence dated 17 May 2024, indicated that the updated documents and supplementary documents are suitable for exhibition.

Exhibition and Consultation Response

As required under **Conditions 2 and 3** of the Gateway Determination, from Monday, 20 May 2024, to Thursday, 12 June 2024, the updated Planning Proposal, along with the maps and supplementary documents, was published on Council's website under 'Have Your Say – On Exhibition Form' and the NSW Planning Portal, while it was also notified to adjoining landowners in writing. A hard copy was also made available at Council's Culcairn Office.

The following agencies were consulted on the Proposal as per the Gateway Determination:

1. NSW Rural Fire Service;
2. Riverina water.

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1287711 FROM R5 TO RU5 WITH REDUCTION OF MINIMUM LOT SIZE FROM 2HA
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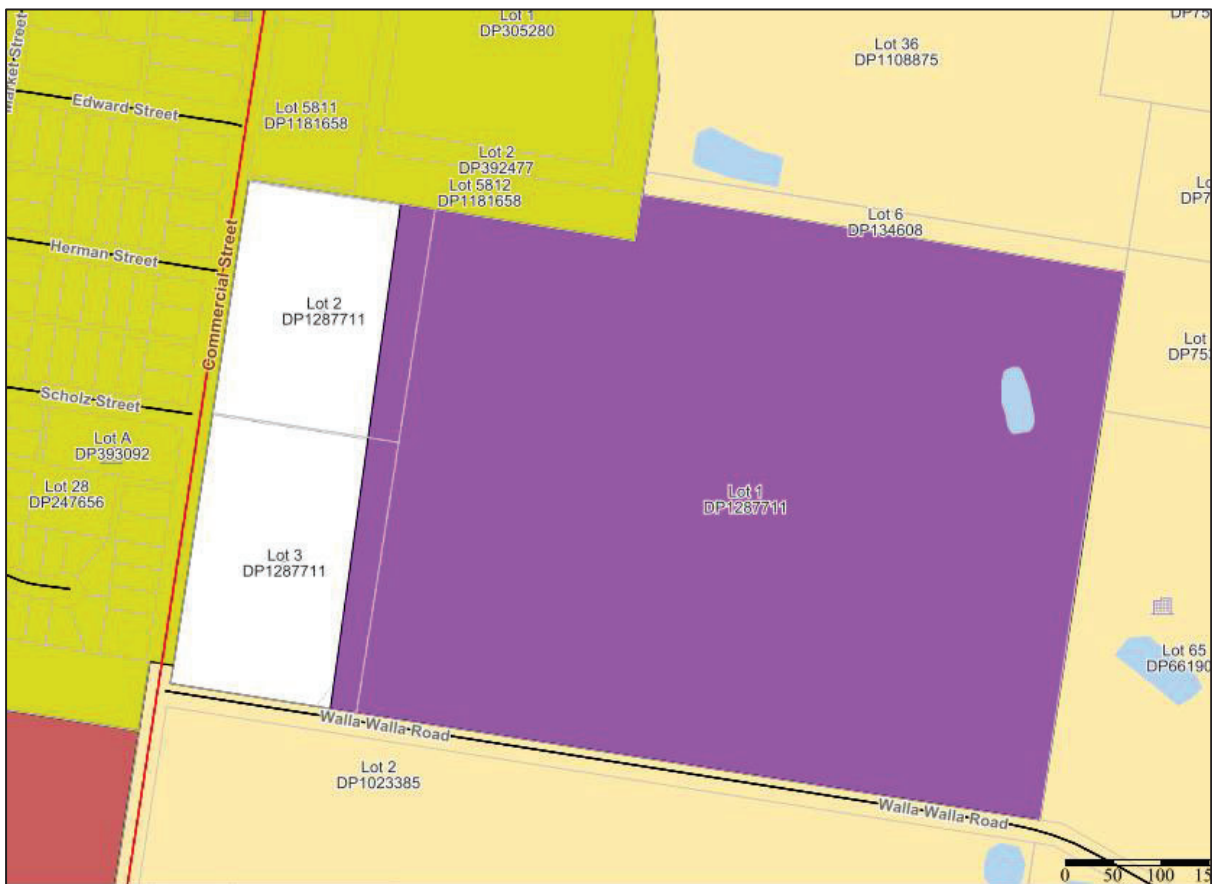


Figure 1 – The site subject of the proposal as shown on the GHLEP 2012 Lot Size Map LSZ_001B;
Source: GHLEP 2012

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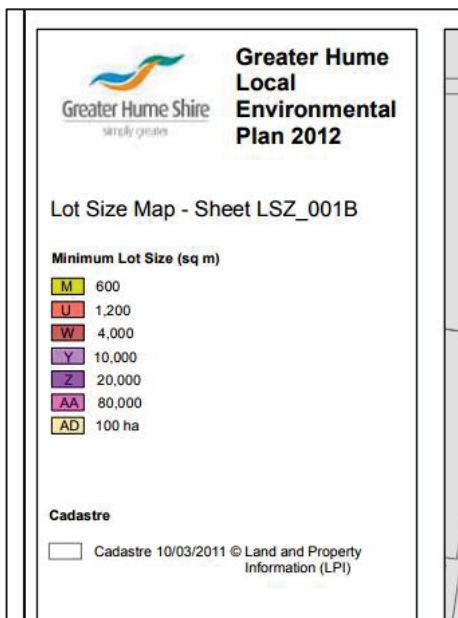


Figure 2 – The colour index as shown on the GHLEP 2012 Lot Size Map LSZ_001B.

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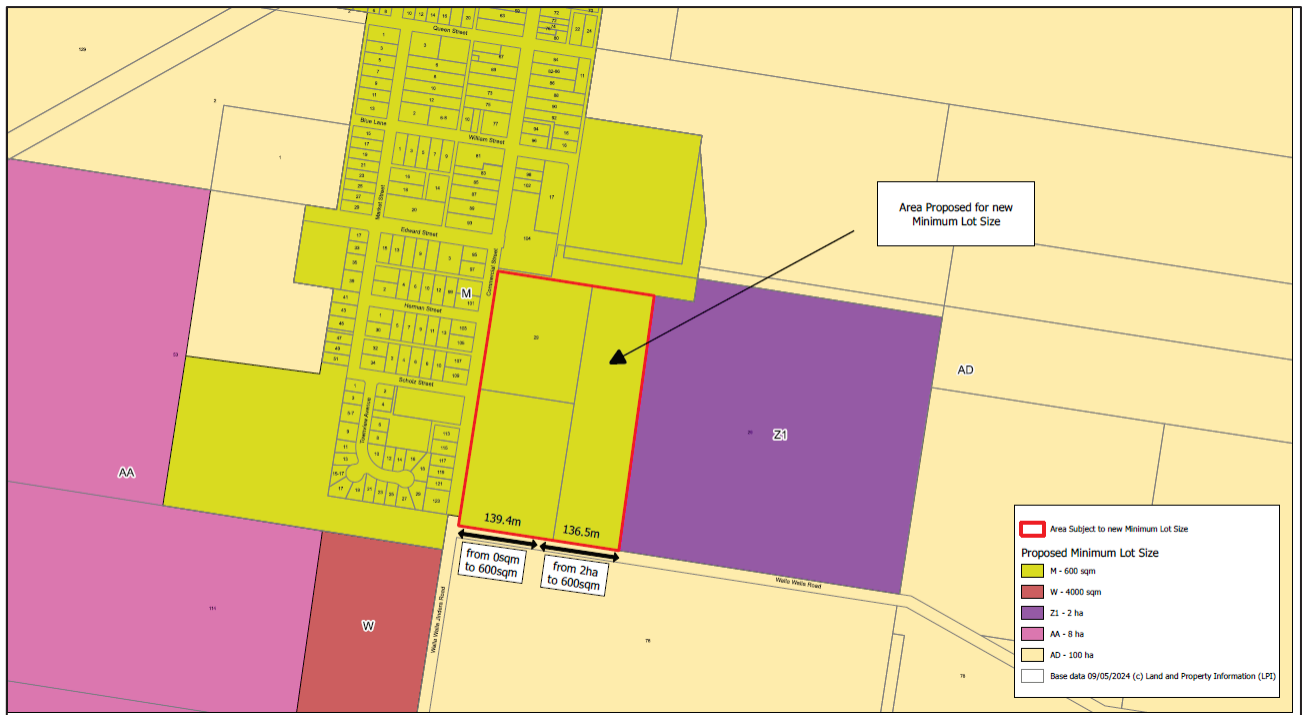


Figure 3 – Proposed Minimum Lot Size Map

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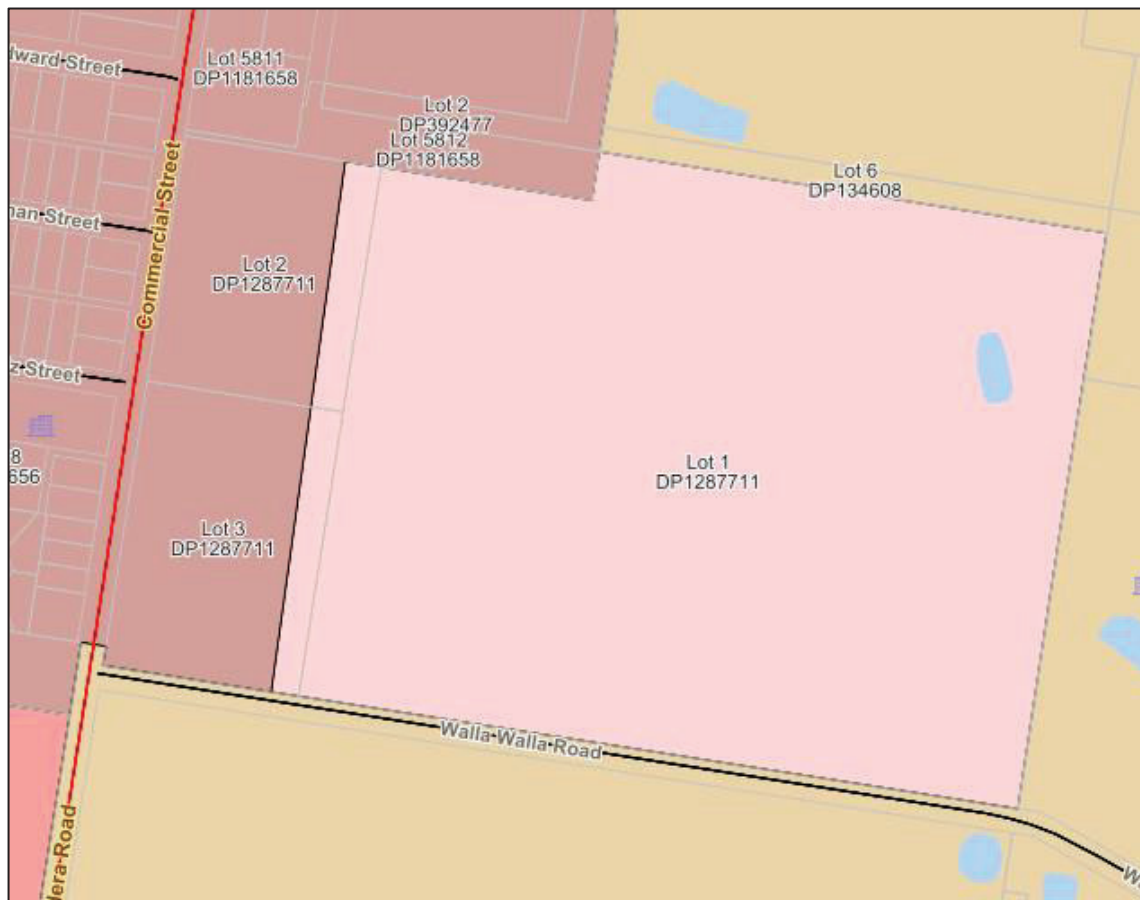


Figure 4 – The current zoning of the land subject of the Planning Proposal; Source: Intramaps

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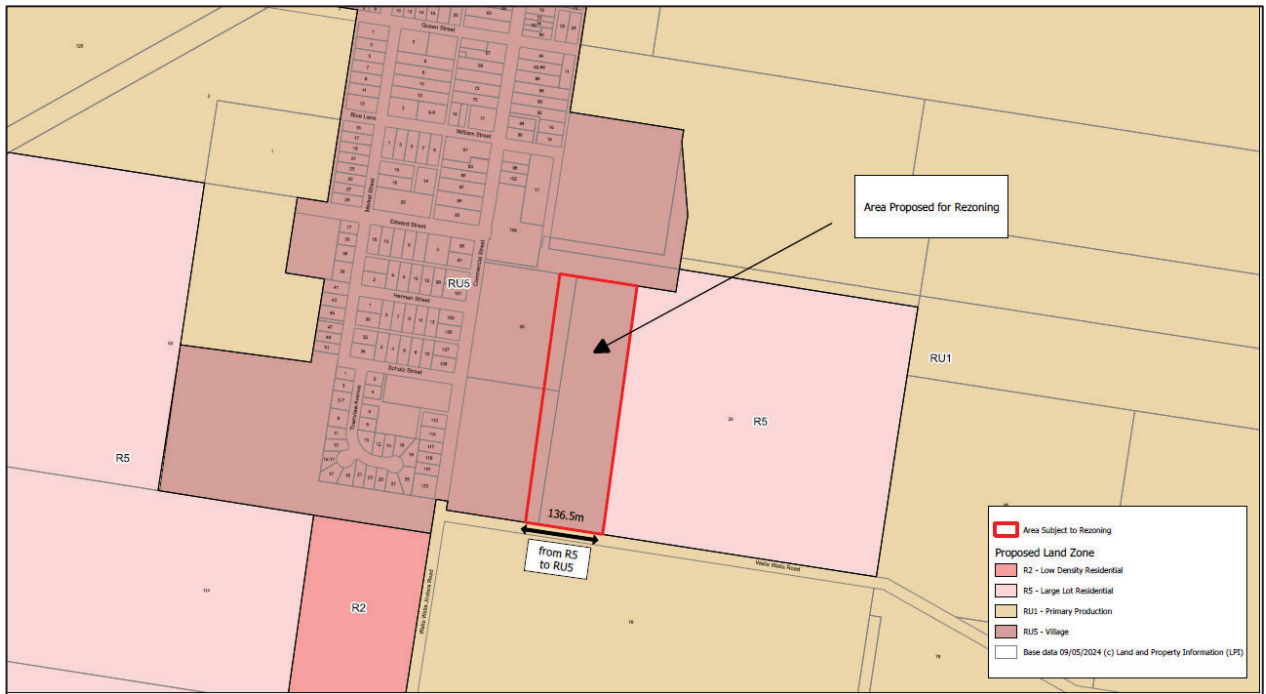


Figure 5 – Proposed Zoning Map

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Community engagement

During the notification of the Planning Proposal, Council received one submission. A detailed summary of the submission, along with the Council staff responses, is provided in the report below:

Summary of neighbor notification	
Concern	Response from Council Staff
Absence of greenspace within the proposal.	The intents of the proposal are for the applicant to seek a change in the minimum allotment size of RU5-zoned land from 0 m ² to 600 m ² and to rezone part of the land that has been zoned R5 Large Lot Residential to RU5 Village, with a minimum lot size of 600 m ² . The matters related to open space were previously discussed in a development assessment report (DA10.2023.53.1) presented to the Council General Meeting on 20 March 2024, in conjunction with the advice received from the Engineering Department, and Council consented to the proposal concluding that no additional open space is required within the development site.

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Numerous other concerns are related to the proposed subdivision layout pattern:

- *The minimum lot size of 600 m² is not suitable.*
- *There is a lack of diversity in lot sizes and shapes.*
- *There is a lack of additional pedestrian connections.*
- *The subdivision layout needs to be more responsive.*
- *There is a lack of street tree planting and visually pleasing elements.*
- *The proposed layout does not have frontage to Walla Walla Road*
- *There is an absence of connection to Walla Walla Sports Ground*

It should be noted that the submitted lot layout is for illustrative purposes only and this planning proposal does not seek Council's endorsement of the proposed layout.

It is further noted that in Walla Walla Township, most of the land zoned RU5 Village has a minimum lot size of 600m². In particular, the land immediately to the east, north, and south along Commercial Street is zoned RU5 Village with a minimum lot size of 600 m². The proposed minimum lot size for land zoned RU5 is 600 m². Therefore, Council deems that this amendment will provide a consistent lot size pattern for the subject land, reflective of the current zoning to the north, south, and west, in accordance with the 'Minimum Lot Size Map' applicable for the area.

As previously discussed, Council consented to a forty-four (44) lot Torrens Title Subdivision on part of the site subject to this planning proposal on 20 March 2024. Matters related to lot size, pedestrian connections, street trees, interconnectivity, and access to the regional classified Walla Walla Road have been discussed and finalised as part of that development application, in conjunction with the referral response received from the Engineering Department and external feedback from Transport for NSW. It should also be noted that the land subject to the development application only requires a mapping change, rather than a change to the zoning classification.

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Agency Consultation

As required by the Gateway determination '**Condition 3**', consultation was undertaken with the NSW Rural Fire Services (RFS) and Riverina Water (**ANNEXURE 3**). A summary of the feedback received is provided in the Table below.

Referral Agency	Response/ conditions
NSW Rural Fire Service	In their correspondence dated 3 July 2024, NSW RFS noted that they do not object to the proposal. However, they stated that any proposed future subdivision application on the site mapped as bushfire-prone land will need to comply with Planning for Bush Fire Protection 2019. This requirement is noted.
Riverina Water	Council initially consulted Riverina Water on 5 May 2024, seeking confirmation of whether the proposed rezoning can accommodate their existing infrastructure network. However, after a series of meetings with Council staff since the initial referral was initiated on 2 October 2024, via email correspondence, they confirmed that they do not object to the proposal 'in principle,' subject to the imposition of a Section 88B instrument for the provision of on-site water storage and pressure systems, as well as the construction of a new distribution main from the trunk main at the town reservoir (with associated easement creation). They noted that this requirement is to ensure that the change of land use does not impact other customers and would be at the developer's cost.

The proposal did not require a public hearing as per **Condition 4** of the Gateway Determination.

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BUDGET IMPLICATIONS

All associated cost will be borne by the beneficiary of the proposal.

CONCLUSION

In conclusion, it is considered that the exhibited Planning Proposal does not need to be amended in response to the feedback received during the community consultation. As required under the Gateway Determination, the proposal was also referred to NSW RFS and Riverina Water, both of whom confirmed that they do not object to the proposal.

One aspect of the Planning Proposal aims to address the resulting anomaly in lot sizes between the land located on the northern and western sides of the site and along the southern part of the Commercial Street boundary by amending the minimum lot size of the subject land from 0 m² to 600 m² under GHLEP 2012. The other aspect is to rezone part of the existing land, which is zoned R5 Large Lot Residential, to RU5 Village to ensure that the subject land reflects the current zoning to the north, south, and west.

The finalisation of the Proposal is essential to facilitate a solution to address the increasing demand for housing, commercial, and industrial activities. It is recommended that Council resolve to finalise the Proposal and make the necessary amendments to the planning controls.

RECOMMENDATION

That Council:

1. receive the report from the Director of Planning and Environment on the Planning Proposal regarding changes to the minimum lot size and rezoning of land on the above site to amend the GHLEP 2012;
2. finalise the Planning Proposal in accordance with Section 3.36(2)(a) of the Environmental Planning and Assessment Act 1979;
3. undertake the necessary tasks to obtain the NSW Parliamentary Counsel's Opinion (PCO) with a request to draft the amendment to the GHLEP 2012;
4. advise submission makers of Council's decision once the GHLEP 2012 amendment has been notified.

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2. **PLANNING PROPOSAL TO AMEND THE GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 - ZONING AND MINIMUM LOT SIZE CHANGES FOR 344, 375 AND 387 MOLKENTIN ROAD AND 111 AND 167 FUNK ROAD JINDERA NSW 2642.**

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

The purpose of this report is to seek a resolution from the Council to request the Department of Planning, Housing and Industry to finalise the Planning Proposal to amend the zoning and minimum lot size provisions for land situated at 344, 375, and 387 Molkentin Road, and 111 and 167 Funk Road, Jindera NSW 2642.

A further reason is to obtain endorsement to finalise the post-exhibition version of the Planning Proposal and proceed to amend the GHLEP 2012 accordingly.

REFERENCE TO DELIVERY PLAN

The following strategies have a direct or indirect connection with the proposed rezoning proposal as outlined in the Greater Hume Council Community Strategic Plan 2022-2032:

- *“Pursue a high standard of planning, urban design and development that supports urban centres and rural localities;*
- *Undertake integrated, long term planning and decision making, reflective of community needs, resources and aspirations.”*

DISCUSSION

Council has received a planning proposal from Bioplan on behalf of separate landholders of adjacent land seeking to amend the land zoning map of the LEP from RU4 Primary Production Small Lots to R5 Large Lot Residential (**ANNEXURE 4**). The planning proposal also seeks to change the minimum lot size map applicable to the land by reducing the minimum lot size from 8 hectares to 2 hectares. The proposal is made as a direct response to the Jindera Residential Land Use Strategy (The JRLUS) which was adopted by Council on the 1 December 2021.

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The properties subject of the proposal have been identified as below:

1. No.344 Molkentin Rd, Jindera – described as Lot 5 DP260275 (40.47ha)
2. No.375 Molkentin Road – described as Lot 21 DP635058 (1.603ha)
3. No.387 Molkentin Road – described as Lot 1 DP917118 (3.61ha)
4. No.111 Funk Rd Jindera – described as Lot 1 DP 785168 (44 ha)
5. No.167 Funk Rd, Jindera comprising:
 - a. Lot 22 DP 635058 (19.02ha)
 - b. Lot 121 DP753345 (16.15ha)
 - c. Lot 122 DP753345 (24.32ha)
 - d. Lot 153 DP753345 (43.15ha)

At the Ordinary meeting held on 21 September 2022 a report was presented by Council's Director of Planning and Environment to enable the above land rezoning process. Councillors have considered the report and resolved that:

That:

1. *"In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 Council resolve to submit to the Department of Planning, & Environment the planning proposal for changes to the zoning and minimum lot size to 344, 375 and 387 Molkentin Road and 111 and 167 Funk Road Jindera and seek a conditional Gateway Determination.*
2. *Council resolve to exhibit the planning proposal in accordance with the Gateway Determination.*
3. *In seeking the gateway determination, it should be noted that Council is not endorsing the preliminary subdivision layout that is incorporated within the planning proposal.*
4. *Prior to Council seeking the gateway determination from the Department of Planning and Environment the planning proposal is to be updated to address the issues raised in consultation with Biodiversity and Conservation Department of Planning and Environment and the Department of Planning and Environment."*

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In line with the above resolution, Council staff have requested the Gateway Determination from the Department of Planning (hereafter referred to as the Department) via the Planning Portal. In their initial response dated 20 December 2022, the Department requested further information. This request is related to providing a strategic justification for rezoning the sites subject to the Proposal, addressing existing agricultural land and potential land use conflicts, inconsistencies with relevant strategic planning guidelines, infrastructure provision, and potential natural hazards. In response, Council's Director of Planning and Environment, Colin Kane, provided a further response to the Department on 1 March 2023. As a result, the Department issued a Gateway Determination for the Planning Proposal. The conditions of the Gateway Determination are summarised below:

1. Setting conditions for minor amendments to the Planning Proposal. These include amending the Project Timeline, including an indicative staging plan to manage land use change and the release of residential land, incorporating Council's additional response as part of the exhibited planning proposal, and including a preliminary contamination assessment;
2. Public exhibition of the proposal for a minimum of twenty-eight (28) days in accordance with the Local Environmental Plan Making Guideline (Department of Planning and Environment, 2022);
3. Consultation with the NSW Rural Fire Service, the Biodiversity Conservation and Science Directorate (BCD), and Albury City Council;
4. No public hearing is required;
5. Council is the delegated local plan-making authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979 subject to:
 - all conditions of the Gateway determination being satisfied;
 - the Planning Proposal being consistent with applicable Section 9.1 Ministerial directions and or the Secretary has agreed that any inconsistencies are justified; and
 - no outstanding written objections from public authorities.
6. The LEP should be completed within nine (9) months from the date of the Gateway determination.

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In accordance with Gateway Determination **Condition 1**, the applicant has revised the Proposal to incorporate the project timeline and the indicative staging plan for releasing residential land. The applicant has also submitted a preliminary site investigation report prepared by DM McMahon Pty Ltd. Furthermore, the Council has uploaded the additional response as part of the exhibition materials on the Portal.

Exhibition and Consultation Response

To comply with **Conditions 2 and 3** of the Gateway Determination, the Planning Proposal was exhibited from 25 August 2023 until 27 September 2023, with exhibition information and materials published on Council's website and the NSW Planning Portal. Additionally, the Proposal was notified to adjoining landowners in writing. The following agencies were consulted on the Proposal as per the Gateway Determination:

1. Biodiversity Conservation and Science Directorate (BCD);
2. NSW Rural Fire Service; and
3. Albury City Council.

Council has received comments from all three of the above agencies (**ANNEXURE 4**) as well as a total of four (4) submissions (**ANNEXURE 4**) from adjoining property owners. A detailed summary of the submissions, along with the Council staff responses, is provided in the report below.

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Public exhibition.

Summary of neighbor notification	
Concern	Response from Council Staff
<i>Potential impact on threatened species</i>	Since the exhibition of the original proposal, the applicant has amended the proposed land zoning and the minimum lot size map. Most importantly, the allotments containing critical habitat have been zoned either C2 – Environmental Conservation or R5 – Large Lot Residential, with a minimum allotment size of 4 hectares. Additionally, the Council is satisfied that the building envelopes provided on some allotments proposed to be zoned R5 are sufficient to accommodate a dwelling while maintaining the potential asset protection zone (APZ). Therefore, if the Council supports the recommendations and the land is rezoned, the environmental values of the C2 and R5 zoned land will be better protected.
<i>Further considerations will be required when planning near watercourses (i.e., a second-order watercourse requires a 20m setback, while a third-order creek requires a 30m setback, etc.)</i>	The matters related to setback requirements will be addressed as part of a subsequent development application for land subdivision once the land is rezoned. As noted in the Council report dated 21 September 2022, any future development application for the subdivision of land fronting a natural watercourse will be referred to the Department of Water for their respective response.
<i>Conditions related to the protection of vegetation along Molkentin and Rocks Road are needed.</i>	Council requires the subsequent development application for land subdivision to be referred to the Department of Water, as the land fronts a natural watercourse. Therefore, Council expects that any Control Activity Approval (CAA) granted will be part of this requirement. Additionally, any development consent granted will incorporate a condition preventing the removal of vegetation to ensure that native vegetation is protected.
Traffic and access: - additional traffic movements resulting from the subdivision - cost associated with upgrading the road network will have a detrimental impact on the	The proposal has been reviewed by Council’s Engineering Department, as noted in the Council report dated 21 September 2022, which sought a conditional Gateway Determination. It is evident that the proposal will generate additional local traffic if Council supports the revised proposal. The matters associated with upgrading the road network, additional traffic movements, and passenger safety can be appropriately dealt with in any future development application for land subdivision and

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Council's budget.	the development control plan which may include a contribution plan.
<p>Lot design and extent:</p> <ul style="list-style-type: none"> - <i>A range of allotments is needed (i.e., instead of 2ha, 8ha lots to protect native vegetation).</i> - <i>The proposed subdivision layout, particularly the battle axe allotments, is not satisfactory due to their shape and the location of vegetation.</i> 	<p>It should be noted that the submitted lot layout is for illustrative purposes only. In the event that Council supports the planning proposal, as noted in the Council minutes dated 21 September 2022, Council does not seek endorsement of the subdivision layout. The applicant is required to lodge a separate development application, and any subdivision layout submitted with the application must comply with the specific numeric and prescriptive design criteria outlined in the Greater Hume Development Control Plan 2013.</p> <p>Furthermore, the applicant originally planned to have the land rezoned from RU4 Primary Production Small Lots to R5 Large Lot Residential with a minimum lot size of 2 ha. In response to these concerns and further discussions held with the Department of Planning and the Biodiversity Conservation Division (BCD), the applicant has incorporated a C2 Environmental Conservation and an R5 Large Lot zone with a minimum lot size of 4 ha applying to the more biodiversity constrained land to ensure the long-term retention of existing vegetation.</p> <p>Council and the Department of Planning believe that the amended proposal addresses the concerns raised regarding the protection of existing native vegetation on site. To ensure the long-term retention of this vegetation, Council will require the applicant to prepare a detailed site-specific Development Control Plan (DCP) before the land can be 'released' for subdivision in accordance with Part 6.8 of the Greater Hume LEP 2012. This DCP should be developed in conjunction with advice from Council Planning and Engineering staff and should include the road layout, proposed public open spaces, and locations for any other infrastructure. The community will be invited to engage in this process, which will provide more detailed planning provisions and help achieve beneficial outcomes. Once the Development Control Plan has been endorsed by Council, it will be incorporated into the Greater Hume Development Control Plan 2013, ensuring that minimal vegetation is removed from the sites subject to this proposal.</p>
<i>The rezoning of land will have potential for land use conflict with adjoining agricultural land</i>	This matter has been raised by the Department of Planning in their additional information request dated 20 December 2022. In its correspondence dated 1 March 2023, Council outlined that the sites subject to the

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	<p>Proposals have been incorporated into the Jindera Residential Land Use Strategy, following extensive consultation with the Department of Primary Industries. The Department prefers to rezone land designated as RU4 for residential purposes rather than land zoned RU1.</p> <p>In the past, Council permitted a similar proposal for the Glenholm estate, which is located adjacent to Hueske and Jelbart Roads. The land immediately surrounding this R5 estate is zoned RU4, and there have been no significant issues related to land use conflict. Additionally, if any potential conflict is deemed present, Council will require the applicant to nominate a vegetation buffer between the adjoining agricultural property and the residential subdivision. In summary, Council's assessment of any development application(s) will also consider this matter.</p>
<p><i>Additional fencing should provide to protect livestock.</i></p>	<p>This is a matter of detail that can be further considered during the preparation of the required Development Control Plan and during the subsequent assessment of the DA for land subdivision. It is important to note that certain forms of low-impact development are exempt from the need to obtain planning or construction approval under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).</p>
<p><i>Detrimental impacts:</i></p> <ul style="list-style-type: none"> - <i>Creation of additional residential allotments will have detrimental impact on existing reticulated water supply network and infrastructure network.</i> - <i>To avoid additional impacts, Council must take opportunity to create a native liner park along Molkinton Road where indicative Lots 301 to 304, 401 and 509 to 512.</i> - <i>Potential new owners may have cats and cats will potentially kill native fauna.</i> 	<p>Council's Engineering Department has identified the need for reticulated water, roads, additional open space requirements, and stormwater management for the development sites.</p> <p>Under Council's water servicing strategy for the area, a new reservoir with a total capacity of 4 million litres is to be constructed. Council engineers are satisfied that the proposed reservoir will be capable of servicing the proposed subdivision. The amended plans provided by the applicant, in consultation with the Department and Council, accurately identify the location of the future reservoir, and the applicant has proposed to incorporate an SP2 Zone to accommodate it.</p> <p>As noted previously, the subject land cannot be subdivided for development until a Development Control Plan (DCP) has been prepared and arrangements are in place for the provision of other essential infrastructure. Detailed controls requiring the provision of local infrastructure, such as cycleways, shared paths, parks, and sustainability infrastructure, are more relevant to the next stages (DCP, subdivision design concept, and</p>

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development application) if and when the land is rezoned and ultimately released for residential development.

Council acknowledges the need to protect native fauna in the environment, and it is deemed that this matter can be appropriately addressed as part of any future development consent granted for the land subdivision.

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Agency Consultation

As required by the Gateway determination (**Condition 3**), consultation was undertaken with a range of government agencies after 25 August 2023. The following table provides a summary of the agency feedback, which includes Albury City Council, the Biodiversity Conservation and Science Directorate (BCD), and the NSW Rural Fire Service. Most importantly, none of the agencies objected to the Proposal. A summary of the agency feedback and Council staff comments is outlined below:

Albury City Council - 26 September 2023	
Agency Response	Response from Council Staff
<p><i>Whilst AlburyCity does not object to the Planning Proposal, further consideration and response is sought on matters outlined as follows:</i></p> <ul style="list-style-type: none"> ▪ <i>The subject land adjoins land within the Albury LGA that is currently zoned C4 Environmental Living and RU4 Primary Production Small Lots that have minimum lot sizes of 80ha and 8ha respectively.</i> <p><i>Consequently, AlburyCity seeks further consideration to transition issues and potential land use conflicts with adjoining Albury LGA land, with particular regard to land use permissibility, minimum lot size and potential development pressures on surrounding land.</i></p>	<p>Council has considered this issue in conjunction with the advice received from the Department of Planning. On 1 March 2023, Council initially provided a response to the Department via the Portal, explaining why it deems the proposal will not result in any potential land use conflict if the land is rezoned. In addition to this explanation, as previously discussed in this report, the applicant has updated the proposed zoning maps to include a C2 – Environmental Conservation Zone along part of the site that adjoins land within the Albury City Council Local Government Area.</p> <p>When comparing the C2 zoning land use table in the GHLEP 2012 with the C4 land use table in the Albury LEP 2010, it appears that the Albury LEP permits many uses in this zone, including dwellings and dual occupancy. In contrast, the land use table for the C2 zone in the GHLEP 2012 permits only certain uses, which can generally be considered to have minimal impacts if someone wishes to establish those uses after the land is rezoned.</p>
<ul style="list-style-type: none"> ▪ <i>The Planning Proposal defers biodiversity and environmental considerations to the Development Application process for consideration and appropriate design response (via Biodiversity Development Assessment Report (BDAR)).</i> <p><i>AlburyCity acknowledges that the</i></p>	<p>The subdivision layout provided by the applicant is for indicative purposes only, and based on this layout, it is not practicable to derive a definitive outcome. Most importantly, Council noted that these concerns were raised by Albury City Council after reviewing the first set of drawings. Since the initial consultation, the applicant has introduced a C2 – Environmental Conservation Zone and has</p>

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<p><i>Planning Proposal supporting documents (including NGH Preliminary Biodiversity Assessment (March 2022)) suggests that particular areas, coinciding with hollow bearing trees and box gum woodland, are excluded from subdivision design to avoid and minimise impacts on threatened entities.</i></p> <p><i>The subdivision concept (indicative) that has been provided amongst Planning Proposal documents does not appear to align with these recommendations.</i></p> <p><i>In recognition of potential biodiversity and environmental impacts, it is suggested that Planning Proposal zoning outcomes sought either be adjusted to reflect these environmental attributes (particularly those sloping areas of box gum woodland adjacent the Albury LGA C4 Conservation Zone Land near Red Hill Road).</i></p>	<p>also made efforts to establish larger minimum lot sizes (4 hectares) for areas where critically endangered habitat is present.</p> <p>Furthermore, to ensure that the existing vegetation is retained in the long run, as previously discussed, Council will require the applicant to prepare a detailed site-specific Development Control Plan (DCP) before the land can be 'released' for subdivision. This DCP must be developed in conjunction with the advice received from Council Planning and Engineering staff, showing the road layout, proposed public open spaces, and the location of any other infrastructure. A clause requiring this provision will be included in the GHLEP under Clause 6.8, as Council has previously implemented for certain land parcels in Jindera. This will provide more detailed planning provisions and help achieve beneficial outcomes.</p> <p>Once the master plan has been endorsed by the Council, it will be incorporated into the Greater Hume Development Control Plan, ensuring that minimal vegetation is removed from the sites subject to this proposal. As a result of these efforts, Council deems that this concern has been adequately addressed.</p>
<p>▪ <i>AlburyCity notes 2015 Mineral Resource Audit spatial information identifies an extractive industry (Funks Pit) on the land adjoining the Planning Proposal land. AlburyCity understand that operations at the Funks Pit have been decommissioned. If this is not the case, further consideration should be given against Ministerial Direction 8.1 – Mining, Petroleum Production and Extractive Industries with regard to land use compatibility issues.</i></p>	<p>No further assessment against Ministerial Direction 8.1 – Mining, Petroleum Production, and Extractive Industries is required, as Council is satisfied that the gravel pit has been decommissioned.</p>

NSW Rural Fire Service (NSW RFS) - 26 October 2023

Agency Response	Response from Council Staff
<p><i>The New South Wales Rural Fire Service (NSW RFS) has reviewed the proposal with regard to Section 4.3 of the directions issued in accordance with Section 9.1 of the Environmental Planning and Assessment Act</i></p>	<p>Noted. Although a number of allotments have been considered for the Planning Proposal, only Lot 5 DP260275 has been identified as bushfire-prone land. Any future development application</p>

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<p>1979.</p> <p><i>Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision of the land complies with Planning for Bush Fire Protection 2019. This includes, but is not limited to:</i></p> <ul style="list-style-type: none"> ▪ <i>Provision of Asset Protection Zones (APZs) within the proposed lots in accordance with Tables 5.3a and A1.12.3;</i> ▪ <i>Access to be provided in accordance Table 5.3b; and,</i> ▪ <i>Services to be provided in accordance Table 5.3c.</i> <p><i>Further, it should be noted that regardless of the status of bush fire prone land mapping, bush fire assessment for future subdivision development shall include Category 3 grassland hazard across the site in addition to the identified woodland vegetation communities.</i></p>	<p>lodged for the subdivision of this allotment will therefore refer to the NSW RFS for their General Terms of Approval (GTA).</p>
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Biodiversity and Conservation Division Environment (BCD) - Department of Planning and Environment – 27 September 2023

Agency Response	Response from Council Staff
<p><i>Flooding</i></p> <p><i>BCD recognises that the planning proposal report has been amended to acknowledge the flood risk of the subject land and include consideration of the strategic flood related studies adopted by Council.</i></p> <p><i>BCD considers that the flood risk to future development can be effectively managed provided planning and development is consistent with the recommendations from the Jindera Floodplain Risk Management Study and Plan (GHD, 2017). Specifically:</i></p> <ul style="list-style-type: none"> - <i>Council planning instruments (such as Development Control Plans) are applied to the subject land (or are updated as applicable)</i> - <i>Any works associated with the development will not adversely impact upon flood function. Importantly, works will not impede or restrict the floodway identified within the subject land.</i> <p><i>We also recommend that Council reviews the Jindera Flood Study (GHD 2015) within the next five years to include all areas of future development for the township, including the entirety of the area covered by this planning proposal. Revised analysis of the flood risks</i></p>	<p>The response from BCD regarding flooding indicates that they do not object to the planning proposal. However, their response also states that all impacts from the proposed development (a future residential subdivision) must be consistent with the recommendations from the Jindera Floodplain Risk Management Study and Plan (GHD, 2017), as well as any other applicable planning instruments and engineering guidelines. Notably, their response further indicates that any potential impacts must be contained within the subject land.</p> <p>Council is satisfied that, once a detailed site-specific DCP is prepared, most matters—such as the locations of detention basins—can be properly identified within that plan before the land can be released for subdivision. Additionally, at the DA assessment stage, Council’s Planning and Engineering staff will conduct a further assessment regarding the management of flood impacts, containment of stormwater, and relevant easements as a result of the development.</p>

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<p><i>will better inform planning for future development.</i></p>	
<p>Biodiversity <i>The site contains remnant woodland assessed as Plant Community Types (PCT) that are associated with Threatened and Critically Endangered ecological communities listed under the NSW Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. One of these communities is a listed Serious and Irreversible Impact entity, meaning it is vulnerable to extinction due to impacts from potential development.</i></p> <p><i>The site includes features such as scattered hollow bearing trees, rocky outcrops and planted trees that are likely to provide habitat for threatened fauna. Notably the Squirrel Glider, listed as Vulnerable under the BC Act.</i></p> <p><i>Overall, the site contains high biodiversity values and forms part of a corridor providing biodiversity connectivity across the broader landscape. The biodiversity assessment identifies these values are likely to experience direct and indirect impacts from future development.</i></p> <p><i>Given this, future development has the potential to significantly impact threatened species and communities. This means that the Biodiversity Offset Scheme (BOS) is likely to apply to future development applications.</i></p> <p><i>The biodiversity assessment also identifies large areas of the subject site that support limited or less significant biodiversity values. Focussing future land use intensification in these locations will assist in avoiding and minimising biodiversity impacts and reducing requirements of the BOS.</i></p> <p><i>The LEP Guideline provides guidance for determining the appropriate level of assessment for a planning proposal. The biodiversity assessment has addressed some of the technical biodiversity information requirements outlined in Attachment C of the LEP Guideline, by identifying the values of the site and possible impacts arising from the proposal.</i></p> <p><i>There are however some gaps in the assessment. The planning proposal report suggests road and service upgrades are anticipated. It is not clear if new or extended</i></p>	<p>Council acknowledges that there is an area of Threatened Ecological Community (TEC) situated on the site subject to the Planning Proposal. Since the initial response was received, Council's Director of Planning and Environment, Colin Kane, has had several discussions with the BCD, the Department of Planning, and the proponent of the proposal. As a result of extensive consultation and guidance from the Department of Planning, the applicant has introduced a C2 Environmental Conservation Zone with a minimum size of 4 hectares and changed the minimum allotment size for R5 Large Lot Residential Land to 4 hectares where critical ecological communities are located. In accordance with the C2 Environmental Conservation Zone land use table in the GHLEP 2012, there are few permitted uses. Consequently, Council and the Department of Planning are satisfied that the proponent has taken appropriate and sufficient steps to avoid or minimise impacts on native vegetation.</p> <p>Council is satisfied that the building envelopes provided on some of the allotments proposed to be zoned R5 and are adequate for accommodating dwellings while maintaining the potential for an Asset Protection Zone (APZ). If Council supports the recommendations and the land is rezoned, the environmental values of the C2 and R5 zoned land will be better protected.</p> <p>BCD, in their response, also mentioned potential clearance associated with ancillary works such as road and service upgrades. As noted previously, the amended layout incorporated an SP2 – Infrastructure Zone to accommodate a future reservoir for supplying water to the subdivision in line with Council's infrastructure strategy. Additionally, Council believes this would be better addressed at the DA stage, when it will be possible to assess specific development designs and site layouts in the context of the DA submitted for assessment, after a site-specific master plan has been developed and incorporated into the Greater Hume Development Control Plan regarding the sites subject to this rezoning. As</p>

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services will be required also. There has been no assessment of potential biodiversity impacts from these works.

We note the roadside areas of Funk and Molkentin contain remnant vegetation likely to have similar or higher values biodiversity to the subject land. Impacts to these areas may substantially increase the biodiversity impacts associated with the proposal.

Despite the significant values on site, there is limited consideration of appropriate measures that will avoid, minimise and mitigate the potential impacts identified. BCD considers further information that addresses the following matters is required prior to the proposal proceeding.

We recommend, consistent with the LEP Guideline, that the proposal be updated to include:

- detail of how the proposal has taken appropriate and sufficient steps, as a first step, to avoid or minimise impacts to native vegetation*
- recommendations to mitigate the identified impacts of rezoning*
- makes recommendations for biodiversity offsets to address any loss of native vegetation*
- proposed ownership and management arrangements for residual land such as environmental land, open space and riparian corridors.*

This additional analysis should consider whether the proposed RU5 zoning and 2 ha minimum lot size is suitable for all parts of the subject land. Areas supporting large patches of remnant vegetation, and patches contiguous with vegetation beyond the subject land, may be more suitable in a Conservation zone or with a larger minimum lot size.

noted in Council's additional response to the Department of Planning, it believes that appropriate studies (e.g., a Biodiversity Assessment Report) will be required to address these issues and determine how they can be avoided in any future development proposal.

Lastly, due to the zoning arrangements and various constraints, Council believes that once the initial land subdivision proposal is completed, these lots are unlikely to be further subdivided.

Outcome of public exhibition, agency consultation and resultant key changes.

As noted in the "Discussion" section of this report, the Planning Proposal aims to rezone RU4 Primary Production Land to R5 Large Lot Residential with a minimum allotment size of 2 hectares. Nevertheless, the issues raised during the exhibition and consultation stages were closely considered as part of the overall Planning Proposal by the Department of Planning, the Council, and the applicant. In response to community concerns and additional issues raised by BCD, the applicant, in line with the advice received from the Department of Planning and the Council, has updated the proposed Land Use Zones Map (LZN), Minimum Lot Size Map (LSZ), and the concept subdivision layout map.

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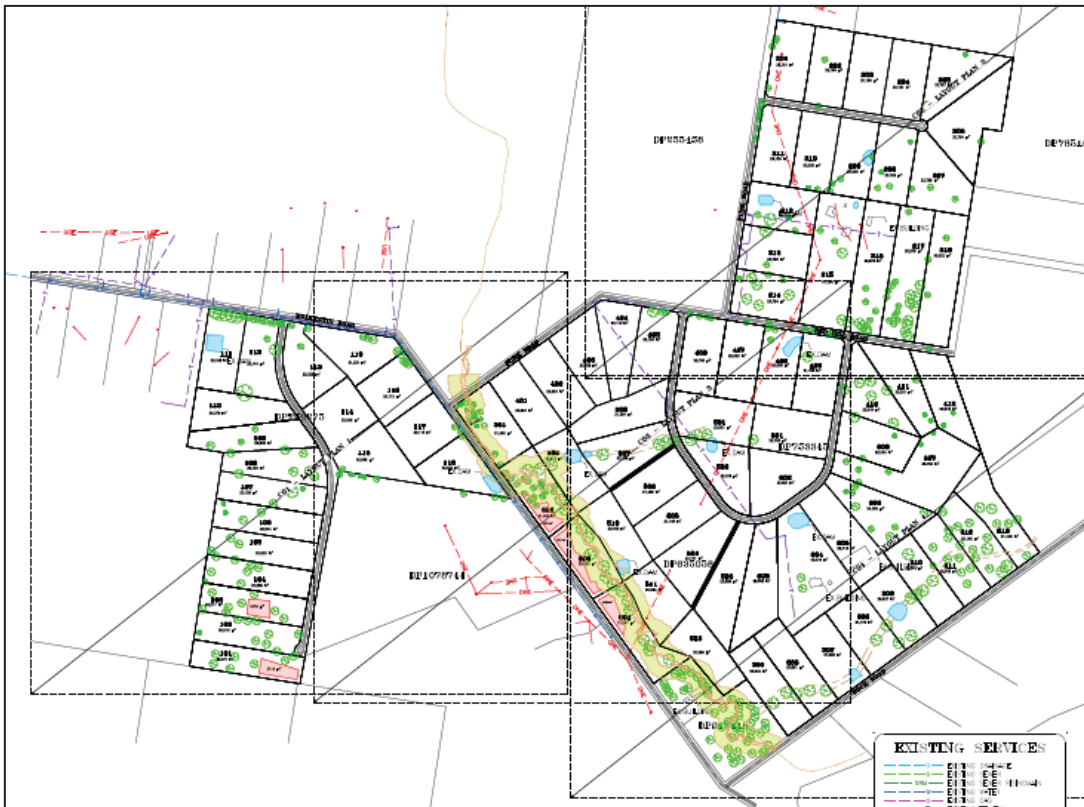
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In summary, the following post-exhibition changes have been incorporated into the amended design:

1. Minor changes to the proposed subdivision layout (**ANNEXURE 4**).
2. Introduction of a C2 – Environmental Conservation Zone with a minimum lot size of 4 hectares to remove dwelling entitlement (**ANNEXURE 4**).
3. Introduction of SP2 – Infrastructure Zone (**ANNEXURE 4**).
4. Changes to the R5 Large Lot Residential Zone, increasing the minimum lot size to 4 hectares in relevant biodiversity constrained sections of the site (**ANNEXURE 4**).
5. Preparation of a detailed site-specific Development Control Plan (DCP) before the land can be ‘released’ for subdivision, in accordance with Part 6.8 of the GHLEP 2012 to ensure the long-term retention of critical ecological vegetation.
6. Introduction of additional building envelopes.

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2. **Figure 1** – Exhibited indicative subdivision layout by the applicant.

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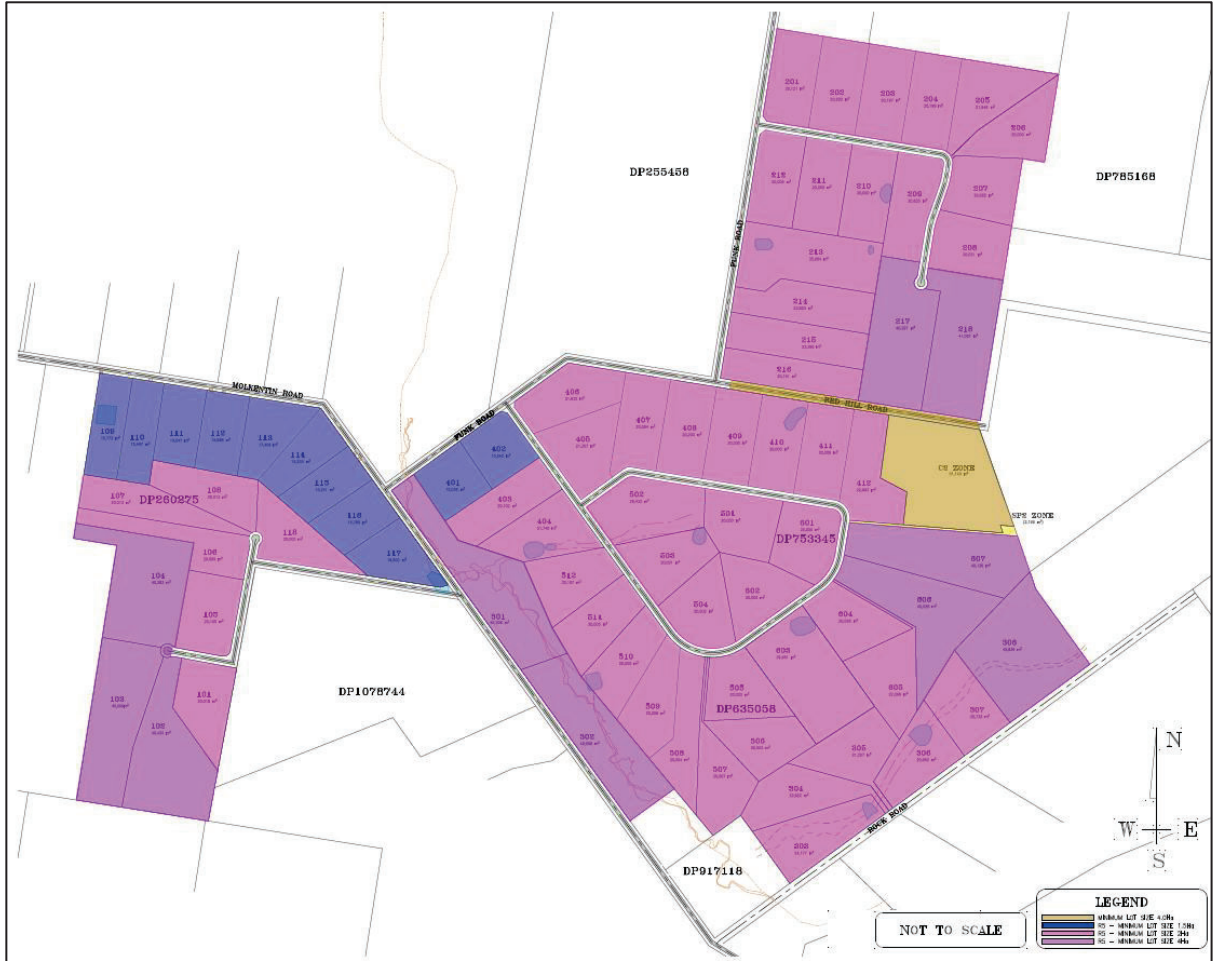


Figure 3 – Proposed Minimum Lot Size Map (LSZ) by the applicant.

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The applicant has slightly changed the indicative subdivision layout (**Figure 1**) to reflect the comments received from BCD. This includes the presentation of the lot layout and the total number of lots expected as a result of the subdivision. A copy of the amended layout is shown in **Figure 2**. The proponent initially planned for a total of eighty-two (82) allotments as part of the original layout; however, this number has been slightly reduced due to additional measures taken to protect the ecological community within the site, along with the supporting internal access road network. The revised layout indicates that the approximate total lot yield, once the subdivision is completed, is seventy-seven (77).

As the submitted Biodiversity Assessment Report identified a critical Threatened Ecological Community (TEC) located along Red Hill Road, in the north-eastern section of existing Lot 153 DP 753345, the applicant has zoned this part of the land as C2 – Environmental Conservation Zone, with a minimum lot size of 4 hectares. This proposed change resulted in the removal of dwelling entitlement for previous Lots No. 411, 412, and part of Lot 607. The review of the C2 land use table contained within the GHLEP 2012 indicates that very few uses are permitted with consent in that zone. As a result, BCD and the Department of Planning are satisfied that the existing high ecological values can be retained.

One of the proposed changes is to increase the minimum allotment size for part of the R5 zoned land from 2 hectares to 4 hectares, as shown in Figure 3. This includes the eastern section of Lot 121 DP 753345, along the western boundaries of Lot 122 DP 753345, Lot 22 DP 635058, and various areas within Lot 5 DP 260275. Specifically, Part Lots 606–608, Lots 311–313, Part Lot 301, Lots 302–304, Lots 101–102, and Part Lots 104–109 within the revised layout have been redesigned, and the minimum allotment size has been changed from 2 hectares to 4 hectares. This change has resulted in an update to the minimum lot size map for the development site, as shown in Figure 3. The revised zoning map also identifies a site for a future 4 mg reservoir in line with the advice received from the Council, and it is zoned as SP2 Infrastructure.

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The revised proposal also incorporates **(Figure 4)** additional building envelopes as follows:

- Along the southern border of Lot 121 DP 753345, the western border of Lot 122 DP 753345, Lot 22 DP 635058, and various areas within Lot 5 DP 260275. Specifically, these include Lots 308, 301–302, and 102–104 within the revised layout, where the land is zoned R5 Large Lot Residential with a minimum allotment size of 4 hectares.
- Along the southern border of Lot 121 DP 753345 (on proposed Lots 306–307) and scattered within Lot 5 DP 260275. Specifically, this includes proposed Lots 105–107 and 109–111. As indicated previously, the size of the envelopes is approximately 500 m².

It is further noted that a portion of Lot 5 DP 260275 is currently identified as bushfire-prone land. As a result, if Council supports the revised proposal and if/when the land is rezoned, the subsequent DA will need to be referred to the NSW RFS. It is highly likely that the NSW RFS will require the applicant to maintain an Asset Protection Zone (APZ) to comply with the Planning for Bushfire Protection (PBP) 2019 guidelines. Due to the considerable setback distances from the building envelopes to the existing vegetation, Council believes that no vegetation will need to be removed.

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Figure 4 – Proposed indicative building envelopes by the applicant.

The revised footprint and proposed arrangements to incorporate a C2 Environmental Conservation Zone with a minimum lot size of 4 hectares into the Planning Proposal, along with changing the minimum allotment size from 2 hectares to 4 hectares in the R5 Large Lot Residential land where the endangered species are located, achieve a more balanced and robust development and conservation land supply outcome. This is the preferred option, as it is realistically the only way to progress the proposal to meet the requirements of BCD and the Department of Planning while addressing concerns raised in public submissions. Council staff also consider that the revised Planning Proposal represents an improved planning outcome, which is supported by the Department of Planning.

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In principle, the Department and the Council agree that the revised maps do not warrant a re-exhibition of the proposal and that they present a better potential planning outcome, as illustrated in Figures 2, 3 and 4. This will adequately deliver much-needed land for new housing in close proximity to the Jindera Central Business District. Additionally, Council and the Department believe that the provision of infrastructure and specific biodiversity issues will be more closely considered as part of the process of amending the Greater Hume Development Control Plan 2013 to incorporate a site-specific master plan.

The proposal did not require a public hearing as per **Condition 4** of the Gateway Determination.

BUDGET IMPLICATIONS

As the proposal was initiated by the applicant, the relevant fees were required to be paid by the proponent. In addition, the preparation of the maps and relevant Geographical Information System (GIS) data must also be provided by the proponent. If Council supports the proposal, the applicant is required to undertake a site-specific master plan in conjunction with the advice received from Council, at no cost to Council.

CONCLUSION

The Planning Proposal, together with the revised series of plans, responds to the concerns and issues raised during the public notification and consultation stage. The key changes since the exhibition of the Proposal have been discussed above, and Council and the Department of Planning deem that the revised development footprint is substantially the same and does not warrant re-exhibition, as it provides an improved planning outcome. As all matters raised by external agencies have been appropriately addressed, Council considers that the Planning Proposal is consistent with the applicable Section 9.1 Ministerial Directions.

The Gateway Determination dated 23 May 2023 further indicates that the Planning Proposal must be completed within nine (9) months. However, it is noted that, due to various concerns raised by BCD, Council was unable to complete the proposal. Therefore, to expedite the process, it is suggested that the Department of Planning take on the role of local plan making authority.

In accordance with Section 3.32 (b) of the EP&A Act 1979, the Planning Proposal can be completed.

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RECOMMENDATION

That Council:

1. receive the report from the Director of Planning and Environment on the amended Planning Proposal regarding changes to the minimum lot size and rezoning of land on the above sites to amend the GHLEP 2012;
2. request the Department of Planning, Housing and Infrastructure to draft and finalise the amendment to the GHLEP 2012;
3. advise submission makers of Council's decision once the GHLEP 2012 amendment has been notified;
4. request the proponent of the Planning Proposal to develop a detailed site-specific Development Control Plan (DCP) to be inserted into the Greater Hume Development Control Plan 2013 for the sites subject to the Planning Proposal before the land can be 'released' for subdivision, at their cost and in conjunction with the advice received from Council.

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3. **DEVELOPMENT APPLICATION 10.2024.83.1-DWELLING HOUSE-
CONSTRUCTION OF A SINGLE STOREY DWELLING INCLUDING
ATTACHED GARAGE – LOT 13 DP 753764 AT WALLA WALLA WEST
ROAD, WALLA WALLA NSW 2659.**

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation regarding the Development Application (DA) for a “Dwelling House - Construction of a single-storey dwelling, including an attached garage” on Lot 13 DP 753764 at Walla Walla West Road, Walla Walla NSW 2659.

The subject site is located on the western outskirts of the Walla Walla Township, approximately 1 km from the Walla Walla Central Business District (CBD). The land adjoining to the north, east, and south is rural, used for grazing and cropping, while Walla Walla West Road lies to the south. The site is currently zoned RU1 Primary Production under the provisions of the Greater Hume Local Environmental Plan (GHLEP) 2012.

Section 4.2A (3)(a) of the GHLEP 2012 states that “*consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone (i.e., RU1 Primary Production), to which this clause applies*” “*and on which no dwelling house or dual occupancy has been erected, unless the land is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land.*” Upon reviewing the applicable “Lot Size Map” contained in the GHLEP 2012 for the area, Council staff noted that the minimum lot size required to erect a dwelling is 100 ha. However, Council’s GIS System indicates that the development site only has a total area of approximately 27.33 ha. As a result, the applicant is unable to erect a dwelling on this site based on the above-specific prescriptive instruments.

According to the Environmental Planning and Assessment (EP&A) Act 1979, the minimum allotment size (Section 4.2A(3)(a)) is considered a “Development Standard” that can be varied utilising Section 4.6 of the GHLEP 2012 in order to erect a dwelling. The following definition is noted in the EP&A Act regarding the development standard related to this application:

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“development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

- (a) **the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,***
- (b) the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) the cubic content or floor space of a building,*
- (e) the intensity or density of the use of any land, building or work,*
- (f) the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) the volume, nature and type of traffic generated by the development,*
- (i) road patterns,*
- (j) drainage,*
- (k) the carrying out of earthworks,*
- (l) the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) the provision of services, facilities and amenities demanded by development,*
- (n) the emission of pollution and means for its prevention or control or mitigation, and*
- (o) such other matters as may be prescribed.”*

Due to non-compliance with the minimum allotment size requirement, the applicant has sought a Section 4.6 variation under the GHLEP 2012 to erect the dwelling subject to the application. Given that the development site has an approximate area of 27.33 ha, the variation sought represents approximately 72.67 percent of the standard.

The "Guide to Varying Development Standards" and associated practice notes issued by the Department of Planning and Environment (DPE) in November 2023 state that if a DA is lodged after 1 November 2023 and proposes a variation greater than 10%, the elected Council must determine the DA.

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Accordingly, this matter is reported to the Council for determination.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION - DESCRIPTION OF PROPOSAL

The proposed development involves the erection of a single-storey dwelling with a maximum length of 31.08 metres and a maximum width of 13.72 metres. The dwelling will contain three bedrooms, a living room, a kitchen and meals area, a family room, two bathrooms, and an attached double garage. The dwelling will have a total footprint of approximately 306.8 m², including a 43.7 m² double garage. The height of the building to the eaves is approximately 2.55 metres. The building will feature a hip roof with varying angles and a 25⁰ pitch. No tree removal is proposed as part of the new construction.

The dwelling is set back approximately 40 metres from its southern boundary on all-weather sealed Walla Walla West Road, and approximately 135.3 metres from the western and eastern boundaries.

The applicant further noted that the new dwelling will be connected to the main grid, while an onsite sewage management system is proposed to treat wastewater. 'Figures 1-3' outline the nature of the proposed development.

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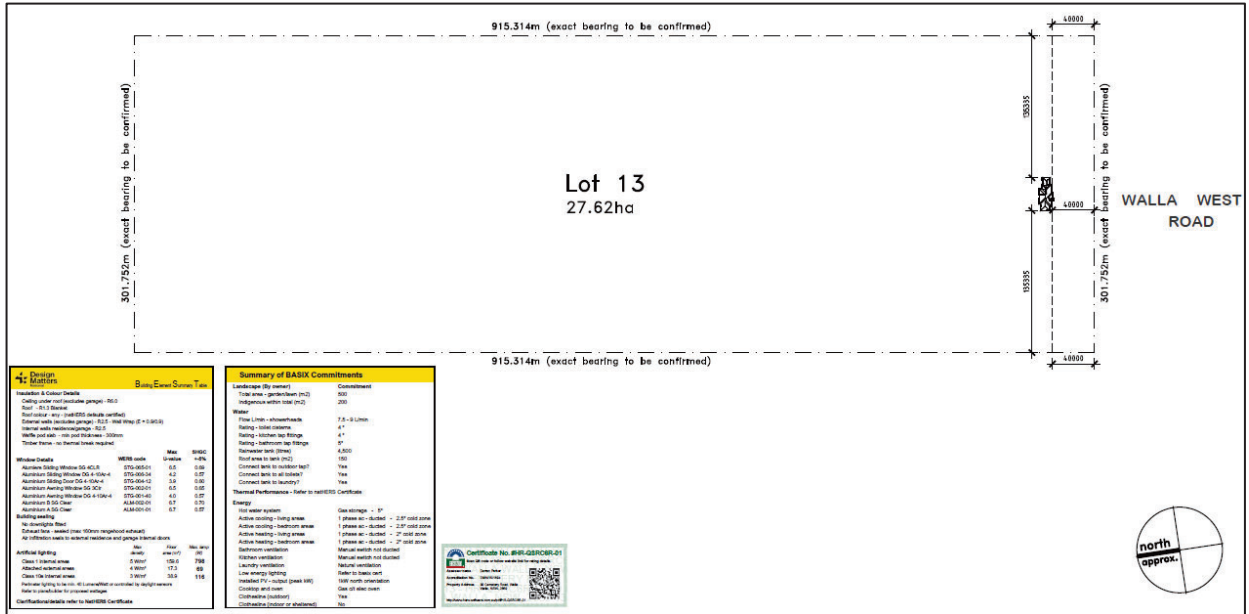


Figure 1 – The proposed site plan by the Applicant

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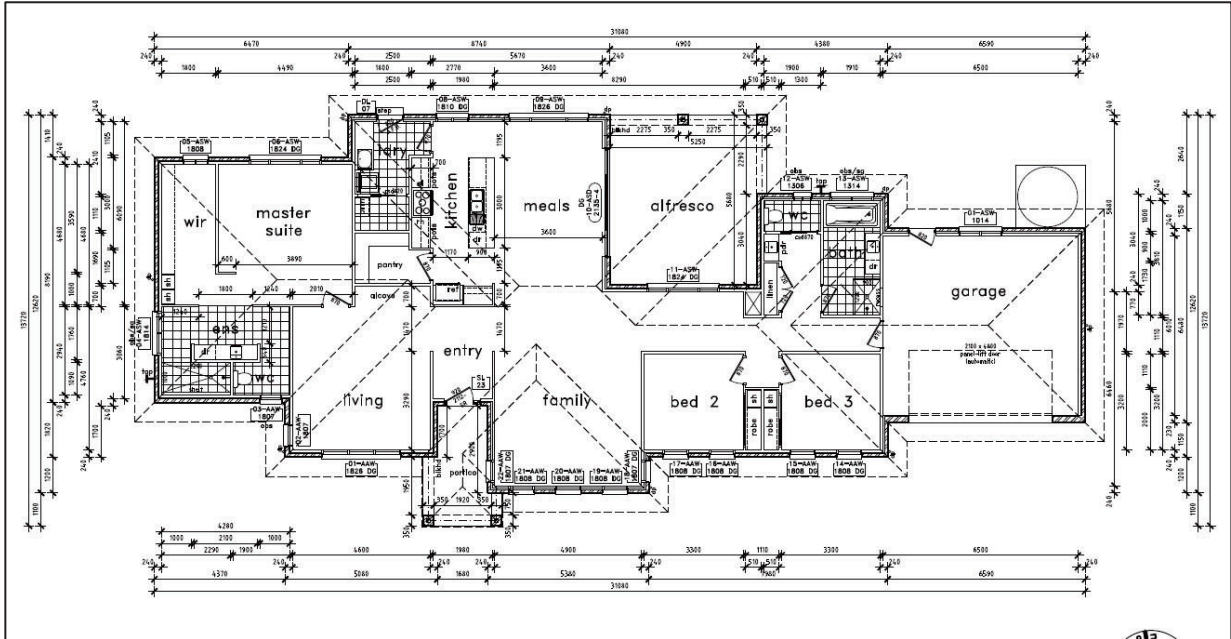


Figure 2– Proposed floor plan of the dwelling by the Applicant.

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Figure 3– Elevation views of the proposed dwelling by the Applicant.

The applicant noted that the estimated cost of development for the proposal is approximately \$400,000.00.

This application is supported by the following:

1. A Planning Report incorporating a Clause 4.6 Variation, prepared by Habitat Planning and dated May 2024 (**ANNEXURE 5**).
2. A series of preliminary plans, including the site plan, floor plan, and elevation diagrams (north, south, east, and west) (**ANNEXURE 5**).
3. BASIX Certificate No. 1753780S, dated 01 July /2024 (**ANNEXURE 5**).
4. Completed single dwelling bushfire assessment kit (**ANNEXURE 5**).
5. Owners' consent from Robert Trethowan and Gayle Trethowan.

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

ASSESSMENT

1. DESCRIPTION OF THE SITE AND LOCALITY

The subject land is legally described as Lot 13 DP 753764 and is located off Walla Walla West Road, Walla Walla NSW 2659. The site is a rectangular-shaped allotment with a width of approximately 302 metres, a length of approximately 905 metres, and covers an area of approximately 27.33 hectares. Aerial imagery contained within the Council GIS System shows that a man-made dam is located in the middle of the site. The southern border of the site backs onto all-weather sealed Walla Walla West Road, while its eastern border, which backs onto Lot A DP 300942, contains mature vegetation cover. The site is adjoined by rural land uses, predominantly agricultural, with similar shapes and sizes.

The development site and adjoining lots are zoned RU1 Primary Production pursuant to the GHLEP 2012. Neither the subject development site nor the adjoining lots contain any known items of environmental heritage significance, as outlined in Schedule 5 of the GHLEP 2012. A small portion of land on the southern-eastern corner of the site has been identified as bushfire-prone land according to the Rural Fire Service bushfire mapping.

The Title search carried out by Council staff indicates that the site contains an easement for water supply that benefits a number of adjoining allotments.

'**Figures 5-6**' outline the subject site.

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Figure 4– Locality; Source: Intramaps



Figure 5– The subject development site with applicable zoning controls; Source: Intramaps

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

Since no vegetation is proposed to be removed, it is considered that the proposal is consistent with Part 7 of the Biodiversity Conservation Act 2016.

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

A small portion of land on the southern-eastern corner of the site has been identified as bushfire-prone land according to the Rural Fire Service bushfire mapping. The submitted 'Single Dwelling Application Kit' concluded that the vegetation patch is classified as grassland, and therefore the applicable Bushfire Attack Level (BAL) for the site is 12.5. Due to this BAL rating, Council considers that no further referral under this section is required. However, it is noted that, based on the "Planning for Bush Fire Protection 2019" "Standards for Asset Protection Zones," a standard condition will be imposed to ensure consistency.

Section 4.46 - What is "integrated development"?

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

4.15 Evaluation

(1) Matters for consideration-general

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

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) (Repealed)*

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

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

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

Local Environmental Plans

The subject land is zoned RU1 Primary Production under the GHLEP 2012. The relevant matters of the LEP are addressed as follows:

Zone RU1 Primary Production

Objectives of zone

- *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.*

The proposed development is a permitted form of development on land zoned RU1 Primary Production. The GHLEP 2012 provides the following definition for a dwelling house:

dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Section 2.3(2) requires that Council have regard to the objectives of the zone before granting consent to a development within that zone.

Council staff noted that the proposed development is generally consistent with the objectives and maintains its integrity. The proposal neither aims to fragment valuable agricultural land nor create a conflict between land uses within the zone. Single-storey dwellings are present on adjacent properties to the north, south, and east on smaller allotments of size than the site. Given the location, siting, and size of the site, Council staff are confident that permitting a dwelling on the subject lot, where the landowners reside, will enhance land management practices through continuous care of the rural land and its ecological values. Additionally, the proposed single-storey dwelling is situated among other single-storey residential developments in the area, thereby preserving the predominant rural character of the locality.

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Part 3 Exempt and complying development.

No exempt or complying development provisions are outlined in this section or Schedule 2 of the GHLEP 2012 that are applicable to this development.

Part 4 Principal development standards

4.2A Erection of dwelling houses and dual occupancies on land in certain rural and residential zones

- (1) *The objectives of this clause are as follows—*
 - (a) *to minimise unplanned rural residential development,*
 - (b) *to enable the replacement of lawfully erected dwelling houses or dual occupancies in certain rural and residential zones.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU4 Primary Production Small Lots,*
 - (c) *Zone R5 Large Lot Residential.*
- (3) *Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—*
 - (a) *is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or etc.....*

The objectives of this clause are to minimise unplanned residential development and to enable the replacement of lawfully erected dwellings and dual occupancies in certain rural and conservation zones, such as the site that is the subject of this application. As no lawfully erected house exists on the site, Council must determine whether it can clearly identify that the proposed development is not an *'unplanned rural residential development.'*

In this regard, the following is noted:

- The site subject to the application is located in close proximity to Walla Walla Township (less than 1 km), which is zoned RU5 Village. The development site has proper access via all-weather sealed Walla Walla West Road to the south, a reticulated rural water supply from Riverina Water, an electricity connection via the main grid, and ample room for an onsite sewer management system.

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- Council also noted that the adjacent allotments to the north (Lot 4 DP 585602 and Lot 1 DP 873609) contain dwellings, although they are below the minimum lot size applicable for the site and are also less than the size subject of this application.

Lots A DP 300942 and 12 DP 753764 are located to the east of the subject site, with approximate areas of 8.09 ha and 52.67 ha, respectively. A dwelling is located on Lot A DP 300942, while Council, in its letter dated 9 February 2024, has confirmed that since Lot 12 DP 753764 was created under an old planning instrument, a dwelling house can be erected subject to lodging a development application or a complying development application.

Lots 44 DP 665957 and 432 DP 706186 are located to the south of the development site and have approximate total areas of 28.25 ha and 37.33 ha, respectively, with a dwelling house and ancillary outbuildings that support the operation of the existing use of the development.

Council, in its letter dated 23 August 2010, has confirmed that Lot 139 DP 753764, located to the west of the development site, also contains a dwelling entitlement.

In summary, the above assessment against the existing conditions of the surrounding area notes that the site is well located in close proximity to Walla Walla Township and is able to access the services required to comply with Section 6.7 of the GHLEP. As a result, if Council supports the application, it has sufficient grounds to conclude that the proposal is not considered to be an *'unplanned rural residential development.'*

Although the Council is satisfied that the development is not inconsistent with objectives in Section 4.2A(1) of the GHLEP 2012, in accordance with Section 4.2A(3)(a), Council is unable to consent to the erection of a dwelling house on land in a zone to which this clause applies (i.e., RU1 Primary Production) unless the lot on which the dwelling is to be constructed meets the minimum lot size stipulated in the relevant lot size map of the LEP.

Pursuant to the relevant lot size map, the minimum lot size requirement for the subject site is 100 hectares. Council's GIS System indicates that the site subject to the application has an approximate area of 27.33 hectares, resulting in the lot size being 72.67 hectares below the minimum lot size standard. It is acknowledged in the submitted Statement of Environmental Effect (SEE) prepared by Habitat Planning that under Section 4.2A(3)(a) of the GHLEP 2012, the required lot size is 100 hectares, and the subject property is well below this minimum. As such, the proposed development fails to comply with this development standard.

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In recognising that the ‘minimum lot’ is a development standard, the applicant, in their SEE, has provided a variation request utilising Section 4.6 of the GHLEP 2012 to proceed with the DA.

4.6 Exceptions to development standards

‘(1) The objectives of this section are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.’*

As per the above objectives, Section 4.6 provides flexibility in the application of planning provisions by allowing the Council to determine and approve a DA that does not comply with certain development standards, provided the applicant demonstrates that the non-compliance would achieve better outcomes for and from the development.

When determining whether to grant consent for development that contravenes a development standard, Council is required to undertake a further assessment in accordance with Section 4.6(3). Therefore, this matter will be discussed further in this report.

“(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.”

As previously discussed in the report, the proposed variation (Section 4.2(A)(3)(a)) meets the definition of “**Development Standards**” and it is not written with a prohibition.

“(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—:

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.”*

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Applicant has provided a written request outlining that the specific development standard is unreasonable or unnecessary in this instance. The following wording was noted in the SEE:

'Method 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard

Objective (a): to minimise unplanned rural residential development.

The development site is located less than 600 metres from the Walla Walla township and the RU5 village zone which it encumbers. The land is not utilised for rural or agricultural purposes or constrained by any natural hazards or significant biodiversity values and is mostly unencumbered. The land lies adjacent to a single dwelling on an 8 hectare site between the subject land and the Walla Walla township and a dwelling does not fragment the landscape or surrounding land uses and does not leapfrog other development in the area.

Overall, the proposal is viewed as a logical extension and intermediate development between the Walla Walla village and outer rural and agricultural areas surrounding the village. Being land immediately, within 600 metres to the west of the township, it is considered that it does not contribute to unplanned rural residential development and complies with objective (a) of Clause 4.2A of the LEP.

Objective (b) to enable the replacement of lawfully erected dwelling houses or dual occupancies in certain rural and residential zones.

The land is not known to have contained a single dwelling or a dual occupancy and this objective is not relevant to the proposal.

Method 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The underlying objective is clear in the actual objective where it seeks to minimise unplanned development. This seeks to have the effect of reducing or eliminating land use conflicts between established and permitted uses. In the RU1 zone it also seeks to conserve agricultural land for agricultural purposes.

The subject site is located less than 600 metres to the Walla Walla township and is of a size that does not support an independent commercially viable agricultural operation. The size of the land however is a transitional one that will provide a rural housing opportunity with reduced land use conflict potential between existing agricultural land uses to the west and the village zone and residential uses to the east. It is therefore concluded that the underlying objective satisfied by the proposal.'

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The Applicant has further argued that there are sufficient environmental planning grounds to justify the variation, as detailed below in their SEE:

“The proposal demonstrates sufficient environmental planning grounds to justify a flexible approach to the application of the minimum lot size as it applies this development under Clause 4.2A(3)(a).

In the case ‘Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009’, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site.

The works are considered sufficient on environmental planning grounds for the following reasons:

- *Lot 12 has a dwelling entitlement and has a total area of approximately 52 hectares (48% smaller than the minimum Lot size). 80 Walla West Road adjoining the subject site, has an existing dwelling on land with a total area of approximately 8 hectares (92% smaller than the minimum Lot size). The average departure from the minimum Lot size for the rural dwelling of eight (8) Lots in the immediate vicinity of the site exceeds 75%.*
- *The construction of a new rural dwelling will not create any adverse environmental or social impacts, nor will it fragment any rural land. The property already exists and adjoins other rural dwellings in the area and is well separated from adjoining agricultural uses to the north and west, which will prevent the creation of land use conflicts.”*

Council acknowledges that the site subject to the application is located outside the boundary of the structure plan for Walla Walla, which was formulated as part of the preparation of the Greater Hume Development Control Plan (GHDCP) 2013. It is also acknowledged that the site has not been identified as suitable for future residential development in its other strategic planning documentation. Nevertheless, it is noted that Council is in the process of identifying new land suitable for residential, commercial, and industrial purposes to formulate a new shire-wide structure plan, including Walla Walla. As a result, the current structure plan contained within the GHDCP 2013 is likely to be repealed, and most of the existing land in the vicinity currently zoned RU1 Primary Production existing land in the vicinity may be identified as suitable for residential or possible industrial use.

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Consideration must now turn to whether the justifications provided by the applicant, together with Council's future strategic planning direction for Walla Walla Township, have sufficient merit for Council to support the proposal. In this regard, the following is noted:

- Council is satisfied that the 'essential services' outlined under Section 6.7 of the GHLEP 2012 will be available "when required" to the development site at no cost to Council;
- If strict compliance with this standard (4.6(3)(a)) were required, it would prevent the applicant from developing the site, which is located in close proximity to the Walla Walla Central Business District (CBD) that has numerous community, commercial facilities, and educational institutions. This could potentially leave the allotment as a vacant paddock with no use and may result in biosecurity issues;
- As previously discussed in the body of the report, Council staff noted that the allotments to the north, south, east, and west, which are zoned RU1 Primary Production under the GHLEP 2012, either contain a dwelling or have previously been confirmed by Council to have dwelling opportunities, as they were created under earlier environmental planning instruments. Although the approval of a dwelling does not 'strictly' set a precedent for Council to approve another dwelling on a lot that is below the minimum allotment size, in this instance, Council staff are satisfied that the existing allotments, which contain dwellings and are smaller than the site subject to the application, operate without creating land use conflicts. Therefore, Council can conclude that the approval of a dwelling on an approximate area of 27.3 ha will not have detrimental impacts on the locality.
- The internal referral responses from Council's Manager of Traffic and Infrastructure, dated 05/08/2024, indicate that, subject to the imposition of conditions, the application can proceed. Council also notified the application from 2 August 2024 until 21 August 2024. Council has not received any submissions regarding the proposal.

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- The above justification further argues that the proposal does not contribute to unplanned rural residential development and that the relevant objectives of Section 4.2A(1) can be achieved despite the lot size being below the minimum lot size provision outlined in the GHLEP 2012. The applicant contends that the site is located in close proximity to Walla Walla Township and can therefore be viewed as an expansion of the Walla Walla village, as numerous small allotments within the locality contain dwelling houses. It is, however, important to note that these smaller lifestyle lots located adjacent to the development site are clearly the exception rather than the rule and are legacy dwellings erected under either the former LEPs or prior to the introduction of an Environmental Planning Instrument (EPI).

As a result of the above discussion, it is considered that the circumstances in this case are acceptable, and assessment staff are satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Section 4.6(3) of the GHLEP 2012. Therefore, the proposed variation to Clause 4.2A(3)(a) of the GHLEP 2012 should be supported.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The site does not contain any known items of Environmental Heritage Significance as outlined in Schedule 5 of the GHLEP 2012. It is also noted that a standard condition related to the protection of unknown Aboriginal Heritage will be imposed on any consent granted.

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones

The objective of this clause is to minimise potential land use conflict between existing and proposed developments on land within the rural, residential, or conservation zones concerned. As the site is zoned RU1 Primary Production, this clause applies to the subject property.

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Clause 5.16(3) specifies that the consent authority must take into account the matters listed in subclause 5.16(4) when determining whether to grant development consent for the erection of a dwelling on land to which this clause applies.

“(4) The following matters are to be taken into account—

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c)”*

Based on the above discussion and available GIS mapping, Council deems that the surrounding lots are primarily used for rural land operations, including farming and grazing purposes. These lots can also be identified as ‘lifestyle lots,’ which were erected in accordance with previous planning provisions. Given the size of the block in question and the surrounding character of the area, Council considers that the site subject to the application is more consistent with rural lifestyle pursuits.

The applicant does not plan to use groundwater for the dwelling due to availability of reticulated water supply to the site, and all utilities are readily available for connection. Therefore, it is considered that the circumstances applying in this case are acceptable, and the proposed development will have no impact on the predominant uses in the vicinity and is compatible with surrounding land uses.

Section 6.1 Earthworks

According to the applicant’s documentation, all earthworks will be limited to the foundation, slab, essential services (i.e., boring for structural foundations), and those associated with the proposal. Therefore, it is considered that these earthworks are ancillary to the proposed development and will not require a separate development consent.

It is further considered that the earthworks will have no adverse effect on:

- Existing drainage patterns and soil stability in the locality,
- The likely future use or redevelopment of the land,
- The existing and likely amenity of adjoining properties, and
- Any watercourse, drinking water catchment, or environmentally sensitive area.

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Additionally, Council staff are satisfied that, subject to the imposition of appropriate conditions on the consent (e.g., sediment control measures, protection of Aboriginal items, etc.), similar consistency can be achieved. The proposal meets the objectives of this section and the relevant assessment criteria outlined in Section 6.1(3).

Section 6.7 Essential services

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

Subsection	Comment
(a) the supply of water,	The applicant noted that they will install a rainwater tank for the purpose of harvesting rainwater.
(b) the supply of electricity,	The applicant noted that the new dwelling will be connected to the main grid. A condition will be imposed to reflect this requirement if the application is approved.
(c) the disposal and management of sewage,	A condition will be placed on any consent granted, requiring the applicant to lodge a S68 approval to establish and operate an onsite sewer system.
(d) stormwater drainage or on-site conservation,	Stormwater, including overflow from the development site, is to be drained on-site without causing nuisance to adjoining properties. A condition will be imposed to ensure compliance.
(e) suitable vehicular access	The development site has access via all-weather sealed Walla Walla West Road to the south. The referral response from the Engineering Department noted that in order to facilitate the development, a 'Typical Rural Driveway Crossover' would be required. Therefore this requirement will appropriately conditioned on any consent granted.

Relevant State Environmental Planning Policies applicable for the proposal:

State Environmental Planning Policy (Sustainable Buildings) 2022

A valid BASIX certificate (1753780S and dated Monday, 01 July 2024) has been submitted with the application and the commitments have been shown on the plans. Plans appear to be consistent with BASIX commitment.

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State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 3 Koala habitat protection 2020

The subject land is not considered to be core koala habitat or potential core koala habitat.

Chapter 4 Koala habitat protection 2021

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021
Chapter 4 Remediation of land

According to Section 4.6(1)(a), and based on a search of Council files, the land has not been used for any approved activities that would render the soil contaminated to a degree that would prevent its future development as commercial premises. Therefore, it is considered that the land is suitable in its current state for the proposed development.

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

There is no proposed draft instrument that will change the outcome of this assessment.

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Section 4.15(1)(a)(iii) any development control plan,
The GHLEP 2013 applies to the land. Please refer to the assessment below.

CHAPTER 2.0- RESIDENTIAL DEVELOPMENT:

STANDARD	COMMENT
<p>1 Neighbourhood character Objectives</p> <ul style="list-style-type: none"> • Provide for a mix of compatible dwelling types. • Create aesthetically pleasing residential neighbourhoods. • Residential areas providing high levels of amenity. • Encourage higher density housing to be located in close proximity of town centres. • Maintain a lower density residential character outside of the immediate town centres. • Ensure a transition in density from lower to higher density residential areas. • Maintain the character of existing average and lower density residential neighbourhoods 	<p>The proposed dwelling is consistent with the neighbourhood character in terms of scale, density, and setbacks. It is also of a character suitable for the rural context, utilising earthy, neutral tones that are sympathetic to the environment. Furthermore, due to the considerable setback distance (being 40m), the proposal is not expected to create additional detrimental impacts on the existing built fabric in the locality.</p>
<p>2.2 Streetscape Objectives</p> <ul style="list-style-type: none"> • Residential design that makes a positive contribution to the streetscape. • The provision of passive surveillance to the street. • The integration of new development into the streetscape and neighbourhood 	<p>No trees are proposed for removal, and the dwelling is well set back from the nearest roadway. Therefore, it is considered that the rural streetscape will not be changed as a result of the proposal. Additionally, it is noted that the erection of a dwelling on the allotment will increase passive surveillance of the existing streetscape.</p>
<p>2.3 Site requirements</p> <ul style="list-style-type: none"> • To provide a balance between the built and open space areas of a site. • To prevent over development of a site. • To provide for residential amenity. • To protect the neighbourhood character. • To encourage development that responds to the characteristics of the site. • To encourage energy efficiency. 	<p>The documentation provided as part of the application indicates that the dwelling, including the attached carport, will have a combined total floor area of approximately 306.8 m². As noted previously in the report, the site subject to the application has an approximate total area of 27.33 ha. The applicant has designed the house so that most parts of the dwelling face north to take advantage of direct sunlight. Additionally, the application is supported by a valid BASIX Certificate. As such, it is considered that the objectives of this criterion are met.</p>

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<p>2.4 Building heights Objectives</p> <ul style="list-style-type: none"> • <i>Ensure buildings are not obtrusive or dominate the streetscape or landscape.</i> • <i>Minimise impacts on adjoining properties from overshadowing and overlooking.</i> 	<p>The proposed dwelling will have a total height of 2.55 meters to the eaves of the building. The proposal will be located with substantial setbacks from the adjacent dwellings on Lot: A DP: 300942 to the east. Due to the substantial front setbacks to the front boundary together with the wider street frontage, the assessment staff are satisfied that the proposal will not obtrusive or dominate the streetscape. Consequently, the proposed development is not inconsistent with the performance based controls outlined under this object.</p>
<p>2.5 Building setbacks Objectives</p> <ul style="list-style-type: none"> • <i>Attractive streetscapes through consistency in front building setbacks.</i> • <i>The maintenance of existing character in residential areas (e.g. average density, lower density, etc.).</i> • <i>Adequate separation between dwellings.</i> • <i>Maintain and ensure reasonable access to views for all.</i> • <i>Maintain sight distance for vehicular safety.</i> • <i>Provide privacy and areas for landscaping</i> 	<p>The site subject to the application is zoned RU1 Primary Production. Upon reviewing the setback requirements for erecting a dwelling, Council staff are satisfied that the proposal meets the minimum setback requirements. It is also considered that no additional landscaping is required due to the considerable front setback and the wider street frontage</p>
<p>2.6 Privacy and Amenity Objectives</p> <ul style="list-style-type: none"> • <i>The protection of privacy and amenity of neighbouring properties.</i> • <i>Privacy and amenity for residents within medium density developments</i> 	<p>According to the proposed development plan, the development is sited and designed to minimise overlooking of the habitable components of adjoining dwellings within the vicinity. As the nearest dwelling on Lot: A DP: 300942 is located more than 300m from the proposed dwelling, Council staff are satisfied that the proposed dwelling will not have any issues related to privacy and amenity.</p>
<p>2.7 Landscaping Objectives</p> <ul style="list-style-type: none"> • <i>Front landscaping that contributes to an attractive streetscape.</i> • <i>Enhancement of the natural environment.</i> • <i>Reduction in stormwater run-off from allotments.</i> • <i>Landscaping that contributes to the solar efficiency of the dwelling.</i> 	<p>The development site will have more than 15% of its area allocated to permeable surfaces to allow water infiltration as required under this design criterion. This approach aligns with BASIX commitments and aims to reduce any potential visual impacts.</p>

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<p>2.8 Private open space Objectives</p> <ul style="list-style-type: none"> • <i>A private outdoor space for residents.</i> • <i>Practical and useable outdoor areas for residents.</i> • <i>Outdoor areas that enhance residential amenity.</i> • <i>Private outdoor areas to maximise solar access.</i> 	<p>The proposed dwelling complies with these performance-based objectives.</p>
<p>2.9 Car parking and access Objectives</p> <ul style="list-style-type: none"> • <i>Sufficient on-site parking for residents and their visitors.</i> • <i>Safe movement of vehicles within a site.</i> • <i>High standard of construction and appearance of hardstand areas associated with vehicle movement and parking.</i> 	<p>The development site has ample room for car parking; thus, the proposal is considered consistent with this criterion.</p>
<p>2.10 Earthworks and drainage Objectives</p> <ul style="list-style-type: none"> • <i>To prevent erosion.</i> • <i>To avoid sediment transfer off site via stormwater.</i> • <i>To protect drainage infrastructure.</i> • <i>To protect water quality</i> 	<p>Based on the nature of the development and the current landform, it is considered that no significant earthworks are required for the construction of the single-storey dwelling.</p> <p>Importantly, all associated earthworks will be limited to the foundation only (i.e., boring footings for structural foundations). It is therefore considered that these earthworks are ancillary to the proposed development and will not require a separate development consent. Council officers believe that, subject to appropriate conditions on any consent granted (e.g., sediment control measures, protection of Aboriginal items, etc.), similar consistency can be achieved and the proposal will meet the objectives of this section.</p>
<p>2.14 Site facilities Objectives</p> <ul style="list-style-type: none"> • <i>Site facilities not to detract from the aesthetics of the building.</i> • <i>Site facilities not to be detrimental to residential amenity.</i> 	<p>No issues.</p>
<p>2.15 Security Objectives</p> <ul style="list-style-type: none"> • <i>Living environments that enhance residents' feelings of safety and security.</i> • <i>Building and layout designs that allow surveillance of common and public spaces by residents.</i> • <i>Environments that reduce opportunistic crime</i> 	<p>The proposal would enable the erection of a dwelling on the land, which would strengthen additional surveillance opportunities within the rural community. Therefore, the proposal is considered to be consistent with this criterion.</p>

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2.16 Energy efficiency

- *Buildings to meet projected user requirements for daylight access.*
- *Siting and design buildings to promote energy efficiency.*

According to the submitted floor plan, most of the living area of the proposal is oriented towards the north, and the proposal is also supported by a valid BASIX Certificate.

CHAPTER 10. – NOTIFICATION POLICY

The proposal was notified in accordance with Greater Hume Council's "Community Participation Plan's" notification requirements, from 2 August 2024 to 21 August 2024. No submissions were received for the proposal.

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

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

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

The following division within the *EPA Reg 2021* has been considered in the assessment of the Development Application;

- Part 4, Division 1- 'Determination of Development Applications';
- Division 2, Subdivision 1- 'Development in General – Section 69-74 & Section 81 within Subdivision 2'

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

Section 4.15(1)(b) - The Likely Impacts of that Development, Including Environmental Impacts on Both the Natural and Built Environments, and Social and Economic Impacts in the Locality

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CONTEXT	COMMENT
Context & setting	<p>Council considers that the creation of one additional entitlement in the local area, which is appropriately serviced without burdening Council’s infrastructure network (and which sufficiently meets BASIX requirements), complies with the controls outlined in the “Residential Chapter” of the GHDCP 2013. This development will have minimal impact on the social and economic welfare of the community and will not negatively impact the environment or the management of natural resources. Given the location of the site, Council’s Engineering Department did not raise any concerns related to its infrastructure network. As such, it is considered that the potential impacts of the development have been adequately assessed by the Engineering Department.</p> <p>The built character of the proposed single-storey dwelling is generally consistent with the neighbourhood in terms of height, scale, density, and setbacks, and is suitable for the rural context, utilising earthy, neutral tones sympathetic to the rural environment. As a result, the proposal will not result in any loss of views or vistas, will not impact local visual privacy, and will not overshadow any other property. Therefore, it is anticipated that the proposed residential development will integrate well and be compatible with the context and setting of the area.</p>
Socio- Economic implications	<p>These impacts are anticipated both during construction and in perpetuity. During the construction stage, the proposal has the potential to generate additional employment opportunities within the locality. In the long run, Council staff believe that an occupied and well-maintained allotment is expected to provide better care, a stronger sense of community, higher-level use and maintenance of the land, and could potentially be used as a small-scale farm. Therefore, it is considered that the proposal will have significant positive socio-economic impacts on the locality.</p>
Access, traffic & parking	<p>The proposed development can be accessed via an existing all weather sealed Walla Walla West Road located on the southern portion of the subject property. The Engineering Department noted that the development will not unreasonably increase vehicle movements beyond the capacity of the local road network. However, they have noted that a ‘Typical Rural Driveway Crossover’ would be required to facilitate access from the Walla Walla West Road to the development site.</p>
Utilities	<p>As no Council reticulated sewer is available for the area, an onsite sewer management system pursuant to Section 68 of the Local Government Act 1993 is required to be obtained from Greater Hume Council. As noted in Section 6.7 of this report, and as previously discussed, Council is satisfied that the required ‘essential services’ that are outlined under Section 6.7 of the GHLEP 2012, will be available “when required” to the development site with no cost to Council.</p>
Heritage	<p>The site does not contain any known items of Environmental Heritage Significance as outlined in Schedule 5 of the GHLEP 2013. It is noted, however, that a standard condition related to the protection of Aboriginal Heritage will be recommended with any consent granted.</p>

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CONTEXT	COMMENT
Stormwater	A general condition related to the disposal of stormwater will be incorporated into any consent granted. Given the extent of the site, it is considered that the additional stormwater generated by the development can be managed onsite without causing a nuisance to adjoining properties.
Soils & erosion	It is noted that all associated earthworks will be limited to the foundation only (i.e., boring footings for structural foundations), as discussed previously. Council officers believe that, subject to appropriate conditions on the consent (e.g., sediment control measures, protection of Aboriginal items, etc.), similar consistency can also be achieved.
Flora & fauna	No areas of critical habitat are affected by the proposal, and no native vegetation on site will be impacted.
Technological and natural hazards	There are no natural or technological hazards identified on the land or resulting from the proposal.
Safety, security & crime prevention	The development is unlikely to create any unacceptable impacts regarding safety, security, or crime prevention. It is noted that the proposal will provide additional surveillance opportunities and encourage the movement of pedestrians and vehicles.
Privacy	As per the proposed development plan, the development is sited and designed to minimise overlooking of adjoining properties.

Section 4.15(1)(c) - The Suitability of the Site for Development

Section 4.2.2 of the 'Guide to Varying Development Standards November 2023' notes that, in determining an application involving variations to development standards, Council may also consider the potential cumulative impacts of any previous and potential variations. The Guide states that continued variations to development standards approved incrementally over time may undermine planning objectives relating to the site or the relevant local government area. Therefore, Council should consider any cumulative effects of similar approvals and whether further approval would result in an unacceptable planning outcome for the site as part of the broader assessment of the application.

It is considered that approval of the application, located in close proximity to one of the main townships with all relevant infrastructure facilities, which complies with the residential prescriptive and performance-based controls outlined in the GHDCP 2013, can be seen as an acceptable outcome with potential positive cumulative impacts on the locality.

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As there are no constraints from surrounding land uses that would make this development prohibitive, and subject to adopting the relevant measures outlined in the reports below, it is considered that the site is suitable for this development. Additionally, as there are no known specific site constraints that would render the site unsuitable, it is further affirmed that the site is appropriate for the proposed development.

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

Internal Referrals	Response
Engineering Department	Their referral response dated 05 August 2024, the Engineering Department did not object to the proposal subject to imposition of relevant conditions on any consent granted.
Public Submissions	
The proposal was notified in accordance with Greater Hume Council's "Community Participation Plan's" notification requirements, from 2 August 2024 to 21 August 2024. No submissions were received.	

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

The public interest is served through the detailed assessment of this application under the EP&A Act 1979, the EP&A Regulation 2021, applicable State Environmental Planning Policies, the GHLEP 2012, the GHDCP 2013, the internal and external referral from Council's Engineering Department and Riverina Water, and any comments received during the public notification period.

Taking into account the full range of matters for consideration under Section 4.15(1)(a), (b), (c), (d), and (e) of the EP&A Act, the above assessment has concluded that the proposal is not specifically inconsistent with the public interest, subject to appropriate conditions on any consent granted.

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BUDGET IMPLICATIONS

Section 7.12 Fixed development consent levies

The total cost of the proposed development is \$400,000.00. As per Greater Hume Section 7.12 Levy Development Contribution Plan, if the cost of carrying out the development is \$200,000 or more the applicant is required to pay 1% of the development cost towards provision or improvement of amenities or services equivalent to **\$4000.00**.

RECOMMENDATION

That Council resolves to:

1. Approve Development Application No. 10.2024.83.1 on Lot 13 DP 753764 at Walla Walla West Road, Walla Walla NSW 2659 for "Dwelling House - construction of a single storey dwelling including attached garage" subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

PRESCRIBED CONDITIONS OF CONSENT

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

Section 70: Erection of signs

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

Section 75: Fulfilment of BASIX commitments

Please refer to the NSW State legislation for full text of the above Sections under Part 4

Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

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Part A – GENERAL CONDITIONS

1. Residential- Compliance with Plans and Conditions

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the Development Application received and subject to the following conditions.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. Residential - Section 7.12 Contribution

Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Greater Hume Shire Council Section 7.12 Development Contributions Plan, a contribution of **\$ 4000.00** must be paid to Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the Greater Hume Shire Council Section 7.12 Development Contributions Plan.

Reason: To comply with Council’s Development Contribution policies.

2. ALL - Payment of Long Service Levy

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

Reason: To comply with the Building and Construction Industry Long Service Payments Act 1986.

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3. ALL - Section 68 Application

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

- 1 To carry out sewerage work in accordance with **Part B** of Section 68 of the Local Government Act 1993.
- 2 Operate a system of sewage management (within the meaning of section 68A) in accordance with **Part C** of Section 68 of the Local Government Act 1993.

Once the Section 68 approval has been granted, before any sanitary plumbing and drainage work or water supply work (up to the point of connection) is commenced, a Notice of Work (NoW) must be submitted to Council 48 hours **prior to works commencing**.

Reason: To comply with the Local Government Act 1993 and to ensure the installation of plumbing and drainage work is in accordance with Australian Standards and the Plumbing Code of Australia.

PART C – BEFORE BUILDING WORK COMMENCES

4. ALL - Construction Certificate

An application for a Construction Certificate must be **submitted to and approved by a nominated Certifier** prior to any building works taking place on the subject site. The application for Construction Certificate must be lodged via the NSW Planning Portal.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

5. ALL - Appointment of a Principal Certifier

In accordance with Section 6.6 (1) and (2) (a) of the Environmental Planning and Assessment Act 1979, prior to the commencement of any works the person having benefit of the development consent must:

- a. appoint a Principal Certifier,
- b. notify Council of the appointment; and
- c. a notice of commencement is to be provided to Council not less than two (2) days from the date on which it is proposed to commence work associated with this Development Consent.

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Reason: To comply with the Environmental Planning and Assessment Act 1979.

6. Residential Vehicular Crossover/ Road Opening Permit

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

Reason: To comply with the Roads Act 1993.

7. ALL - Erosion and Sedimentation Controls

Erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with the NSW Department of Environment and Conservation "Erosion and Sediment Control – A Resource Guide for Local Councils".

Reason: To prevent water pollution and protect the amenity of the adjoining area, and to comply with the Protection of the Environment Operations Act 1997.

8. ALL - Temporary Water Closet

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

Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

PART D – DURING BUILDING WORK

9. ALL - 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.

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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.

Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

10. ALL - Noise, Vibration and Dust Management Requirements

The Applicant must undertake measures to minimise dust and noise. The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

Reason: To protect the amenity of the neighbourhood during construction

11. ALL - Vehicles During Construction

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

Reason: To ensure sediment is not trafficked onto Council's road network.

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12. ALL - Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the National Parks and Wildlife Act 1974.

Reason: To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

13. Residential - Construction Site Management

While works are being carried out:

- a) A garbage receptacle must be provided at the work site and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of waste.
- b) Building materials and equipment must be stored wholly within the site. No building materials, sand, waste materials, construction equipment, bulk bins, waste skips, containers, or other items which may cause a hazard to pedestrians are to be placed on the footpath, roadway or nature strip while building works are being carried out.

Reason: To comply with the Protection of the Environment Operations Act 1997 and to preserve the environmental health and amenity of the adjoining area.

14. ALL - All Work To Be Carried Out by a Licensed Plumber and Drainer

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

Reason: To comply with the relevant provisions outlined in the Local Government Act 1993 and the Plumbing & Drainage Act 2011.

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PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

15. ALL - Occupation Certificate

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

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

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

Reason: To comply with the Environmental Planning and Assessment Act 1979.

16. Residential - Street Number

Prior to the issue of an Occupation Certificate, Council's Engineering Department must be contacted and a street number must be obtained. The relevant street number shall be displayed in a prominent location at the front of the property in the interest of public safety and the delivery of goods, parcels and emergency services.

Reason: To ensure the site is adequately identified and to comply with the Local Government Act 1993.

17. Essential Services - Electricity

Prior to occupation of the dwelling, adequate provisions in relation to the supply of electricity to the dwelling must be in place.

Reason: To comply with Section 6.7 of the Greater Hume Local Environmental Plan 2012 and to ensure the development is carried out as assessed.

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18. Residential - Fulfilment of BASIX Requirements

Prior to the issue of an occupation certificate (whether whole or part), a compliance certificate shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with the commitments identified on the approved BASIX Certificate.

Note: Where there is any change in the BASIX commitments, the applicant must submit a new BASIX Certificate for the development. See Clause 44 & 45 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason: To comply with the Environmental Planning and Assessment Regulation 2021.

19. ALL - Supply of Water

A reliable domestic water storage of no less than **40,000** litres being provided for **household use** and it must be protected against mosquito infestation. Any tank or similar structure must be of a “neutral” earthy colour that blends with the development. The water quality must comply with the “***New South Wales Private Water Supply Guidelines.***”

Reason: To appropriately service the development.

20. Residential - Approval to Operate Onsite Sewerage Management System

The Onsite Sewerage Management System must not be used until such time Council has issued an Approval to Operate in accordance with Section 45 of the Local Government (General) Regulation 2021.

Reason: To comply with the Local Government (General) Regulation 2021.

21. ALL - Plumbing Works Final

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

NB. This letter is in addition to the final inspection report.

Reason: To comply with the relevant provisions outlined in the Local Government Act 1993.

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22. ALL - Repair of Public Infrastructure

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

Reason: To ensure any damage to public infrastructure is rectified.

PART F – OCCUPATION AND ONGOING USE

23. Residential - Planning For Bushfire Protection 2019 Requirements

The development must conform to the specifications and requirements as outlined in Section 7 of the Planning for Bush Fire Protection 2019 published by the NSW Rural Fire Service, available at:

[https://www.rfs.nsw.gov.au/ data/assets/pdf file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf](https://www.rfs.nsw.gov.au/data/assets/pdf_file/0005/130667/Planning-for-Bush-Fire-Protection-2019.pdf).

New construction (as approved under this consent) must comply with Australian Standard AS3959-2018 “Construction of buildings in bush fire-prone areas” **BAL-12.5**.

24. Residential - Stormwater Management

Stormwater generated from the buildings, including the overflow from any rainwater tanks, must be managed on site which has no detrimental effects on to neighbouring properties or buildings on site.

Reason: To comply with the relevant provisions outlined in the Local Government Act 1993.

25. ALL - Protection of Vegetation

There must be no clearing of any vegetation (including within Council’s road reserve).

Reason: To comply with the Biodiversity Conservation Act 2016.

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ALL - Advice To Applicant

- a. It is the Applicant's responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992* (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.
- b. The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the Applicant and owner/builder to ensure private covenants are adhered to. Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of building design with such covenants.
- c. Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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4. **DEVELOPMENT APPLICATION 10.2022.205.1 – TORRENS TITLE SUBDIVISION - RESUBDIVISION OF THREE (3) LOTS INTO THREE (3) LOTS ON LOT 73 & 210 DP 753344 AND LOT 2 DP 1177279 AT 181 TREBLEYS ROAD COOKARDINIA NSW 2650.**

Report prepared by Director of Environment & Planning – Colin Kane and Town Planner – Gayan Wickramasinghe.

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation for the above development application to resubdivide three lots into three lots on Lot 73 & 210 DP 753344 and Lot 2 DP 1177279 at 181 Trebleys Road, Cookardinia, NSW 2650

Following the public exhibition of the Development Application from 21 June 2024 to 10 July 2024, Council received a total of five objections to the proposal. One of the objections submitted via the Portal was signed by fifteen individuals.

The submissions raised the following concerns about the proposed subdivision:

- potential impacts on biosecurity due to the extent of the allotment.
- potential loss of mature vegetation.
- lack of a proper assessment in the submitted Test of Significance (ToS);
- unsafe access arrangements due to undulations, bends, and speed limits.
- location of the building envelope.
- potential bushfire threats.
- power supply arrangements for new allotments.
- feasibility of running a economically viable farming activities within the proposed allotments;
- potential devaluation of adjoining properties.
- maintenance costs associated with the easement.
- inconsistencies in allotment sizes compared to the existing subdivision layout.
- location of Transgrid power lines on the property.
- inaccuracies in both the Bushfire Risk Assessment Report and the Statement of Environmental Effect (SOEE).
- inconsistencies with various legislation.
- additional traffic generated by the proposal.

A further discussion of these submissions can be found in Section 4.15(1)(a)(d) of this report.

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

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REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION - DESCRIPTION OF PROPOSAL

This development application seeks Council approval to resubdivide three (3) existing allotments into three (3) allotments at 181 Trebleys Road, Cookardinia, NSW 2650. Council's GIS system indicates that the sites subject to the application have an approximate combined total area of 317.9 ha. The applicant has proposed to resubdivide the sites as follows:

- Proposed Lot 101 – This allotment will be a battle-axe allotment with an area of 101 ha and direct access from Holbrook Wagga Road and Trebleys Road
- Proposed Lot 102 – This allotment will have an area of 102ha and is irregular in shape. It has direct access off Holbrook Wagga Wagga Road to the west.
- Proposed Lot 103 – This allotment will have an approximate area of 107 ha and has direct access off Holbrook Wagga Wagga Road to the west. It is also a battle-axe allotment.

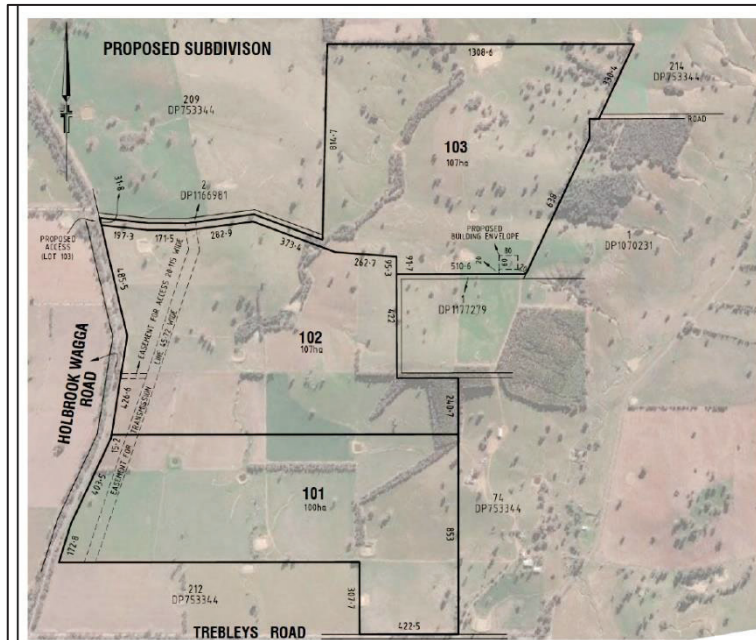
This Application is supported by the following **(ANNEXURE 6)**:

1. A brief Statement of Environmental Effects (SEE) prepared by Michael Brown Planning Strategies and dated June 2024.
2. Existing subdivision layout plan and the proposed subdivision layout prepared by Spiire.
3. An amended Test of Significance (ToS) prepared by Steve Hamilton and dated 29 September 2024; and
4. Bushfire Assessment Report prepared by Ember bushfire Consulting and dated 27 May 2024 **(ANNEXURE 6)**;

It is noted that, as per the Greater Hume Local Environmental Plan (GHLEP) 2012, the subject land is currently zoned RU1 Primary Production, and the minimum lot size provision applicable to the site is 100 ha. The submitted proposed subdivision layout indicates that all lots resulting from the development are above the minimum lot size provision outlined in the GHLEP 2012. A small portion of Lot 210 DP 753344 has been mapped as bushfire-prone land. As a result, the proposal is considered to be Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act (EP&A Act) 1979. The following figure (**Figures 1**) indicates the nature of the proposed development.

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Figures 1 – Indicative subdivision layout by the applicant.

Please refer to the submitted plans, and the body of the report for background and further details.

ASSESSMENT

2.1 DESCRIPTION OF THE SITE AND LOCALITY

The development site is known as 181 Trebleys Road, Cookardinia, NSW 2650. The site consists of allotments of land legally described as Lot 73 & 210 DP 753344 and Part Lot 73 & 210 DP 1177279, with an area of 309.6 ha. Current access arrangements for part Lot 2 DP 1177279 and Lot 210 of DP 753344, are direct access to the Holbrook Wagga Road to the west, while access to Lot 73 DP 753344 is provided via Trebleys Road to the south. Lots 73 and 210 of DP 753344 contain a number of water dams and mature scattered vegetation in the middle and towards the eastern and northern borders.

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An existing overhead power line with a 45.72 m width traverses Lot 2 DP 1177279 and Lot 210 DP 753344 and is shown on the existing and proposed subdivision layouts. Lots 73 and 210 of DP 753344 contain various structures of differing sizes and conditions that are associated with the agricultural use of the site, including a farm shed and silos.

A small portion of the land on the eastern border of Lot 210 DP 753344 is identified as bushfire-prone in accordance with the NSW Rural Fire Service mapping system. The properties located immediately adjacent to the subject development site are also zoned RU1 Primary Production, with a minimum lot size of 100 ha. The subject development site does not contain any known items of environmental heritage significance as outlined in Schedule 5 of the GHLEP 2012. The following figures show the location of the development along with the applicable planning controls.



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

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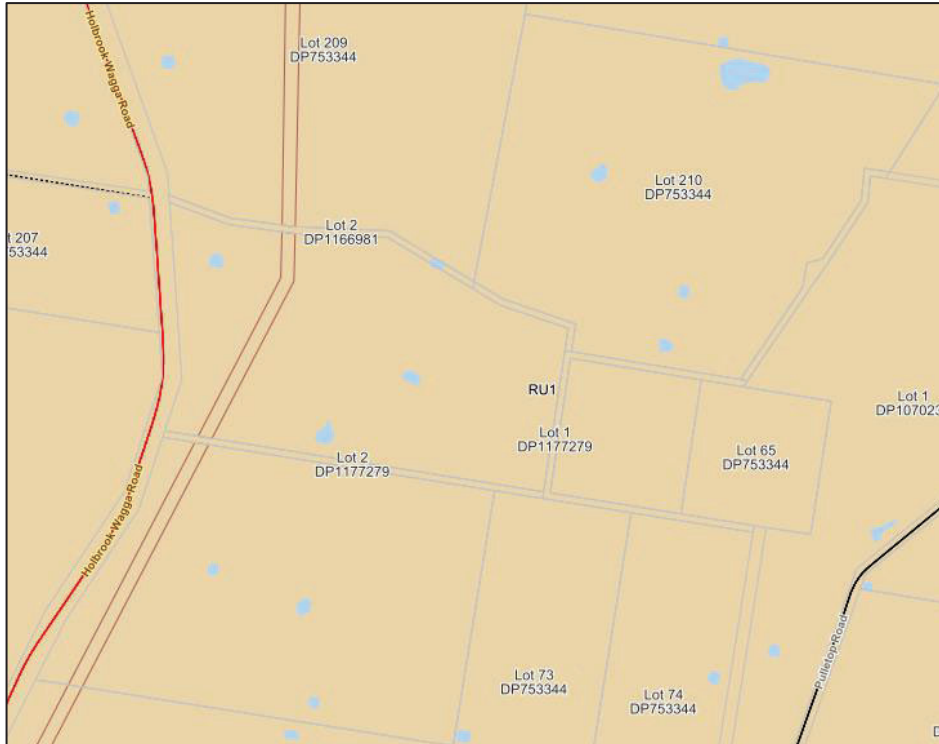


Figure 3 – The site subject of this Application with the applicable zoning controls; **Source:** IntraMaps

Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994.

Part 7 of the Biodiversity Conservation Act 2016 (BC Act) requires Council as the consent authority to determine if there is the likelihood of the proposal impacting threatened species or their habitats and to establish whether ancillary clearing (i.e., potential clearing associated with construction) is likely to harm these species. In this instance, based on the nature of the proposal, Council has therefore taken into account the potential clearing associated with access for proposed Lot 103 and the clearing associated with the proposed building envelope.

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The initial application included a Test of Significance (ToS) prepared by Steve Hamilton, dated 7 February 2024, which assessed a total of 102 individual trees. Council staff noted that the submitted ToS did not account for potential clearing related to access for Lot 103. Therefore, Council requested an amendment to the ToS to accurately reflect the proposed development. The applicant subsequently provided an amended ToS, prepared by the same author, on 29 September 2024. The amended ToS now covers a total of 109 individual trees, including those necessary for the proposed driveway to Lot 103.

The submitted ToS prepared by Steve Hamilton assesses the impact of the proposal as follows:

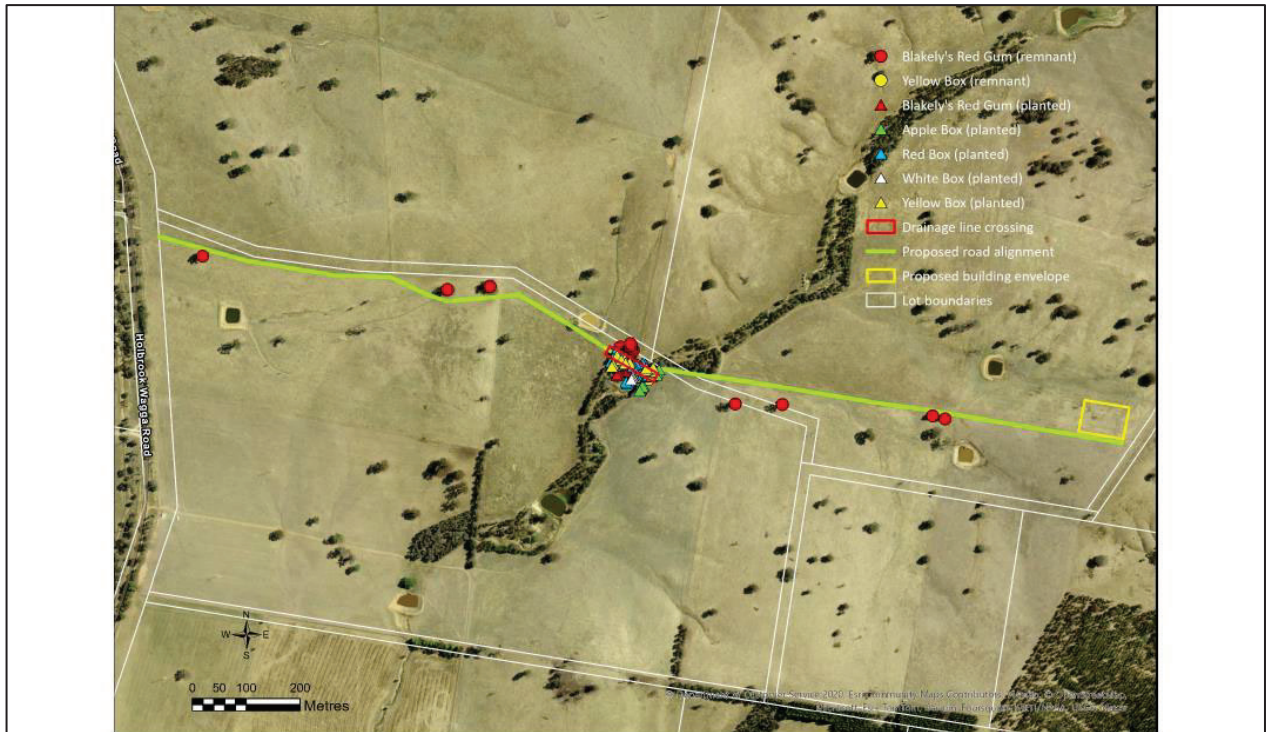


Figure 4-1 Aerial image showing the location of the assessed trees within and around the proposed access track alignment and proposed building envelope. Lot boundaries are also shown (Image from ESRI Australia 2024).

Figures 4 – The area assessed under ToS supplied by the Applicant.

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- *“Trees 103 to 109 (7 trees) are all scattered hollow-bearing Blakely’s Red Gum trees found in proximity to the proposed access track alignment in cleared paddock areas to the west and east of the revegetated drainage line. Trees 103 to 105 are found west of the revegetated drainage line, and Trees 106 to 109 are found east of the revegetated drainage line;*
- *Trees 1 to 102 are all found within or in close proximity to the revegetated drainage line area that is coincident with the proposed access track alignment:*
 - *Tree 1 is a remnant Yellow Box of 60 cm diameter at breast height (dbh) that is not hollow-bearing and that is within the proposed development footprint;*
 - *Trees 55, 56 and 68 to 82 are all remnant Blakely’s Red Gum that are outside of the fenced revegetated drainage line and outside of the proposed development area. With all to be retained. Tree 55 is an old tree and is hollow-bearing. The remainder are sub-mature individuals or recent recruits, and all are ≤ 30 cm dbh;*
 - *Trees 2 to 54, 57 to 67, and 83 to 102, are all planted indigenous Blakely’s Red Gum, Red Box, Apple Box, Yellow Box and White Box, all of approximately 20 years of age with a similar diameter profile of ≤ 25 cm dbh, of which none are hollow-bearing. These individuals are all clearly the products of revegetation based on the diameter profile, aerial imagery, and their planting positions generally in straight lines;*
- *In terms of loss:*
 - *Remnant Tree 1 is a proposed loss, and this non-hollow-bearing tree has a canopy extent of 0.0151 ha (151 m²);*
 - *Planted trees 6 to 9, 11 to 15, 18 to 29, 43 to 48, 54, 57 to 67, 83, 84, 86 to 90, 94 to 96, 99 and 102 (51 trees) are all proposed losses, and all of these are ≤ 25 cm dbh, and none are hollow-bearing;*
- *In terms of retention:*
 - *Remnant scattered hollow-bearing Trees 103 to 109 trees found in proximity to the proposed access track alignment in cleared paddock areas to the west and east of the revegetated drainage line will all be retained (7 trees). Trees 104, 105, 106, 107 and 108 all have their TPZs avoided, and Trees 103 and 109 have their TPZs impinged by < 10 % of their area, as a consequence of deliberate access track layout alignment to avoid and minimise native vegetation loss;*
 - *Remnant Blakely’s Red Gum Trees 55, 56 and 68 to 82 (17 trees) that are outside of the fenced revegetated drainage line and outside of the revegetated drainage line do not have their TPZs impinged, or in the case of Tree 55, is impinged by < 10 % of its area, and all will be retained;*
 - *The balance of the assess planted trees (33 trees) on the northern and southern edges of the proposed development footprint – Trees 2 to 5, 10, 16, 17, 30 to 42, 49 to 53, 85, 91 to 93, 97, 98, 100 and 101 need to be retained; etc...”*

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Based on the above, the submitted report justified the likely removal of vegetation associated with the proposed subdivision on the subject lot as below;

“ The proposed development will result in the removal of one remnant Yellow Box tree that is not hollow-bearing, and 51 planted indigenous trees that are all \leq 25 cm dbh and are not hollow-bearing. From this revegetated drainage line area The presence of many other planted individuals of the same species in close proximity, as well as the retention of the remnant Blakely’s Red Gum individuals to the immediate north of the site – including an old, hollow-bearing tree – will negate any potential impact of the tree losses. The proposed development also creates a 20 m width gap in the more-or-less continuous canopy of the revegetated drainage line; this is unlikely to have any impact on the ‘connectivity’ of the corridor, given that just south of the proposed alignment, the stock dam creates an effective 25 m gap in the canopy, and this existing gap did not appear to create any movement issue for the bird species observed, including Dusky Woodswallow, which were all observed moving back-and-forth between the revegetated areas north and south of the stock dam.

On this basis, it is concluded that the development of the site will have no impact on any threatened species, or indeed, any other species of fauna..”

And;

“It is concluded that the development of the site will have no impact on any threatened species or community, or indeed, any other species of fauna, and a BDAR is not triggered by this mechanism.”

If the Council approves the proposal there will be no detrimental impacts on biodiversity and Council staff agree with the conclusion of the submitted ToS. It is also noted that Council staff are satisfied that, subject to the imposition of a condition on any consent granted (i.e., any vegetation clearance associated with the development must comply with the ToS), the development can proceed.

Section 4.14 - Consultation and development consent—certain bush fire prone land
Part of Lot 210, DP 753344 is mapped as bushfire-prone land on the map maintained by the NSW Rural Fire Service (RFS). It is further noted that the proposal is not considered to be excluded under Section 46 of the Rural Fires Regulation 2022. Consequently, pursuant to Sections 4.46 and 4.47 of the EP&A Act 1979, the DA was referred to the NSW RFS. In their correspondence dated 26 July 2024, the NSW RFS provided their General Terms of Approval.

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4.15 Evaluation

(1) *Matters for consideration-general*

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

(a) the provisions of:

- (ii) any environmental planning instrument, and*
- (iii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iv) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (v) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (vi) (Repealed)*

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

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument
The development site is zoned RU1 Primary Production pursuant to the Greater Hume Local Environmental Plan (GHLEP) 2012. The relevant matters of the LEP are addressed as follows.

Objectives of zone

- 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.*

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The proposal is a resubdivision of three existing allotments into three new allotments. Council considers in the event that a consent is granted for the proposal, the resulting allotments will be able to support viable agricultural activities while complying with the minimum lot size applicable to the development site under the GHLEP 2012. Therefore, Council considers that the proposal is not inconsistent with the objectives of this zone.

Please also refer to discussion against Section 2.6 for further details.

Section 2.6 Subdivision—consent requirements

Subdivision such as that proposed requires the consent of Council. The submitted Development Application satisfies this Section.

Section 4.1 Minimum subdivision lot size

As per the Lot Size Map of the GHLEP 2012, the minimum lot size provision applicable for the site is 100ha. The lots resulting from the subdivision are on or above 100ha. Therefore the proposal is consistent with this section.

Section 5.10 Heritage conservation

The applicant is required to comply with the *'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales'*. To ensure that unknown Aboriginal heritage items are protected during works any consent granted will include the standard Heritage NSW condition regarding the protection of Aboriginal cultural heritage.

It is also noted that the site subject of this Application does not contain any known items of Environmental Heritage Significance as outlined in Schedule 5 of the GHLEP 2012.

Section 6.1 Earthworks

No substantial earthworks are required to enable the development, other than providing driveways to the proposed allotments. It is therefore considered that these earthworks are ancillary to the proposed development and will not require a separate development consent. In addition, the assessment officer for this application believes that, subject to appropriate conditions on the consent (e.g., sediment control measures, protection of Aboriginal items, etc.), similar consistency can be achieved, and the proposal meets the objectives of this section and the relevant assessment criteria outlined in Section 6.1(3).

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Section 6.7 Essential services

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—

Subsection	Comment
<i>(a) the supply of water,</i>	As per the internal referral response from the Engineering Department, there is no reticulated water supply available for the area. Most importantly, Council considers that the intent of the subdivision is for agricultural purposes (rural subdivision). Therefore, no requirements related to water supply will be recommended in any consent granted.
<i>(b) the supply of electricity,</i>	A general condition related to providing a Notice of Arrangement (NOA) will be recommended in any consent granted prior to the issuance of a subdivision certificate.
<i>(c) the disposal and management of sewage,</i>	No reticulated sewer supply system is available for the area.
<i>(d) stormwater drainage or on-site conservation,</i>	Council's Engineering Department responded the proposal will not generate additional stormwater since no structures form part of the development.
<i>(e) suitable vehicular access</i>	A suitable condition has been recommended to reflect the response received from the Engineering Department.

Relevant State Environmental Planning Policies applicable for the proposal:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Primary Production) 2021.*

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 Koala habitat protection 2020

The subject land is not considered to be core koala habitat or potential core koala habitat.

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Chapter 4 Koala habitat protection 2021

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

As per Chapter 4 of Section 4.46 (1) of this policy, the subject land is not considered to be contaminated or likely to be contaminated and is not listed on Council's Contaminated Land Register. Therefore, it is considered that the land is suitable in its current state for the purpose for which the development is proposed to be carried out.

State Environmental Planning Policy (Primary Production) 2021

Chapter 2 Primary production and rural development

As per Section 2.3, this policy applies to the whole state. In addition to that Section 2.4 outlines relationship between this policy and other environmental planning instruments. In accordance with that Section, the proposal is not inconsistent with any other environmental planning instrument (i.e. LEP or other SEPPs). It is further noted, the development subject of this application has not specifically been identified within this policy and is therefore considered that the development is not inconsistent with the policy.

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

No proposed draft instrument will not change the outcome of this assessment.

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

The Greater Hume Development Control Plan (GHDCP) 2013 applies to the proposal. Relevant to this Application are the following Chapters of the Greater Hume Development Control Plan 2013 (“the DCP”):

- Chapter 6 – Subdivision
- Chapter 10 – Notification Policy

CHAPTER 6 - SUBDIVISION	
6.1 Staging	
<i>1. Where staging of a subdivision is proposed, a staging plan must be submitted with the Development Application.</i>	Not applicable in this instance.
<i>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.</i>	Not applicable in this instance.
6.2 Movement Network	
<i>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	The application was referred to Council’s Engineering Department, and they did not object to the proposed subdivision in general, subject to the imposition of relevant conditions on any consent granted. Therefore, if the Council consents to this DA, a general condition will be imposed stating that the development must comply with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.

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<p>2. <i>All development for subdivision must comply with the Council's standards for road design.</i></p>	<p>No new public road is to be created as part of the subdivision, other than the proposed access for Lots 101–103. The response received from Council's Engineering Department, dated 10/10/2024, indicates that they are satisfied with the proposed access for Lots 102 and 103. In their response, they further indicated that access for Lot 101 is to be from Trebleys Road, located to the south of proposed Lot 101.</p>
<p>3. <i>For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i></p>	<p>Based on the layout provided, the only allotment facing the secondary road is proposed Lot 101. In line with this requirement, Council's Engineering Department has recommended that any driveway access be from Trebleys Road, located to the south of proposed Lot 101.</p>
<p>4. <i>All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances.</i></p>	<p>All lots will have, or are capable of having, access to public roads, subject to meeting specific requirements.</p> <p>No easements are proposed.</p>
<p>5. <i>Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.</i></p>	<p>No upgrade or construction of public road is required as part of this application.</p>
<p>6.3 Lot design</p>	
<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>As above. Refer to the assessment against Section 6.2(1).</p>
<p>2. <i>Multi-lot subdivisions should provide for a range of lot sizes.</i></p>	<p>Not relevant to the proposed development.</p>
<p>3. <i>Lots are to be provided with legal and practical public road access.</i></p>	<p>As noted in Section 6.2(3), Council is satisfied that subject to imposition of a condition related to access, this criterion can be met.</p>

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<p>4. <i>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.</i></p>	<p>As per the proposed subdivision layout, the new allotments are considered to be irregularly shaped. The site subject to this application is zoned RU1 Primary Production. Council considers that this specific assessment criterion is written to address residential subdivisions, as opposed to rural subdivisions, such as this proposal. Since the proposed development meets the minimum allotment size outlined in the GHLEP 2012 for this zone, and as Council is satisfied that the proposal is not inconsistent with the objectives of the zone, it is considered that, in this instance, the intent of this criterion is met.</p>
<p>5. <i>For battle-axe allotments a minimum width of the access handle is to be 4.5m.</i></p>	<p>As per the proposed plan of subdivision, Lot 103 is considered to be a battle-axe allotment. It is noted, however, that the applicant has proposed an approximate 31.8 m wide access handle to Holbrook Wagga Road to comply with this requirement.</p>
<p>6. <i>Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling</i></p>	<p>In the event that Council consents to the proposal, the allotments resulting from the subdivision are able to have a dwelling erected, as they meet the minimum allotment size specified for that zone (100 ha). As noted previously, due to the proposed extent of the allotments, Council staff are satisfied that the lots resulting from this subdivision are capable of supporting a rectangular building envelope. It is further noted that the applicant has outlined a building envelope on proposed Lot 103, which has dimensions of 60m X 80m.</p>
<p>7. <i>Lots are to be designed to maximise solar access.</i></p>	<p>The intent of the proposal is to use the land for productive agricultural purpose. As such this design criterion is not relevant in this instance.</p>

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6.4 Infrastructure & services	
1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i>	As above. Refer to the assessment against Section 6.2(1)
Higher density and Average density, Lower density and Rural living	Not relevant.
2. <i>Where a reticulated external potable water supply is provided, all lots shall be connected.</i>	
3. <i>Where a reticulated external sewer system is provided, all lots shall be connected.</i>	No reticulated sewer system is available for the area.
6.5 Hazards	
1. <i>On land mapped as bushfire prone, compliance with the NSW Rural Fire Service guide Planning for Bushfire Protection (2006).</i>	As discussed in Section 4.14 of this report, the development application was referred to the NSW RFS for their comments. The NSW RFS provided their General Terms of Approval (GTA) on 26 July 2024. In the event that consent is granted for the development, a condition will be incorporated into any consent granted, requiring the applicant to comply with the requirements in the GTA.
2. <i>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 Floodplain Development Manual: the management of flood liable land (2005).</i>	Council has not completed flood studies for the allotments subject of this application. Nevertheless it is considered that this criterion is not applicable as no dwelling form part of this application.

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<p>3. <i>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 State Environmental Planning Policy No.55 – Remediation of Land. An investigation should be in accordance with the process detailed in the State Government’s Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land (1998)</i></p>	<p>Refer to the assessment against the State Environmental Planning Policy (Resilience and Hazards) 2021 within the body of this report.</p>
<p>6.6 SITE MANAGEMENT</p>	
<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>As above. Refer to the assessment against Section 6.2(1)</p>
<p>2. <i>Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils</i></p>	<p>The Development Application was referred to Council’s Engineering Department for comment and no objection was received. It is therefore considered that the DA is not inconsistent with this guideline.</p>
<p>10.0 NOTIFICATION POLICY</p>	
<p><i>This chapter of the GHDCP applies to Council’s policy for notifying development Applications.</i></p>	<p>In accordance with the GHDCP 2013, the Application was notified to adjoining landowners from 21 June 2024 to 10 July 2024. As outlined above, Council received a total of five (5) objections for the proposal. One of the objections lodged via the Portal was signed by fifteen (15) individuals. Please refer to <u>Section 4.15(1)(d)</u> within this report for further discussion..</p>

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

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

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

The following division within the *EPA Reg 2021* has been considered in the assessment of the modified Development Application;

- Division 2, Subdivision 1 Development generally – Section 69-74 & Section 81 within Subdivision 2

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

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

ISSUE	COMMENT
Context & setting	<p>The development would essentially result in the reconfiguration of three allotments into three allotments that comply with the minimum allotment size outlined in the GHLEP 2012 for the purposes of primary production. As a consequence of the proposal there is the ability to erect a dwelling on each allotment.</p> <p>The proposed subdivision layout is considered to be generally consistent with the existing subdivision layout pattern within the locality. According to the Council mapping system, there are numerous irregularly shaped allotments located to the south, east, and west that are considered to be below the 100 ha threshold.</p> <p>The referral response from the Engineering Department indicates that the proposed access for Lots 102 and 103 is satisfactory. However, taking into consideration the submissions and road safety, Council’s Manager of Traffic & Infrastructure has recommended that access for proposed Lot 101 should be via Trebleys Road, located to the south of proposed Lot 101. Council staff have assessed the submitted ToS, which justifies the potential clearance in accordance with the Biodiversity Conservation Act 2016, and they are in agreement with the outcome. Council has also received a Bush Fire Safety Authority under section 100B of the Rural Fires Act, as part of Lot 210, DP 753344 has been identified as bushfire-prone land. Taking into account all of the above, it is considered that the proposed subdivision would provide an acceptable social and economic impact to the locality while not adversely impacting the built and natural environment.</p>

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ISSUE	COMMENT
Access, parking, Roads & traffic	Council's Manager of Traffic & Infrastructure has assessed the proposed access arrangements for Lots 102 and 103. The comments received indicate that the proposed arrangements are satisfactory. Nevertheless, no access has been provided for proposed Lot 101; the officer has recommended that access should be obtained via Trebley's Road. This arrangement will, however, require finalisation by lodging a Road Opening Permit with Council's Engineering Department. Therefore, this requirement will form part of any consent granted.
Utilities	Based on the information provided, and notwithstanding that the proposed lots enable the erection of a dwelling house on each allotment, Council considers that the intent of the development application is for primary production purposes. The provision of utilities for the proposed sites has been previously discussed in this report under 'Section 6.7' of the GHLEP 2012.
Heritage	The subject site has not been identified as a heritage conservation area in accordance with the Greater Hume Shire Community-Based Heritage Study 2010. It is noted, however, that as discussed above, the proposal is not inconsistent with Section 5.10 of the GHLEP 2012 and the GHDCP 2013, subject to the imposition of a suitable condition on any consent granted.
Safety, security & crime prevention	The proposed subdivision does not raise any concerns in relation to these matters. Notably, any new dwelling house to be erected on the proposed allotments will be assessed separately under a new application.
Stormwater	No additional stormwater to be generated as a result of the proposal.
Soils & erosion	Minor soil disturbance will be required to enable the installation of services (i.e. electricity and crossover etc.) to the proposed new allotment as outlined in Section 6.1 within the report. It is noted however subject to imposing standard erosion and sediment conditions the proposal can still proceed.
Flora & fauna	The amended ToS prepared by Hamilton Environmental Services, dated 29 September 2024, provides the flora and fauna investigations associated with the proposed land subdivision. The report concludes that the development of the site will have no impact on any threatened species or communities, or indeed, any other species of fauna, and that a Biodiversity Development Assessment Report (BDAR) is not required.

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ISSUE	COMMENT
Noise	The development is unlikely to generate continuous or repetitive loud noise or vibration with the exception of the construction phase. Therefore standard construction hours will be imposed to mitigate potential impacts.
Landscaping	No additional Landscaping is required in this instance.

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

The above assessment against the GHLEP 2012, relevant SEPPs, and the GHDCP 2013 concluded that the proposal is not inconsistent with the relevant controls, subject to the imposition of appropriate conditions on any consent granted. The application was also referred to Council's Engineering Department for their comments. The proposal is consistent with all applicable planning controls and the relevant engineering guidelines of the Council. As there are no known specific site constraints that would render the site unsuitable, it is considered that the site is suitable for the proposed development.

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

External Referral	Response
NSW RFS	In their response dated Friday 26 July 2024 NSW RFS provided General Terms of Approval (GTA).
Internal Referrals	Response
Engineering Department	As per the referral response received, Engineering Department has no objection to the proposal subject to imposition of relevant conditions on any consent granted.
Public Submissions	
<p>The Application was notified to adjoining property owners from 21 June 2024 to 10 July 2024. As mentioned previously within the body of the report, Council received a total of five (5) objections including one of the objections lodged via the Portal was signed by fifteen (15) individuals.</p> <p>Some of the concerns raised in the submissions were related to Council's Engineering Department, the submissions were forwarded to Council's Director of Engineering and Manager of Traffic & Infrastructure on 16/07/2024. This is in addition to the internal referral undertaken by the assessment staff.</p> <p>The main points raised in the objections and the response from the assessing officer are summarised as follows:</p>	
Submission	Response from the assessing officer
1. Potential impact due to the subdivision	
- There is potential for biosecurity issues due to the proposed extent of the allotments.	The DA has been assessed against the matters outlined in Section 4.15 of the EP&A Act 1979 and has been found to be consistent with the applicable provisions of the EP&A Act 1979 and the Environmental Planning and Assessment Regulation (EP&A Reg) 2021. The intent of the DA is to

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<ul style="list-style-type: none"> - It is impossible to run an economically viable farming activity. - There is potential for devaluation of adjoining properties. - <i>Allotment sizes are not consistent with the existing subdivision layout pattern</i> 	<p>simply reconfigure the existing three (3) lots into three (3) allotments, rather than to rezone the land from its existing farm/rural classification to a different land use category. As no changes to zoning are expected due to the proposal, Council considers that the existing farming practices can continue in its current form. Additionally, Council assessment staff noted that there are a number of allotments within the vicinity of the proposed site that are well below 100 ha and are still zoned RU1 Primary Production. Therefore, it is unlikely that the proposal will have a detrimental impact on the locality.</p> <p>As briefly mentioned above, the DA has been assessed in accordance with the applicable legislative provisions, and Council assessment staff have determined that the application is consistent with the relevant provisions. Specifically, Clause 4.1 of the GHLEP 2012 states that if the land is zoned RU1 Primary Production, subdivision is possible, subject to meeting the relevant allotment size. As the proposal meets the relevant numeric values, it is considered that the application is not contrary to the GHLEP 2012.</p> <p>Property valuation is not considered a factor that can be taken into account under Section 4.15 of the EP&A Act during the assessment of a development application.</p> <p>It is important to note that the historical subdivision layout pattern within the locality was completed in accordance with the legislation applicable at that time by the Council. When examining the existing layout pattern based on aerial imagery, it is noted that no particular shape has been followed. The surrounding allotments are considered irregularly shaped, with varying sizes and forms. As the proposal is a permitted form of subdivision notwithstanding the proposal is inconsistent with the historical subdivision pattern in this instance, Council staff are satisfied that the proposal can proceed.</p>
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2. Access to the properties and additional traffic movement need to be considered

<ul style="list-style-type: none"> - The proposed access to the allotments is not safe due to limited 	<p>As this is a matter related to Council's Engineering Department, the submission was forwarded to Council's Engineering Department. The Engineering Department</p>
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<p>visibility and the presence of vegetation cover on either side of the road, along with a speed limit of 100 km/h</p> <ul style="list-style-type: none"> - Lot No legal access has been provided for proposed Lot - The maintenance costs associated with the easement - Additional traffic generated from the proposal needs to be considered 	<p>referral response dated 10/10/2024 indicates that they are satisfied with the proposed access for Lots 102 and 103. However, they have recommended that a condition be imposed requiring access for proposed Lot 101 to be off Trebley Road to the south. Therefore, it is considered that this concern has been appropriately addressed by Council's engineering staff.</p> <p>As above.</p> <p>A general condition will be incorporated into any consent granted, outlining that all conditions of consent are to be fulfilled at the expense of the applicant. Additionally, maintenance costs associated with private access are not considered a factor that can be taken into account under Section 4.15 of the EP&A Act during the assessment of a development application.</p> <p>According to Council's Engineering Department's referral response, the proposal will not unreasonably increase vehicle movements beyond the capacity of the local road network.</p>
<p>3. The location of the building envelope</p>	
<ul style="list-style-type: none"> - The building envelope is located too close to the boundary of the adjacent lot. - It is located in a depression that allows water to drain into the dam. - There are no building envelopes shown on 	<p>According to the submitted proposed subdivision layout, it appears that the proposed building envelope is located with an approximate 20m setback from its eastern and southern boundaries. Therefore, it is considered that a sufficient setback has been provided to address potential chemical drift concerns</p> <p>The intent of the building envelope is to allow for the erection of a dwelling or future outbuilding associated with the dwelling on the subject land. As part of this assessment, Council staff will not undertake an evaluation of the site suitability of the building envelope for a future dwelling and/or outbuilding, as this matter can be appropriately assessed as part of a future DA for the dwelling</p> <p>Although the applicant has proposed a building envelope on proposed Lot 103, as part of the rural subdivision, Council</p>

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proposed Lots 102 and 101.	does not require the applicant to provide building envelopes in the proposed subdivision layout.
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4. The supply of electricity and the presence of power lines

<ul style="list-style-type: none"> - The mechanism to provide power to the new allotments has not been provided. - The location of the Transgrid power line on the property is noted, and no consultation has been carried out regarding this. 	<p>A condition related to the supply of power will be imposed on any consent granted. The applicant is required to liaise and negotiate with Essential Energy to ensure power is available for all proposed lots.</p> <p>Section 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 outlines the notification provisions related to a development application. As the consent authority, Council is not required to notify Essential Energy regarding the subdivision of land. Council assessment staff have also been contacted by a Transgrid officer, as some of the submitters have directly approached Transgrid to express their concerns. The officer confirmed over the phone that no notification is required.</p>
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5. There is contradictory information within the supplied documentation

<ul style="list-style-type: none"> - There is inaccurate information in the Bushfire Risk Assessment Report. - There is a statement in the Statement of Environmental Effect (SOEE) outlining that the proposal is not consistent with the objectives. - The proposal is not consistent with the guidelines in the GHDCP, the 	<p>As discussed in this report, the proposed subdivision requires separate approval under Section 4.46 of the EP&A Act 1979 from NSW RFS. To obtain the relevant approval, the application was accompanied by a Bushfire Risk Assessment Report, which was referred to NSW RFS. NSW RFS has provided their in-principle support for the proposal. Therefore, it is considered that the assessment has been properly examined by NSW RFS.</p> <p>Council assessment staff have noted that the applicant's submitted Statement of Environmental Effect (SEE) contains a statement (page 10) indicating that since the proposal does not fragment or alienate the land from being used for primary production, and the lots comply with the minimum lot size, the proposal is <u>'not consistent.'</u> However, Council staff believe that this statement contains an error. They consider that the proposal is essentially consistent with the objectives of the RU1 Primary Production zone within the GHLEP 2012</p> <p>The above assessment against the relevant applicable legislation noted that the proposal is not inconsistent with the GHDCP 2013 and State Environmental Planning Policy (Primary Production) 2021. Council staff also noted that an</p>
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Statement of Environmental Planning Policy (Infrastructure), and the (Primary Production) Policies.	assessment against the Statement of Environmental Planning Policy (Infrastructure) is not required in this instance, as no provisions are applicable
6. There is a potential loss of mature vegetation, and no proper assessment has been carried out in the submitted ToS.	The submitted ToS was prepared by a Biodiversity Assessment Method (BAM) accredited assessor certified by the NSW Department of Planning and Environment. Although the initial ToS provided as part of the application did not capture the potential vegetation removal associated with the proposed access for Lot 103, as a result of Council's additional information request, the applicant submitted the amended ToS from the same author on 29 September 2024. The amended ToS addressed a total of one hundred and nine (109) individual trees, including those associated with the driveway to proposed Lot 103. The submitted amended ToS concluded that the proposed development will have no impact on any threatened species or community, or any other species of fauna. Council assessment staff have reviewed the ToS and agree with the outcome of the report.
7. Due to the potential bushfire threat, additional access and egress to proposed Lot 103 should be considered	As discussed in "Section 4.14" of this report, the development is considered Integrated Development, as it requires a separate approval under Section 100B of the Rural Fires Act 1997. The submitted Bushfire Risk Assessment Report has been reviewed by the NSW Rural Fire Service (NSW RFS), and they have consented to the proposal subject to the imposition of conditions in their correspondence dated Friday, 26 July 2024. The assessment of ingress and egress was a matter for the NSW RFS; Council assessment staff believe that this issue has been addressed in their response to the Council's referral request

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

The public interest is served through the detailed assessment of this Application under the EP&A Act 1979, the EP&A Reg 2021, Environmental Planning Instruments, Development Control Plan and policies. Based on the above assessment, the proposed development is consistent with the public interest.

Taking into account the full range of matters for consideration under Section 4.15 (1),(a),(b),(c), (d) and (e) of the EPA Act, no relevant evidence was found to suggest that the proposal is not consistent with the public interest subject to appropriate conditions on any consent granted.

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DEVELOPMENT APPLICATION 10.2022.205.1 – TORRENS TITLE SUBDIVISION -
RESUBDIVISION OF THREE (3) LOTS INTO THREE (3) LOTS ON LOT 73 & 210 DP
753344 AND LOT 2 DP 1177279 AT 181 TREBLEYS ROAD COOKARDINIA NSW
2650. [CONTD]

Issues raised during assessment and public exhibition of the application have been considered in the assessment of the application. Where relevant, conditions have been recommended to manage the impacts attributed to these issues.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

An assessment of the proposal against Section 4.15 of the *Act* has been undertaken and the proposal is consistent having regard to the relevant environmental planning instruments and regulations which apply to the development.

No adverse environmental impacts are anticipated with the proposal and it is recommended that the proposal be supported subject to the recommended conditions of consent contained within this report.

RECOMMENDATION

That Council resolves to:

1. approve Development Application No. 10.2024.76.1 at 181 Trebleys Road Cookardinia NSW 2650 on Lot 73 & 210 DP 753344 and Lot 2 DP 1177279 for resubdivision of three (3) lots into three (3) lots subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

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26. Compliance With Plans and Conditions

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the development application receipted. The development must be carried out in accordance with Greater Hume Council's Engineering Guidelines for Subdivisions and Developments Standards and applicable conditions of this consent. All conditions of consent must be fulfilled at the expense of the applicant in conjunction with advice from Council.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure the development is carried out as assessed.

27. Integrated Development - General Terms of Approval

The applicant must comply with all conditions and requirements outlined in the General Terms of Approval from NSW Rural Fire Service and dated Friday 26 July 2024, that are attached and form part of this consent.

Reason: To ensure compliance with NSW Rural Fire Service conditions of consent.

28. Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the *National Parks and Wildlife Act 1974*.

Reason: To protect Aboriginal heritage and to ensure compliance with the *National Parks and Wildlife Act 1974*.

29. Construction - Hours of Work

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

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

Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

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30. Vegetation Removal

There must be no clearing of any vegetation (including within Council's road reserve) within the development site other than the vegetation that has been assessed under the Test of Significance (ToS); Version 2: Dated 29 September 2024 and prepared by Steve Hamilton. Temporary fencing must be placed around any other trees where any subdivision works are proposed within the drip line of the tree. The fencing must be in accordance with Australian Standard AS 4970-2009 '*Protection of Trees on Development Sites*' to ensure no interference occurs, with this fencing extending to the extent necessary to ensure there is no damage to the roots of the tree. Tree protection fencing must remain in place until the end of construction.

Reason: To comply with the Biodiversity Conservation Act 2016 and to protect the natural environment.

31. Minimise Dust and Noise

The Applicant must undertake measures to minimise dust and noise. The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

Reason: To preserve the environmental health and amenity of the adjoining area.

32. Erosion and Sedimentation Controls

The approved erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with: "Erosion and Sediment Control – A Resource Guide for Local Councils".

Reason: To prevent water pollution and protect the amenity of the adjoining area and to comply with the Protection of the Environment Operations Act 1997.

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PART E – BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

33. Subdivision Certificate

An application for a Subdivision Certificate must be submitted to and approved by Council. The Subdivision Certificate Application must be lodged via the [NSW Planning Portal](#).

The application must include formal subdivision plans, an Administration Sheet and relevant Instrument Sheet (if applicable). Easements must be shown over all services and covenants as required by the conditions of consent must be incorporated into the appropriate instruments.

The Subdivision Certificate is not released prior to all applicable conditions of consent for this development being complied with to the satisfaction of Council.

Reason: To comply with *the Environmental Planning and Assessment Act 1979*.

34. Vehicular Crossover/ Road Opening Permit

The typical rural driveway crossover to Council specifications must be provided to all proposed allotments. All works associated with the vehicle crossover shall be inspected by Council's Engineering Department prior to any pouring of concrete. A Road Opening Permit will only be issued upon completion of "[Road Opening Permit Application](#)" and payment of the fee applicable.

Reason: To ensure the development is appropriately serviced.

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35. Correspondence from Agencies

Prior to the issue of the Subdivision Certificate, the following documents must be submitted to Council to demonstrate that the requirements of the public utility services and recommended conditions outlined in the Government Department respective referral responses have been completed;

I. Integrated Development - General Terms of Approval

Prior to the release of the Subdivision Certificate, the applicant must provide documentary evidence to Council outlining how conditions and requirements outlined in the General Terms of Approval from NSW Rural Fire Service and Friday 26 July 2024 have been complied with. The evidence must be to the satisfaction of Council and the relevant Government authority;

II. Electricity

A Notification of Arrangements from the electricity supply authority (i.e. Essential Energy) must be supplied to Council confirming that electrical infrastructure has been installed and that satisfactory arrangements have been made for the supply of low voltage reticulated electricity to each proposed Lot;

III. Telecommunications and Fiber-ready Facilities

Certification from an approved telecommunications provider outlining satisfactory arrangements have been made for the installation of fibre-ready facilities to all individual allotments in the subdivision to enable fibre to be readily connected to any premises which is being or may be constructed on those lots. The development must demonstrate the carrier has confirmed in writing they are satisfied the fibre ready facilities are fit for purpose.

Reason: To ensure the development is carried out as assessed and the development site is appropriately serviced.

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36. Conveyancing Act 1919 Instruments

A copy of an instrument prepared in accordance with the Conveyancing Act 1919, must be submitted with the application for a Subdivision Certificate for Council's endorsement.

The instrument must contain the following:

- (i) No buildings are permitted outside the boundaries of the building envelopes for proposed new "**LOT 103**" as shown on the "Proposed Subdivision-Holbrook Wagga Road, Cookardinia", Dated 19 March 2023 and drawn by Spiire. The building envelopes must be shown on the final plan of subdivision. Council is to be nominated as the only authority permitted to modify, vary, or rescind the building envelope.
- (ii) Restrict dwelling development and class 10 buildings within 6m of a dwelling, to the building envelope depicted on the plan titled "Subdivision Plan, Drawn by Spiire, Drawing No: 320573_P03, Version: 03, Sheet 2 of 2, Dated: 19/03/2023"
- (iii) Minimum APZ's applicable to the building envelope are maintained in accordance with Table 4 of the bush fire assessment prepared by "Ember Bushfire Consulting, Ref: Cookardinia JD2.205.23, Dated: 27/5/2024
- (iv) Construction of any dwelling(s) shall comply with a minimum section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019
- (v) Ensure Static Water Supply for firefighting purposes is a minimum of 40,000L

The wording of the covenants/restrictions must be to the satisfaction of Council prior to the release of the Subdivision Certificate. The instrument is to be registered at the same time as registration of the plan of subdivision.

Reason: To ensure the development is carried out as assessed.

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37. Private Infrastructure

Any private services/assets or alike (i.e. water, stormwater, sewer etc.) which are located within the new allotments and benefit other allotments must be removed **OR** be shown within an appropriate easement to be registered. Any such easements must be shown on the formal subdivision plans prior to the release of the Subdivision Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979

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**5. DEVELOPMENT APPLICATION 10.2024.69 - LARGE DOMESTIC SHED
- LOT 4 DP 1035173 WENKE STREET WALLA WALLA**

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

Council is in receipt of a development application for a very large residential shed (“proposed development”). The site is Lot 4 DP 1035173 Wenke Street Walla Walla. The applicant is Daniel Nadebaum PJN Sheds and the landowners are Graeme and Helen Zani.

This report represents an assessment of the application under the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is being reported to Council because the size of the shed is a substantial deviation from the requirements in relation to size of sheds which contained in clause 2.12 of the Greater Hume Development Control Plan 2013.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION

An application has been received for the construction of a residential shed. The zoning is RU5 and the development is permissible within this zone.

The plans submitted to Council indicate the development does not meet the requirements of 2.12 of the Greater Hume Development Control Plan 2013 (the DCP) in that the proposed shed is at 6.61 metres will exceed the height limit of 4.5 metre and the size of the shed at 447.4 m² significantly exceeds the prescribed size limit.

The allotment of land is a battle axe allotment accessible of a wide gravel unnamed roadway connecting with Wenke Street. It is a large allotment of land with an area of 2789 m² and there is an existing large shed on the allotment which has an approximate floor area of 308 m². There are 4 neighbouring allotments to the allotment and the owners were sent a notification of development letter which gave them the opportunity to make a submission between the 17 July 2024 and the 5 August 2024. Council received no response to the notification of development letter.

It is advised that the Director Environment and Planning has the following delegation with respect the allowing variations for oversized outbuildings.

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**3. DELEGATION TO WAIVE NON COMPLIANCE WITH THE GREATER HUME
DEVELOPMENT CONTROL PLAN 2013**

3515 RESOLVED [McInerney/Meyer]

Council resolve the following in relation to delegation of waiving of non-compliance with the GHDCP 2013:

1. in accordance with Section 377 of the Local Government Act 1993 Council delegate to the General Manager the ability to waive areas of non-compliance with the GHDCP 2013 where no submissions have been received to the neighbour notification of development applications and the objectives of the GHDCP 2013 are met; and
2. Council note that the General Manager will sub delegate this function to the Director Environment and Planning under Section 378 of the Local Government Act 1993.

The Director regularly utilises this delegation and has allowed large sheds to be erected in numerous locations throughout the Council area and there has been no adverse outcomes from these decisions. This particularly shed is being reported to Council for determination because it would be the largest variation from the floor area requirements contained in the DCP. Also there is already the existing large shed situated on the allotment.

To support the application for variation to the DCP the applicant has provided a letter which is contained in **(ANNEXURE 7)**

It is considered that variation to the DCP can be allowed because of the unique configuration of the allotment, the allotment size and there were no objections received from neighbouring property owners.

ASSESSMENT

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

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

State Environmental Planning Policies

Nil.

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

The construction of any development or structure which would be permissible in the zone is permitted with consent. In this instance the proposed development is permissible with consent in the RU5 Village zone.

There are no Council affectations (bushfire, flood, heritage, biodiversity or contaminated land) that would be adversely effected by the erection of the residential shed.

Development Control Plans

This development application is for the construction of a residential shed. Except for the variations that have already been discussed the proposed development meets all the requirements of the Greater Hume Development Control Plan 2013 (“the DCP”), for residential development.

The proposed development is permissible.

The proposed development meets the requirements of the development control plan.

The proposed development will suit the existing scale, density, setbacks and character of the neighbourhood.

The proposed development will not have any adverse impact to the existing neighbourhood character.

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

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

ISSUE	ACCEPTABLE	RESPONSE
Context & setting	✓	The proposed development will have impacts on the context and setting of the allotment, as all development has some form of impact. However as the allotment is a very large battle axe allotment where a disused rail line is at the rear it is considered that the impact is minimal. There will be no negative changes to the current site/property or the streetscape.
Noise	✓	Noise issues have not arisen yet and may not.
Access & parking	✓	The proposed shed is to be used for residential storage. Access will be from the existing wide gravel unnamed roadway connecting with Wenke Street
Roads & traffic	✓	No extra traffic.
Utilities	✓	Nil effect
Heritage	N/A	-
Archaeology	N/A	-
Stormwater	✓	Nil effect
Soils & erosion	✓	Nil effect
Flora & fauna	N/A	-
Flooding	N/A	-
Bushfire	N/A	-
Technological hazards	N/A	-
Safety, security & crime prevention	✓	Nil effect
Privacy	✓	Nil effect
Landscaping	✓	No impact on landscaping.
Overshadowing	✓	The proposed development will not cause any overshadowing.
Land resources	N/A	-

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The suitability of the site for the development

The proposed development is for a large residential shed in a residential neighborhood the unique characteristic of the allotment means that the site is suitable for the proposed development. The proposed development should be permitted despite the variations to the DCP.

Any submissions made in accordance with this Act or the Regulations

No submissions have been received.

The public interest

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

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

In this case there is no potential detriment to immediate adjoining neighbours that should result in a refusal of the application or additional conditions on the consent.

The general public benefit outweighs the general public detriment.

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

The view from adjoining properties is not considered to be detrimentally impacted in context of the residential suburban setting.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

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

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

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

RECOMMENDATION

That Council approve the development application noting the variations to the Greater Hume Development Control Plan 2013.

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APPROVED PLANS

1 Compliance with Plans and Conditions

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

2 Time Period of Consent

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

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

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Greater Hume Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

3 Construction Certificate Required

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

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

4 Appointment of a Principal Certifier

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

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

5 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.

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6 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.

7 Toilet Facility

Prior to the commencement of any works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Greater Hume Council.

8 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 \$1500 on the spot fine may be issued for non-compliance with this condition.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

9 Occupation Certificate Required

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

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

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GENERAL CONDITIONS

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

10 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.

11 Compliance with the National Construction Code (NCC)

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

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

12 Use of Building

The building shall not be used for industrial or commercial purposes, any prohibited uses outlined in the Local Environmental Plan 2012 or human habitation without further consideration by Council.

13 Critical Stage Inspections

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E(3)(d) Environmental Planning and Assessment Regulation 2000.

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

14 Stormwater Disposal

All stormwater shall be directed to the existing stormwater disposal system or alternatively to the stormwater connection point at the front north/western corner of the lot.

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15 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.

16 All Work to be Carried Out by a Licensed Plumber and Drainer

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500-2015 and the Local Government Act 1993 and Local Government (General) Regulations, 2005, the Plumbing & Drainage Act 2011 and Plumbing & Drainage Regulations 2017.

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.

- 17** 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).
- 18** 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.

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DEVELOPMENT APPLICATION 10.2024.69 - LARGE DOMESTIC SHED – LOT 4 DP
1035173 WENKE STREET WALLA WALLA [CONTD]

- 19** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
- in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of the Act,
 - in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

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

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

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

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6. **DEVELOPMENT APPLICATION 10.2024.100.1 – TWENTY-EIGHT (28) LOT TORRENS TITLE SUBDIVISION, EARTHWORKS, ROAD CONSTRUCTION, AND ASSOCIATED CIVIL WORKS IN TWO (2) STAGES – LOT: 31 DP: 1062153 & PART LOT: 30 DP: 1062153 AT URANA ROAD JINDERA AND 1065 URANA ROAD, JINDERA NSW 2642.**

Report prepared by Director of Environment and Planning – Colin Kane and Town Planner – Gayan Wickramasinghe.

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation for the development application concerning a twenty-eight (28) lot Torrens Title subdivision, earthworks, road construction, and associated civil works, to be carried out in two (2) stages, on Lot 31 DP 1062153 and Part Lot 30 DP 1062153, at Urana Road, Jindera, and 1065 Urana Road, Jindera NSW 2642, respectively.

Following the public exhibition of the development application from 29 August 2024 to 12 September 2024, Council received a submission (**ANNEXURE 8**). The submission, dated 11 September 2024, clearly stated that the submitter did not wish to oppose the subdivision. However, they expressed opposition to the submitted design in its current form, as it could negatively impact the future development of the neighbouring property at 1085 Urana Road, Jindera (Lot 4 DP 240938).

The submission was reviewed by Council's planning and engineering staff and was also forwarded to the applicant for an additional response. The applicant provided a response via the Portal on 25 October 2024, which included the following (**ANNEXURE 8**):

- a) An amended plan extending the proposed internal public road to the southern and northern boundaries, along with the construction of the intersection as part of the 'Stage 5.3' works.
- b) The amended plans showing the number of allotments to be completed in each stage of the development.
- c) A detailed explanation of why Council should support the amended plan and how it addresses the objection

Council assessment staff noted that the amended plans, along with the justification provided, partially address the concerns and issues raised in the submission. Overall, due to the minor nature of the amendments, Council assessment staff are satisfied that no re-notification of the application is required. If re-notification were carried out, staff are also certain that the submitter would likely raise the same concerns.

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Given the complex nature of the submission, Council assessment staff have sought legal advice from BAL Lawyers. Further discussion of the submission is found in Section 4.15(1)(d) of this report. **(ENCLOSED SEPERATELY 1)**. Accordingly, this matter is reported to Council for determination in line with the Council-adopted assessment of Development Applications Policy.

ASSESSMENT

DESCRIPTION OF THE SITE AND LOCALITY:

The site subject to the development comprises two irregularly shaped parcels of rural land, legally described as Part Lot 30 DP 1062153 (hereinafter 'Lot 30') and Lot 31 DP 1062153 (hereinafter 'Lot 31'), and also known as 1065 Urana Road Jindera, NSW 2642.

Lot 30 has approximately 77 metres of frontage to Urana Road, with existing access from Urana Road to service the dwelling on-site. The linear depth of the site is approximately 738 metres along the northern boundary and approximately 731 metres along the southern boundary. A section of this lot is proposed to be subdivided as part of this application.

Lot 31 has a total area of 8.21 hectares, with an approximate 153-metre frontage to Classified Urana Road, Jindera. The site does not have established direct access to Urana Road. This area of the site has been significantly disturbed by recent forestry activity, and all trees associated with past forestry operations have been removed. Council's DA register indicates that Council consented to a twenty-one (21) lot Torrens Title subdivision on 15 March 2024 to develop the western portion of Lot 31 and the southern part of Lot 30, which abuts Lot 31. This development is also known as 'Heritage Park' Stage 5.1.

Both allotments subject to the application are located within the R2 - Low Density Residential Zone pursuant to the Greater Hume Local Environmental Plan (GHLEP) 2012, the same zone as the adjacent land to the south (Lot 2 DP 240938) and north (Lot 4 DP 240938). As per the Jindera Flood Study prepared in 2017, the eastern sections of Lot 30 and Lot 31 DP 1062153 have been identified as flood-prone land. The subject development site does not contain any known items of environmental heritage significance, as outlined in Schedule 5 of the GHLEP 2012, and is not mapped as bushfire-prone land by the Rural Fire Service NSW.

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Figures 1-2 outline the subject site whilst **Figure 3** outlines the nature of the proposed development.

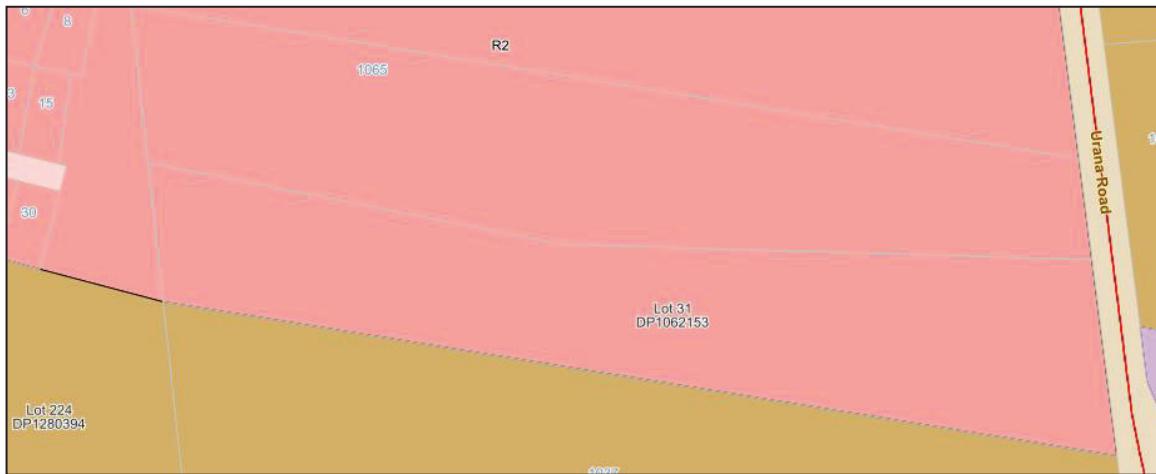


Figure1 – Existing layout with applicable planning controls Source: intramaps



Figure2 – Existing layout; Source: intramaps

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DESCRIPTION OF PROPOSAL:

This application seeks approval for the residential subdivision of land, creating an additional twenty-eight (28) lots in two (2) stages, including associated earthworks and the extension of the proposed 'Wagner Road' to Urana Road to facilitate stages 2 and 3 of the Heritage Park Estate subdivision.

More specifically, the staged residential subdivision can be described as follows:

'Stage 5.2'

- The first stage of the development will involve a Torrens Title subdivision of the land, splitting two lots (Lot 30 and Lot 31) into sixteen (16) lots. This stage will also include the extension of one central access road, 'Wagner Road,' with an 18m wide reserve to the eastern boundary of proposed Lot 5208. The proposed lots will range in size from 2,016m² to 2,057m².

'Stage 5.3'

- The second stage of the subdivision will create eleven (11) lots ranging in size from 2,025m² to 2,452m². The applicant is also seeking to extend an 18m wide access road between proposed Lots 5308-5309 and 5306-5307 to the southern boundary of existing Lot 4 DP 240938, and complete the intersection with Albury-Urana Road.

This application is supported by the following:

1. A Statement of Environmental Effects prepared by Habitat Planning, dated June 2024;
2. Proposed subdivision layouts;
3. An AHIMS Web Services (AWS) report.

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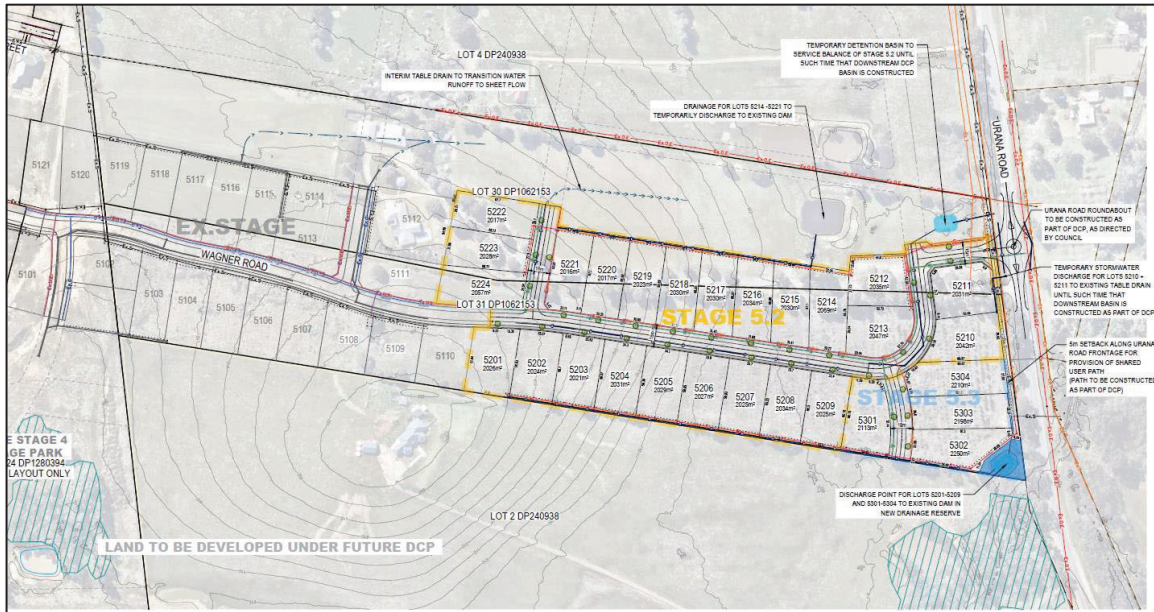


Figure3 – Proposed subdivision layout by the Applicant.

The minimum lot size provision applicable to the site is 2,000 m². The submitted proposed subdivision layout indicates that all allotments resulting from the development exceed the minimum lot size provision outlined in the GHLEP 2012. The application was internally referred to Council's Engineering Department and also externally referred to Transport for NSW (TfNSW) for additional comments.

Please refer to the submitted plans and the body of the report for background and further details.

It is also noted that the development is not considered to be Integrated Development pursuant to section 4.46 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

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Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

The applicant has proposed to remove non-native planted vegetation to facilitate the proposed development. Council staff are satisfied that no approval is required from Council, nor is further assessment under Part 7 of the Biodiversity Conservation Act 2016 required for the development.

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

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

Section 4.46 - What is “integrated development”?

The Application does not require a separate approval under this Section.

4.15 Evaluation

(2) Matters for consideration-general

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

(a) the provisions of:

- (vii) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (vi) (Repealed)*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - (c) the suitability of the site for the development,*
 - (d) any submissions made in accordance with this Act or the regulations,*
 - (e) the public interest.*

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

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Local Environmental Plans

As noted previously, the site subject of the development are zoned R2 - Low Density Residential pursuant to the Greater Hume Local Environmental Plan (GHLEP) 2012. The relevant matters of the LEP are addressed as follows.

Zone RU1 Primary Production

Objectives of zone

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

As noted in the 'Description of Proposal' section of this report, the applicant is seeking to resubdivide the existing Lots 30 and 31 into a total of twenty-eight (28) Torrens Title residential allotments, which meet the minimum allotment size prescribed in the GHLEP 2012. Council staff are satisfied that the proposed residential subdivision will meet the housing needs of the community within a low-density residential environment. It is therefore considered that the proposal is consistent with the objectives for land zoned R2 Low Density Residential.

Section 2.6 Subdivision—consent requirements

Subdivision such as that proposed requires the consent of Council. The submitted development application satisfies this Section.

Section 4.1 Minimum subdivision lot size

As per the Lot Size Map of the GHLEP 2012, the minimum lot size provision applicable for the site is 2000 m². The lots resulting from the subdivision are above 2000m². Therefore, the proposal is consistent with this section.

Clause 5.10 Heritage conservation

The site does not contain any known items of Environmental Heritage Significance as outlined in Schedule 5 of the GHLEP 2012. It is further noted that a standard condition related to protection of unknown Aboriginal Heritage during works will be imposed on any consent granted.

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Section 5.21 Flood planning

As per the Jindera Floodplain Risk Management Study and Plan 2017, the eastern sections of Lot: 30 and Lot: 31 DP: 1062153 have been identified as a flood prone area. The objectives of this clause are as follows:—

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

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

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

It is noted that some of the proposed allotments within the subdivision will be impacted by flooding. The floodplain risk management study further indicates that the subject allotments are located within the flood fringe, and the risk has been categorised as 'low hazard.' As a result, further confirmation was sought from Council's Engineering Department regarding the finalisation of the application. Council's Manager of Traffic & Infrastructure, in their referral response dated 5/11/2024, has indicated that, prior to the commencement of any subdivision works associated with land prone to flooding, a localised flood study (flood impact and risk assessment) will need to be provided to Council for proper assessment of the impact. As the Engineering Department is confident that this matter can be appropriately addressed, this requirement will be appropriately conditioned on any consent granted, prior to the commencement of work.

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Section 6.1 Earthworks

1) The objective of this clause is as follows—

“to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.”

As per the submitted documentation, the development involves creation of twenty-eight (28) new allotments, associated civil works and extension of an internal public road to support the future new allotments.

The earth works associated with this development cannot be considered of a minor nature. Therefore, the works require a separate approval, which can be granted along with this approval. It is also noted the site subject of this application is located nearby established residential land. Therefore, the proposed earthworks may have potential to bring detrimental impacts on the neighbouring properties. As such, any consent issued for this application will be appropriately conditioned to minimise impacts from earthwork on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) *Development consent is required for earthworks unless—*

- (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or, or*
- (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

The proposed earthworks are not classed as exempt development under this plan or other applicable environmental planning instrument. Therefore, the proposed earthworks will require a separate approval.

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development;*

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The proposed earthworks may have potential to change the natural drainage pattern and soil stability in the locality. The eastern sections of Lot: 30 and 31 DP: 1062153 have been identified as flood prone land, the Engineering Department indicates that some of the proposed allotments within the subdivision will be impacted by the flood. As a result, the Engineering Department recommended that the applicant is required to provide a flood impact and risk assessment prior to the issue of the subdivision works certificate for the relevant stage. This requirement will appropriately be conditioned on any consent granted.

(b) the effect of the development on the likely future use or redevelopment of the land,

The intent of the proposed earth works is to create additional residential lots and to facilitate associated civil works. Therefore, it is considered that the proposed earthworks will facilitate the future development on the land.

(c) the quality of the fill or the soil to be excavated, or both,

The quality of soil to be used for future fill will need to be the same soil excavated from the site. A condition will be placed on any consent granted to reflect this requirement.

(d) the effect of the development on the existing and likely amenity of adjoining properties,

As part of the development application process, notification was sent to adjoining property owners. During this period, although Council received an objection, the ground for objection was not based on proposed earthwork for the subdivision rather it focus on the submitted design.

(e) the source of any fill material and the destination of any excavated material,

If in the event that the applicant is required to source fill material, a condition will be recommended stating that the fill material is required to meet “virgin excavated natural material” as defined under the *Protection of the Environment Operations Act 1997*.

(f) the likelihood of disturbing relics,

As assessed under Section 5.10 within the body of this report, the assessment staff are satisfied that subject to the imposition of a standard condition related to protection of unknown Aboriginal Heritage items, the proposal can proceed.

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(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.

The proposed development site is not located in close proximity to a watercourse or a drinking water catchment area. Although the proposal will result in removal of non-native vegetation it is considered that the overall proposal will not have potential detrimental impact on the threatened species, drinking water catchment or environmental sensitive area.

As a result of the above discussion, it is therefore considered that the proposal meets the above objective.

Section 6.7 Essential services

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

Subsection	Comment
(a) the supply of water,	As per the response from Council’s Manager of Water and Wastewater, the applicant is required to extend water services to the proposed new allotments. A standard condition will be incorporated into any consent granted to address this requirement.
(b) the supply of electricity,	A standard condition requiring the Notice of Arrangement (NOA) to be provided is to be imposed on any consent granted prior to issue of a Subdivision Certificate.
(c) the disposal and management of sewage,	Council’s Manager of Water and Wastewater, in their referral response dated 8 August 2024, indicates that the applicant is required to provide a sewer connection for the new allotments resulting from this subdivision. A condition will be included in the consent granted to reflect this requirement.
(d) stormwater drainage or on-site conservation,	Council’s Manager Traffic & Infrastructure’s initial response dated 4 November 2024 indicates that Council is satisfied with the proposed arrangements.
(e) suitable vehicular access	As per the submitted preliminary plan, each lot will have direct or indirect access to proposed internal road.

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Relevant State Environmental Planning Policies applicable for the proposal:

State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 4 Koala Habitat Protection 2021.

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021
Chapter 4 Remediation of land.

As per Chapter 4 of Section 4.46 (1) of this policy the subject land is not considered to be contaminated or likely to be contaminated and is not listed on Council's Contaminated Land Register. Therefore, it is considered that the land is suitable in its current state for the purpose for which the development is proposed to be carried out.

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

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

Section 4.15(1)(a)(iii) any development control plan,

The Greater Hume Development Control Plan (GHDCP) 2013 applies to the proposal. Relevant to this Application are the following Chapters of the Greater Hume *Development Control Plan 2013* ("the DCP"):

- Chapter 5 – Township Structure Plans
- Chapter 6 – Subdivision
- Chapter 10 – Notification Policy

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CHAPTER 5- TOWNSHIP STRUCTURE PLANS:	
CRITERIA	COMMENT
<p>This chapter of the GHDCP relates to the role of township structure plans in guiding the location of types of land uses and development within the zoned urban areas of the Shire. Such guidance is necessary because of the use of one broad-based zone in the GHLEP (the RU5 Village zone) across much of the townships. The structure plans are based on those prepared as part of the Greater Hume Shire Strategic Land Use Plan 2007- 2030 (“the SLUP”). The overall purpose of the SLUP is to guide the future development and use of land within the Shire for the next 20 years and beyond. In some cases the structure plans within the SLUP indicate non-rural activities around the fringes of the current zoned urban boundaries of townships. Further investigation of these areas is required before they can be considered suitable for inclusion in the zoned urban area of townships. These areas are excluded from this chapter of the GHDCP</p>	<p>As per <i>Jindera Structure Plan</i>, the site subject of this application has been identified as a site suitable for low density residential development within Jindera Township. The lots resulting from the subdivision are above the minimum allotment size outlined in the GHLEP 2012 whilst they are orientated in a north-south manner. As the proposal provides an additional low-density residential accommodation within the township, it is considered that the proposal is aligned with the township structure plan.</p>
CHAPTER 6 – SUBDIVISION	
6. 1 Staging	
<p><i>1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development Application.</i></p>	<p>A staging plan has been provided with the application. Council’s Engineering Department has reviewed the plan and did not object to the proposal.</p>

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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.

The proposed staging plan has been reviewed by Council's Engineering Department and they are satisfied that subject to imposition of relevant conditions, the subdivision can proceed.

Additionally, the application was notified to Transport for NSW (TfNSW) via the NSW Planning Portal. The referral response, dated 16/10/2024, indicates that they do not object to the proposal subject to imposition of recommended conditions on any consent granted.

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6.2 Movement network

Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.

This application was referred to Council's Engineering Department and they did not object to the proposed subdivision in general, subject to imposition of relevant conditions on any consent granted. As such it is considered that the proposal is generally consistent with the Greater Hume Shire Council Engineering Guidelines for Subdivisions and Development Standards.

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2. *All development for subdivision must comply with the Council's standards for road design.*

As noted previously, Council's Engineering Department is satisfied with the submitted road layout (i.e., dimensions and cross-section, showing the 2m wide footpath). The preliminary layout also indicates that the applicant has proposed a number of internal roads within the subdivision for future residential development, as follows:

- a) An 18m wide road between proposed Lots 5215-5216 and 5214, extending to the northern boundary of proposed Lot 5214 within the development site as part of 'Stage 5.2' works;
- b) An 18m wide road between proposed Lots 5302 and 5303-5305, extending to the northern boundary of existing Lot 2 DP 240938 as part of 'Stage 5.3' works;
- c) An 18m wide road between proposed Lots 5308 and 5307, extending to the northern boundary of existing Lot 30 DP 1062153 as part of 'Stage 5.3' works;
- d) Completion of the intersection with Albury-Urana Road.

The above was reviewed by the Engineering Department. The follow-up response from Council's Engineering Department indicates that although they are satisfied with points 'a,' 'b,' and 'c,' they have stated that, as part of 'Stage 5.2'

works, the applicant is required to construct the proposed public road between Lots 5215-5216 and 5214, extending to the northern boundary of proposed Lot 5214, and relocate the retention basin from the road reserve shown on the plan to private property. Therefore, these requirements will form part of any consent granted.

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<p>3. <i>For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i></p>	<p>As noted previously, the application was referred to TfNSW. The referral response received on 16/09/2024 indicated that they do not wish future prospective owners of lots backing onto Urana Road to have direct access. They have recommended that a covenant be imposed, prior to the issue of the subdivision certificate, restricting vehicular and pedestrian access directly to the road reserve. Therefore, this requirement will form part of any consent granted.</p>
<p>4. <i>All lots are to be provided with access to a public road. Easements for access will only be considered in extraordinary circumstances.</i></p>	<p>No easements for access have been proposed as part of the subdivision.</p>
<p>5. <i>Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.</i></p>	<p>Noted and this requirement will form part of any consent granted.</p>
<p>6.3 Lot design</p>	
<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>As above. Refer to the assessment against Section 6.2(1)</p>
<p>2. <i>Multi-lot subdivisions should provide for a range of lot sizes.</i></p>	<p>As noted within the layout, the proposal includes a variety of lot sizes ranging from 2016m² to 2057m² in 'Stage 5.2', while lots in Stage 5.3 range from 2025m² to 2452m².</p>
<p>3. <i>Lots are to be provided with legal and practical public road access.</i></p>	<p>As noted in Section 6.7(e), Council staff are satisfied that the lots resulting from this subdivision are being provided with legal and practical public road access.</p>
<p>4. <i>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.</i></p>	<p>- It is further noted that the sizes of the proposed lots are well above the minimum allotment size required for erecting a dwelling in that zone pursuant to the GHLEP 2012 (i.e., 2000m²). Due to the size of the lots, Council staff are satisfied that the proposed new lots are capable of accommodating a residential dwelling and ancillary structure. Therefore, it is considered that the proposal is consistent with this specific design criterion.</p> <p>-</p>
<p>1. <i>For battle-axe allotments a minimum width of the access handle is to be 4.5m.</i></p>	<p>No battle-axe allotments are proposed.</p>

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<p>2. <i>Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling</i></p>	<p>As discussed previously against Section 6.3(4), a building envelope which has a dimension of 10X15m can be comfortably accommodate on any allotments resulting from this subdivision.</p>
<p>3. <i>Lots are to be designed to maximise solar access.</i></p>	<p>Most of the lots resulting from the subdivision are generally oriented in a north-southerly direction. Based on the existing lot configuration and the extent of the allotments, Council staff are satisfied that the proposal meets this criterion.</p>
<p>6.4 Infrastructure & services</p>	
<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>As above. Refer to the assessment against Section 6.2(1)</p>
<p>Higher density and Average density, Lower density and Rural living</p> <p>2. <i>Where a reticulated external potable water supply is provided, all lots shall be connected.</i></p>	<p>Please refer to discussion against ‘Section 6.7’ within this report.</p>
<p>6.5 Hazards</p>	
<p>1. <i>On land mapped as bushfire prone, compliance with the NSW Rural Fire Service guide Planning for Bushfire Protection (2006).</i></p>	<p>Not applicable.</p>
<p>3. <i>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 State Environmental Planning Policy No.55 – Remediation of Land. An investigation should be in accordance with the process detailed in the State Government’s Managing Land Contamination – Planning Guidelines SEPP55 Remediation of Land (1998)</i></p>	<p>Refer to the assessment against the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> within the body of this report.</p>
<p>6.6 Site management</p>	
<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>As above. Refer to the assessment against Section 6.2(1)</p>

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2. Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils

The Development Application was referred to Council’s Engineering Department for comment and no objection was received. It is therefore considered that the DA is not inconsistent with this guideline.

10.0 NOTIFICATION POLICY

This chapter of the GHDCP applies to Council’s policy for notifying development Application s.

In accordance with the GHDCP 2013, the application was notified to adjoining landowners from 26 August 2024 to 12 September 2024. As noted, Council received one submission objecting to the proposed design.

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

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

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

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The following division within the *EPA Reg 2021* has been considered in the assessment of the Development application.

- Part 4, Division 1- ‘Determination of Development Applications’;
- Division 2, Subdivision 1- ‘Development in General – Section 69-74 & Section 81 within Subdivision 2’

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

Section 4.15(1)(b) - The Likely Impacts of that Development, Including Environmental Impacts on Both the Natural and Built Environments, and Social and Economic Impacts in the Locality

CONTEXT	COMMENT
Context & setting	<p>The site subject to the proposal is located in a transitional area between residential and rural land. As noted in the GHLEP zoning maps, the land immediately to the south is zoned R2 Low Density Residential, while the land further to the south is zoned RU4 Primary Production Small Lots. Based on the amended layout provided, Council staff are satisfied that the proposal will blend in with the existing lot configuration in the locality.</p> <p>As previously discussed, the site has been identified for future low-density residential development within the structure plan applicable to the area. Council staff are satisfied that the proposed layout and lot density will facilitate the creation of a new, integrated low-density residential development that aligns with the objectives of the R2 zone. Development of this land is expected to have an overall positive impact on the broader area, which is already a transitional urban area. Given the transitional lot sizes and rural residential lifestyle land uses surrounding the site, no potential land use conflicts are expected.</p>

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Access & parking	<p>The proposed subdivision will create an additional twenty-seven (27) residential lots in the area and is also accompanied by an internal road, which will connect to a collector road. Council’s Manager of Traffic & Infrastructure has reviewed the plans and did not object to the proposed arrangements in general. However, it is noted that, since the applicant has provided amended plans, these were also forwarded to Council’s Engineering Department for further comments. The following points were noted in relation to the access within the submitted amended subdivision layout:</p> <ol style="list-style-type: none"> a. Construction of an 18m wide road between proposed Lots 5215-5216 and 5214, extending to the northern boundary of proposed Lot 5214 within the development site as part of ‘Stage 5.2’ works; b. Construction of an 18m wide road between proposed Lots 5302 and 5303-5305, extending to the northern boundary of existing Lot 2 DP 240938 as part of ‘Stage 5.3’ works; c. Completion of the intersection with Albury-Urana Road as part of ‘Stage 5.3’ works;
Access & parking	<ol style="list-style-type: none"> d. Construction of an 18m wide road between proposed Lots 5308 and 5307, extending to the northern boundary of existing Lot 30 DP 1062153 as part of ‘Stage 5.3’ works. <p>The amended plans have been reviewed by the Engineering Department. The follow-up response from Council’s Engineering Department indicates that, although they are generally satisfied with the above, further amendments are required to the submitted plans. The proposed amendments include:</p> <ul style="list-style-type: none"> • As part of ‘Stage 5.2’ works, the applicant is required to extend the proposed public road between proposed Lots 5215-5216 and 5214 to the northern boundary of Lot 30 DP 1062153; • Relocation of the proposed retention basin from the road reserve shown on the plan to private property. <p>Therefore, these requirements will form part of any consent granted.</p> <p>Additionally, the DA was referred to TfNSW via the Portal. The referral response received on 16 October 2024 indicates that, subject to the imposition of suitable conditions, they do not object to the proposal.</p>

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Roads & traffic	Although Council's Engineering Department has not yet received the detailed design drawings, based on the preliminary design layout, they are satisfied that the proposed internal road network is suitable to accommodate the additional traffic generated by the development.
Utilities	As discussed within the body of the report, a condition will be imposed stating that the applicant is required to provide the following for the proposed new allotments: <ul style="list-style-type: none"> - Electricity - Water - Sewer - Telecommunication.
Heritage	The subject site is not located within the heritage conservation areas of the Greater Hume Shire Community Based Heritage Study 2010. Furthermore, any consent granted will also include a condition related to the protection of unknown Aboriginal heritage items.
Stormwater	Council's Manager of Traffic & Infrastructure's initial response dated 4 November 2024 indicates that Council is satisfied with the proposed arrangements.
Soils & erosion	The applicant has proposed to carry out extensive earthworks in order to prepare each allotment for the erection of a dwelling. Additionally, the applicant plans to stockpile excavated fill onsite. Due to the potential impacts associated with this process (i.e., excavation, stockpiling, etc.), any consent granted will incorporate suitable conditions to minimize these impacts
Flora & fauna	Please refer to the assessment against Section 1.7 within the report for a further discussion.
Bushfire	The land is not mapped as a bushfire prone in accordance with the map maintained by NSW RFS. Therefore, no referral is required under Section 4.47 of the EP&A Act 1979.
Technological hazards	As a result of civil works including earthworks and associated tree removal work, additional noise impacts can be anticipated for a relatively short period of time. A general condition related to maximum noise level to be adhered to during works will be included on any consent granted.
Landscaping	Council's Manager Traffic & Infrastructure's has recommended that the applicant is required to pay \$200 per allotment for Council to supply and plan new street trees. This recommendation will form part of any consent granted.

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Section 4.15(1)(c) - The Suitability of the Site for Development

The above assessment against the GHLEP 2012, relevant SEPPs, and the GHDCP 2013, together with the internal and external referral responses, concludes that the site is suitable for the proposed development.

In 2016, Council prepared a master plan for the Jindera locality, covering a number of allotments, including the site subject to this development application and the adjacent lot to the north (Lot 4 DP 2401938). The master plan provides general guidance for the development of the site, including the road network and drainage detention systems. As briefly discussed within the report, although the proposed road network aligns with the expected outcomes of the master plan, Council deems that, in order to achieve the future integrated development of all existing englobo lots, the amended concept plans require further amendments. Therefore, this requirement will form part of any consent granted.

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

External Referral	Response
Transport for NSW (TfNSW)	The DA was referred to TfNSW for their respective referral response via the NSW Planning Portal. In their respective referral response dated 16 October 2024 they have confirmed that they do not object to the proposed development subject to imposition of conditions similar to their previous response.
Internal Referrals	
Engineering Department	As per the referral response received, Engineering Department has no objection to the proposal subject to imposition of relevant conditions on any consent granted.

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Public Submissions	
<p>The development application was notified to adjoining property owners from 26 August 2024 to 12 September 2024. During the notification period, Council received one submission. The submission maker noted that they do not wish to oppose the subdivision. However, they opposed the submitted design in its current form, as it will negatively impact the future development of the neighbouring property (ANNEXURE 8).</p> <p>An extract of the submission and the response from assessment staff is below:</p> <p><i>‘In reference to the attached plan DWG No. 28776 Version 00 Sheet 1 of 3 prepared by JCA Land Consultants, the proposed subdivision layout does not continue the road up to the shared boundary between lot 30 and lot 4.</i></p> <p><i>This will land lock the future development of Lot 4, forcing dependence of one owner The proposal land locks Lot 4’s future development access, removing the property’s independence to develop without reliance on Lot 30.</i></p> <p><i>This proposal sets lot 30’s owners into a position of leverage over the owners of lot 4, causing a direct impact on ability to sell or develop the property without influence of the lot 30 owner.’</i></p> <p>Within the submission, the applicant has also made a few suggestions as to how they believe the proposal should be amended to avoid a ‘landlocked’ situation. Council’s planning and engineering staff have reviewed the submission, and due to its ‘merits’, Council sought legal advice from BAL Lawyers on how to legally address this situation. In the meantime, the submission was forwarded to the applicant to address the concerns.</p> <p>In response to community concerns, the applicant has slightly amended the proposed subdivision layout. Council staff noted that the amended layout goes a long way in addressing the concerns raised in the submission. However, Council is not satisfied that the amended layout has incorporated connectivity to the adjacent lot to the north (Lot 4 DP 240938) to facilitate future integrated development of all existing englobo lots as expected under the South Jindera master Plan 2016. As this was one of the prime objectives of the master plan, in line with the legal advice received, a condition will be incorporated requiring the applicant to dedicate reserves to the Council.</p> <p>The submission maker also noted that they would like the applicant to extend the road to the southern boundary of Lot 4 DP 240938, as was approved as part of the previous development application. It is noted, however, that since Council has already consented to the design, it is unable to amend the approved design, which was granted on 15 March 2024 under DA 10.2023.188.1. It is also important to note that the application was notified to the adjacent property owners, and no objections were received regarding the design at the time of determination.</p>	

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

The public interest is served through the detailed assessment of this Application under the EP&A Act 1979, the EP&A Reg 2021, Environmental Planning Instruments, Development Control Plan and policies. Based on the above assessment, the proposed development is considered to be aligned with the public interest subject to imposition of relevant conditions on any consent granted.

BUDGET IMPLICATIONS

Section 7.11 Fixed development consent levies

The site is located within the 'South Jindera Low Density Residential Zone,' where Council's Section 7.11 Contribution Plan applies. Therefore, the applicant is required to pay a Section 7.11 monetary contribution towards roads, open space, drainage, administration, and sewer. This is in addition to the S64 Contribution fees calculated under the Local Government Act 1993. These requirements will form part of any consent granted.

CONCLUSION

An assessment of the proposal against Section 4.15 of the EP&A Act has been undertaken, and the proposal is satisfactory, having regard to the relevant environmental planning instruments and regulations that apply to the development.

The proposal is a permissible form of development and, subject to the imposition of conditions, is considered to be acceptable within the context of the locality. As also discussed, the issues raised by the submission maker can be appropriately managed, subject to the imposition of relevant conditions.

It is recommended that the proposal be supported, subject to the recommended conditions of consent contained within this report.

That Council resolves to:

2. Approve Development Application No. 10.2024.100.1 on Lot: 31 DP: 1062153 and PART Lot: 224 DP: 1280394 at Urana Road Jindera and 1065 Urana Road, Jindera NSW 2642 for "for twenty-eight (28) lot Torrens Title Subdivision, earthworks, road construction, and associated civil works in two (2) stages" subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

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Part A – GENERAL CONDITIONS

38. Compliance With Plans and Conditions

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the development application receipted. The development must be carried out in accordance with Greater Hume Council's Engineering Guidelines for Subdivisions and Developments Standards and applicable conditions of this consent. All conditions of consent must be fulfilled at the expense of the applicant in conjunction with advice from Council.

The layout must be amended as shown in red on the attached plan (marked as amended by Greater Hume Council), i.e., to provide for the creation of the desired road reserves along the northern boundary of existing Lot 30 DP 1062153, linking to the southern boundary of Lot 4 DP 240938, and their dedication to the Council, as well as the relocation of the retention basin from the road reserve to private property.

Commencement of works associated with '**Stage 5.3**' is to be deferred until such time as Council completes a flood impact and risk assessment (FIRA). Once the FIRA is completed, the applicant must make the necessary arrangements to comply with the recommendations outlined in the FIRA and with the approved development consent design, to the satisfaction of Council, at no cost to Council.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure the development is carried out as assessed.

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PART B – BEFORE ISSUE OF A SUBDIVISION WORK CERTIFICATE

39. Subdivision Works Plans

Full Engineering Plans (Subdivision Works Plans) in respect to the provision of the following services must be submitted with the Subdivision Works Certificate Application for each stage:

- a) Internal road resign layout
- b) As part of '**Stage 5.3**' subdivision works the intersection of the proposed new internal access road with Albury-Urana Road shall be designed and constructed as a roundabout intersection treatment in accordance with the Austroads Guide to Road Design for a posted speed limit of 80km/h and designed to cater for an approved B-Double Route.

A strategic design be submitted showing a compliant design with Austroads Guide to Road Design (AGRD) for a B-Double route to TfNSW and Council for approval. TfNSW requirements for strategic designs can be found [Strategic design requirements for DAs - February 2022 \(nsw.gov.au\)](https://www.nsw.gov.au/transport/roads/strategic-design-requirements-for-das).

As a minimum the proposed intersection of the new access road with Albury-Urana Road shall be located and maintained so as to comply with the required Sight Distance Criteria for an intersection in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the works.

The intersection of the new access road with Albury-Urana Road shall be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway of Albury-Urana Road. Any culvert located within the clear zone of Albury-Urana Road for the posted speed limit shall be constructed with a traversable type headwall.

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The proposed subdivision and internal road network shall be designed to cater for bus access to service the proposed subdivision.

- c) Sewer;
- d) Reticulated water;
- e) Stormwater Management;
- f) Environmental and sedimentation details;
- g) Details of any fill material to be brought on site;
- h) Concrete footpaths (2m wide);
- i) Certified Essential Energy (electricity) plans;
- j) Speed zone;
- k) Street names;
- l) Street lighting;
- m) Indicative details of utilities (telecommunications);
- n) Cost summary report.

NOTE: - The Subdivision Works Plans must conform and comply with the following requirements for each stage:

- The approved **amended layout** (marked as amended by Greater Hume Council).
- Flood Impact and Risk Assessment (FIRA) completed by Council

These plans must be approved by Council prior to the release of the Subdivision Works Certificate for each stage.

Reason: To ensure the development is appropriately serviced.

40. Street Naming

A written application for street naming must be submitted to Greater Hume Council for approval. The road names proposed must comply with requirements of the NSW Geographical Names Board and Council.

The application must nominate three suggested names per street, in order of preference, and the source of the names proposed.

Fees are payable for this service as specified in Council's Fees and Charges Policy.

Reason: To comply with the Roads Act 1993.

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41. Payment of Long Service Levy

A Subdivision Works Certificate will not be issued with respect to the plans and specifications for any subdivision work unless any long service levy payable under the *Building and Construction Industry Long Service Payments Act 1986* (or, where such a levy is payable by instalments, the first instalment of the levy) has been paid in accordance with the submitted cost summary report for each stage.

Reason: To comply with the Building and Construction Industry Long Service Payments Act 1986.

PART C – BEFORE SUBDIVISION WORK COMMENCE

42. Subdivision Works Certificate

An application for a Subdivision Works Certificate must be **submitted to and approved by Council** for each stage prior to any subdivision works taking place. The Subdivision Works Certificate must be lodged via the NSW Planning Portal.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

43. Notification And Appointment of a Principal Certifier

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

- a) appoint a Principal Certifier;
- b) the Principal Certifier has provided notification to Council of its appointment no later than two days before the subdivision work is proposed to commence; and
- c) the person having the benefit of the consent has given at least two days' notice to Council of the person's intention to commence the subdivision work.

Reason: To comply with Division 6.4 of the Environmental Planning and Assessment Act 1979.

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44. Proposed intersection of the new access road with Albury-Urana Road

As a minimum the proposed intersection of the new access road with Albury-Urana Road shall be located and maintained so as to comply with the required Sight Distance Criteria for an intersection in accordance with the Austroads Publications for the posted speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the works.

Reason: To ensure compliance with TfNSW conditions of consent.

45. Erosion and Sedimentation Controls

The approved erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with: "Erosion and Sediment Control – A Resource Guide for Local Councils".

Reason: To prevent water pollution and protect the amenity of the adjoining area and to comply with the Protection of the Environment Operations Act 1997.

46. Temporary Water Closet Accommodation

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

Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

PART D – DURING SUBDIVISION WORK

47. 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.

Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

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48. Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the *National Parks and Wildlife Act 1974*.

Reason: To protect Aboriginal heritage and to ensure compliance with the *National Parks and Wildlife Act 1974*.

49. Erosion and Sedimentation Controls

The approved erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with: "Erosion and Sediment Control – A Resource Guide for Local Councils".

Reason: To prevent water pollution and protect the amenity of the adjoining area and to comply with the *Protection of the Environment Operations Act 1997*.

50. Temporary Water Closet Accommodation

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

Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

PART D – DURING SUBDIVISION WORK

51. 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
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Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

52. Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the National Parks and Wildlife Act 1974.

Reason: To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

53. Erosion and Sedimentation Controls

The approved erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with: “Erosion and Sediment Control – A Resource Guide for Local Councils”.

Reason: To prevent water pollution and protect the amenity of the adjoining area and to comply with the Protection of the Environment Operations Act 1997.

54. Temporary Water Closet Accommodation

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

Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

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PART D – DURING SUBDIVISION WORK

55. 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.

Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

56. Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the National Parks and Wildlife Act 1974.

Reason: To protect Aboriginal heritage and to ensure compliance with the National Parks and Wildlife Act 1974.

57. Imported Fill Material

Any imported fill must comprise either uncontaminated Virgin Excavated Natural Material (VENM)(as defined within the Protection of the Environment Operations Act 1997) or Excavated Natural Material (ENM)(as defined within the NSW EPA Resource Recovery Order 'The excavated natural material order 2014').

Certification supporting any source fill material must be provided to Council for each stage.

Reason: To ensure fill which is placed on the site is not contaminated and to comply with relevant EPA requirements.

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58. Soil Contamination - Unexpected Finds

A suitable soil chemical analysis and investigation report is required **IF ANY EVIDENCE OF CONTAMINATION** on the subject site is found during works. If any evidence of contamination is found, all works at the location must cease immediately. If remediation works are required, works must not recommence on the subject site until Council is satisfied any required remediation techniques have been appropriately completed.

Reason: To ensure the subject site is not contaminated.

59. Compaction – Landfill

All fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS3798 'Guidelines on Earthworks for Commercial and Residential Developments'.

Reason: To ensure the lots are filled and compacted.

60. Vehicles During Construction

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

Reason: To ensure sediment is not trafficked onto Council's road network.

61. Disposal of Waste

Designated waste containment areas must be provided on site and must be maintained to prevent any windblown litter escaping from the site. The applicant must also ensure all waste generated from construction of the development is disposed of at a site which can lawfully accept the waste.

Reason: To comply with the requirements of the [Protection of the Environment Operations Act 1997](#).

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62. Minimise Noise

The operating noise level of plant and equipment during subdivision works must not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

Reason: To preserve the environmental health and amenity of the adjoining area.

63. Dust Control Measures

Adequate measures must be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted;

- a) All materials must be stored or stockpiled at the best locations;
- b) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent runoff occurs;
- c) All vehicles carrying spoil or rubble to or from the site must at all times be covered to prevent the escape of dust or other materials;
- d) Cleaning of footpaths and roadways must be carried out regularly; and
- e) Rumble grids must be installed at access points to the site.

Reason: To preserve the environmental health and amenity of the adjoining area.

64. No obstruction of Road Reserve Permitted

The road reserve must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. All activities including loading/unloading of vehicles associated with this development must be undertaken within the subject site.

Reason: To protect the amenity of the area.

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PART E – BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

65. Subdivision Certificate

An application for a Subdivision Certificate must be submitted to and approved by Council for each stage. The Subdivision Certificate Application must be lodged via the NSW Planning Portal.

The application must include formal subdivision plans, an Administration Sheet and relevant Instrument Sheet (if applicable). Easements must be shown over all services and covenants as required by the conditions of consent must be incorporated into the appropriate instruments.

The Subdivision Certificate for each stage is not released prior to all applicable conditions of consent for this development being complied with to the satisfaction of Council.

Reason: To comply with *the Environmental Planning and Assessment Act 1979*.

66. Completion of Subdivision Works

A Subdivision Certificate for each stage cannot be issued prior to the completion of all subdivision works covered by Condition 2 and 3 of this consent and a satisfactory final inspection of the works by Council's Engineering Department for each stage.

Reason: To ensure the development is appropriately serviced.

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PART E – BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

67. Subdivision Certificate

An application for a Subdivision Certificate must be submitted to and approved by Council for each stage. The Subdivision Certificate Application must be lodged via the NSW Planning Portal.

The application must include formal subdivision plans, an Administration Sheet and relevant Instrument Sheet (if applicable). Easements must be shown over all services and covenants as required by the conditions of consent must be incorporated into the appropriate instruments.

The Subdivision Certificate for each stage is not released prior to all applicable conditions of consent for this development being complied with to the satisfaction of Council.

Reason: To comply with *the Environmental Planning and Assessment Act 1979*.

68. Completion of Subdivision Works

A Subdivision Certificate for each stage cannot be issued prior to the completion of all subdivision works covered by Condition 2 and 3 of this consent and a satisfactory final inspection of the works by Council's Engineering Department for each stage.

Reason: To ensure the development is appropriately serviced.

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69. Development Contribution

Section 7.11 Contribution under EP&A Act, Section 64 Contribution under Local Government Act and Landscape Contribution.

The payment of Section 7.11 Development Contributions in accordance with South Jindera Low Density Residential Precinct Plan, Section 64 sewerage, water headwork charges and landscape contribution fees are applicable and must be paid to Council prior to the release of the Subdivision Certificate for each stage. Contributions are calculated per allotment created. **The fees will be charged and calculated in accordance with Council's adopted Fees and Charges Policy at the time the application for Subdivision Certificate for each stage is lodged with Council.**

SECTION 7.11 Contribution under EP&A Act		
DEVELOPMENT	STAGE 1 '(5.2)'	STAGE 2 '(5.3)'
ROAD UPGRADE, ADMINISTRATION AND OPEN SPACE	Rate at time of SC lodgement per lot x 16	Rate at time of SC lodgement per lot x 11

PART E – BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

70. Subdivision Certificate

An application for a Subdivision Certificate must be submitted to and approved by Council for each stage. The Subdivision Certificate Application must be lodged via the NSW Planning Portal.

The application must include formal subdivision plans, an Administration Sheet and relevant Instrument Sheet (if applicable). Easements must be shown over all services and covenants as required by the conditions of consent must be incorporated into the appropriate instruments.

The Subdivision Certificate for each stage is not released prior to all applicable conditions of consent for this development being complied with to the satisfaction of Council.

Reason: To comply with *the Environmental Planning and Assessment Act 1979*.

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71. Completion of Subdivision Works

A Subdivision Certificate for each stage cannot be issued prior to the completion of all subdivision works covered by Condition 2 and 3 of this consent and a satisfactory final inspection of the works by Council's Engineering Department for each stage.

Reason: To ensure the development is appropriately serviced.

72. Development Contribution

Section 7.11 Contribution under EP&A Act, Section 64 Contribution under Local Government Act and Landscape Contribution.

The payment of Section 7.11 Development Contributions in accordance with South Jindera Low Density Residential Precinct Plan, Section 64 sewerage, water headwork charges and landscape contribution fees are applicable and must be paid to Council prior to the release of the Subdivision Certificate for each stage. Contributions are calculated per allotment created. **The fees will be charged and calculated in accordance with Council's adopted Fees and Charges Policy at the time the application for Subdivision Certificate for each stage is lodged with Council.**

SECTION 7.11 Contribution under EP&A Act		
DEVELOPMENT	STAGE 1 '(5.2)'	STAGE 2 '(5.3)'
ROAD UPGRADE, ADMINISTRATION AND OPEN SPACE	Rate at time of SC lodgement per lot x 16	Rate at time of SC lodgement per lot x 11
TRUNK SEWER	Rate at time of SC lodgement per lot x 16	Rate at time of SC lodgement per lot x 11
STORMWATER & DRAINAGE	Rate at time of SC lodgement per lot x 16	Rate at time of SC lodgement per lot x 11
LANDSCAPE CONTRIBUTIONS (Per block for supply, planting and maintenance of a street tree).	\$200 X 16 = \$ 3,200	\$200 X 11 = \$ 2,200

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SECTION 64 Contribution under Local Government Act		
DEVELOPMENT	STAGE 1 '(5.2)'	STAGE 2 '(5.3)'
SEWER (S64)	Rate at time of SC lodgement per lot x 16	Rate at time of SC lodgement per lot x 11
WATER (S64)	Rate at time of SC lodgement per lot x 16	Rate at time of SC lodgement per lot x 11

Reason: To comply with Council's Development Contribution policies.

73. Correspondence From Agencies

Prior to the issue of the Subdivision Certificate for each stage, the following documents must be submitted to Council to demonstrate that the requirements of the public utility services and recommended conditions outlined in the Government Department respective referral responses have been met;

IV. Transport for NSW (Roads)

- Prior to the release of the Subdivision Certificate for 'Stage 5.3, the applicant must provide evidence to Council outlining the intersection of the proposed new internal access road with Albury-Urana Road has been designed and constructed as a roundabout intersection treatment in accordance with the Austroads Guide to Road Design for a posted speed limit of 80km/h and designed to cater for an approved B-Double Route
- A revised speed zone along Albury-Urana Road has been implemented upon the completion of the roundabout works.
- Prior to the release of the Subdivision Certificate for 'Stage 5.3 any existing vehicular access points or gates to the subject site from Albury-Urana Road with the exception of the proposed new access road shall be removed and the road reserve reinstated to match surrounding roadside landform in accordance with Council requirements.

Reason: To ensure compliance with 'TfNSW conditions of consent.

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V. Electricity

A Notification of Arrangements from the electricity supply authority (i.e. Essential Energy) must be supplied to Council confirming that electrical infrastructure has been installed and that satisfactory arrangements have been made for the supply of low voltage reticulated electricity to each proposed Lot;

VI. Telecommunications and Fiber-ready Facilities

Certification from an approved telecommunications provider outlining satisfactory arrangements have been made for the installation of fibre-ready facilities to all individual allotments in the subdivision to enable fibre to be readily connected to any premises which is being or may be constructed on those lots. The development must demonstrate the carrier has confirmed in writing they are satisfied the fibre ready facilities are fit for purpose.

Reason: To ensure the development is carried out as assessed and the development site is appropriately serviced.

74. Street Address Number

An individual Rural Address Numbers must be assigned to the subject sites. Please contact Council's Engineering Department for more detail.

Reason: To ensure the allotments are appropriately identified.

75. Compaction of Lots

Prior to the release of the Subdivision Certificate for each stage, the applicant must provide Council with the appropriate evidence outlining the entirety of each allotment has been filled and compacted to the relevant Australian Standards. This evidence must be to the satisfaction of Council.

Reason: To ensure the lots are filled and compacted.

76. Conveyancing Act 1919 Instruments

A copy of an instrument prepared in accordance with the Conveyancing Act 1919, must be submitted with the application for a Subdivision Certificate for Council's endorsement for 'Stage 5.3'.

The instrument must contain the following:

- (vi) A restrictive covenant over proposed **Lots 5303–5307** inclusive, denying direct vehicular access to the road reserve of Albury-Urana Road

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(vii) Any driveway to proposed **Lot 5307** from the new internal road must be located a minimum of 25 metres from the road reserve of Albury-Urana Road.

The wording of the covenants/restrictions must be to the satisfaction of Council prior to the release of the Subdivision Certificate. The instrument is to be registered at the same time as registration of the plan of subdivision.

Reason: To ensure the development is carried out as assessed.

77. Private Infrastructure

Any private services/assets or alike (i.e. water, stormwater, sewer etc.) which are located within the new allotments and benefit other allotments must be removed **OR** be shown within an appropriate easement to be registered. Any such easements must be shown on the formal subdivision plans prior to the release of the Subdivision Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

78. Works as Executed Plans

Works as Executed (WaE) plans of all infrastructure and services (including all pipes and drainage structures) must be provided to Council in electronic format (i.e. PDF and AutoCAD dwg. formats). The submitted WaE plans must be to the satisfaction of Council and must contain the true and correct locations and details of all installed infrastructure. The applicant must also provide Council with an asset value for all installed infrastructure which will be transferred to and/or managed by Council, along with street numbering shown on submitted plans.

Reason: To ensure Council receives true and correct details/location for all installed infrastructure and services in the form of Works as Executed plans.

79. Defects Liability Period

The defects liability period for subdivision works shall be a minimum of twelve (12) months from the date of registration of the plan of subdivision at the Land Registry Services, upon which the subdivision road and associated infrastructure is dedicated to Council for each stage.

Reason: To comply with the requirements of Council's Engineering Department.

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80. Defects Liability Bond (Security)

A defects liability bond to the value of 5% of the total cost of the subdivision works must be submitted to Greater Hume Council prior to issue of the Subdivision Certificate for each stage.

- (viii) Any driveway to proposed **Lot 5307** from the new internal road must be located a minimum of 25 metres from the road reserve of Albury-Urana Road.

The wording of the covenants/restrictions must be to the satisfaction of Council prior to the release of the Subdivision Certificate. The instrument is to be registered at the same time as registration of the plan of subdivision.

Reason: To ensure the development is carried out as assessed.

81. Private Infrastructure

Any private services/assets or alike (i.e. water, stormwater, sewer etc.) which are located within the new allotments and benefit other allotments must be removed **OR** be shown within an appropriate easement to be registered. Any such easements must be shown on the formal subdivision plans prior to the release of the Subdivision Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979.

82. Works as Executed Plans

Works as Executed (WaE) plans of all infrastructure and services (including all pipes and drainage structures) must be provided to Council in electronic format (i.e. PDF and AutoCAD dwg. formats). The submitted WaE plans must be to the satisfaction of Council and must contain the true and correct locations and details of all installed infrastructure. The applicant must also provide Council with an asset value for all installed infrastructure which will be transferred to and/or managed by Council, along with street numbering shown on submitted plans.

Reason: To ensure Council receives true and correct details/location for all installed infrastructure and services in the form of Works as Executed plans.

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83. Defects Liability Period

The defects liability period for subdivision works shall be a minimum of twelve (12) months from the date of registration of the plan of subdivision at the Land Registry Services, upon which the subdivision road and associated infrastructure is dedicated to Council for each stage.

Reason: To comply with the requirements of Council's Engineering Department.

84. Defects Liability Bond (Security)

A defects liability bond to the value of 5% of the total cost of the subdivision works must be submitted to Greater Hume Council prior to issue of the Subdivision Certificate for each stage.

The bond will be held for the duration of the defect liability period.

During this period the developer shall be responsible to remedy any construction defects or omissions in the subdivision works. Note that the defects exclude general wear and tear due to use, damage caused by inappropriate use, vandalism or traffic accidents.

The bond is refundable on application to Council and upon satisfactory final inspection by Council.

Reason: To comply with the requirements of Council's Engineering Department.

85. Repair Of Public Infrastructure

Any damage or deterioration to any portion of the footpath and/or kerb and guttering or other Council property including road reserves, during construction must be reinstated to its original condition at the owner's expense to the satisfaction of Council.

Reason: To maintain safe access for pedestrians and to protect the amenity of the adjoining area.

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ADVICE TO APPLICANT

- d. It is the Applicant's responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.
- e. The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the Applicant and owner/builder to ensure private covenants are adhered to. Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of building design with such covenants.
- f. Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities

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7. **DEVELOPMENT APPLICATION 10.2024.36.1- CARAVAN PARK – DEMOLITION OF THE EXISTING SHED AND USE PART OF THE EXISTING SITE AS A CARAVAN PARK – LOT: 3 DP: 716164 AT 131-133, ALBURY STREET HOLBROOK NSW 2644.**

Report prepared by Director Planning - Colin Kane & Town Planner – Gayan Wickramasinghe.

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation regarding the Development Application (DA) for the establishment of a caravan park as an additional use on Lot 3, DP 716164, at 131-133 Albury Street, Holbrook, NSW.

In determining a development application for a caravan park, Council, as the consent authority, is required to assess the development in accordance with a range of environmental planning instruments (e.g., Greater Hume Local Environmental Plan, various State Environmental Planning Policies, and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds, and Moveable Dwellings) Regulation 2021 [hereafter referred to as the LG Reg]). Council assessment staff have noted that, in this instance, for this particular development, Council is required to carry out an assessment against Clauses 70-130 of the LG Reg.

In particular, Clause 83 of the LG Reg outlines that a caravan park must have an area of no less than 1 hectare. As the site subject to this application has a total area of only 5,812 m², the development is contrary to this specific design standard. Furthermore, Clauses 110 and 119 of the LG Reg specify that shower, toilet, and laundry blocks must be constructed from brick or concrete masonry block. However, the applicant has proposed the installation of transportable buildings, which is also contrary to the applicable design standards outlined in these Clauses.

As a result, in accordance with Section 82(1)(b) of the Local Government Act 1993 (LG Act), the applicant has lodged an objection to each standard. Since the applicant is seeking to vary the provisions outlined in the LG Reg, and in accordance with Clause 82(3) of the LG Act and the Council-adopted policy for the assessment of development applications, the application must be determined by Council, rather than Council staff.

Accordingly, this matter is reported to Council for determination.

REFERENCE TO DELIVERY PLAN

None relevant.

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DISCUSSION - DESCRIPTION OF PROPOSAL

This application seeks approval for the demolition of an existing shed and the installation of an amenities building to facilitate the creation of a small-scale short-stay caravan park on the site. Such a land use has been occurring for many years in an informal and non-approved manner, and the applicants now seek to formalize this use.

The application proposes a short stay caravan park via:

- 1) The creation of 12 short stay dwelling sites along the western and northern boundaries of the subject allotment;
- 2) Installation of a transportable amenities building which will contain shower, toilet and laundry facilities;
- 3) Internal road access works, including upgraded access into the site from Library Lane. No access and egress from the site from Bowler Street is proposed;
- 4) Sewer and Water Infrastructure Works;
- 5) Landscaping works;
- 6) Stormwater works and
- 7) Minor earthworks associated with the proposed development.

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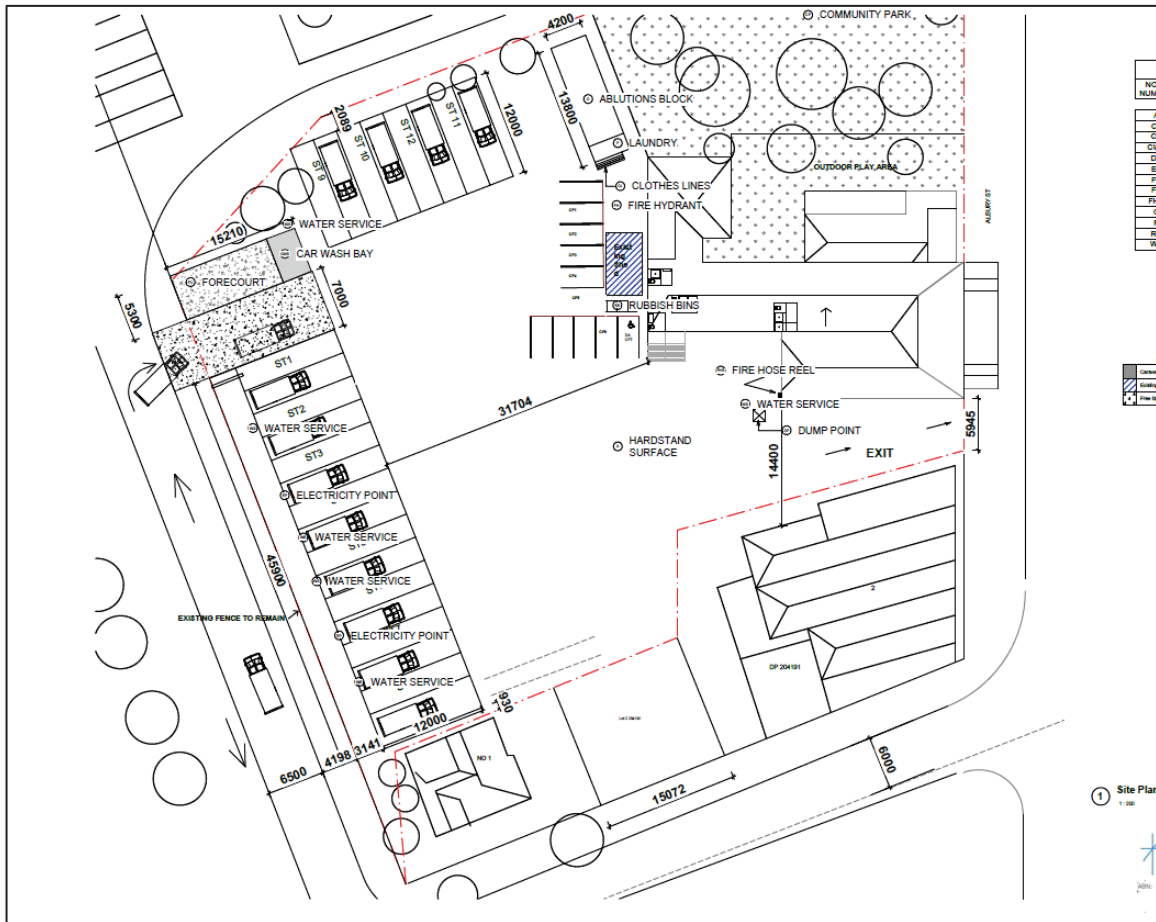


Figure 1– Proposed caravan park layout by the Applicant.

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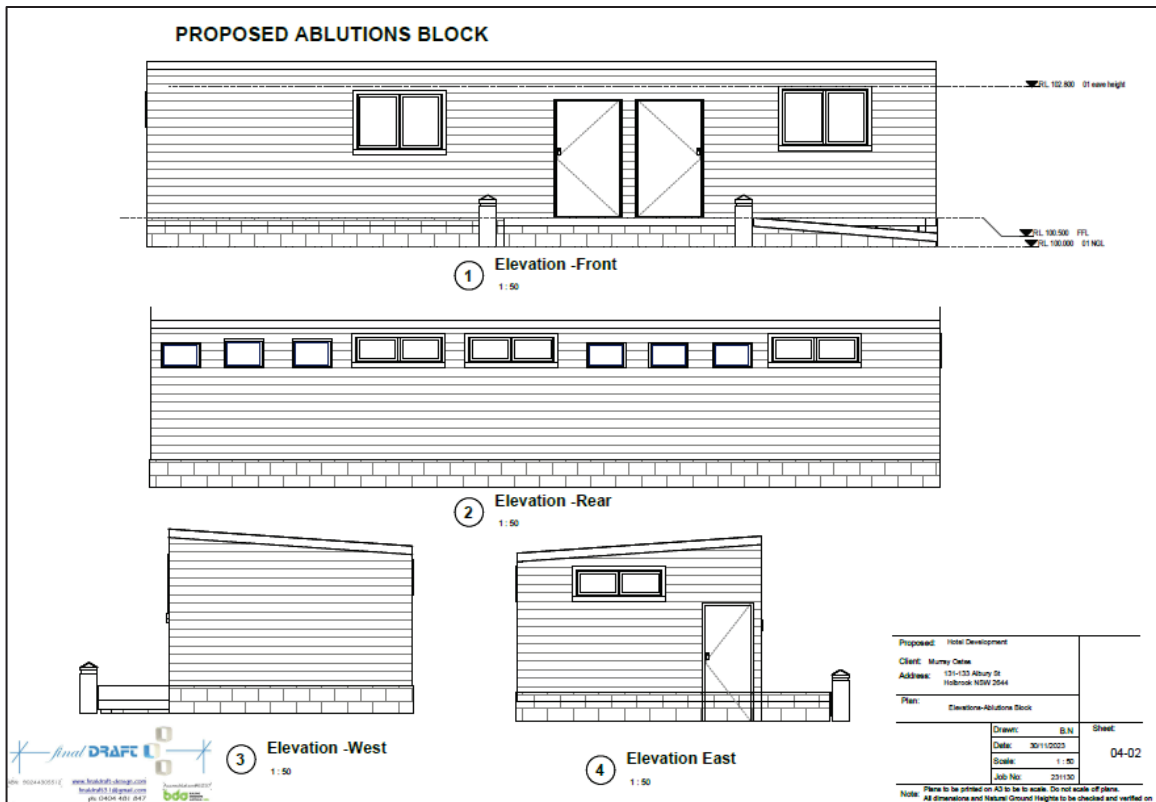


Figure 2- Elevation views of the proposed amenities block by the Applicant.

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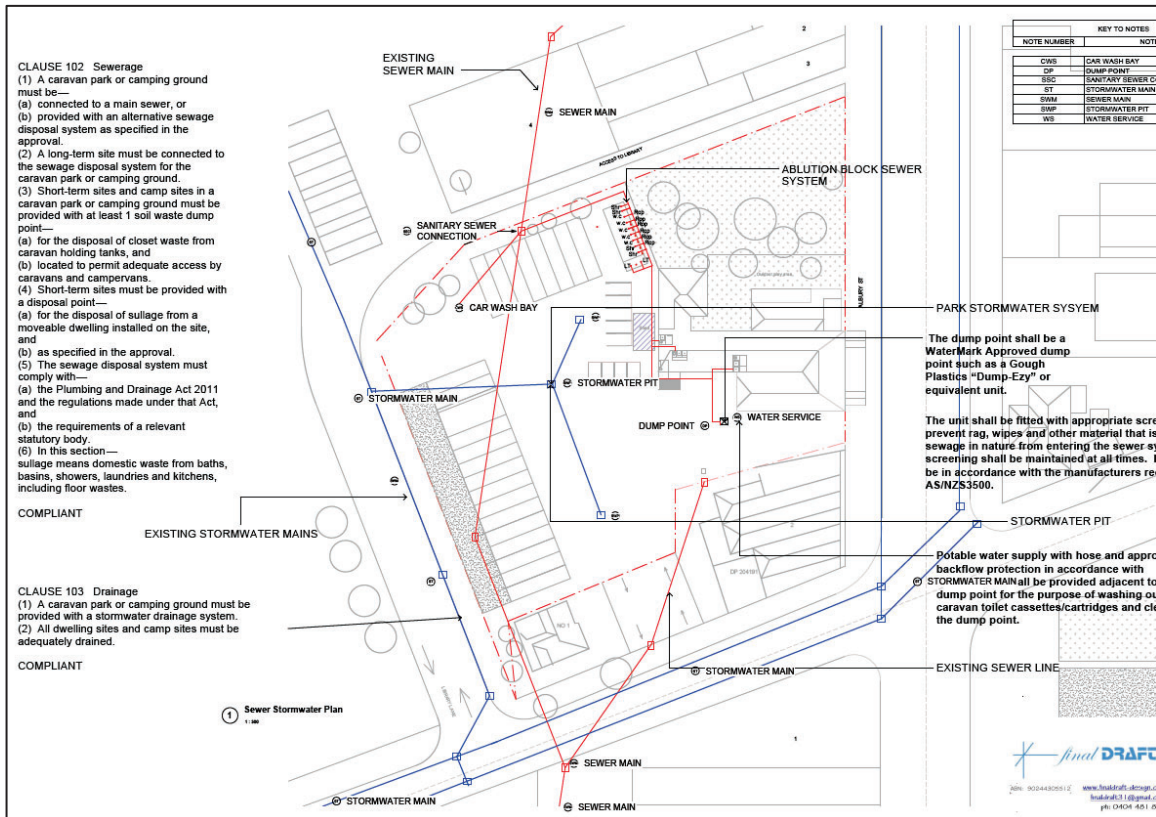


Figure 3– Proposed infrastructure layout to support the caravan park by the Applicant.

The applicant noted that the estimated cost of development for the proposal is approximately \$ 9,600.00.

This application is supported by the following:

6. A Planning Report incorporating a Section 82 Objection under the Local Government Act 1993, prepared by CAF Building and Planning and dated 14 July 2024; **(ANNEXURE 9)**
7. A series of preliminary plans to comply with the requirements outlined in the LG Reg and prepared by Final Draft and dated 21 September 2024; **(ANNEXURE 9)**
8. Owners' consent from the current owner of land.

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

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ASSESSMENT

2. DESCRIPTION OF THE SITE AND LOCALITY

The development site is known as 131-133 Albury Street, Holbrook, and is legally described as Lot 3, DP 716164.

The allotment is irregular in shape, located on the western side of Albury Street, comprises of approximately 5,812 m² in land area and currently houses the following structures

- The Riverina Hotel
- 2 x sheds, one of which is proposed to be demolished under this application.

The abovementioned structures and uses, with the exception of the existing shed located adjacent the western boundary which will be demolished, will remain on the land and operate in accordance with all previous approvals.

The site incorporates an almost indistinguishable slope from north-east to south-west and incorporates existing landscaping. The allotment is currently used as a pub. The site is zoned RU5 Village under the provisions of the Greater Hume LEP 2012 (GHLEP 2012). The land is highly modified, containing sparse ground cover, scrubs and non-native vegetation. The site is not encumbered by any easements or covenants.

The site is listed as an item (I111) of Local Environmental Heritage significance under schedule 5 of the GHLEP 2012.

The allotment is adjoined and surrounded in all directions by RU5 Village Zoned allotments, and the site is essentially located in the heart of the Village of Holbrook. In terms of natural hazards, the site is not bushfire prone, and is not identified as being subject to riverine or major overland stormwater flooding according to the Holbrook floodplain risk management study & plan prepared by the Greater Hume Council in 2017. 'Figures 4-5' outline the subject site.

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Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

The applicant has proposed to remove non-native planted vegetation to facilitate the proposed development. Council staff are satisfied that no approval is required from Council, nor is further assessment under Part 7 of the Biodiversity Conservation Act 2016 required for the development.

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

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

Section 4.46 - What is “integrated development”?

The Application does not require a separate approval under this Section.

4.15 Evaluation

(3) Matters for consideration-general

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

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (vii) (Repealed)*

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

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

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

Local Environmental Plans

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

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Demolition requires development consent

The applicant has also sought consent from Council to demolish the existing steel framed shed located adjacent to the western boundary and Library Lane. It is noted that the proposed demolition requires consent as they have not been identified as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Consent for demolition can be granted as part of this consent.

Zone RU5 Village

Objectives of zone

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

The site is located in what would essentially be considered a mixed-use zone, with a combination of residential and commercial land uses coexisting with each other. The development will create a short-stay caravan park and effectively formalise the unauthorised use on the site. A caravan park is a land use, service, and facility typically associated with a rural village. The proposed development is therefore considered consistent with the zone objectives.

Clause 5.10 Heritage conservation

This clause is applicable. The site / building is listed as an item (I111) of local environmental heritage significance under Schedule 5 of the GHLEP 2012.

5.10 (2) 'Requirement for consent' relevantly provides that development consent is required for any of the following—

'(e) erecting a building on land—

i on which a heritage item is located or that is within a heritage conservation area.'

Development consent is being sought for the installation of the transportable building and the use of a portion of the site as a short-term caravan park – the relevant provisions of this clause have thus been satisfied.

It is considered that granting consent for the development will have no adverse effects on the heritage item, but will instead contribute to its long-term management and use by visitors and tourists alike.

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Part 6 Additional local provisions

Clause 6.1 Earthworks

The development will require minor earthworks/civil works, in the form of:

- Installation of footings and permanent tie downs for the amenities building
- Internal Road Works (upgrade to existing internal access road to make all-weather 100 mm DG20 compacted gravel)
- Drainage Works (stormwater from building)
- Water Supply Works
- Sewerage Works

Due to the minor nature of the earthworks, Council considered that these earthworks are ancillary to the proposed development and will not require a separate development consent. In addition to that, the assessment staff of this application believes that subject to appropriate conditions on the consent (i.e. sediment control measures, protection of Aboriginal Items etc.) the proposal meets the objectives of this section and the relevant assessment criteria outlined in Section 6.1(3).

Section 6.7 Essential services

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

Subsection	Comment
(a) the supply of water,	The referral response received from Riverina Water on 8/11/2024 indicates that subject to imposition of suitable conditions, the site can be serviced and the development can proceed.
(b) the supply of electricity,	The site is connected to the main grid.
(c) the disposal and management of sewage,	Council's Manager of Water and Wastewater, in their referral response dated 19 September 2024, indicates that, subject to the imposition of relevant conditions, the DA can proceed.
(d) stormwater drainage or on-site conservation,	Council's Manager of Traffic & Infrastructure, in their response dated 9 September 2024, indicates that Council is satisfied with the proposed arrangements.

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(e) suitable vehicular access	As per the submitted preliminary plan, the applicant has requested access from Library Lane, located to the west of the development site. Due to the narrow nature of Library Lane, Council's Manager of Traffic & Infrastructure has noted that they object to the proposal in its current form. As a result, Council assessment staff have informed the applicant of this objection. Although the applicant has provided a vehicular maneuverability diagram showing how two vehicles can pass each other without the need to upgrade Library Lane, Council's Engineering Department is not satisfied that the provided drawing accurately reflects the situation. Consequently, the Engineering Department has recommended that the application can only be supported if the applicant widens the lane to 7.5 meters, curb to curb, to mitigate any potential road safety concerns. In the event that the application is approved, this requirement will form part of any consent granted.
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**State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 3 Koala habitat protection 2020**

The subject land is not considered to be core koala habitat or potential core koala habitat.

Chapter 4 Koala habitat protection 2021

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

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

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

**State Environmental Planning Policy (Resilience and Hazards) 2021
Chapter 4 Remediation of land**

According to Section 4.6(1)(a), and based on a search of Council files, the land has not been used for any approved activities that would render the soil contaminated to a degree that would prevent its future development as commercial premises. Therefore, it is considered that the land is suitable in its current state for the proposed development.

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

There is no proposed draft instrument that will change the outcome of this assessment.

Section 4.15(1)(a)(iii) any development control plan,

The GHDCP2013 applies to the land. Please refer to the assessment below.

Chapter 4 – Commercial Development	
Standard	Comment
<i>New commercial activities (including retail and office) to be located within the existing commercial centres and those centres identified within the adopted structure plans for each town or village.</i>	The development is located on an existing hotel site; a portion of the site will be used for short term caravan park sites. The development is considered to be consistent with this control.
<i>Small businesses which principally service local neighbourhoods may be located outside of town centres where it is demonstrated that such services are necessary and appropriate.</i>	Not applicable.
<i>Commercial activities are encouraged in areas accessible to residents and visitors.</i>	The development site is located in the centre of town and is accessible to both residents and visitors alike.
4.2 APPEARANCE & DESIGN	
<i>Shopfronts are to be designed to be inviting and active at street level</i>	No shop front is proposed – not applicable.

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<i>Building facades facing the street are to contribute to the 'main street' commercial character of town centres</i>	The proposed amenities building is located at the northern end of the site, screened by the existing hotel building on its southern elevation and by existing landscaping on its eastern elevation. The building design is simplistic and will incorporate new materials that will ensure respect is paid to the existing heritage building and will be subservient to this building – and differentiating between old and new.
<i>Large expanse of blank or flat walls along a street frontage will be considered as incompatible with the objectives of these controls.</i>	There are no large, blank walls in the proposed amenities building that directly address a street frontage.
<i>Car parking areas and access should be located behind the building frontage wherever possible.</i>	The carparking is located behind the existing hotel building
<i>Development is designed having regard to safety and where possible implements measure for Crime Prevention Through Environment Design.</i>	The development is open in nature and provides for excellent natural passive surveillance opportunities – the principles of CPTED have been considered in the design of the proposal.
4.3 Landscaping	
<i>Developments that are set back from the street frontage shall incorporate appropriate landscaping with the front setback that enhances the visual quality and character of the street.</i>	Please refer to discussion against Section 89 of the LG Reg.

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<p>4.4 Heritage</p> <p><i>Developments adjoining and in the vicinity of a heritage item are to be designed to complement rather than detract or dominate.</i></p>	<p>The development proposes minor building works – essentially the only building addition will be the installation of the transportable amenities block.</p> <p>As previously mentioned, the proposed amenities building is located at the northern end of the site, screened by the existing hotel building on its southern elevation and by existing landscaping on its eastern elevation. The building design is simplistic and will incorporate new materials that will ensure respect is paid to the existing heritage building and will be subservient.</p> <p>Please also refer to Section 5.10 within the report for further comments.</p>
<p>4.5 Signage</p> <p><i>Signage to be kept to a minimum and appropriate for the type of commercial activity being undertaken.</i></p> <p><i>Signage to be of a scale in proportion of the building (i.e. must not to dominate the building facade or street frontage).</i></p> <p><i>Signage not to be a hazard for pedestrians or motorists.</i></p> <p><i>Moving and/or flashing signs are to be avoided.</i></p>	<p>No signage proposed. It is however noted that the applicant may require to install directional signage as prescribed under the LG Reg. these requirements can be finalised as part of a condition on any consent granted.</p>
<p>4.6 Parking</p> <p><i>On-street parking to be provided for the length of street frontage of the development site.</i></p>	<p>Parking requirement has been considered as part of the assessment against LG Reg.</p>

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Chapter 5 – Township Structure Plans:

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

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

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

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

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

Chapter 9 – Heritage Conservation Area

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

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

The objectives of this section are as follows:

- *to facilitate the implementation of the objectives and provisions relating to heritage conservation contained in clause 5.10 of the GHLEP;*
- *to acknowledge and conserve the heritage significance of towns within the Shire;*
-

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to provide guidelines and controls which seek to protect the significant character of towns in the Shire;

- *to enable appropriate consideration to be given by applicants and the Council to development;*
- *to encourage and promote public awareness, appreciation and knowledge of heritage conservation;*
- *to integrate planning, design and decision making associated with development initiated by the private and public sectors; and*
- *to enhance amenity and heritage values of towns in the Shire.*

It is considered that the proposal is not contrary to the above objectives.

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

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

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

The following division within the *EPA Reg 2021* has been considered in the assessment of the modified Development application.

- Part 4, Division 1- ‘Determination of Development Applications’;
- Division 2, Subdivision 1- ‘Development in General – Section 69-74 & Section 81 within Subdivision 2’

It is noted that the relevant Prescribed Conditions, as outlined in Subdivisions 1 and 2 of Division 2, are recommended to be included in any consent granted, should Council approve this application.

The installation of a manufactured home requires approval under Section 68 of the LG Act. Section 68(F) of the LG Act further notes that approval is required to operate a caravan park. The LG Reg sets out the standards for manufactured homes, while Division 3 of the LG Reg applies to caravan parks and camping grounds.

Please see below for the assessment against the relevant sections:

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Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

70	<p>This Part applies to—</p> <p>a) <i>the operation of caravan parks and camping grounds, and</i></p> <p>b) <i>the installation of moveable dwellings, including manufactured homes, in caravan parks, camping grounds and a place other than a manufactured home estate.</i></p>	<p>This application is for a caravan Park – short stay -with 12 short term dwelling sites proposed.</p>
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Division 3 Caravan parks and camping grounds

Subdivision 1 Land and site requirements

83	<p>Minimum size of caravan park or camping ground</p> <p>(1) <i>A caravan park must not have an area of less than—</i></p> <p>(a) <i>1 hectare, or</i></p> <p>(b) <i>if a lesser area is permitted on the land by an environmental planning instrument—the lesser area.</i></p> <p>(2) <i>A camping ground is not required to have a minimum area.</i></p>	<p>The site is less than 1 hectare in area. The site is 5,812 m² in area. Therefore, the applicant seeks permission to vary the requirements of Clause. The Applicant has provided the following arguments to support the objection:</p> <ul style="list-style-type: none"> • <i>“The site has been used for such purposes for many years without any adverse social, environmental or economic impacts being created;</i> • <i>The application proposes the use of the site for a low- density short-term caravan park stay use that provides significant tourist benefits to the Village and wider Region by virtue of increased social capital and positive economic flow on effects resulting from tourist spend;</i> • <i>All other requirements of the Regulation can and will be met; and</i> • <i>It is not considered to be in the public interest to reject an application for a short-term caravan park site on the land merely because 1 control</i>
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		<p><i>(required land area) cannot be meet.</i></p> <p>It is considered that the objection is well-founded and that the current legislative framework does not provide flexibility to permit the erection of a caravan park on land less than 1 hectare. Therefore, it is considered appropriate to support the submitted objection.</p> <p>Section 82(3) requires the approval of Council. If Council supports this objection, the application must then be forwarded to the NSW Department of Planning & Environment for concurrence..</p>
<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</p>		
84	<p>Community amenities</p> <p><i>(1) A minimum of 10% of the total land area of a caravan park or camping ground must be reserved for recreation or other communal activities.</i></p> <p><i>(2) The council may allow a lower percentage, not less than 6% of the total land area of the caravan park or camping ground, to be reserved for recreation or other communal activities.</i></p> <p><i>(3) Before allowing a lower percentage, the council must consider—</i></p> <p><i>(a) the type and range of amenities to be provided, and</i></p> <p><i>(b) other matters the council considers relevant.</i></p>	<p>The development will provide for 10% for recreation and community activities.</p>

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85	<p>Size of dwelling sites and camp sites</p> <p><i>(1) A long-term site must have an area of at least 80 square metres.</i></p> <p><i>(2) A short-term site must have an area of at least 65 square metres.</i></p> <p><i>(3) A camp site must have an area of at least—</i></p> <p><i>(a) for a camp site for which a separate parking space is provided within 30 metres of the camp site—40 square metres, or</i></p> <p><i>(b) otherwise—50 square metres.</i></p>	<p>This application is for a short-stay caravan park with 12 proposed short-term dwelling sites. Each proposed short-term site will be provided with 72 m². Although this has not been indicated on the plan, any approval granted will appropriately condition this requirement.</p>
86	<p>Site identification</p> <p><i>(1) A dwelling site must be numbered or identified with its site boundaries clearly outlined.</i></p> <p><i>(2) The site identification must be easily recognised.</i></p>	<p>Each site will be provided with a site number in accordance with this clause.</p>
Subdivision 2 Setbacks		
87	<p>Dwelling sites to have road frontage</p> <p><i>A dwelling site must have vehicular access to an access road.</i></p>	<p>The development proposal complies with this clause.</p>
88	<p>Setbacks of community buildings</p> <p><i>(1) A community building must not be located within 10 metres of the boundary of a caravan park, camping ground, dwelling site or camp site.</i></p> <p><i>(2) The council may allow the following distances if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated—</i></p> <p><i>(a) 3 metres or more from the boundary of a caravan park or camping ground, and</i></p> <p><i>(b) 5 metres or more from the boundary of a dwelling site or camp site.</i></p>	<p>The development proposal does not propose or require a community building – not applicable.</p>

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89	Setbacks of dwelling sites from road frontages	The development complies with the provisions of this clause –
	<p><i>(1) A dwelling site or camp site must not be located closer than—</i></p> <p><i>(a) 10 metres to a public road, or</i></p> <p><i>(b) 3 metres to another boundary of the caravan park or camping ground.</i></p> <p><i>(2) The council may allow a lesser distance if satisfied the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.</i></p>	The submitted site plan indicates that the dwelling sites are located closer than 10 meters (approximately 7.339 meters). It is noted, however, that, as per Section 89(2), Council is satisfied that, subject to the imposition of a condition regarding additional landscaping, the DA can proceed.
90	<p>Use of buffer zones</p> <p><i>Nothing in this Part prevents land within a required setback from being used for—</i></p> <p><i>(a) community amenities, access roads, car parking spaces, footpaths or landscaping, or</i></p> <p><i>(b) a similar purpose allowed by the council.</i></p>	Noted.
91	<p>Separation distances</p> <p><i>(1) A moveable dwelling must not be installed within the following distance of another moveable dwelling—</i></p> <p><i>(a) if located on a long-term site—3 metres, or</i></p> <p><i>(b) if located on a short-term site or camp site—2.5 metres.</i></p> <p><i>(2) This section does not prohibit the installation of semi-detached relocatable homes on adjoining dwelling sites if they are separated by construction complying with the fire safety and sound insulation provisions in the ABCB Housing Provisions Standard, Parts 9.3 and 10.7 for class 1 buildings.</i></p>	The development appears to comply with the 2.5-meter separation distance for short-term sites. A note on the plan will also be incorporated to ensure consistency.

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Subdivision 3 Roads		
92	<p>Entrance and exit roads</p> <p>(1) <i>A road forming an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.</i></p> <p>(2) <i>For a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</i></p> <p>(3) <i>The council may specify in an approval the way in which an entrance or exit road must meet the sealed portion of other access roads.</i></p>	Complies.
93	<p>Forecourt</p> <p><i>A caravan park must have an area—</i></p> <p><i>(a) to accommodate incoming vehicles, and</i></p> <p><i>(b) measuring at least 4 metres by 20 metres.</i></p>	A 6.1-metre-wide x 44-metre- wide forecourt is provided in compliance with this clause – refer to attached plans.
94	<p>Width of roads</p> <p>(1) <i>The width of an access road must be—</i></p> <p><i>(a) for a two-way access road—at least 6 metres, and</i></p> <p><i>(b) for a one-way access road—at least 4 metres.</i></p> <p><i>(2) The direction of travel for a one-way access road must be indicated by means of conspicuous signs.</i></p>	<p>The proposal provides for internal roads that are in excess of this clause - refer to attached plans.</p> <p>A condition will be imposed on any consent granted.</p>
95	<p>Speed limits</p> <p><i>The speed limit on an access road must—</i></p> <p><i>(a) not exceed 15 kilometres per hour, and</i></p> <p><i>(b) be indicated by means of conspicuous signs.</i></p>	<p>The applicant noted that the development proposes a 10km share zone speed limit – this will ensure compliance with this clause.</p> <p>A condition will be imposed on any consent granted.</p>

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96	<p style="text-align: center;">Resident parking</p> <p>(1) <i>A caravan park or camping ground must contain at least 1 resident parking space for each dwelling site or camp site.</i></p> <p>(2) <i>The parking space for a dwelling site or camp site may be on-site or off-site.</i></p> <p>(3) <i>An off-site parking space must be marked to identify the dwelling site or camp site to which it relates.</i> <i>Example—</i> <i>An off-site space may marked by line marking, marker pegs or other similar markings.</i></p> <p>(4) <i>An off-site parking space for a dwelling site or camp site must be in the location specified in the approval.</i></p> <p>(5) <i>An off-site parking space must have minimum dimensions of—</i></p> <p>(a) <i>for angle parking—5.4 metres by 2.5 metres, and</i></p> <p>(b) <i>otherwise—6.1 metres by 2.5 metres.</i></p>	The development complies with the provisions of this clause – refer to attached plans.
97	<p style="text-align: center;">Visitor parking</p> <p>(2) <i>A caravan park or camping ground must contain at least 1 visitor parking space—</i></p> <ul style="list-style-type: none"> • <i>for every 10 long-term sites in the caravan park or camping ground, and</i> • <i>for every 20 short-term sites in the caravan park or camping ground, and</i> • <i>for every 40 camp sites in the caravan park or camping ground, and</i> • <i>for a remaining part, if any, of a number of sites specified in paragraphs (a)–(c).</i> <p>(3) <i>At least 4 visitor parking spaces must be provided for a caravan park or camping ground.</i></p>	The development complies with the provisions of this clause – refer to attached plans.

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	<p>(4) <i>Each parking space must have minimum dimensions of—</i></p> <p>(5) <i>for angle parking—5.4 metres by 2.5 metres, or</i></p> <p>(6) <i>otherwise—6.1 metres by 2.5 metres.</i></p> <p>(4) <i>Visitor parking spaces must be clearly identified.</i></p>	
98	<p>Visitor parking for people with disabilities</p> <p>(1) <i>A caravan or camping ground must contain—</i></p> <p>(a) <i>at least 1 visitor parking space for people with a disability (a disabled parking space), or</i></p> <p>(b) <i>if the caravan or camping ground contains 100 sites or more—at least 1 additional disabled parking space for—</i></p> <p>(i) <i>the first 100 sites, and</i></p> <p>(ii) <i>every further 100 sites, and</i></p> <p>(iii) <i>a remaining part, if any, of 100 sites.</i></p> <p>(2) <i>A disabled parking space must be—</i></p> <p>(a) <i>provided in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street parking, and</i></p> <p>(b) <i>clearly identified as a disabled parking space.</i></p> <p>(3) <i>A disabled parking space may be counted as a visitor parking space.</i></p>	<p>The development complies with the provisions of this clause – refer to attached plans.</p> <p>A condition will be imposed on any consent granted.</p>

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99	<p>Road surfaces</p> <p><i>All access roads, including all passing and parking bays, must—</i></p> <p><i>(a) have an all-weather sealed or other surface finish specified in the approval, and</i></p> <p><i>(b) be adapted to the land to enable adequate drainage and remove excessive grades.</i></p>	A condition will be imposed on any consent granted to ensure consistency.
100	<p>Lighting</p> <p><i>All access roads must be adequately lit between sunset and sunrise.</i></p>	A condition will be imposed on any consent granted to ensure consistency.
Subdivision 4 Utility services		
101	<p>Water supply</p> <p><i>(1) A caravan park or camping ground must be—</i></p> <p><i>(a) connected to a mains water supply, or</i></p> <p><i>(b) provided with an alternative water supply service as specified in the approval.</i></p> <p><i>(2) A dwelling site must be connected to the water supply service for the caravan park or camping ground.</i></p> <p><i>(3) Each water supply connection must—</i></p> <p><i>(a) be located within 30 metres of the 4 camp sites, and</i></p> <p><i>(b) include a standpipe and hose tap.</i></p> <p><i>(4) The water supply service must comply with—</i></p> <p><i>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</i></p> <p><i>(b) the requirements of a relevant statutory body.</i></p> <p><i>(5) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National Health and Medical Research Council.</i></p>	The applicant noted that the caravan park and short-term sites will be provided with a reticulated water supply in compliance with the provisions of this clause. The referral response received from Riverina Water indicated that subject to imposition of a condition this requirement can be met.

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102	<p>Sewerage</p> <p><i>(1) A caravan park or camping ground must be—</i></p> <p><i>(a) connected to a main sewer, or</i></p> <p><i>(b) provided with an alternative sewage disposal system as specified in the approval.</i></p> <p><i>(2) A long-term site must be connected to the sewage disposal system for the caravan park or camping ground.</i></p> <p><i>(3) Short-term sites and camp sites in a caravan park or camping ground must be provided with at least 1 soil waste dump point—</i></p> <p><i>(a) for the disposal of closet waste from caravan holding tanks, and</i></p> <p><i>(b) located to permit adequate access by caravans and campervans.</i></p> <p><i>(4) Short-term sites must be provided with a disposal point—</i></p> <p><i>(a) for the disposal of sullage from a moveable dwelling installed on the site, and</i></p> <p><i>(b) as specified in the approval.</i></p> <p><i>(5) The sewage disposal system must comply with—</i></p> <p><i>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</i></p> <p><i>(b) the requirements of a relevant statutory body.</i></p> <p><i>(6) In this section—</i> <i>sullage means domestic waste from baths, basins, showers, laundries and kitchens, including floor wastes.</i></p>	<p>A dump point is provided to facilitate sewerage disposal in accordance with this clause. Refer to the attached plans for the location. The plans have been reviewed by Council's Manager of Water and Sewer, who has confirmed that they are satisfactory.</p>
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103	<p>Drainage</p> <p><i>(1) A caravan park or camping ground must be provided with a stormwater drainage system.</i></p> <p><i>(2) All dwelling sites and camp sites must be adequately drained.</i></p> <p>Note— <i>The Act requires stormwater drainage work to be carried out only with the approval of the council. The Local Government (General) Regulation 2021 specifies further requirements with respect to drainage.</i></p>	<p>The proposal complies with the requirements. Council's Manager of Traffic and Infrastructure has reviewed the plan and has not objected to the proposed arrangement.</p>
104	<p>Electricity supply</p> <p><i>(1) A dwelling site must be supplied with electricity from a reticulated electricity service.</i></p> <p><i>(2) For a long-term site, the electricity must be supplied by means of an electrical circuit connected to a separate electricity meter.</i></p> <p><i>(3) The electrical circuit must be installed in accordance with—</i></p> <p><i>(a) for a long-term site—the Electricity Code of Practice, and</i></p> <p><i>(b) for a short-term site—AS/NZS 3001:2008, Electrical installations—Transportable structures and vehicles including their site supplies.</i></p> <p><i>(4) If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.</i></p>	<p>The applicant noted that all short-term sites will be provided with an electricity supply from a reticulated mains system to comply with this requirement.</p>

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105	<p>Common trenches</p> <p><i>A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.</i></p>	Noted.
Subdivision 5 Shower and toilet facilities		
106	<p>Modification of calculations under this Subdivision</p> <p><i>In calculating the number of facilities under this Subdivision—</i></p> <p><i>(a) 2 camp sites are taken to be equivalent to 1 dwelling site, and</i></p> <p><i>(b) the following must not be included—</i></p> <p><i>(i) dwelling sites reserved for use by self-contained moveable dwellings, and</i></p> <p><i>(ii) dwelling sites provided with ensuite facilities.</i></p>	Noted.
107	<p>Number of showers and toilets to be provided</p> <p><i>(1) A caravan park or camping ground with less than 200 dwelling sites must be provided with the facilities specified in the Table to this section.</i></p> <p><i>(2) A caravan park or camping ground with at least 200 dwelling sites must be provided with the facilities specified in the approval.</i></p> <p><i>(3) In considering the facilities to specify in the approval, the council must consider the quantities specified in the Table to this section.</i></p> <p><i>(4) In this section, a requirement for—</i></p> <p><i>(a) a shower may be fulfilled by providing a bathtub, and</i></p> <p><i>(b) a urinal may be fulfilled by providing—</i></p> <p><i>(i) a urinal intended to be used by 1 person, or</i></p> <p><i>(ii) a 600 millimetre length of a urinal facility.</i></p>	<p>The amenities block will provide for the following facilities:</p> <p>Female Amenities =</p> <ul style="list-style-type: none"> • 3 x WC (including 1 x Accessible WC) • 2 x Showers • 2 x Basins Male Amenities = • 1 x urinal • 2 x WC (including 1 x Accessible WC) • 2 x Showers • 2 x Basins <p>The proposal complies with the provisions of this clause.</p>

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108	<p>Facilities for people with disabilities</p> <p><i>(1) A caravan park or camping ground with at least 1, but less than 100 dwelling sites must have—</i></p> <p><i>(a) at least 1 disabled bathroom for each sex, or</i></p> <p><i>(b) at least 1 unisex disabled bathroom.</i></p> <p><i>(2) A caravan park or camping ground with at least 100 dwelling sites must have—</i></p> <p><i>(a) 2 disabled bathrooms for each sex, or</i></p> <p><i>(b) 2 unisex disabled bathrooms, or</i></p> <p><i>(c) 1 disabled bathroom for each sex and 1 unisex disabled bathroom.</i></p> <p><i>(3) A disabled bathroom may be counted towards the required facilities for the caravan park or camping ground.</i></p> <p><i>(4) In this section—</i> <i>disabled bathroom means a room with shower, toilet and other associated facilities designed in accordance with AS 1428.1:2021, Design for access and mobility, Part 1: General requirements for access—New building work.</i></p>	<p>The development complies with the provisions of this clause – refer to attached plans.</p>
109	<p>Other facilities</p> <p><i>(1) All showers and handbasins required by this Subdivision must be supplied with hot and cold running water.</i></p> <p><i>(2) A mirror must be provided—</i></p> <p><i>(a) for each handbasin, or</i></p> <p><i>(b) if 2 or more handbasins are provided together— for each pair of handbasins.</i></p> <p><i>(3) The following must be provided in a facility containing toilets for the use of females—</i></p> <p><i>(a) at least 1 sanitary napkin disposal unit, or</i></p> <p><i>(b) for a facility containing at least 10 toilets for the use of females—at least 1 additional sanitary napkin disposal unit for—</i></p> <p><i>(i) every 10 toilets, and</i></p> <p><i>(ii) a remaining part, if any, of 10 toilets.</i></p>	<p>A condition will be imposed to ensure consistency.</p>

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110	<p>Construction of shower blocks and toilet blocks</p> <p><i>(1) Except as otherwise provided in an approval, the shower and toilet facilities in a caravan park or camping ground must be contained in a shower or toilet block—</i></p> <p><i>(a) constructed of brick or concrete masonry block, and</i></p> <p><i>(b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and</i></p> <p><i>(c) with smooth, hard, durable and water-resistant interior finishes, and</i></p> <p><i>(d) containing shower recesses with tile or other impervious finishes to a height of at least 1.8 metres, and</i></p> <p><i>(e) with tile or other impervious skirtings around water closet cubicle walls, and</i></p> <p><i>(f) with tile or other impervious finish around handbasins, and</i></p> <p><i>(g) with adequate lighting, both inside and outside, and adequate ventilation at all times, and</i></p> <p><i>(h) with all walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition.</i></p> <p><i>(2) A building containing both male and female facilities must be divided for the private use of each sex.</i></p> <p><i>Toilets must be provided in individual cubicles having a minimum floor area of 1.1 square metres and a minimum width of 0.8 metre.</i></p>	<p>The development proposes to install a 12.6-metre-long x 4.2-metre-wide x 2.8 metre high (to eave) transportable amenities block. The building will be erected on a 2-course high, Besser block fender wall and clad in weatherboard or equivalent.</p> <p>The building will comply with all provisions within this clause with the exception of the following: (a) constructed of brick or concrete masonry block</p> <p>This clause allows the Council the direction in regard to the construction material uses – as the clause specifies</p> <p><i>(1) Except as otherwise provided in an approval, the shower and toilet facilities in a caravan park</i></p> <p>As the applicant has sought to install a transportable amenity block, a variation to this standard has been requested. The applicant noted that Council supports the use of a well-designed transportable amenities block. Since the design and use of construction materials are considered on par with conventional construction methods, such as brick or concrete masonry, this requirement is outdated and has been carried over from the previous regulation. Council assessment staff are in agreement with this justification and therefore recommend Council's support.</p>
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111	<p>Proximity of dwelling sites to shower blocks and toilet blocks</p> <p><i>(1) A long-term site must be located within 75 metres, measured in a straight line, of a shower or toilet block.</i></p> <p><i>(2) A short-term site or camp site must be located within 100 metres, measured in a straight line, from a shower or toilet block.</i></p> <p><i>(3) This section does not apply to a dwelling site—</i> <i>(a) reserved for use by self-contained moveable dwellings, or (b) provided with ensuite facilities.</i></p>	The location of the proposed amenities building complies with this clause.
Subdivision 6 Laundry facilities		
112	<p>Modification of calculations under this Subdivision</p> <p><i>In calculating the number of facilities under this Subdivision, 2 camp sites are taken to be equivalent to 1 short-term site.</i></p>	Noted
113	<p>Washing machines</p> <p><i>(1) A caravan park or camping ground must be provided with at least—</i> <i>(a) 1 washing machine for every 25 long-term sites, and</i> <i>(b) 1 additional washing machine for a remaining part, if any, of 25 long-term sites exceeding 12, and</i> <i>(2) 1 washing machine for every 30 short-term sites,</i> <i>and</i> <i>(3) 1 additional washing machine for a remaining part, if any, of 30 short-term sites exceeding 15.</i> <i>(a) (2) At least 2 washing machines must be provided in a caravan park or camping ground.</i></p>	2 washing machines are proposed for the laundry – the development complies with this clause.

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114	<p>Laundry tubs</p> <p><i>(1) A caravan park or camping ground must be provided with—</i></p> <p><i>(a) at least 1 laundry tub for every 50 long-term sites, and</i></p> <p><i>(b) at least 1 additional laundry tub for a remaining part, if any, of 50 long-term sites, and</i></p> <p><i>(c) at least 1 laundry tub for every 60 short-term sites, and</i></p> <p><i>(d) at least 1 additional laundry tub for a remaining part, if any, of 60 short-term sites.</i></p> <p><i>(2) At least 1 laundry tub must be provided in a caravan park or camping ground.</i></p>	2 laundry tubs are proposed for the laundry – the development complies with this clause.
115	<p>Clothes dryers</p> <p><i>(1) A caravan park or camping ground must be provided with—</i></p> <p><i>(a) at least 1 mechanical clothes dryer for every 60, and remaining part of 60 greater than 30, long-term sites, and</i></p> <p><i>(b) at least 1 mechanical clothes dryer for every 80, and remaining part of 80 greater than 40, short-term sites.</i></p> <p><i>(2) At least 1 mechanical clothes dryer must be provided in a caravan park or camping ground.</i></p>	2 driers are proposed for the laundry – the development complies with this clause
116	<p>Drying areas</p> <p><i>(1) A caravan park or camping ground must be provided with clothes line space at the rate of 2 metres of line for each dwelling site.</i></p> <p><i>(2) At least 50 metres of clothes line space must be provided in a caravan park or camping ground.</i></p>	The development will comply with this clause – refer to the attached plans that demonstrate compliance.
117	<p>Water supply</p> <p><i>Washing machines and laundry tubs required to be provided in a caravan park or camping ground must be supplied with both hot and cold water.</i></p>	The development will comply with this clause.

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118	<p>Ironing facilities</p> <p><i>A caravan park or camping ground must be provided with at least 1 of each of the following for every 60, and remaining part of 60, short-term sites—</i></p> <p><i>(a) an ironing board,</i></p> <p><i>(b) an electric iron,</i></p> <p><i>(c) a power point available for connection to an electric iron.</i></p>	<p>The development will comply with this clause.</p>
119	<p>Construction of laundry blocks</p> <p><i>Except as otherwise provided in an approval, the laundry facilities in a caravan park or camping ground must be housed in a laundry block—</i></p> <p><i>(a) constructed of brick or concrete masonry block, and</i></p> <p><i>(b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and</i></p> <p><i>(c) with smooth, hard, durable and water-resistant interior finishes, and</i></p> <p><i>(d) with adequate lighting, both inside and outside, and adequate ventilation at all times, and</i></p> <p><i>(e) with walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition, and maintained in a serviceable and safe condition.</i></p>	<p>A laundry is proposed to be located in the end of the proposed amenities building and will contain the following:</p> <p>Laundry =</p> <ul style="list-style-type: none"> • 2 x Washing Machines • 2 x Dryers • 2 x Laundry Tubs <p>As previously mentioned under Clause 110, the amenities building will be erected on a 2-course high, Besser block fender wall and clad in weatherboard or equivalent.</p> <p>The building will comply with all provisions within this clause with the exception of the following:</p> <p><i>(a) constructed of brick or concrete masonry block</i></p> <p>This clause allows the Council the direction in regard to the construction</p>

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		material uses – as the clause specifies
		<p>(1) <i>Except as otherwise provided in an approval, the shower and toilet facilities in a caravan park</i></p> <p>As noted previously, Council’s assessment staff are satisfied that the use of a well-designed transportable amenities block is considered on par with conventional construction methods such as brick or concrete masonry. This is an outdated requirement carried over from the previous regulation. Therefore, a variation to this criterion is recommended for support.</p>
Subdivision 7 Management		
120	<p>Maximum number of persons per dwelling site or camp site</p> <p><i>No more than 12 persons may be permitted to stay overnight at a dwelling site or camp site at the same time.</i></p>	A condition will be imposed to ensure consistency.
121	<p>Register of occupiers</p> <p><i>(1) A register of occupiers must be kept for a caravan park or camping ground. (2) At least 1 person who occupies a dwelling site or camp site must be registered.</i></p>	A condition will be imposed to ensure consistency.

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	<p><i>(3) The register must include the following particulars for the registration of a person—</i></p> <p><i>(a) the person’s full name and address,</i></p> <p><i>(b) the person’s dates of arrival and departure,</i></p> <p><i>(c) the site identification of the site occupied by the person,</i></p> <p><i>(d) if the person occupies a caravan or campervan—the registration number, if any, of the moveable dwelling,</i></p> <p><i>(e) for a relocatable home—details of the compliance plate.</i></p> <p><i>(4) The register must be available for inspection by an authorised person, free of charge, during normal working hours.</i></p>	
122	<p>Information to be given to prospective occupiers</p> <p><i>(2) The holder of an approval must enter an agreement with a person if—</i></p> <p><i>(a) the person intends to occupy a dwelling site or camp site, or</i></p> <p><i>(b) the person intends to occupy a long-term site for a holiday.</i></p> <p><i>(3) The holder of the approval must give the person written notice of the conditions of occupation before entering the agreement.</i></p> <p><i>(4) The notice must include the following information—</i></p> <p><i>(a) the site identification of the dwelling site or camp site allocated to the person,</i></p> <p><i>(b) the date, if any, on which it is agreed the person’s occupation of the dwelling site or camp site will cease,</i></p> <p><i>(c) for an agreement relating to occupation of a short-term site or camp site— the maximum number of days the person may stay in a moveable dwelling on the site in a 12-month period,</i></p> <p><i>(d) the rules of the caravan park or camping ground,</i></p>	A condition will be imposed to ensure consistency.

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	<p><i>(e) a telephone number for contacting the holder of the approval, or their agent, in the event of an emergency,</i></p> <p><i>(f) whether or not pets may be kept in the caravan park or camping ground and, if so, on what conditions,</i></p> <p><i>(g) the nature and location of the amenities available for use by the person as an occupier of the dwelling site or camp site and the charges, if any, for use of the amenities</i></p> <p><i>(h) the location of each fire extinguisher, fire hose reel and fire hydrant that is installed within the park or ground,</i></p> <p><i>(i) if the council has given written notice to the holder of the approval that land in the caravan park or camping ground is flood liable land or bush fire prone land—the location of the flood liable land or bush fire prone land,</i></p>	
123	Use of caravan parks and camping grounds	
	<p><i>(1) A caravan park or camping ground must not be used—</i></p> <p><i>(a) for a commercial purpose other than a caravan park or camping ground or an associated purpose, or</i></p> <p><i>(b) for the manufacture, construction or reconstruction of moveable dwellings.</i></p> <p><i>(2) A moveable dwelling installed in a caravan park or camping ground may be renovated, maintained or repaired.</i></p> <p><i>Example—</i></p> <p><i>Renovation, maintenance or repairs may include painting and the replacement of wall cladding or roof sheeting.</i></p>	The proposed caravan park will be used for commercial purpose.
	<i>(2) A moveable dwelling installed in a caravan park or camping ground may be renovated, maintained or repaired.</i>	A condition will be imposed to reflect this requirement.

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124	Community map	
	<p><i>The council must be given a copy of the community map—</i></p> <p><i>(a) as soon as practicable after an amendment is made to the map, and</i></p> <p><i>(b) at other times reasonably required by the council.</i></p>	A condition will be imposed to reflect this requirement.
125	Access to approval and community map	
	<p><i>(1) The holder of an approval must ensure copies of the following documents are available for inspection, free of charge, in the location specified in the approval—</i></p> <p><i>(a) the approval for the caravan park or camping ground,</i></p> <p><i>(b) the community map,</i></p> <p><i>(c) this Regulation.</i></p> <p><i>(2) A copy of the community map must be displayed in a prominent position in the caravan park or camping ground.</i></p>	A condition will be imposed to reflect this requirement.

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126	<p style="text-align: center;">Garbage removal</p> <p style="text-align: center;"><i>Arrangements specified in an approval must be implemented and maintained—</i> <i>(a) for the removal of garbage, and</i> <i>(b) to keep garbage receptacles in a clean and sanitary condition.</i></p>	A condition will be imposed to reflect this requirement.
127	<p style="text-align: center;">Fire hydrants</p> <p style="text-align: center;"><i>(1) No part of a dwelling site, camp site or community building within a caravan park or camping ground may be located more than 90 metres from a fire hydrant.</i> <i>(2) A fire hydrant located within a caravan park or camping ground must—</i> <i>(a) be a double-headed pillar-type fire hydrant, and</i> <i>(b) be maintained to the standard specified in the approval.</i></p>	The applicant noted that the development is serviced by a street hydrant system. Therefore it is considered that the compliance with this clause is met.
128	<p style="text-align: center;">Fire hose reels</p> <p style="text-align: center;"><i>(1) Fire hose reels must be installed so that each dwelling site or camp site in the caravan park or camping ground can be reached by a fire hose.</i> <i>(2) The fire hose reels must be—</i> <i>(a) constructed in accordance with AS/NZS 1221:1997, Fire hose reels, and</i> <i>(b) installed in accordance with AS 2441—2021, Installation of fire hose reels.</i> <i>(3) The holder of the approval must give the council a certificate (a fire hose reel certificate)—</i> <i>(a) 7 days after the installation of a fire hose reel, and</i> <i>(b) at least once each calendar year for each fire hose reel installed in the caravan park or camping ground.</i> <i>(4) The fire hose reel certificate must state that—</i></p>	A condition related to fire hose reels will be recommended on any consent granted.

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	<p><i>(a) the fire hose reel has been inspected and tested by an appropriately qualified person, and</i></p> <p><i>(b) on the date of inspection and testing, the fire hose reel is capable of performing to the required standard.</i></p>	
129	<p>Car washing bay</p> <p><i>A caravan park must be provided with an area for washing vehicles.</i></p>	<p>A car washing bay is provided in accordance with this clause.</p>
130	<p>Buildings</p> <p><i>(1) A building must not be erected in a caravan park or camping ground unless the approval allows the erection of the building.</i></p> <p><i>(2) An approval may allow—</i></p> <p><i>(a) the erection of a community building on land in the caravan park or camping ground that is not a dwelling site or camp site, and</i></p> <p><i>b) the erection of an ensuite facility on a dwelling site or camp site.</i></p>	<p>Noted.</p>

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Section 4.15(1)(b) - The Likely Impacts of that Development, Including Environmental Impacts on Both the Natural and Built Environments, and Social and Economic Impacts in the Locality

CONTEXT	COMMENT
Context & setting	The proposed development is considered suitable and compatible with both the context and setting. The development raises no issues in terms of context and setting; the land is appropriately zoned, and the surrounding area predominantly consists of commercial and residential land uses. Existing land uses will remain unaltered by this proposal, and the development is considered consistent with the character of the area, being entirely compatible with existing and adjacent land uses.
Socio-implications Economic	These impacts are anticipated both during construction and in perpetuity. During the construction phase, the proposal has the potential to generate additional employment opportunities within the locality. In the long term, Council staff believe that the use of the site for the proposed purpose will activate the site, street, and main business area of Holbrook, contributing to the social and long-term sustainability of the Holbrook Township.
Access, traffic & parking	As noted previously, the applicant sought access to the property via Library Lane, located to the west of the site. To ensure that traffic flows smoothly without any safety concerns, Council’s Engineering Department requires the applicant to upgrade Library Lane, from the Bowler Road intersection to the proposed entrance to the caravan park. Therefore, this requirement will form part of any consent granted.
Utilities	Please refer to Section 6.7 of the report.
Heritage	It is considered that there will be no likely impacts to heritage matters resulting from this proposal.
Stormwater	A general condition related to the disposal of stormwater will be incorporated into any consent granted.
Flora & fauna	No areas of critical habitat are affected by the proposal, and no native vegetation on site will be impacted.

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Technological and natural hazards	There are no natural or technological hazards identified on the land or resulting from the proposal.
Safety, security & crime prevention	The development is unlikely to create any unacceptable impacts regarding safety, security, or crime prevention subject to imposition of relevant conditions on any consent granted.. It is noted that the proposal will provide additional surveillance opportunities and encourage the movement of pedestrians and vehicles.

Section 4.15(1)(c) - The Suitability of the Site for Development

The site is deemed suitable for the proposed development as it is consistent with the provisions and controls of the GHLEP 2012 and GHDCP 2013. Council staff also assessed the objection provided in support of varying Clauses 83, 110, and 119, and have recommended approval.

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

Internal Referrals	Response
Engineering Department	Their referral responses indicate that subject imposition of conditions on any consent granted the DA can proceed
External Referral	Response
Riverina Water	Their response dated 8/11/2024 indicates that subject to conditions, they do not object to the proposal.
Public Submissions	
The proposal was notified in accordance with Greater Hume Council's "Community Participation Plan" notification requirements, from 10 April 2024 to 30 April 2024. The adjacent landowner to the south (owner of Lot 2, DP 204191) initially objected to the proposal on the basis that the applicant had sought access through his property. However, the amended plan provided by the applicant noted that no access had been sought through the objector's property. Therefore, it is considered that the submission has been appropriately addressed as part of the amended plan.	

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

The public interest is served through the detailed assessment of this application under the EP&A Act 1979, the EP&A Regulation 2021, Environmental Planning Instruments, Development Control Plans, and policies. Based on the above assessment, the proposed development is considered to be aligned with the public interest, subject to the imposition of relevant conditions on any consent granted.

BUDGET IMPLICATIONS

Section 64 contribution fees, calculated under the Local Government Act 1993, amounting to \$86,448.00, are payable.

CONCLUSION

An assessment of the proposal against Section 4.15 of the EP&A Act has been undertaken, and the proposal is deemed satisfactory, having regard to the relevant environmental planning instruments and regulations that apply to the development.

The proposal is a permissible form of development and, subject to the imposition of conditions, is considered acceptable within the context of the locality.

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[CONTD]

RECOMMENDATION

That Council resolves to:

3. That the Section 82 objections (subject to receiving concurrence from the NSW Department of Planning & Environment) to contravene the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 be supported by Council;
4. That Council forward the application to the NSW Department of Planning and Environment for concurrence, as required by Section 82(3) of the Local Government Act 1993;
5. That, subject to receiving concurrence, Development Application 10.2024.36.1 – Caravan Park – Demolition of the existing shed and use of part of the existing site as a caravan park on Lot 3, DP 716164, at 131-133 Albury Street, Holbrook NSW, be approved, subject to the conditions contained within the report.

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[CONTD]

Part A – GENERAL CONDITIONS

1. Industrial/Commercial - Compliance With Plans And Conditions

Development must be carried out in accordance with the attached approved plans and the particulars and statements submitted with the development application received and subject to the following conditions. All conditions of consent must be fulfilled at the expense of the applicant.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. Occupancy

The owner of a holiday van that occupies a short-term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

3. Installation of caravans on dwelling sites

No more than one caravan should be installed on a single dwelling site

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

4. No Manufactured home(s)

No manufactured home(s) or relocatable home(s) are to be installed / placed on the subject site at any time.

Reason: To ensure that the development is carried out as assessed and approved by Council.

5. Entrance to the Caravan Park from Library Lane

The road that forms the entrance to and exit from the caravan park(off Library Lane) must have a carriageway minimum width of 7 metres, and shoulders on each side, allowing traffic to pass in opposite directions. In the case of a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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[CONTD]

6. Community Map

The applicant must create a community map for the camping ground. This community map must include:

- a) notice that the approval is for the operation of a caravan park only
- b) the number of camp sites approved within the caravan park is 12
- c) Site plan of the approved caravan park
- d) the location of flood liable land in the caravan park (Please see attachment regarding location of flood liable land on subject site).

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

7. Visitor Car Parking

Each visitor car parking space must have at minimum, dimensions of:

- a) 5.4 metres by 2.5 metres, in the case of angle parking, and
- b) 6.1 metres by 2.5 metres, in any other case.

Each visitor parking space must be clearly identified as such.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

8. Internal Road and Access Arrangements

All access roads, including all passing and parking bays, must have an all-weather sealed or other surface finish specified in the approval for the caravan park, and must be adapted to the topography to allow for adequate drainage and to eliminate excessive grades.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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9. Common Trench(es)

A common trench may be used for the installation of services in accordance with guidelines set out in AMCORD.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

10. Amenities

The caravan park must be serviced by water closets, urinals, showers and hand basins at the following rates:

[Dwelling] Sites	Water closets		Urinals	Showers		Hand basins	
	Female	Male		Female	Male	Female	Male
1-25	3	2	1	2	2	2	2

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

11. Facilities for people with disabilities

The caravan park must be provided with shower, toilet and associated facilities, designed in accordance with AS 1428.1:2021, Design for access and mobility, Part 1: General requirements for access—New building work.

The caravan park must be provided with:

- a. one of each facility for each sex, or
- b. one of each facility for use by both sexes.

Facilities provided in accordance with this condition may be counted for the purposes of **Condition 10**.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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12. Other Facilities

All showers and hand basins required by the above conditions must be supplied with hot and cold running water.

A mirror must be provided:

- a. for each hand basin provided, or
- b. if 2 or more hand basins are provided together, for each pair of hand basins.
- c. at least 1 sanitary napkin disposal unit

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

13. Showers and Toilet Facilities

The shower and toilet facilities provided for the caravan park must be housed in a shower block or toilet block:

- a) that has a non-slip floor of tile or other impervious material adequately drained to outlets, and
- b) that has smooth, hard, durable and water-resistant interior finishes, and
- c) that has shower recesses with tile or other impervious finishes to a height of at least 1.8 metres, and
- d) that has tile or other impervious skirtings around water closet cubicle walls, and
- e) that has tile or other impervious finish around wash basins, and
- f) that has adequate lighting (both inside and outside) and adequate ventilation at all times, and
- g) that has all its walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition at all times.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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14. Provision of Laundry Tubs

At least two (2) laundry tubs must be installed in the camping ground. Laundry tubs must be supplied with both hot and cold water.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

15. Provision of Cloth Dryers

At least one (1) mechanical clothes dryers are required for the camping ground.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

16. Provision of Clothes Line Space

The caravan park must be provided with clothes line space at the rate of 2 metres of line for each dwelling site, therefore the minimum length of clothes line space to be provided in the caravan park is 24 metres.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

17. Provision of Other Utilities

The caravan park must be provided with at least one (1) ironing board, electric iron and power point available for connection to electric irons.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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18. Requirements related to the Laundry Facilities

The laundry facilities provided for the caravan park must be housed in a laundry block:

- a) that has a non-slip floor of tile or other impervious material adequately drained to outlets, and
- b) that has smooth, hard, durable and water-resistant interior finishes, and
- c) that has adequate lighting (both inside and outside) and adequate ventilation at all times, and
- d) that has all its walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition at all times.
- e) The laundry facilities that are housed in a laundry block must be maintained in a serviceable and safe condition.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

19. A Register of Occupiers

A register of occupiers must be kept for the camping ground. Each person who alone occupies a camp site must be registered under this condition. However, if more than one person occupies the same camp site only one such person must be registered (although the other persons may be registered). The register must be available for inspection by any authorised person without cost during normal working hours.

The register must include the following particulars in relation to a person whose occupation of a site is registered under this clause:

- a. the person's name and address,
- b. the dates of arrival and departure of the person,
- c. the site identification of the site occupied by the person,
- d. the registration number (if any) of the moveable dwelling (not including caravan(s), manufactured home(s) or relocatable home(s) which are prohibited to be installed / placed on the subject site at any time), in the case of a campervan.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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20. Agreement with Potential Occupier

Before the holder of the approval for a caravan park enters into an agreement with a person relating to the person's occupation of a camp site, the holder of the approval must ensure that the person is given written notice of the conditions of occupation. The notice must include the following particulars:

- a. the site identification of the camp site allocated to the person,
- b. the date (if any) on which it is agreed that the person's occupation of the camp site will cease,
- c. in the case of an agreement relating to occupation of a camp site, advice as to the maximum number of days that the person may stay in a moveable dwelling (not including manufactured home(s) or relocatable home(s) which are prohibited to be installed / placed on the subject site at any time) on the site in any 12 month period (being the maximum number provided for by Condition 29 or a smaller number determined by the holder of the approval to operate the caravan park or camping ground),
- d. the rules (if any) of the camping ground,
- e. a telephone number on which the holder of the approval for the camping ground, or his or her agent, may be contacted in the event of an emergency,
- f. whether or not pets may be kept in the caravan park and, if so, on what conditions,
- g. the nature and location of the amenities available for use by the person as an occupier of the camp site and the charges, if any, for use of those amenities,
- h. the location of each fire extinguisher, fire hose reel and fire hydrant that is installed within the ground,
- i. if the holder of the approval to operate the caravan park has been notified in writing by the council that any of the land in the caravan park is flood liable land or bush fire prone land, the location of that flood liable land or bush fire prone land within the camping ground,
- j. any other matters affecting the person's occupation of the camp site or use of the caravan park and its amenities.

Note. The Residential Parks Act 1998 and the regulations under the Act apply to certain residential tenancy agreements under which the residential premises consist of a moveable dwelling, or a site on which a moveable dwelling is situated, or both.

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[CONTD]

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

21. Use of the Caravan Park

The caravan park must not be used:

- a. for any commercial purpose other than a caravan park or an associated purpose, or
- b. for the manufacture, construction or reconstruction of moveable dwellings.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

22. Community Map:

Council must be given a copy of the current community map:

- a. as soon as practicable after any amendment is made to the map, and
- b. at such other times as the Council may reasonably require.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

23. A Copy of the Approval to Operate the Caravan Park

The holder of an approval to operate a caravan park must ensure that copies of the following documents are readily available for inspection without cost within the camping ground:

- a. the approval for the camping ground,
- b. the current community map,
- c. the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
- b) A copy of the current community map must also be displayed in a prominent position in the camping ground.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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24. Installation of Fire Hose

Fire hose reels must be installed in the caravan park so that each camp site can be reached by a fire hose. The fire hose reels must be constructed in accordance with AS/NZS 1221:1997, *Fire hose reels* and installed in accordance with AS 2441—2005, *Installation of fire hose reels*.

The holder of the approval for the caravan park must cause the Council to be given a certificate (a fire hose reel certificate) in relation to the fire hose reels once every calendar year. If a fire hose reel is newly installed, the certificate must be provided within 7 days of the completion of its installation.

A fire hose reel certificate must state, in relation to each fire hose reel installed in the camping ground:

- a. that the fire hose reel has been inspected and tested by a person (chosen by the holder of the approval) who is properly qualified to carry out such an inspection and test, and
- b. that, as at the date on which the fire hose reel was inspected and tested, the fire hose reel was found to have been capable of performing to a standard not less than that required by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

25. Other Approvals

A building must not be erected in the caravan park unless development approval has been granted. No community building is permitted to be erected on a camp site within the camping ground.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

26. Industrial/Commercial - Section 64 Contributions

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

Contribution Type	\$ value
Section 64 Contributions charges for sewer	\$86,448.00 <u>(As per 2022/2023 Fees & Charges Schedule)</u>

Reason: To comply with Council's Development Contribution policies.

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27. ALL - Riverina Water Approval

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

To comply with the relevant provisions outlined in the Local Government Act 1993.

28. ALL - Section 68 Application

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

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

Once the Section 68 approval has been granted, before any sanitary plumbing and drainage work or water supply work (up to the point of connection) is commenced, a Notice of Work (NoW) must be submitted to Council 48 hours **prior to works commencing**.

Reason: To comply with the [Local Government Act 1993](#) and to ensure the installation of plumbing and drainage work is in accordance with Australian Standards and the [Plumbing Code of Australia](#).

29. Industrial/Commercial - Liquid Trade Waste Agreement

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

Note: a fee on application submission will apply.

Reason: To ensure compliance with Greater Hume Council Liquid Trade Waste Regulation Policy.

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[CONTD]

30. Full Engineering Plans

Full Engineering plans in respect to the provision of the following services must be submitted to and approved by Council prior to the commencement of any works on the site and surrounding road reserve;

- Full engineering plans to the width of 7.5 m to widening of Library Lane from Bowler Road intersection to the proposed entrance off Library Lane to the proposed caravan park (Riverina Hotel Parking Area).
- Sewer.
- Fire hose reels (as per Clause 128 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021).
- Stormwater Management.
- Internal access via Library lane

These plans must be generally in accordance with the approved plan and considered as part of the development application except where amendments are required to be made in accordance with conditions of consent.

These plans must be prepared in accordance with Council's 'Engineering Guidelines for Subdivisions and Development Standards'. The submitted plans must comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. The above work must be carried out by the applicant no cost to Council

Reason: To ensure the development is appropriately serviced and to ensure that the development is carried out as assessed.

PART C – BEFORE BUILDING WORK COMMENCES

31. ALL - Construction Certificate

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

Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).

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32. ALL - Appointment of a Principal Certifier

In accordance with Section 6.6 (1) and (2) (a) of the Environmental Planning and Assessment Act 1979, prior to the commencement of any works the person having benefit of the development consent must:

- a. appoint a Principal Certifier,
- b. notify Council of the appointment; and
- c. a notice of commencement is to be provided to Council not less than two (2) days from the date on which it is proposed to commence work associated with this Development Consent.

Reason: To comply with the [Environmental Planning and Assessment Act 1979](#).

33. ALL - Erosion and Sedimentation Controls

Erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with the NSW Department of Environment and Conservation "[Erosion and Sediment Control – A Resource Guide for Local Councils](#)".

Reason: To prevent water pollution and protect the amenity of the adjoining area, and to comply with the [Protection of the Environment Operations Act 1997](#).

34. ALL - Temporary Water Closet

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

Reason: To ensure suitable facilities are provided for workers during construction and to comply with requirements for Work Health and Safety on worksites.

35. Demolition - Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing.

Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries

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PART D – DURING WORK

36. ALL - 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.

Reason: To protect the amenity of the area and to comply with the Environmental Protection and Operation Act 1997.

37. ALL - Noise, Vibration and Dust Management Requirements

The applicant must undertake measures to minimise dust and noise. The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the [Protection of the Environment Operations Act 1997](#) apply to the development, in terms of regulating offensive noise.

Reason: To protect the amenity of the neighbourhood during construction.

38. ALL - Vehicles During Construction

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

Reason: To ensure sediment is not trafficked onto Council's road network.

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39. ALL - Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the [National Parks and Wildlife Act 1974](#).

Reason: To protect Aboriginal heritage and to ensure compliance with the [National Parks and Wildlife Act 1974](#).

40. Industrial/Commercial - Construction Site Management

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of waste.
- b) Building materials and equipment must be stored wholly within the site. No building materials, sand, waste materials, construction equipment, bulk bins, waste skips, containers, or other items which may cause a hazard to pedestrians are to be placed on roadway or the nature strip while building works are being carried out.

Reason: To comply with the [Protection of the Environment Operations Act 1997](#) and to preserve the environmental health and amenity of the adjoining area.

41. Demolition

- a) Any essential service (e.g. water supply, sewer, gas, electricity, stormwater) must be appropriately disconnected/capped from the structure being demolished or removed in accordance with the requirements of the relevant authority.
- b) Demolition must be carried out in accordance with the provisions of AS 2601-2001 – *Demolition of Structures*.
- c) All works removing more than 10 square metres of non-friable asbestos or asbestos containing materials (ACM) must be carried out by a suitably licensed *asbestos* removalist duly licensed with SafeWork NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies. All work must comply with the [Work Health and Safety Regulation 2017](#).

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A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

Clearance Certificate: Upon completion of the demolition/asbestos removal works a duly qualified person is to confirm the site as being free from contamination and determined suitable for future use. This must be to the satisfaction of Council.

Note: Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from NSW EPA.

- d) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
- e) No material is to be burnt onsite.

Reason: To ensure demolition is carried out in a safe manner and complies with the relevant Australian Standard as well as the requirements of SafeWork NSW and NSW EPA.

42. ALL - All Work to be Carried out by a Licensed Plumber and Drainer

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

Reason: To comply with the relevant provisions outlined in the Local Government Act 1993 and the Plumbing & Drainage Act 2011.

43. Soil Contamination - Unexpected Finds

A suitable soil chemical analysis and investigation report is required **IF ANY EVIDENCE OF CONTAMINATION** on the subject site is found during works. If any evidence of contamination is found, all works at the location must cease immediately. If remediation works are required, works must not recommence on the subject site until Council is satisfied any required remediation techniques have been appropriately completed.

Reason: To ensure the subject site is not contaminated.

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PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE OR USE OF THE SITE AS A CARAVAN PARK

44. ALL - Occupation Certificate

The applicant must not allow or permit the Ablution block to be occupied or used, until:

- a) All conditions of this consent have been completed in full;

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

45. Completion of Work prior to the issue of the Occupation Certificate

The applicant must completed all works outlined within the consent to use the site as a caravan park prior to applying for the Occupation Certificate for the Ablution block.

- a) An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the [NSW Planning Portal](#); and
- b) The Principal Certifier has issued an Occupation Certificate.

Reason: To comply with the Environmental Planning and Assessment Act 1979 and to ensure that the development is carried out as assessed and approved by Council.

46. Underground Electricity

The developer must provide the caravan park with underground electricity, at their own cost. The developer must consult with the relevant electricity provider and must obtain suitable written correspondence/evidence from this provider stating that underground electricity has been provided to the camping ground, or alternatively that final agreement has been made between the underground electricity provider and the developer to provide underground electricity to the camping ground. This written correspondence must be to the satisfaction of Council.

Reason: To satisfactorily service the camping ground.

47. Removal of Garbage from the Caravan Park

Arrangements must be instituted (a formal agreement with a licenced private waste contractor to service the development) and maintained for the removal of garbage from the caravan park and for the maintenance of garbage receptacles in a clean and sanitary condition at all times.

Reason: To comply with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

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48. Works As Executed (WAE) plans

Works As Executed (WAE) plans of all infrastructure and services must be provided to Council in both hard and electronic format (i.e. PDF and AutoCAD dwg. formats). The Submitted WAE plans must be to the satisfaction of Council and must contain the true and correct locations & details of all installed infrastructure.

Reason: To ensure Council receives true and correct details/location for all installed infrastructure and services in the form of Works As Executed plans.

49. ALL - Plumbing Works Final

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

NB. This letter is in addition to the final inspection report.

Reason: To comply with the relevant provisions outlined in the [Local Government Act 1993](#).

50. ALL - Certificate of Compliance from Riverina Water

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

Reason: To comply with the relevant provisions outlined in the [Local Government Act 1993](#).

51. ALL - Repair Of Public Infrastructure

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

Reason: To ensure any damage to Council infrastructure is rectified.

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PART F – OCCUPATION AND ONGOING USE

52. ALL - Works Adjacent To Boundaries

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

NOTE: Rectification work may be necessary if the building is found to encroach on the adjoining property.

Reason: To ensure that the development does not encroach.

53. Industrial/Commercial - Noise Control

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

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

Reason: To ensure the safe operation of the premises and to protect the amenity of adjoining premises and the surrounding area.

54. Structures - Advertising

No advertising sign(s) shall be erected or displayed on the approved advertising structures without the prior submission of a development application to and approval by Council, unless the proposed signage is consistent with the terms and conditions of exempt development in [Chapter- 3 within the State Environmental Planning Policy \(Industry and Employment\) 2021](#), [Advertising and Signage Exempt Development Codes under the State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) or other relevant legislation at the time.

Reason: To ensure the development is carried out as assessed.

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55. Industrial/Commercial - Vehicle Manoeuvrability, Loading and Unloading

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

Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.

56. Industrial/Commercial - External Lighting

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

Reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area

57. Industrial/Commercial - Stormwater – Management of Overland Flow

The works associated with the development shall ensure that:

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

Reason: To ensure stormwater is adequately and appropriately disposed of from the building.

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ALL - ADVICE TO APPLICANT

- g. It is the applicant's responsibility to ensure compliance with the requirements of the *Disability Discrimination Act 1992* (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.
- h. The land subject to this consent may have restrictive private covenants applying to it. It is the responsibility of the applicant and owner/builder to ensure private covenants are adhered to. Council does not enforce or regulate private covenants and therefore accepts no responsibility for checking the compliance of building design with such covenants.
- i. Underground assets may exist in the area subject to this application. In the interests of health and safety and to prevent damage to third party assets, please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary.

Individuals owe asset owners a duty of care which must be observed when working in the vicinity of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

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8. **LICENCE – LOTS 192 & 205 DP 753342, CORNER OF GLENELLEN ROAD AND ORTLIPP ROAD, GLENELLEN (FORMER GLENELLEN SCHOOL SITE) – CROWN LAND**

Report prepared by Approvals Coordinator – Barbara Campbell

REASON FOR REPORT

To advise Councillors of the number of Expressions of Interest received for the licencing of Lots 192 & 205 DP 753342, corner Glenellen Road and Ortlipp Road, Glenellen (Crown land) which was advertised in the Border Mail on Saturday 7 September 2024 and on Council's website and Facebook page from 7 September 2024 to Tuesday 8 October 2024.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

DISCUSSION

The land subject to this arrangement is Crown Land managed by Greater Hume Council.

The following Expressions of Interest have been received:

EXPRESSION OF INTEREST	AMOUNT EXCLUDING GST
Susan Murray	\$642.00

Ms Murray has been the lessee of the property for the last 19 years and has maintained the property in such a manner to ensure fencing is stock proof and reduces the risk of fire and control of vermin through vegetation management.

The amount payable by the successful applicant will be \$642.00 per annum inclusive of GST.

The successful applicant will commence the term from 1 November 2024 for a period of twelve months terminating 31 October 2025 as permitted on Crown land.

The lease period commencement is prior to the date of this Council meeting, because this report was unable to be submitted to the October Council meeting for consideration.

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LICENCE – LOTS 192 & 205 DP 753342, CORNER OF GLENELLEN ROAD AND ORTLIPP ROAD, GLENELLEN (FORMER GLENELLEN SCHOOL SITE) – CROWN LAND [CONTD]

BUDGET IMPLICATION

Minimal impact on Council's annual income.

CONCLUSION

Given that only one EOI submitted by Susan Murray was received, it is recommended that it be accepted.

RECOMMENDATION

That:

That Council accept the Expression of Interest from Susan Murray to enter into a licence for Lot 192 & 205 DP 753342, corner Glenellen Road and Ortlipp Road, Glenellen for a period of twelve months, commencing 1 November 2024 and terminating 31 October 2025.

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9. DEVELOPMENT APPLICATION 10.2024.137.1 - WASTE/RESOURCE MANAGEMENT FACILITY, INCLUDING SITE REHABILITATION WORKS ON LOT 251 DP 753731 AT WALLA WALLA NSW 2659

Report prepared by Town Planner – Gayan Wickramasinghe

REASON FOR REPORT

To present Council with an update of the above Council related development application as per Council adopted 'Conflicts of Interest Policy For Council Related Development Policy' (the Policy here after).

REFERENCE TO DELIVERY PLAN

Nil.

DISCUSSION

Council has received Development Application DA 10.2021.162.1 for a waste/resource management facility, including site rehabilitation works, on Lot 251 DP 753731 at Walla Walla, NSW 2659, on 9 October 2024.

Based on the available records, the site was used as a waste management facility (also known as the "Walla Walla Tip") until 2011. As the operation of the Walla Walla Tip has been discontinued for a continuous period of twelve (12) months, according to the Environmental Planning and Assessment (EP&A) Act 1979, it is considered that the use of the site has been abandoned for the purpose of a waste management facility.

The above-mentioned site (Lot 251 DP 753731) is currently zoned RU1 Primary Production according to the Greater Hume Local Environmental Plan (GHLEP) 2012. Although the proposed use is not a permitted form of development under the GHLEP 2012, in accordance with Section 2.153 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the specific use has been identified as a permitted form of development with consent. The submitted Statement of Environmental Effect (SOEE), prepared by Council staff, indicates that the development site is only to receive a maximum of 10,000 tonnes of waste. Therefore, the proposal is not considered to be integrated development pursuant to Schedule 1, Part 1, Section 42 of the Protection of the Environment Operations (POEO) Act 1997. As a result, the Council is considered to be the approval authority and regulator for the development.

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DEVELOPMENT APPLICATION 10.2024.137.1 - WASTE/RESOURCE MANAGEMENT FACILITY, INCLUDING SITE REHABILITATION WORKS ON LOT 251 DP 753731 AT WALLA WALLA NSW 2659 [CONTD]

According to Council's GIS Register, although the State of New South Wales (Crown Lands) owns the site, Council is the manager of the site.

Therefore as required under Section 66A of the Environmental Planning and Assessment Regulation 2021 and Council adopted 'Conflicts of Interest Policy For Council Related Development Policy, Version 1.1', the development application was assessed by Mr Peter O'Dwyer from BioPlan, whilst Council staff have undertaken public notification of the application in accordance with the Environmental Planning and Assessment Act 1979. During the notification period, Council did not receive any submissions regarding the development application. The assessment report concluded that the development application should be approved subject to conditions as recommended in his report.

Council staff have reviewed the report and conditions and were in agreeance with the recommendations. As a result the development consent was issued via the Planning Portal on 11 November 2024. Please refer to the conditions below within the report.

BUDGET IMPLICATIONS

As per the adopted Policy, the development application was required to be assessed by an external qualified consultant. Therefore Council engaged Mr Peter O'Dwyer from BioPlan to assess the application. A fee was also required to be paid as part of this process.

CONCLUSION

Council staff have concluded the determination of the above Council related development application in accordance with the relevant legislative requirements. As per the Policy an additional report will be tabled once the rehabilitation works have completed.

RECOMMENDATION

That Council:

1. Receive and note the progress of Council related Development Application - 10.2024.137.1 for the waste/resource management facility, including site rehabilitation works, on Lot 251 DP 753731 at Walla Walla, NSW 2659;
2. Receive a subsequent report once the works related to the application are completed

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DEVELOPMENT APPLICATION 10.2024.137.1 - WASTE/RESOURCE MANAGEMENT FACILITY, INCLUDING SITE REHABILITATION WORKS ON LOT 251 DP 753731 AT WALLA WALLA NSW 2659 [CONTD]

PART A - GENERAL CONDITIONS

1. The Applicant shall carry out the development in accordance with the plans and supporting documentation recommendations and specifications submitted in support of the application including the Statement of Environmental Effect (dated November 2019) and prepared by Greater Hume Council. No structures defined in the Building Code of Australia (BCA) form part of this consent.
2. The Applicant shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, and decommissioning of the development and must implement suitable measures to manage pests, vermin and declared noxious weeds on site.
3. The development shall comply with Section 120 of the POEO Act, which prohibits the pollution of waters.
4. The local community, and in particular the owners of nearby residences, may be kept informed of the progress of the Project. This may include notifications of traffic disruptions and controls, disruption to access to the site and private property, and work required outside of the nominated work hours if required.
5. The Applicant shall ensure that all licences, permits and approval/consents are obtained as required by law and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approval/consents.
6. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
7. **Limits of Consent**
 - a) Waste disposal at the premises must cease three (3) weeks from the date the first load of waste is received at the premises, unless otherwise approved in writing by the Greater Hume Council.
 - b) The volume of waste received at the premises must not exceed more than 12,000 tonnes per annum.
 - c) Blasting at the premises is prohibited.

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8. Hours of Operation

Activities at the premises, may only be carried on between Monday to Friday 7.00am to 6.00pm, Saturdays 8.00am to 1.00pm and no operational activities are to occur on Sundays or Public Holidays. The hours of operation may be varied with written consent from the Greater Hume Council.

PART B - BEFORE WORK COMMENCES

9. Required Management Plans

The following plans shall be prepared and submitted to Council for approval:

- a) Sediment Control Plan;
- b) Bushfire Emergency Management Plan.

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

The bushfire management plan is to include information on and procedures for:

- a) Vegetation management;
- b) Removal of natural fire hazards, including storm debris and fallen tree limbs from the site;
- c) Appropriate storage of flammable materials;
- d) On-site firefighting resources such as fire extinguishers, fire blankets, hydrants and/or boosters, static water sources, portable pumps, hoses and nozzles;
- e) Providing adequate access for firefighting appliances (e.g. RFS Category 1 Tanker) to and within the facility, including the boundary of the facility for property protection;
- f) Staff training in extinguishing small fires, where safe to do so;

10. Section 7.12 Contributions Charges

Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the Greater Hume Shire Council Section 7.12 Development Contributions Plan, a contribution of **\$2204.00** must be paid to Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the Greater Hume Shire Council Section 7.12 Development Contributions Plan.

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11. Security Fence

The proponent must install and maintain security fencing at a height of 1.8 meters to prevent unauthorised access and stock access to the active landfill site before the works begin and must be kept in place until after the completion of the works

PART C - DURING BUILDING WORK

12. Amenity Impacts

a) Noise, Vibration Requirements

The operating noise level of plant and equipment during works must not exceed 5LAeq above the background noise level when measured at the boundaries of the premises. The provisions of the [Protection of the Environment Operations Act 1997](#) apply to the development, in terms of regulating offensive noise.

b) Bunding

The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or the Environment Protection Manual for '*Storing and Handling Liquids: Environmental Protection training manual.*'

c) Dust Management Requirements

The Applicant shall:

- implement best management practice, including all reasonable and feasible dust and odour mitigation measures to prevent and minimise dust emissions from operations;
- prevent and minimise the air quality impacts of the development during adverse meteorological conditions and extraordinary events;
- regularly assess air quality monitoring data and relocate, modify, and/or stop operations to ensure compliance with the relevant conditions of this consent
- minimise surface disturbance of the site, other than as permitted under this consent.

13. Mode of work

Work during construction being conducted in a manner so as not to be injurious to health and amenity by reason of noise, vibrations, smells, dust, stormwater runoff, sediment loss, placement of building materials and wastes, rubbish, footway interference, traffic generated, hours of operation and the like.

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14. Traffic & Access

- a) The Applicant shall keep accurate records of the amount of material imported to and exported from the site and associated traffic movement numbers to and from of the subject site.
- b) The Applicant shall ensure that:
 - all vehicles are wholly contained on site before being required to stop;
 - all loading and unloading of materials is carried out on site;
 - all trucks entering or leaving the site with loads have their loads covered; and
 - all vehicles leaving the site are cleaned of dirt, sand, and other materials before they leave the site.

15. Aboriginal Objects Discovered During Work

If any object having interest due to its age or association with the past is uncovered during the course of the work, all work must stop immediately in that area. The Applicant must immediately notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au. Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required in accordance with the [National Parks and Wildlife Act 1974](#).

16. Tree Protection During Work

While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with the relevant requirements of AS 4970 Protection of trees on development sites.

17. Monitoring and Recording

The Applicant must keep a legible record of all complaints made and the record must include details of the following:

- the date and time of the complaint.
- the method by which the complaint was made.
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect.
- the nature of the complaint.
- the action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the applicant, the reasons why.

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The record of a complaint must be kept for at least 4 years after the complaint was made. The record must be produced to any authorised officer of the Greater Hume Council who asks to see them.

Telephone complaints line

The applicant must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in this consent.

The applicant must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

PART D - OCCUPATION AND ONGOING USE

18. Signage

The Applicant shall install all necessary signs in consultation with Council.

Note: This condition does not apply to any signage identified as exempt or complying development in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

19. Rehabilitation of the site

The Applicant shall submit to Council approval a Rehabilitation Plan which includes:

- final landform including contours;
 - depth and source of topsoil layer;
 - test results for topsoil demonstrating that it is free from contaminants;
 - seeding and proposed vegetation planting schedule nominating suitable plant species, maintenance and weed prevention strategies;
- a) soil and sedimentation controls during rehabilitation.

20. Clean Fill

Prior to using screened material for the purposes of site rehabilitation of the subject land, the Applicant must ensure that the screened material is deemed suitable for reuse consistent with the provisions of the NSW EPA Excavated Natural Material Order 2014.

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DEVELOPMENT APPLICATION 10.2024.137.1 - WASTE/RESOURCE MANAGEMENT FACILITY, INCLUDING SITE REHABILITATION WORKS ON LOT 251 DP 753731 AT WALLA WALLA NSW 2659 [CONTD]

A. REASONS FOR CONDITIONS

The above conditions have been imposed: -

- i. To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979
- ii. Having regard to Council's duties of consideration under Section 4.15 and 4.17 of the Act
- iii. To improve the amenity, safety and environmental quality of the locality
- iv. Having regard to environmental quality, the circumstances of the case and the public interest
- v. Ensure compatibility with adjoining and neighbouring land uses and built form
- vi. To protect public interest, the environment and existing amenity of the locality.

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GOVERNANCE

1. DELEGATION OF AUTHORITY

Report prepared by General Manager – Evelyn Arnold

REASON FOR REPORT

Review of delegations in accordance with the Department of Local Government Promoting Better Practice Program.

REFERENCE TO DELIVERY PLAN ACTION

Nil

DISCUSSION

Section 377 of the Local Government Act 1993 provides that a Council by, by resolution, delegate to the General Manager, or any other person or body (not including another employee of the Council) any of the functions of the Council other than those listed in section 377(1). The General Manager may sub-delegate a function delegated to the General Manger by Council to another employee of the Council.

The proposed General Manager delegation is included as **(ANNEXURE 10)** for Councillors information.

BUDGET IMPLICATION

Nil

RECOMMENDATION

That Council approve delegation to the General Manager, pursuant to section 377 of the Local Government Act 1993, the functions listed in the respective instrument of delegation attached as **(ANNEXURE 10)**

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2. DELEGATION OF AUTHORITY – GENERAL MANAGERS PERFORMANCE REVIEW COMMITTEE

Report prepared by General Manager – Evelyn Arnold

REASON FOR REPORT

Confirm delegations to the General Managers Performance Review Committee in accordance with the Local Government Act and the Office of Local Government Guidelines on the Appointment and Oversight of the General Manager.

REFERENCE TO DELIVERY PLAN ACTION

Nil

DISCUSSION

Under Section 23A of the Local Government Act 1993, Council must take into consideration the Guidelines on the Appointment and Oversight of the General Manager as issued by the Office of Local Government when dealing with issues concerning the General Manager. The Guidelines provide that the General Managers Performance Review Committee should be provided with three (3) delegations:

- Conduct the Performance Reviews
- Report the findings & recommendations of Reviews of the Council, and
- Development of the Performance Agreement.

In addition, when the panel was appointed at the Ordinary Council Meeting on the 9th of October the position of General Manager Representative was left vacant. This report recommends that Councillor Matthew Hicks be appointed to that role.

BUDGET IMPLICATION

Nil

RECOMMENDATION

That Council approves

1. The in accordance with Section 23A of the Local Government Act 1993 and the Guidelines on the Appointment and Oversight (as issued by the Office of Local Government) delegations to the General Managers Performance Review Committee the following responsibilities;
 - Conduct the Performance Reviews
 - Report the findings & recommendations of Reviews of the Council, and
 - Development of the Performance Agreement, and
2. Confirms that Councillor Matthew Hicks be appointed to the General Managers Performance Review Committee as the General Managers Representative.

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ENGINEERING

1. **LICENCE – PART LOT 1 DP 571901 29 NIOKA RD JINDERA**

Report prepared by Engineering Admin Officer – Amanda Williams

REASON FOR REPORT

To advise of the number of Expressions of Interest received for the licencing of Lot 1 DP 571901 29 Nioka Road Jindera.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

DISCUSSION

Expressions of Interest (EOI) was advertised for a period of 31 Days (taking into account a Public Holiday) in the Border Mail, Council's Website and Facebook Page on Saturday 21 September 2024, with advertising closing on 21 October 2024 to enter into a Licence for Lot 1 DP 571901 29 Nioka Road Jindera.

The Licence term is 3 years, with a CPI increase in years 2 and 3. The total Licenced area of the land is approximately 50.4ha.

A sketch of the Licenced area is included for Councillors' information:

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LICENCE – PART LOT 1 DP 571901 29 NIOKA RD JINDERA [CONTD]

Recent advertising has resulted in the following Expressions of Interest being received.

Expression of Interest (EOI)	Amount Including GST
Kirsty Taylor	\$16,754.10
Henry and Gayle Lee	\$15,562.50
Andrew and Phoebe Hoare	\$6,600.00
Craig and Marita Christensen	\$5,500.00

BUDGET IMPLICATION

No significant impact on budget.

CONCLUSION

It is recommended that council accept the EOI from Kirsty Taylor in the amount of \$16,754.10 per annum, with a CPI increase in years 2 and 3 and taking into consideration the costs to Council to undertake the maintenance including control of weeds and pests and Bush Fire hazard prevention measures with this parcel of land.

The successful applicant will be permitted to graze stock on the parcel of land for a period of 3 years commencing on 21 November 2024 and terminating on 20 November 2027.

RECOMMENDATION

That Council:

1. Accept the Expression of Interest from Kirsty Taylor in the amount of \$16,754.10 per annum, with a CPI increase in years 2 and 3 and to enter in to a Licence over Lot 1 DP 571901 29 Nioka Road Jindera commencing on 21 November 2024 and terminating on 20 November 2027.

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2. **LICENCE – LOT 2 DP 864231 CULCAIRN COMMON, CEMETERY ROAD CULCAIRN**

Report prepared by Engineering Admin Officer – Amanda Williams

REASON FOR REPORT

To advise of the number of Expressions of Interest received for the licencing of Lot 2 DP 864231 Culcairn Common Cemetery Road Culcairn.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

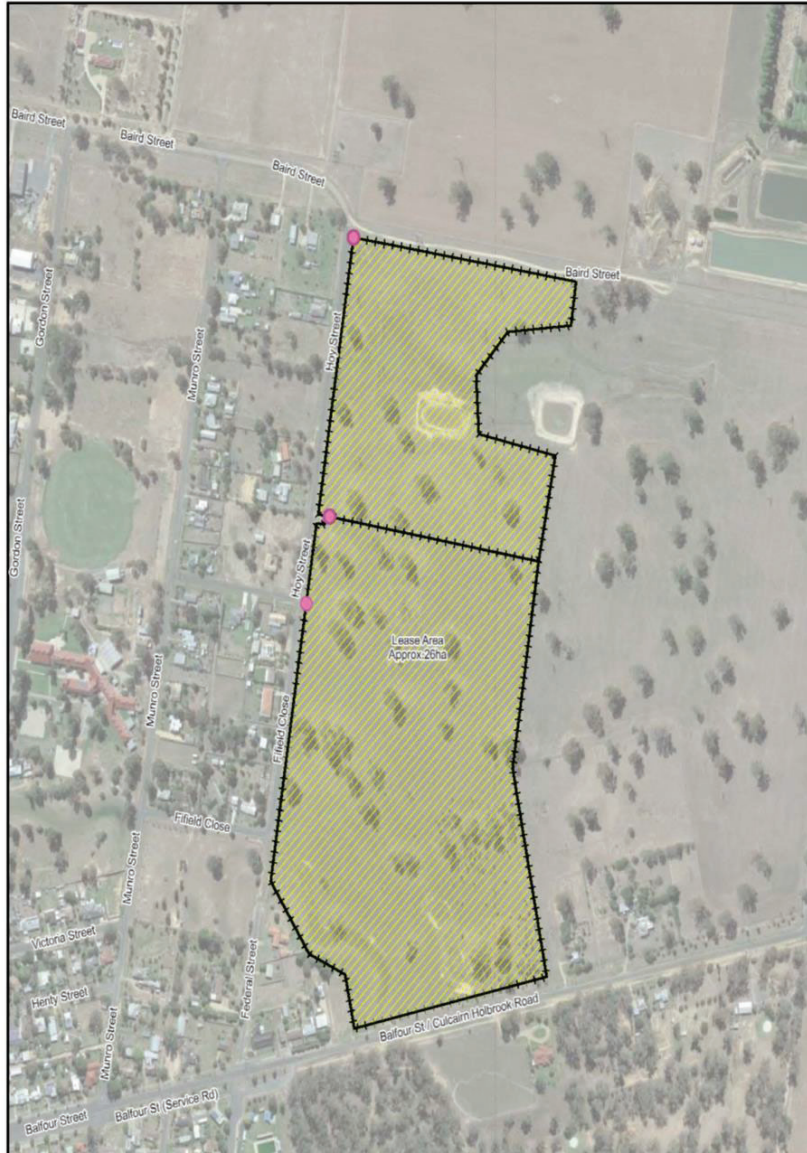
DISCUSSION

Expressions of Interest (EOI) was advertised for a period of 31 Days (taking into account a Public Holiday) in the Border Mail, Council's Website and Facebook Page on Saturday 21 September 2024, with advertising closing on 21 October 2024 to enter into a Licence for Lot 2 DP 864231 Culcairn Common Cemetery Road Culcairn.

The Licence term is 3 years, with a CPI increase in years 2 and 3. The total Licenced area of the land is approximately 26ha.

A sketch of the Licenced area is included for Councillors' information:

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LICENCE – LOT 2 DP 864231 CULCAIRN COMMON, CEMETERY ROAD CULCAIRN

Recent advertising has resulted in the following Expressions of Interest being received.

Expression of Interest (EOI)	Amount Including GST
La-Mar Ag	\$1,800.00
Jason Brookes and Elizabeth Walsh	\$1,520.00
Andrew and Phoebe Hoare	\$1,500.00

BUDGET IMPLICATION

No significant impact on budget.

CONCLUSION

It is recommended that council accept the EOI from La-Mar Ag in the amount of \$1,800.00 per annum, with a CPI increase in years 2 and 3 and taking into consideration the costs to Council to undertake the maintenance including control of weeds and pests and Bush Fire hazard prevention measures with this parcel of land.

The successful applicant will be permitted to graze stock on the parcel of land for a period of 3 years commencing on 21 November 2024 and terminating on 20 November 2027.

RECOMMENDATION

That Council:

2. Accept the Expression of Interest from Henry and Gayle Lee in the amount of \$3,920.00 per annum, with a CPI increase in years 2 and 3 and to enter in to a Licence over Lot 2 DP 864231 Culcairn Common Cemetery Road Culcairn commencing on 21 November 2024 and terminating on 20 November 2027.

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3. **LICENCE – PART LOT 200 DP 1285198 47 HAWTHORN ROAD JINDERA**

Report prepared by Engineering Admin Officer – Amanda Williams

REASON FOR REPORT

To advise of the number of Expressions of Interest received for the licencing of Lot 200 DP 1285198 47 Hawthorn Road Jindera.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

DISCUSSION

Expressions of Interest (EOI) was advertised for a period of 31 Days (taking into account a Public Holiday) in the Border Mail, Council's Website and Facebook Page on Saturday 21 September 2024, with advertising closing on 21 October 2024 to enter into a Licence for Lot 200 DP 1285198 47 Hawthorn Road Jindera.

The Licence term is 3 years, with a CPI increase in years 2 and 3. The total Licenced area of the land is approximately 15.9ha.

A sketch of the Licenced area is included for Councillors' information:

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LICENCE – PART LOT 200 DP 1285198 47 HAWTHORN ROAD JINDERA [CONTD]

Recent advertising has resulted in the following Expressions of Interest being received.

Expression of Interest (EOI)	Amount Including GST
Henry and Gayle Lee	\$3,920.00
Andrew and Phoebe Hoare	\$1,500.00

BUDGET IMPLICATION

No significant impact on budget.

CONCLUSION

It is recommended that council accept the EOI from Henry and Gayle Lee in the amount of \$3,920.00 per annum, with a CPI increase in years 2 and 3 and taking into consideration the costs to Council to undertake the maintenance including control of weeds and pests and Bush Fire hazard prevention measures with this parcel of land.

The successful applicant will be permitted to graze stock on the parcel of land for a period of 3 years commencing on 21 November 2024 and terminating on 20 November 2027.

RECOMMENDATION

That Council:

3. Accept the Expression of Interest from Henry and Gayle Lee in the amount of \$3,920.00 per annum, with a CPI increase in years 2 and 3 and to enter in to a Licence over Lot 200 DP 1285198 47 Hawthorn Road Jindera commencing on 21 November 2024 and terminating on 20 November 2027.

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4. **LICENCE – PART LOT 5 DP 1281814 HOLBROOK WAGGA ROAD, HOLBROOK**

Report prepared by Engineering Admin Officer – Amanda Williams

REASON FOR REPORT

To advise of the number of Expressions of Interest received for the licencing of Part Lot 5 DP 1281814 Holbrook Wagga Road, Holbrook.

REFERENCE TO DELIVERY PLAN ACTION

Nil.

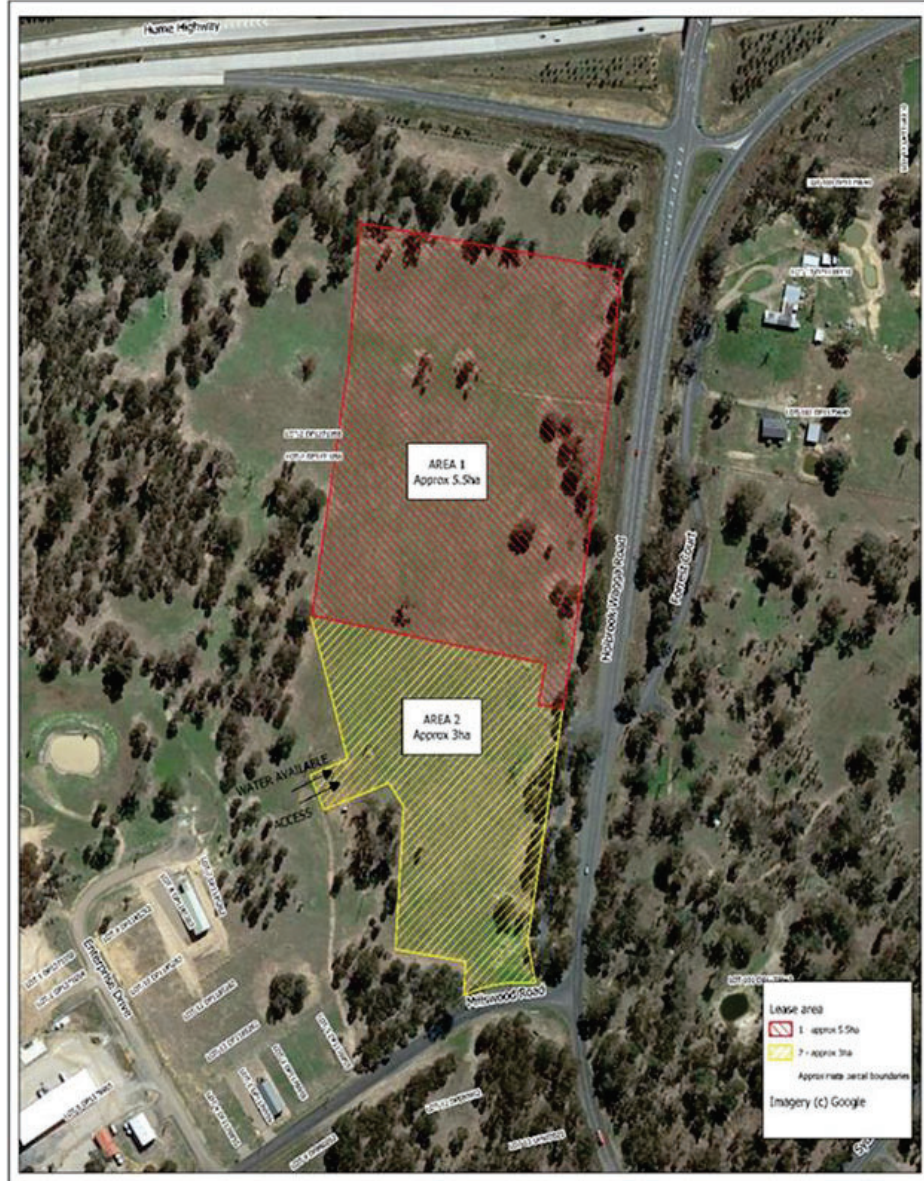
DISCUSSION

Expressions of Interest (EOI) was advertised for a period of 28 Days in the Border Mail, Council's Website and Facebook Page on Saturday 31 August 2024, with advertising closing on 30 September 2024 to enter into a Licence for Part Lot 5 DP 1281814 Holbrook Wagga Road, Holbrook. The total Licenced area of the land is approximately 8.5ha.

The successful applicant will be permitted to graze stock on the parcel of land for a period of twelve months commencing on 21 November 2024 and terminating on 20 November 2025.

A sketch of the Licenced area is included for Councillors' information:

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LICENCE – PART LOT 5 DP 1281814 HOLBROOK WAGGA ROAD, HOLBROOK [CONT]

Recent advertising has resulted in the following Expressions of Interest being received.

Expression of Interest (EOI)	Amount Including GST
Brett Strong	\$700.00

BUDGET IMPLICATION

No significant impact on budget.

CONCLUSION

It is recommended that council accept the EOI from Brett Strong in the amount of \$700.00 per annum, taking into consideration the costs to Council to undertake the maintenance including control of weeds and pests and Bush Fire hazard prevention measures with this parcel of land.

The successful applicant will be permitted to graze stock on the parcel of land for a period of twelve months commencing on 21 November 2024 and terminating on 20 November 2025.

RECOMMENDATION

That Council:

4. Accept the Expression of Interest from Brett Strong in the amount of \$700.00 per annum to enter in to a Licence over Part Lot 5 DP 1281847 Holbrook Wagga Road, Holbrook commencing on 21 November 2024 and terminating on 20 November 2025.

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5. DEVELOPER PROPOSED ROAD NAMES, JINDERA

Report prepared by Director Engineering - Greg Blackie

REASON FOR REPORT

To advise Council of the results of the public consultation in regards to the naming of five roads in an approved subdivision stage (DA 10.2023.188.1) and future stages of the Heritage Park Subdivision in Jindera.

REFERENCE TO DELIVERY PLAN ACTION

Nil

DISCUSSION

Council will be the eventual owner of the public roads created as a part of a subdivision occurring on Wagner Drive, Jindera.

The developer has proposed five new names for roads created as a part of this development as well as the continuation of Wagner Drive.

The proposed names are;

Salzke Goessling Irmier
Mickan Pfeiffer

All five have been pre-approved with the Geographic Names Board (GNB) and will require the appropriate road type assigned to meet the NSW Address Policy 2021.

Once a road name has been approved by Council, advertised for public comment, and registered by the GNB, under the Roads Regulation 2018 a Local Government is required to publish notice of the new name in the NSW Government Gazette.

During the public consultation phase, Council received 19 responses (one response was received after the closing date) in regards to the use of "Mickan" for this subdivision, largely in direct protest and some questioning the appropriateness of using a Walla Walla family name in a Jindera subdivision.

Responses are attached in the **(ENCLOSURE SEPARATELY 02)** due to Resident's personal contact information being collected.

BUDGET IMPLICATION

Nil.

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DEVELOPER PROPOSED ROAD NAMES, JINDERA [CONTD]

CONCLUSION

The provided names have been considered and accepted for pre-approval by the Geographic Names Board.

A Resolution of Council is now sought to reject "Mickan" as a proposed name in this subdivision, allowing for its use in another location and to approve the final gazettal of the remaining names.

RECOMMENDATION

That:

Council rejects "Mickan" for use in this subdivision and accept the previously approved names for gazettal.

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TO BE HELD AT
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ON WEDNESDAY, 20 NOVEMBER 2024

6. **TENDER TL 02 – 2024/25 DIGHT STREET DRAINAGE AND RECONSTRUCTION (STAGE 1)**

Report prepared by Works Engineer – Andrew Walls

REASON FOR REPORT

To consider tenders for the civil construction of the Dight Street Drainage and Reconstruction (Stage 1), Jindera.

REFERENCE TO DELIVERY PLAN ACTION

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

DISCUSSION

This project is part of the Council delivery program.

The full Dight Street project scope covers the construction of trunk drainage and road reconstruction between Urana Street and Jindera Street. The subject of this report is Stage 1 of the works covering the section between Urana Street and Fallon Street.

The project involves the construction of underground drainage, kerb and channel works and the provision of parking areas.

Advertisements were placed in the Border Mail and on Tenderlink.
Tenders closed on Tuesday 17th September 2024. Thirteen tenders were received via the Tenderlink portal.

A table of the apportionment used to assess the tenders is **(ENCLOSED SEPARATELY 03)** for Councillors information.

ORDINARY MEETING OF GREATER HUME COUNCIL
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TENDER TL 02 DIGHT STREET DRAINAGE AND RECONSTRUCTION [CONT'D]

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

COMPANY	Excluding GST
Aitken Civil	\$ 1,171,482.95
Anilan Contracting	\$ 696,770.20
ATD Civil	\$ 679,308.11
BIDS	\$ 1,101,156.94
Blueys P + D	\$ 592,172.35
Cartwright Civil	\$ 629,513.20
Civil and Civic	\$ 1,431,904.09
Excell Gray Bruni	\$ 652,581.00
Hurst Earthmoving	\$ 786,294.65
Hutchinson Civil	\$ 634,639.30
JSC	\$ 1,017,253.25
Longford Civil	\$ 657,178.00
Mawson Civil	\$ 696,445.06

Blueys Plumbin' and Diggin P/L is a well-established contractor based in Culcairn and has previously completed works for Greater Hume Council to a satisfactory standard.

Mr Luke Howard from Blueys Plumbin' and Diggin P/L attended a post-tender interview where it was confirmed that he was satisfied that they have the personnel and equipment to complete the project to the required standard in a safe manner.

Mr Howard indicated that a projected commencement date will be dependent on the procurement period for concrete pipes and pits. Further to that it would be sensible to ensure the works commencement date was set with the intent to minimise disruption to the adjacent school where possible.

A drawing of the proposed works is **(ENCLOSED SEPARATELY 03)** for Councillors information.

BUDGET IMPLICATION

The Dight Street Drainage and Reconstruction project is funded from \$700,000 Roads to Recovery with a remaining budget of \$679,760.17 (exc GST) following tender advertising and survey & design costs.

The tender price of \$592,172.35 (excl GST) is consistent with the engineers' estimate. The tender price is inclusive of \$55,252.04 of Provisional Items and Contingency

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TENDER TL 01 DIGHT STREET DRAINAGE AND RECONSTRUCTION [CONT'D]

It is relevant to note that this type of project within urban environs is particularly prone to attracting additional costs due to latent conditions and the proximity to numerous and aged other services.

This potential surplus is the subject of a separate report for TENDER TL01 2024/25 Swift Street Project.

CONCLUSION

Thirteen tenders were received for the Dight Street Drainage and Reconstruction (Stage 1) project. All thirteen tenders were considered.

The tender submitted by Blueys Plumbin' and Diggin' P/L has been assessed to be suitable for the intended purpose and there is no technical or practical reason to conclude that Blueys Plumbin' and Diggin' P/L are not capable of completing the contract to the required standard and within a reasonable timeframe.

RECOMMENDATION

That:

1. The tender submitted by Blueys Plumbin' and Diggin' P/L for tender TL01 2024/2025 for the Dight Street Drainage and Reconstruction (Stage 1) for \$592,172.35 (excl. GST) be accepted.
2. The unsuccessful tenderers be notified.
3. The General Manager and the Mayor be authorised to execute contract documentation with Blueys Plumbin' and Diggin' P/L under the Common Seal of Council.

ORDINARY MEETING OF GREATER HUME COUNCIL
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7. **TENDER TL 01 – 2024/25 SWIFT STREET DRAINAGE AND RECONSTRUCTION (STAGES 1 +2)**

Report prepared by Works Engineer – Andrew Walls

REASON FOR REPORT

To consider tenders for the civil construction of the Swift Street Drainage and Reconstruction (Stages 1 and 2), Holbrook.

REFERENCE TO DELIVERY PLAN ACTION

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

DISCUSSION

This project is part of the Council delivery program.

The full project scope covers the construction of trunk drainage and road reconstruction at the southern end of Swift Street, Holbrook. Stage 1 covers the outfall works between 10-Mile Creek and Jingellic Road. Stage 2 of the works extends north to Hume Street. Future stages complete the project to the intersection of Bowler Street.

It should be noted that Swift Street currently consists of an excessive road pavement width which is unnecessary and presents Council with an additional ongoing maintenance cost. A significant proportion of the works will involve the construction of new kerb and channel which will in effect narrow the current excessive road pavement width to meet realistic requirements.

Advertisements were placed in the Border Mail and on Tenderlink. Tenders closed on Wednesday 18th September 2024. Twelve tenders were received via the Tenderlink portal.

A table of the apportionment used to assess the tenders is **(ENCLOSED SEPARATELY 04)** for Councillors information.

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TENDER TL 01 SWIFT STREET DRAINAGE AND RECONSTRUCTION [CONT'D]

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

COMPANY	Excluding GST
Anilan Contracting	\$754,085.20
ATD Civil	\$803,049.72
BIDS	\$1,217,919.01
Blueys P + D	\$682,447.04
Civil and Civic	\$1,795,642.85
DC Civil	\$1,759,102.84
Excell Gray Bruni	\$861,370.40
Hutchinson Civil	\$635,709.80
JSC	\$1,519,434.58
Knight Civil	\$2,213,867.10
Longford Civil	\$796,913.54
Mawson	\$1,094,809.18

Hutchinson Civil P/L is a well-established contractor based in Wodonga and has previously completed works for Greater Hume Council to a satisfactory standard.

Mr Bede Hutchinson from Hutchinson Civil P/L attended a post-tender interview where it was confirmed that he was satisfied that they have the personnel and equipment to complete the project to the required standard in a safe manner.

A drawing of the proposed works is **(ENCLOSED SEPARATELY 04)** for Councillors information.

BUDGET IMPLICATION

The Swift Street Drainage and Reconstruction project is funded from \$300,000 Council cash and \$200,000 Roads to Recovery with a remaining budget of \$ 484,359.17 following advertising costs and the project survey & design.

The tender price of \$ 635,709.80 (excl GST) is higher than the engineers estimate and generally consistent with current market rates but exceeds the remaining budget allocation. It should be noted that the tendered price includes Provisional Items to the value of \$57,791.80.

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TENDER TL 01 SWIFT STREET DRAINAGE AND RECONSTRUCTION [CONT'D]

It is considered that to manage these additional costs that \$150,000 be re-allocated being;

- \$100,000.00 from the Dight Street R2R project, and,
- \$50,000.00 from the Jelbart Road R2R project.

Any savings against the Swift Street project may be allocated back to the Jelbart Road R2R project.

CONCLUSION

Twelve tenders were received for the Swift Street Drainage and Reconstruction (Stages 1 +2) project. All twelve tenders were considered.

The tender submitted by Hutchinson Civil P/L has been assessed to be suitable for the intended purpose and there is no technical or practical reason to conclude that Hutchinson Civil P/L are not capable of completing the contract to the required standard and within a reasonable timeframe.

RECOMMENDATION

That:

4. the tender submitted by Hutchinson Civil P/L for tender TL01 2024/2025 for the Swift Street Drainage and Reconstruction (Stages 1 and 2) for \$635,709.80 (excl. GST) be accepted.
5. That \$150,000 be re-allocated comprising \$100,000 Dight Street R2R and \$50,000 Jelbart Road R2R.
6. That any project savings be re-allocated back to the Jelbart Road R2R project.
7. the unsuccessful tenderers be notified.
8. the General Manager and the Mayor be authorised to execute contract documentation with Hutchinson Civil P/L under the Common Seal of Council.

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8. ALLOCATION OF PROJECTS TO ACTIVE TRANSPORT PROGRAM

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

For Council to nominate projects for funding under Get NSW Active FY2025/26 program

REFERENCE TO DELIVERY PLAN ACTION

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

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

DISCUSSION

The NSW State Government has announced applications are now open for the Get NSW Active FY 2025/26. **(ANNEXURE 11)**

The Get NSW Active program provides Councils with funding to develop projects that promote active travel, encourage healthy habits, and shift how people view walking and riding as a transport mode.

\$60 Million is available this year to local councils for projects that support walking or bike riding.

Councils can submit up to 5 grants applications but can only receive a maximum of three grants with a combined value of \$5million.

Unfortunately, the State Government has provided only a short window to lodge applications with applications opening on the 14 October 2024 and closing on 25 November 2024

Council has three large projects that have been requested by communities for construction over the past few years

Two are at Jindera with the Jindera to Lavington shared path being requested for many years and second one being the construction of the shared path from Goulburn St to Drumwood Road to Urana Road to link up to the existing shared path in Urana St and Adam St creating a loop for users.

The third project is in Holbrook for the construction of a shared path from Albury St to Halford Drive along Young St that connects the existing swimming pool with a path to the CBD and schools

Council staff contacted Albury City to see if they were interested in jointly applying for funds for the Jindera to Lavington Shared Path project but were advised Albury had already identified two projects they will be submitting to the program that have been identified in their endorsed strategies and plans and that currently they don't have any strategic direction for a shared path to Jindera from Lavington.

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ALLOCATION OF PROJECTS TO ACTIVE TRANSPORT PROGRAM [CONTD]

They advised they would provide a letter of support if required, however it is noted that without full support from Albury with supporting strategic plans that the shared path project is unlikely to get funding, so it is not proposed to submit an application for this project this time.

Plans and cost estimates have been completed by staff for the projects (See Annexure....)

The estimated costs for the projects are:

Jindera – Drumwood Road Loop Project \$1.091 Million
Holbrook Young St / Halford Drive Project \$1.138 Million

Whilst these costs seem high the requirement for the funding requires paths to a minimum of 3m in width.

It is also proposed that Council lodge application for key link components of the projects to maximise grants of being a success with the Drumwood Road Section being a project by itself and the section of path from Albury St to the pool in Young St being the other

The estimated cost for these projects are:

Jindera – Drumwood Road Only Project \$388k
Holbrook – Young St / Pool Project \$.....

RECOMMENDATION

As shown Council staff have proposed four projects to be lodged for Active Transport Program funding. All of these projects has been requested for a substantial period of time by the communities, but due to the costs could not be completed under Council budget.

The Active Transport program provides an opportunity to apply for funding for these projects to be completed and it is considered all are worthy of submission

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ALLOCATION OF PROJECTS TO ACTIVE TRANSPORT PROGRAM [CONTD]

BUDGET IMPLICATION

The Active Transport Program does not require any contributions by Council towards project applications. Therefore there is no impact to Councils budget upon lodging of the applications.

CONCLUSION

The four projects considered worthy for application under NSW Government Active Transport Program are:

1. Jindera – Drumwood Road Loop Project \$1.091 Million
2. Holbrook Young St / Halford Drive Project \$1.138 Million
3. Jindera – Drumwood Road Only Project \$388k
4. Holbrook – Young St / Pool Project \$.....

RECOMMENDATION

That Council approve the lodging of the following applications for funding under the NSW Active Transport Program:

1. Jindera – Drumwood Road Loop Project \$1.091 Million
2. Holbrook Young St / Halford Drive Project \$1.138 Million
3. Jindera – Drumwood Road Only Project \$388k
4. Holbrook – Young St / Pool Project \$.....

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9. **CONSTRUCTION OF SHARED PATH AND CARPARK AT JINDERA ADVENTURE PLAYGROUND.**

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To approve the construction of a shared path, fencing, dump point and tree planting at the Jindera Adventure Playground from funds currently held and consider the construction of the remainder of the project to be funded from Councils Section 7.12 Plan.

REFERENCE TO DELIVERY PLAN ACTION

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

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

DISCUSSION

The construction of a carpark/tourist bay at the Jindera Adventure Playground in Urana St Jindera including the installation of a dump point for caravans, has been proposed for a number of years. However this work could not be undertaken until the Urana St/Molkentin Road drain upgrade had been constructed, which was only completed recently.

The completion of the missing section of the shared path in Urana St from Dight St to Jindera Tennis Courts has also be withheld until the car parking area was constructed as the path is to be realigned around the carpark so that is does not cross the carparking area to increase safety of users.

The carpark plan (**ANNEXURE 12**) will have designated disabled bays, long vehicle parking bays with access to a dump point. The carpark construction does require the removal of 5 large trees to allow for the construction of the shared path, but retains the large lemon scented gum tree that is prominent in the frontage of the carpark. The 5 trees to be removed include 3 elms and 2 eucalypts that are reaching the end of their life and are in poor condition. The carpark will have concrete kerb and channel/underground drainage and an asphalt surface

As part of the project approximately 60 new trees will be planted to provide future shade and beautification. Shade sails are proposed for a number of carparking spaces that will provide the required shading of vehicles until the trees have grown to a height that can provide natural shade. The project will also include the installation of fencing along the frontage of the reserve and also include perimeter fencing of the skate park.

Internal footpaths are also to be constructed that will link the skate park, public toilets, playground and the swimming pool.

A site is proposed for the installation of two Electric Vehicle charging bays on the plans, however they won't be installed as part of this project until suitable grant funding is obtained.

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CONSTRUCTION OF SHARED PATH AND CARPARK AT JINDERA ADVENTURE PLAYGROUND
[CONTD]

Future upgrades to the area between the RFS shed and the skatepark, including fencing, park furniture, a bbq and shelter, paths and tree planting are also being considered, however will be subject to further consultation with the community.

The estimated cost to undertake the proposed whole carpark project is \$604,631.50
(ANNEXURE 12)

However due to the cost the project has been separated into two stages

Stage 1 includes construction of the shared path from Dight St to the tennis courts, fencing of the frontage of the Rec Reserve from the tennis courts to the fire shed fence, construction of the dump point and planting of some trees. Cost (\$272,563.50)

Stage 2 includes the construction of kerb and channel, installation of underground drainage, and construction and asphaltting of the carpark including line marking and planting of remainder of the trees and installation of shade sails. Cost (\$332,068.00)

This is proposed to be funded from

1. Carried forward PAMP – Council funds (Footpath funding) of \$193,194
2. Total \$45,000 of Sec 7.11 (Old Sec 94 Funding for Jindera Township) for drainage, and urban street and open space,
3. and \$35,000 from savings in Councils Road resealing program for 24/25

Total \$273,194

Reallocation of \$100k from the Dog park construction to this project has been recommended by the Jindera Recreation Committee and Jindera Community Forum **(ANNEXURE 12)** due to concerns raised by a number of people recommending that it not go ahead in its proposed location (at the southern end of the rec reserve near the wetlands). It is stated that the completion of the Urana St shared path is more important to have completed, with the dog park to be considered at a future time.

However the dog park is funded this year under the Council Sect 7.12 Plan, and as shown the funding that was made available is dedicated to the dog park and as such the funding cannot be reallocated unless Council reviews its Sect 7.12 plan which is required to go to public consultation. **(ANNEXURE 12)**

RECOMMENDATION

The completion of the shared footpath in Urana St, fencing of the Rec Reserve and installation of the dump point is a priority for the Jindera community. Obviously Management would like to see the whole plan finished however that is not possible unless additional funds in the order of \$332,000 are allocated above the proposed reallocation of \$273,194 as detailed in this report. It is considered that if the dog park is not a priority for Jindera then a process to reconsider it in the 7.12 Plan as a priority should be undertaken. However as advised this cannot be done unless this has public consultation undertaken.

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CONSTRUCTION OF SHARED PATH AND CARPARK AT JINDERA ADVENTURE PLAYGROUND
[CONTD]

BUDGET IMPLICATION

The estimated cost to undertake stage 1 of the works is \$272,563.50, and if the appropriate funds are reallocated of \$273,194 as detailed in the report, there will be enough funds to undertake the plan with no impact on the current budget.

Reallocation of priorities in the Sect 7.12 plan if the carpark is now deemed a priority instead of the dog park will need to be managed following Council approval to review the plan involving public consultation of the Plan and allocation of appropriate funds from within that plan.

CONCLUSION

It is clear the Jindera community wish for the car parking in front of the Adventure Playground and Urana St Shared Path be completed as soon as possible, and they have reservations with the location of the proposed dog park.

Therefore, it is considered appropriate that the reallocation of the funds as detailed in this report occur to complete Stage 1 of the Carpark works (which includes construction of the shared path from Dight St to the tennis courts, fencing of the frontage of the Rec Reserve from the tennis courts to the fire shed fence, construction of the dump point and planting of some trees).

That a review be undertaken of projects in the Sect 7.12 Plan including the dog park in Jindera be reconsidered as a lower part of a review of the priority plan for funding from that scheme with appropriate public consultation. That Council consider adding Stage 2 of the carpark (which includes the construction of kerb and channel, installation of underground drainage, and construction and asphaltting of the carpark including line marking and planting of remainder of the trees and installation of car parking shade structures)

RECOMMENDATION

That Council:

1. Reallocate (Carried forward PAMP – Council funds (Footpath funding) of \$193,194, \$45,000 of Sec 7.11 (Old Sec 94 Funding for Jindera Township) for drainage, and urban street and open space, and \$35,000 from savings in Councils Road resealing program for 24/25 (Total of \$273,194) to undertake Stage 1 of the Carpark Works at the Jindera Adventure Playground
2. Carry out a review of the current projects in Councils Section 7.12 Plan and following consideration by Council readvertise a revised 7.12 Plan project program that allocate funds for Stage 2 of the carpark project as a priority project instead of the dog park at a Jindera
3. Tender Stage 1 of the carpark project as soon as practical.
4. If Stage 2 of the carpark works is deemed a priority project, and included in the Sect 7.12 Plan following public advertising and that if enough funds are available that it be considered for inclusion in the 2025/26 Operational Plan as project to be completed

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ITEM TO BE REFERRED TO CLOSED COUNCIL

CORPORATE AND COMMUNITY

1. **REQUEST TO AMEND WATER CONSUMPTION FOR FEBRUARY 2024 TO JUNE 2024**

Report prepared by Senior Accountant – Camilla Webb

REASON FOR REPORT

To present a request from a landowner at Jindera to review the amount levied for Water usage for February 2024 to June 2024.

REFERENCE TO DELIVERY PLAN ACTION

Not applicable

DISCUSSION

Council has received correspondence from a landowner at Jindera in relation to the water usage levied for the period 19 February 2024 to 6 June 2024. The charges were based on an abnormally high water usage consumption of 250kls.

The owner has submitted a formal request for a review of the billing for this period, amounting to \$795.75. The ratepayer reported a broken pipe on their property.

A review of the property's water usage history reveals that the consumption for the previous six readings ranged between 138-158kls, indicating that the high consumption was due to the leak.

BUDGET IMPLICATIONS

If the water usage is amended as referred in this report it would result in a reduction in charges of \$795.75 and would therefore impact on total revenue for the Greater Hume Water Fund.

CONCLUSION

As the matter of the large water usage account potentially relates to the personal hardship of any resident or ratepayer it is recommended that the matter be referred to Closed Council in accordance with section 10A(2) (b) the personal hardship of any resident or ratepayer.

RECOMMENDATION

That the consideration of the large water account for assessment 10018752 be referred to Closed Council in accordance with section 10A(2) (b) the personal hardship of any resident or ratepayer.

REASON

On balance the public interest in preserving the confidentiality a resident or ratepayer potentially suffering financial hardship outweighs the public interest in maintaining openness and transparency in Council decisions making at this time.

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

GOVERNANCE

1. **2023/2024 ANNUAL REPORT AND STATE OF THE SHIRE REPORT**

Report prepared by Tourism and Communications Coordinator
– Emily Jones

REASON FOR REPORT

To present the 2023/2024 Annual Report and State of the Shire Report

REFERENCE TO DELIVERY PLAN ACTIONS

Nil

DISCUSSION

Section 428 of the Local Government Act requires Council to prepare and submit an Annual Report to the Minister for Local Government within five months of the end of each financial year i.e. by 30 November. The Act also prescribes the matters that must be included in the Annual Report.

In addition, it is a post-election requirement that the State of the Shire report is endorsed by Council and this has been included in the Annual Report.

The Annual Report has been completed and a copy is **(ENCLOSED SEPARATELY 06)** for the information of Councillors. The report will be forwarded to the Minister by the statutory deadline of 30 November 2024.

BUDGET IMPLICATIONS

Nil.

RECOMMENDATION

That the Greater Hume Council 2023/2024 Annual Report and State of the Shire Report be received and noted.

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CORPORATE AND COMMUNITY SERVICES

1. AUDIT RISK AND IMPROVEMENT COMMITTEE –

Report prepared by Director Corporate and Community Services – Louise Frichot

REASON FOR REPORT

To provide Council with the ARIC Meeting Minutes and Chairperson Report.

REFERENCE TO DELIVERY PLAN ACTION

Objective Our leadership and communication cultivate confidence in our decision making

CSP Strategy L3.3 Deliver efficiency, effectiveness and probity in Council processes and services.

DISCUSSION

At the Greater Hume Council ARIC Meeting held on the 10th September 2024 it was discussed that future ARIC Minutes and the Chairperson Report be included as a Part B Report as opposed to a Part D Report due to the significance of the matters represented. Refer to **ANNEXURE 13** for the August, September and October 2024 ARIC Meeting Minutes and Chairperson Report.

BUDGET IMPLICATION

There are no budget implications.

CONCLUSION

Future ARIC Meeting Minutes and Chairperson Report to be included as a Part B Report.

RECOMMENDATION

That Council receive and note the following items:

- a) 12 August 2024 ARIC Meeting Minutes
- b) 12 August 2024 ARIC Chairperson Report
- c) 10 September 2024 ARIC Meeting Minutes
- d) 10 September 2024 ARIC Chairperson Report
- e) 29 October 2024 ARIC Meeting Minutes
- f) 29 October 2024 ARIC Chairperson Report

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2. **2022/2026 DELIVERY PLAN AND 2024-2025 OPERATIONAL PLAN – REPORT AS AT 30 SEPTEMBER 2024**

Report prepared by Director Corporate & Community Services – Louise Frichot

REASON FOR REPORT

To ensure compliance with section 407 of the Local Government Act, 1993.

REFERENCE TO DELIVERY PLAN ACTIONS

Statutory matter.

DISCUSSION

Section 407 of the Local Government Act 1993 requires the General Manager to report to Council, within two months after the end of each quarter, regarding the extent to which the performance targets set by the Council's Delivery Program have been achieved.

The report to 30 September 2024 detailing key actions contained in the 2022/2026 Delivery Program and 2024/2025 Operational Plan and achievements is included as **(ANNEXURE 14)**

The comprehensive Delivery Plan Report is available to the public at the following link:
<https://www.greaterhume.nsw.gov.au/Your-Greater-Hume-Council/Documents-and-Policies>

Satisfactory progress has been made in all Themes during the 2024/2025 Financial Year.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

It is Management's view that overall satisfactory progress towards the achievement of Performance Targets included in the 2022/2026 Delivery Program and 2024/2025 Operational Plan has been achieved during the first quarters.

RECOMMENDATION

That Council receive and note the 2022/2026 Delivery Program and 2024/2025 Operational Plan review report to 30 September 2024.

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PART C - ITEMS FOR INFORMATION

GOVERNANCE

1. TOURISM AND PROMOTIONS REPORT – OCTOBER 2024

Prepared by: Emily Jones, Tourism and Communication Coordinator

Greater Hume Council Websites

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

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

Comments

		greaterhume.nsw.gov.au		ghchildren.com.au		visitgreaterhume.com.au	
October 2024		Previous	Current	Previous	Current	Previous	Current
Website Traffic	New	10431	10510	559	458	2145	1637
	Returning	4148	3838	273	184	1134	919
Traffic Source	Organic	7942	8091	390	339	1242	1131
	Direct	1716	1393	132	114	432	174
	Referral	169	181	2	1	465	324
	Social	738	694	28	4	7	3
Device Paths	Desktop	2500	2369	195	765	800	474
	Mobile	4439	4173	255	655	969	834
	Tablet	183	127	1	27	40	38

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

1. Events – Walbundrie Show
2. Your Greater Hume Council – Council Meetings
3. Living in Greater Hume – Waste and Recycling
4. Your Greater Hume Council – Careers with Us
5. Contact Us

ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COUNCIL CHAMBERS, BALFOUR ST, CULCAIRN
ON WEDNESDAY, 20 NOVEMBER 2024

TOURISM AND PROMOTIONS REPORT – OCTOBER 2024 [CONDT]

www.visitgreaterhume.com.au – top pages:

1. Natural Wonders – Wymah Ferry
2. Natural Wonders – Tabletop Mountain
3. Culcairn – Culcairn Caravan Park
4. Natural Wonders – Morgans Lookout
5. Henty – Accommodation

www.ghchildren.com.au – top pages:

1. Family Day Care
2. Contact Us
3. Henty Centre
4. Culcairn Centre
5. Enrol Your Child/Children

Social Media

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

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

Comments

Instagram, #visitgreaterhume – 1161 followers

Individual Facebook pages:

- Greater Hume Council – 4016 followers
- Visit Greater Hume – 845 followers
- Holbrook Submarine Museum – 1306 followers
- Greater Hume Children's Services – 1100 followers
- Greater Hume Youth Advisory Committee – 483 followers
- Buy Local in Greater Hume – 669 followers

Greater Hume Council Newsletters

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

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

Comments

Council Summer newsletter will be released on the First week of December. This edition features events, Library and Children Services updates, important information regarding the Australia Day Celebrations in Henty and community updates and information.

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TOURISM AND PROMOTIONS REPORT – OCTOBER 2024 [CONTD]

Greater Hume Tourism and Promotions

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

Comments

- Monthly newsletters are sent to all Greater Hume Tourism Operators, providing latest information on tourism opportunities, marketing, social media and promotional campaigns as well as relevant contacts and statistics.
- Managing over 180 Greater Hume ATDW Listings. The Australian Tourism Data Warehouse (ATDW) is Australia's national platform for digital tourism marketing in Australia. ATDW distributes information to over 60 partners' websites to support local tourism businesses in expanding their on line exposure, bookings and marketing.
- Submitted visitor and What's On advertising in Eat Play Spring Edition 2024. The print run is 24,000, 14,000 are inserted into The Border Mail and the additional 10,000 distributed. Distribution is to all Visitor Information Centres through NE Victoria and South West NSW/Riverina plus Canberra and Melbourne. Other business (inc motels) and advertisers. Also submitted advertising within the Official Henty Machinery Field Days guide and the Hume League Football and Netball Grand final Border Mail specials.
- Emailed (over 600) 'What's On in November' to Visitor Information Centres in NSW and VIC, coach/bus/tour companies, tourism operators within shire and regional, media, visitor information points and to interested residents in shire.
- Held a three day stand at the Henty Machinery Field Day This year each Council department was featured for a day along with a static tourism display.
- A photo shoot was held in Henty to capture attractions and businesses within the Henty Community. A local Henty family was the talent for the shoot and a local photographer was used.

Visitor Information Centre and Submarine Museum

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

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

Comments

Visitor Information Centre Statistics:

October 24 - Walk In – 2016, Phone Calls - 22, Emails – 0.

October 23 - Walk In – 1928, Phone Calls - 31, Emails – 0.

Submarine Museum Statistics:

October 24 - Adult - 229, Child - 72, Concession - 258, Family - 76, Group - 51, Total - 996.

October 23 - Adult - 157, Child - 52, Concession - 229, Family - 68, Group - 0, Total - 937.

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TOURISM AND PROMOTIONS REPORT – OCTOBER 2024 [CONTD]

Events

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

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

Comments

During this period we have supported events across Greater Hume, including Henty Ag Show, Various Library events, Load Restraint workshops, West Hume Landcare events, Burrumbuttock Flower Show and Open Gardens, Caravan Weigh Days, town garage sales, Walbundrie Agricultural Show, Henty Machinery Field Days and Jindera Pioneer Events. We are currently supporting events such as Table Top Mountain Charity Walk, Service NSW visits, Christmas markets and Carols by Candlelight and various Jindera Pioneer Museum events.

Australia Day

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

Comments

Preparations for Australia Day 2025 in Henty have begun. Council was successful in receiving the National Australia Day Grant for the 2025 event which will ensure that the event will be accessible and family friendly for residents and visitor alike.

Signage

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

Comments

Tourism and Village Signage is being developed in Burrumbuttock, the Submarine Precinct and Gallipoli Park, Holbrook.

Murray Regional Tourism (MRT)

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

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

Comments

- Currently attending monthly zoom meetings with MRT and the VIC network group.
- Advocacy for current flooding crisis along the Murray and positive promotions depicting The Murray as still open for visitors with a wide range of activities still open.
- COVID Recovery Funding - A Greater Hume promotional campaign in partnership with Murray Regional Tourism and Destination NSW has now been completed with statistics to be released shortly.
- Staff are undergoing Social Media Training which begun February, led by Murray Regional Tourism. This training includes one on one mentoring sessions.
- A photo shoot was held, showcasing new Tourism Operators and landscape locations with the West and North areas of Greater Hume.

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- Partnered with MRT to provide various programs to Greater Hume Tourism Operators. These have been promoted, supported and utilised by a variety of TOs over the year. Three more programs have just been launched for 2025.
- Murray River was announced by National Geographic as one of the 'Best of the World' 2025 destinations. This list consists for 25 destinations, with Murray River being the only Australian destination named.

Museums and Heritage

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

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

Comment

A full training/workshop program has been held and conducted by the Museum Advisor with museum volunteers, staff of Albury and Greater Hume at the new Digitisation Hub. A new Community Museum engagement, training plan has been developed by the Museum Advisor. Staff are working towards completing this plan with Community Museum volunteers. Museums included within this program have been supported with grant applications, mission statements, collection support and community mapping programs.

Greater Hume Community Museums now have an extensive library of objects on eHive, with over 250 objects now listed, (eHive is a web-based collection cataloguing system used worldwide by hundreds of museums, societies and private collectors to catalogue objects, store images, manage acquisition information and publish their collections online.) for those looking to learn more about some of the region's most significant objects/artefact's

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CORPORATE AND COMMUNITY SERVICES

1. GREATER HUME CUSTOMER RELATIONS AND LIBRARY SERVICES

Report prepared by Acting Customer Relations Coordinator– Carly Toll

REASON FOR REPORT

To inform Council on library membership and participation in Greater Hume Council Libraries.
To inform Council on Youth Services programs and events held in Greater Hume Council

REFERENCE TO DELIVERY PLAN ACTIONS

Theme	Health Communities.
Outcome	We are revitalising our communities, welcoming visitors, growing our economy and promoting the lifestyle, culture and heritage offered in our communities.

DISCUSSION

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

NSW Government Department of Communities and Justice – Successful Funding for Grandparents Day 2024

Greater Hume Council received \$500 funding to celebrate Grandparents Day in October, this celebrates the contributions grandparents make to their families and communities. As part of this celebration, we offered a free professional photo shoot at our four libraries, capturing precious moments between grandparents and their grandchildren.

The talented local photographer, Leanne Bickley, joined us to photograph these special connections, creating memories to be cherished for years. Each participating family will receive a beautiful keepsake photo as a memento of their time together.

In addition to the photos, families enjoyed a fun craft activity that gave them a chance to create something meaningful together.

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GREATER HUME CUSTOMER RELATIONS AND LIBRARY SERVICES [CONTD]

Library Programs- October 24

Library Programs	Location	Event
Kite making School Holidays Program	Holbrook, Culcairn, Henty, Jindera	Kite-making workshop was very popular. A kite-making activity incorporating a short video on safety and how to fly a kite. The children and caregivers then proceeded to launch their kites. It was tremendous fun.
Book Nooks	Henty, Culcairn and Holbrook	Each month children's picture books and adult 'coffee table' nonfiction books are delivered to businesses and organisations. This continues to be popular.
Story Time	Henty, Culcairn, Holbrook and Jindera	Story time continues to be held at the libraries each month. Participants include before school aged children, preschool and school students.
Juvenilia Exhibition	Culcairn	October 4 seen the launch of the Juvenilia Exhibition at Culcairn which is an exhibition of the early childhood works of some of Australia's best loved kids' authors and illustrators.
Knitting Club	Culcairn/Jindera	Bi-weekly visits to knit and connect with other group members.
Billabong High School	Culcairn	Weekly volunteering from our students to assist residents with their tech needs.

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GREATER HUME CUSTOMER RELATIONS AND LIBRARY SERVICES

Upcoming Library Programs – November 24

Upcoming Programs	Location	Event Description
Knitting Club	Culcairn	Bi-weekly visits to knit and connect with other group members.
Billabong High School	Culcairn	Weekly volunteering from our students to assist residents with their tech needs.
Story Time	Henty, Culcairn, Holbrook and Jindera	Story time continues to be held at the libraries each month. Participants include before school aged children, preschool and school students.

Youth Programs - August 24

Youth Programs	Location	Event
Self Defence Class	Jindera Library	Jindera library hosted a free Self Defence Class for high school students in the October school holidays.

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2. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 OCTOBER 2024

Report prepared by Senior Accountant/Finance Team Leader – Camilla Webb

REASON FOR REPORT

This report presents to Council details of all funds invested as at 31 October 2024 as required by the Local Government (General) Regulation 2021.

REFERENCE TO DELIVERY PLAN ACTION

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

DISCUSSION

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

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

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

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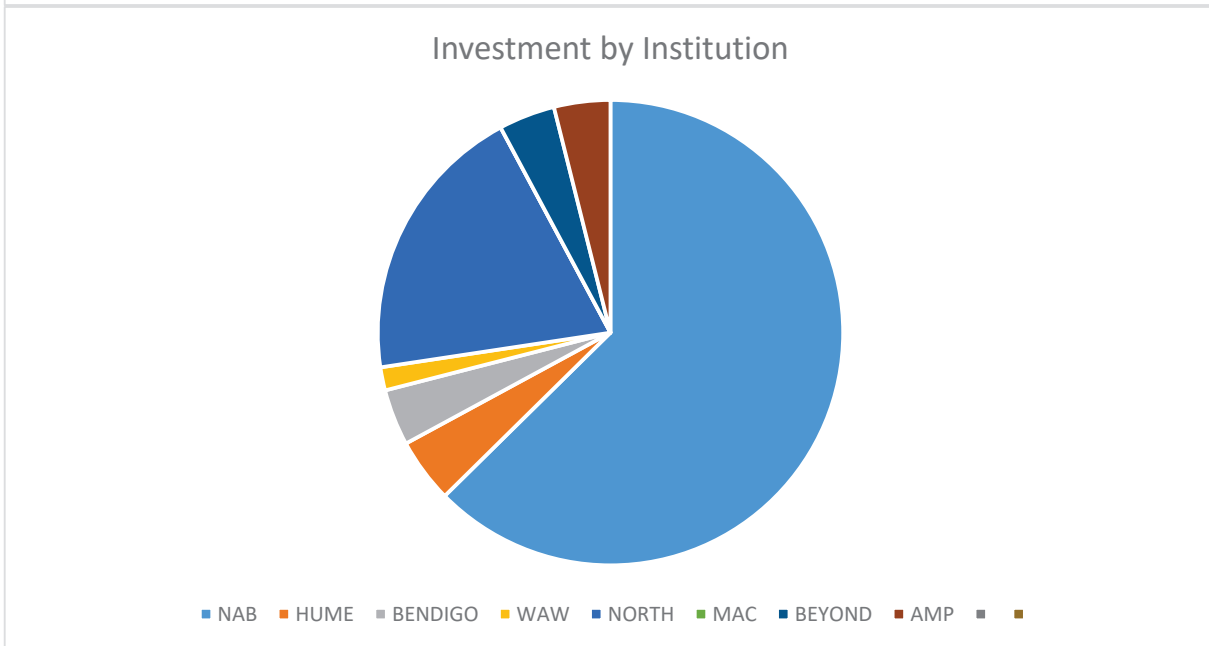
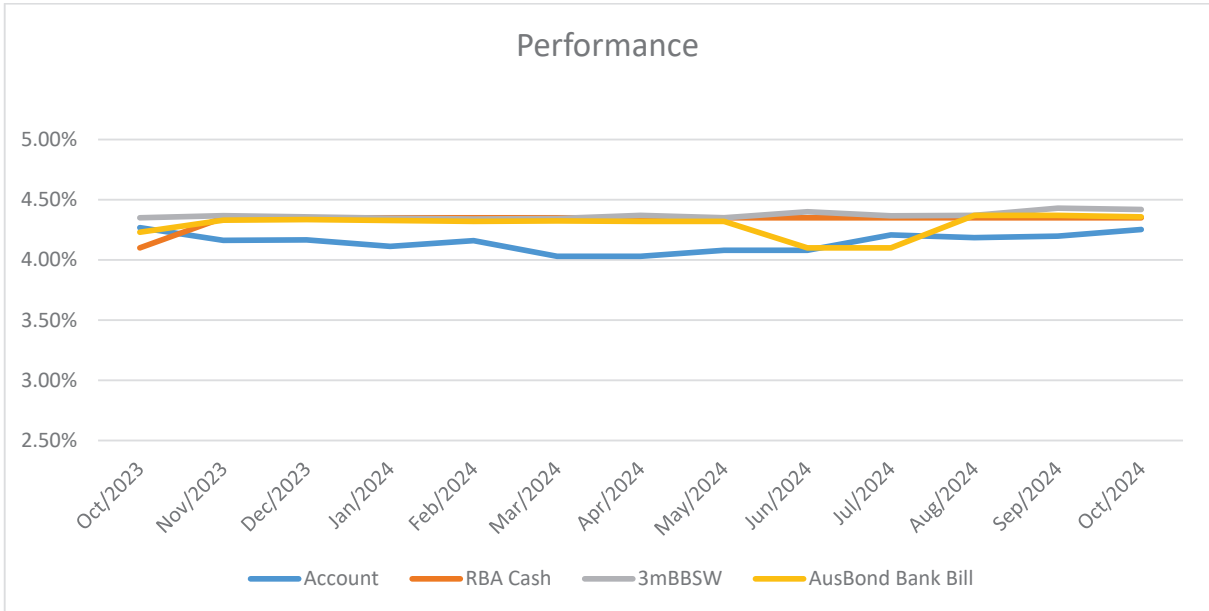
COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 OCTOBER 2024 [CONTD]

Greater Hume’s overall investment portfolio

Term Deposits and Treasury Bonds		
Balance held as at 30 September 2024	24	\$19,575,487.69
Add: New Investments this month	3	\$2,000,000.00
		\$21,564,343.79
Less: Matured Investments this month	3	\$2,000,000.00
Balance held as at 31 October 2024	24	\$19,575,487.69
At Call Account		
Account balance as at 30 September 2024		\$10,204,612.10
Add: Net movement to/from At Call account		-\$698,292.97
Account balance as at 31 October 2024		\$9,506,319.13
Total Portfolio Value as at 31 October 2024		\$29,081,806.82
Investment Yield		
Weighted Average Yield (rolling 13 months)		3.78%
Reserve Bank Cash Rate (remained unchanged)		4.35%
Notes:		

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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 OCTOBER 2024 [CONTD]



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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 31 OCTOBER 2024 [CONTD]

Investment Register

Contract Number	ADI/Security Name	Amount	Settlement Date	Maturity Date	Term in Days	Yield
72256	NAB	\$500,000	12/06/2024	11/11/2024	152	5.00%
72233	Beyond Bank Australia	\$1,000,000	18/06/2024	18/11/2024	153	5.15%
69094	NAB	\$1,000,000	12/12/2023	11/12/2024	365	5.20%
78830	NAB	\$500,000	26/08/2024	20/12/2024	116	4.90%
76030	Bendigo And Adelaide Bank	\$1,000,000	3/07/2024	3/01/2025	184	5.15%
76029	Bank Of Queensland	\$500,000	3/07/2024	3/01/2025	184	5.20%
72363	Bank Of Queensland	\$500,000	18/06/2024	14/01/2025	210	5.15%
78907	WAW Credit Union	\$411,143.90	7/08/2024	9/02/2025	186	4.50%
78613	Bank Of Queensland	\$1,000,000	14/08/2024	10/02/2025	180	4.95%
70654	Hume Bank	\$71,245.02	1/03/2024	1/03/2025	365	5.10%
79513	NAB	\$500,000	1/10/2024	3/03/2025	153	4.95%
76031	Bank Of Queensland	\$1,000,000	3/07/2024	31/03/2025	271	5.20%
79512	NAB	\$1,000,000	1/10/2024	1/04/2025	182	5.00%
79149	Bank Of Queensland	\$519,489.73	10/09/2024	8/04/2025	210	4.87%
79379	NAB	\$500,000	19/09/2024	17/04/2025	210	4.95%
79887	NAB	\$500,000	23/10/2024	22/04/2025	181	5.00%
72064	Hume Bank	\$46,751.06	2/05/2024	2/05/2025	365	5.20%
72069	Hume Bank	\$1,000,000	10/05/2024	10/05/2025	365	5.20%
79227	NAB	\$2,000,000	12/09/2024	12/05/2025	242	4.95%
78549	AMP Bank	\$1,000,000	9/08/2024	5/06/2025	300	5.20%

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56079	Northern Territory Treasury Corp	\$1,000,000	14/01/2022	15/06/2025	1,248	1.40%
52490	Northern Territory Treasury Corp	\$1,500,000	27/05/2021	16/06/2025	1,481	1.10%
75895	Hume Bank	\$26,857.98	27/06/2024	27/06/2025	365	5.00%

Declaration

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

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

CONCLUSION

As at 31 October, 2024 total Investments held were \$29,081,806.82. The year to date accrued investment earnings for 2024/2025 was \$205,028.77. The rolling 13 month average investment yield is 3.78%.

RECOMMENDATION

That Council receives and notes the Investment Balances Report for the month of October 2024.

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3. STATEMENT OF BANK BALANCES AS AT 31ST OCTOBER 2024

The statement of bank balances as at 31st October is attached as **(ANNEXURE 15)**

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ENGINEERING

1. SEPTEMBER AND OCTOBER REPORT OF WORKS

Grants Program

State Roads Maintenance (RMCC)

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

Heavy Patching has commenced on Tumbarumba Road (MR284)

Regional Roads

General maintenance is continuing on all Regional Roads.

Culvert replacement/upgrades at Spring Creek, Scent Bottle Creek and Fish Creek on Jingellic Road (MR331) is complete.

Widening of Wantagong Creek Bridge on Jingellic Road (MR331) is progressing.

Local Roads

Sealed:

General maintenance on local roads is continuing.

Brocklesby Balldale Road (Stage 2) Road reconstruction is continuing.

Shoulder repairs on various local roads from natural disaster AGRN1034 are continuing.

Natural disaster heavy patching on various local roads is continuing.

Unsealed:

Gravel Resheeting is continuing on various local roads.

The installation of a floodway culvert is continuing on Galena Hills Road, Holbrook.

Maintenance grading has been carried out on the following roads during September & October. See Map **(ANNEXURE 16)**.

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SEPTEMBER AND OCTOBER REPORT OF WORKS [CONTD]

Road Name	Location	Length Graded (km)
ROAD NAME	LOCATION	APPROX. LENGTH
Bona Vista Road	Whole road	2.2
Coppabella Road	Between Bribbs Road and Maginnity Gap Road	2.4
Elmsley Road	Whole road	1.6
Four Mile Lane	From Coppabella Rd	7.7
King Parrot Lane	Whole road	3.9
Mitchells Rd	Middle section	2
Morgans Rd	Whole road	3
Roachdale Rd	From Holbrook Wagga Rd	.5
Schnieders Rd	Whole road	3.2
Voss Rd	Whole road	2.7
Wenke Rd	Whole road	2.8
Yenschs Rd	From Jingellic Rd end	5.6
Total		37.6

Urban Streets:

General maintenance of urban streets including signage replacement is continuing.

Street Light installation at Hueske Road and Urana Road intersection has commenced.

General:

General maintenance of public toilets and parks is continuing.

New toilet block construction is nearing completion at Burrumbuttock Recreation Reserve.

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SEPTEMBER AND OCTOBER REPORT OF WORKS [CONTD]

Monthly Works Maintenance Expenditure:

Local Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Urban Roads Maintenance	\$248,307	\$82,769	\$56,779	\$25,990	\$12,125	
Urban Roads Town Maintenance	\$439,945	\$146,648.33	\$131,716	\$14,932	\$0	
Rural Roads Sealed	\$1,011,459	\$337,153	\$325,843	\$11,310	\$477,080	
Rural Roads Unsealed	\$1,548,030	\$516,010	\$464,109	\$50,901	\$575,877	
Street Tree Maintenance	\$264,195	\$88,065	\$99,698	-\$11,633	\$0	Over Expenditure is due to seasonal factors relating to annual tree maintenance, the majority being conducted in the early part of the financial year.

Sportsgrounds, Parks & Public Toilets	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Natural Disaster & Pothole Expenditure to Date	Comments
Sportsground Maintenance	\$391,477	\$130,492.33	\$107,106	\$23,387	\$0	
Parks & Gardens Maintenance	\$307,863	\$102,621	\$119,497	-\$16,876	\$0	Over Expenditure is due to unseasonal vegetation growth and utilisation of additional contractors to manage this.
Public Toilets Maintenance	\$281,042	\$93,680.67	\$81,445	\$12,236	\$0	

NB : Sportsground Maintenance excludes annual GHC contribution payment

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SEPTEMBER AND OCTOBER REPORT OF WORKS [CONTD]

Major Projects Expenditure:

Project	Budget	YTD	Committed	Total	% Budget Expended	% Work Completed	Comments
2024-2025 Resealing Program	\$1,538,700	\$75,830	\$131,937.28	\$207,768	4.93%	4.00%	Resealing has commenced and Purchases Orders have been issued as required.
2024-2025 Gravel Resheeting Program	\$1,640,000	\$132,455	\$545,445	\$677,900	8.08%	10.00%	Resheeting program has commenced.
Brocklesby Balldale Road Rehab - Stage 1 & 2	\$4,671,579	\$3,129,173	\$208,114	\$3,337,287	66.98%	70.00%	Stage 1 Sealing complete and completion report submitted and approved final payment to be received in October 2024. Work on Stage 2, construction has re-commenced
Regional Emergency Road Repair Program	\$9,130,569	\$6,877,020	\$0	\$6,877,020	75.32%	75.32%	Works are Progressing as per Approved Project Plan

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Jingellic Road - 5 Bridges/culverts	\$4,520,000	\$3,165,722	\$34,261	\$3,199,984	70.04%	71.00%	4 Culvert completed and commenced works on Wantagong Bridge Widening.
Culcairn Residential Subdivision	\$3,217,391	\$2,651,149	\$46,625	\$2,697,774	82.40%	85.00%	Works completed, minor tidy up works being undertaken

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ENVIRONMENT AND PLANNING

1. DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF OCTOBER 2024

The Schedule of development applications for the month of OCTOBER 2024 is attached at **(ANNEXURE 17)**

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PART D

COMMUNITY MEETING- MINUTES

Attached in **(ANNEXURE 18)** are minutes of the following items:

1. **AGM MINUTES MULLENGANDRA HALL COMMITTEE 20TH FEBRUARY 2024**
2. **GEROGERY HALL COMMITTEE MEETING 26TH MAY 2024**
3. **GEROGERY HALL COMMITTEE MEETING 30TH AUGUST 2024**
4. **WALLA WALLA COMMUNITY HALL MEETING 2 SEPTEMBER 2024**