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MAYORAL MINUTE

Nil.

NOTICE OF MOTIONS

1. NOTICE OF MOTION – REQUEST FOR A REPORT ON GRANTS

Notice of Motion submitted by Cr Heather Wilton

Cr Heather Wilton has submitted a Notice of Motion –

That Councillors be provided with the full list of grant applications and their purpose, name of the grant category, amount and purpose, to which it was applied, and the amount approved, for the calendar year 2022.

General Managers Note:

The above Notice of Motion has no budgetary or resource implications.

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OFFICERS' REPORTS – PART A - FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATION 10.2022.193.1 – FORTY-SIX (46) LOT TORRENS TITLE SUBDIVISION INCLUDING A PUBLIC RESERVE, VEGETATION REMOVAL, CONSTRUCTION OF ROADS AND ASSOCIATED CIVIL WORKS. – LOT: 2 DP: 610499 & CROWN PUBLIC ROAD TO THE WEST OF LOT: 2 DP: 610499 AT JINGELIC ROAD HOLBROOK NSW 2644**

Report prepared by Town Planner – Gayan Wickramasinghe

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation for the above Development Application for Forty-Six (46) lot Torrens Title Subdivision including a public reserve, vegetation removal, road construction, and associated civil works on Lot: 2 DP: 61049 and Crown Public Road to the west of Lot: 2 DP: 610499 at Jingellic Road Holbrook NSW 2644

Following public exhibition of the Development Application from 7 October 2022 to 27 October 2022, Council received a total of three (3) submissions including a submission from the Department of Planning, Industry and Environment – Crown Lands. Accordingly, this matter is reported to Council for determination as per the Council adopted assessment of Development Applications Policy.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION - DESCRIPTION OF PROPOSAL

Development Application No. DA 10.2022.193.1 seeks consent for subdivision of land into forty-six (46) residential lots including a residue lot for on-site detention and to be used as a public reserve. As per the preliminary layouts, the proposed subdivision will consist of parcels that range from 600m² to 1,294m² whilst all residential lots are proposed to be delivered as part of one stage.

This Application is supported by the following;

1. A Statement of Environmental Effects and a detailed planning report prepared by Habitat Planning and dated September 2022;
2. Series of preliminary plans prepared by Bathala (i.e. Vegetation Removal Plan, Key Plan, Lot Layout Plan, Civil Works Plan, Earthworks Layout Plan, Storm Water Management Plan, Swept Path and Analysis Layout Plan)- **ANNEXURE 1**;
3. A Civil Design Report prepared by Marker ; Project No MK 00434 and dated September 2022;
4. A Flora and Fauna Assessment prepared by Biosis and dated 17 November 2022- **ANNEXURE 2**;
5. An Aboriginal Heritage Assessment prepared by Apex Archaeology and dated July 2022;
6. A Flood Impact Assessment prepared by Cardino and dated 19 September 2022- **ANNEXURE 3**;
7. Traffic Impact Assessment prepared by Amber and dated 20 September 2022- **ANNEXURE 4**;

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8. A Preliminary Site Investigation Report prepared in accordance with Stage Environmental Planning Policy (Resilience and Hazards) 2021 by McMahon Earth Science and dated July 2022.

Works required for the subdivision are to be carried out include earthworks, internal road construction, and provision and extension of infrastructure services including sewerage, water supply, storm water infrastructure, electricity and telecommunications.

As noted previously, the Development Application was advertised on the NSW Planning Portal whilst it was also notified to adjoining owners in accordance with the Greater Hume Council Community Participation Plan from 7 October 2022 to 27 October 2022. Council received a total of three (3) submissions, including an objection. The submissions were formed around proposed landscaping measures, connection to the sewer main, access to the property, the total number of car movements and road accidents as a result of additional traffic being generated as a result of the development. All submissions received were forward onto the Applicant on 31 October 2022 and Council allowed the Applicant to provide an additional response should they wish to do so.

The submitted plans, reports and submissions were reviewed by Council's Planning and Engineering Staff and they are satisfied that subject to imposition of suitable conditions on any consent granted the submissions can appropriately be addressed. A further discussion regarding the submissions can be found in **Section 4.15(1)(d)** of this report. The following figures (**Figures 1-3**) show the nature of the proposed development.

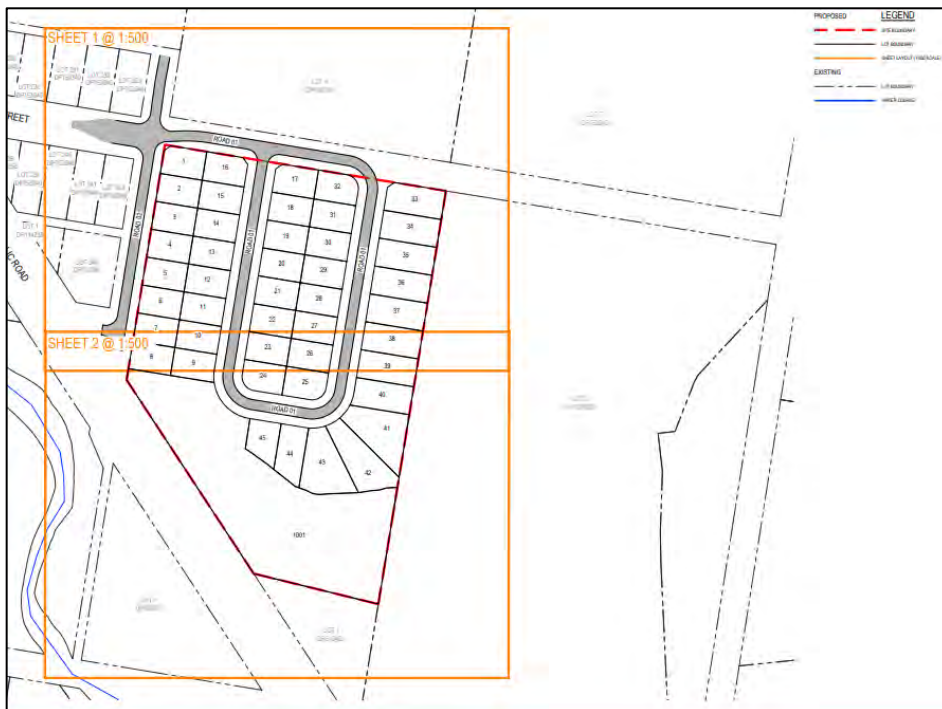


Figure 1 – An overview of the proposed subdivision layout by the Applicant.

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Figure 2 – Proposed tree removal plan by the Applicant

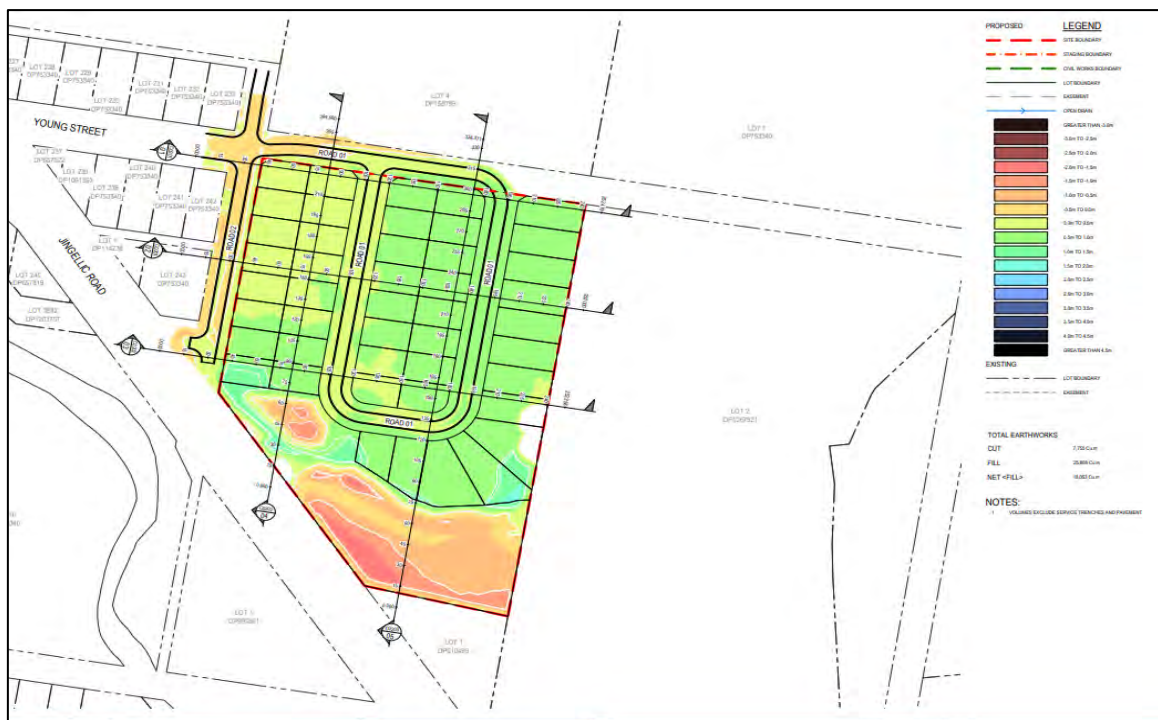


Figure 3 – Proposed earthworks plan by the Applicant

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ASSESSMENT

1.1 DESCRIPTION OF THE SITE AND LOCALITY

The site subject to this Development Application is located at Jingellic Road Holbrook NSW 2644 on Lot 2 DP 610499 & Crown Public Road to the west of Lot 2 DP 610499. Land size is approximately 5.182 ha. The site is irregular in shape, has road frontages to Jingellic Road to the south and Young Street to the north. The development site contains scattered native vegetation along the eastern boundary and in the middle of the site.

The development site is zoned RU5 Village pursuant to the *Greater Hume Local Environmental Plan (GHLEP) 2012* and it is also mapped as the bushfire prone land on the map maintained by the NSW Rural Fire Service (RFS). It is also noted as per the Holbrook Flood Risk Management Study, dated April 2017, a considerable portion of the development site has been mapped 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*.

The adjoining properties to the south are zoned residential whilst adjoining properties to the west are residential and zoned RU5: Village. The development site is abutting to a major golf course (Holbrook Golf course) to the north on the opposite side of Young Street and to the east.

The site is not currently serviced by reticulated water or sewerage. It is noted the site is located within Riverina Water catchment whilst Greater Hume Council is responsible for provision of reticulated sewerage.

The following figures show the location of the development with applicable planning controls.

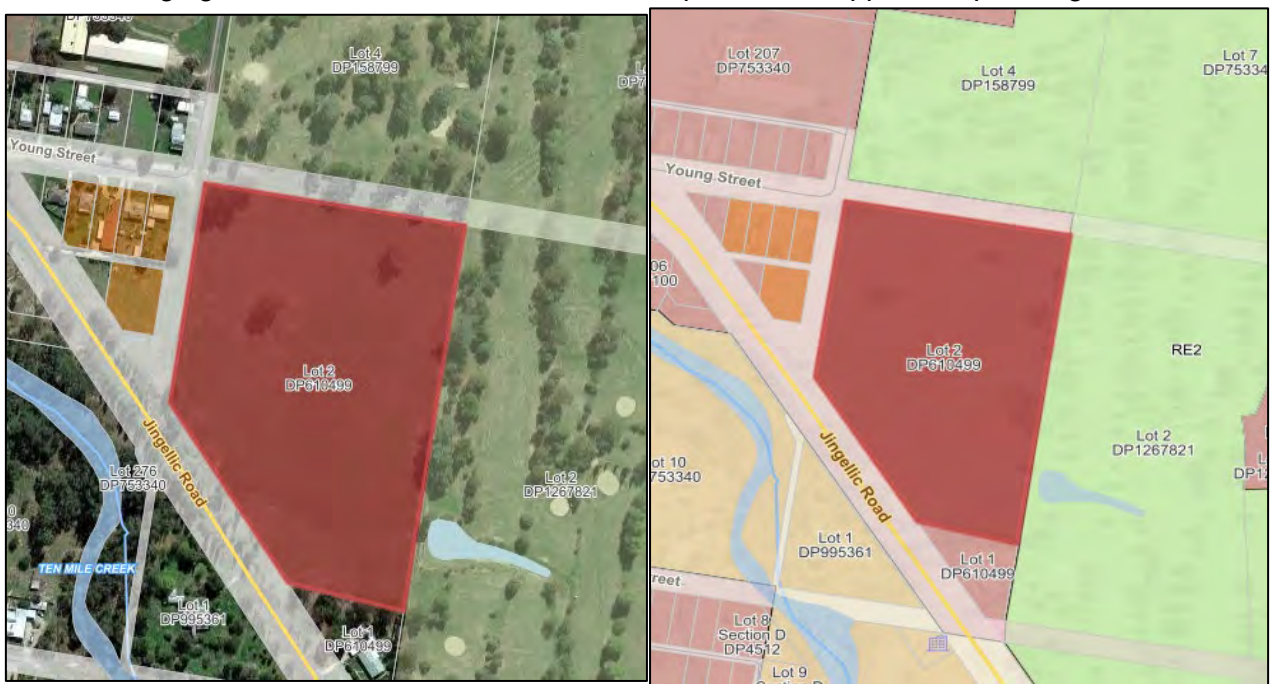


Figure 4 – The site subject of this Application with the applicable zoning controls; **Source:** IntraMaps

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

As no bed and bank work form part of this application, it is considered that the proposed development will not have a significant effect on the aquatic environment, threatened species, populations or ecological communities, or their habitats. Therefore, the proposal is not inconsistent with Part 7A of the *Fisheries Management Act 1994*.

As per “*Vegetation Removal Plan*” and the “*Flora and Fauna Assessment*”, the Applicant is seeking to remove a total of eight (8) trees for installation of driveway and reticulated services such as water, electricity and sewer lines.

The submitted *Flora and Fauna Assessment* prepared by Biosis and dated 7 September 2022 has assessed the impact on the following:

- “*The permanent removal of seven hollow-bearing trees and one non-hollow bearing trees including a total of 0.23 hectares of PCT 277 which is considered to form part of a BC Act listed Threatened Ecological Community Box Gum Grassy Woodlands.*”
- *Changes to the natural drainage patterns of the land and increase in surface water run-off.*”

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

“ No threatened species listed under the BC Act are likely to be significantly impacted by the proposed development within the study area.

The Box Gum Grassy Woodlands TEC is present on the property. Test of Significance indicates that the impacts from the proposed subdivision are unlikely to be significant (Appendix 5).”

And;

“Biodiversity Offsets Scheme

The proposed subdivision does not trigger the Biodiversity Offset Scheme (BOS) under the BC Act as described in Table 3 below, and consideration of the BOS is not warranted, and a Biodiversity development Assessment report (BDAR) is not required.

Table 3 Biodiversity Offset Scheme assessment

BOS Trigger	Yes/No	Justification
Clearing threshold	No	<i>The total clearing of vegetation 0.23 hectares (based on a 15-metre tree radius for hollow bearing trees and a 10 metre radius for small non-hollow bearing trees) does not exceed the minimum clearing threshold of 0.25 hectares, based on a minimum lot size of 0.06 ha. Two hollow bearing trees adjacent to the eastern boundary of the site are expected to be retained.</i>
BV Map	No	<i>The project will not impact on areas mapped within the BV Map.</i>
Significant impact	No	<i>The project is unlikely to result in a significant impact on threatened species, populations or communities listed under the BC Act (see Appendix 5).</i>

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The *Flora and Fauna Assessment* has also provided the following recommendation to minimise disturbance to any surrounding native vegetation and fauna habitat as a result of the development, including the following:

- *“To the fullest extent practicable, minimise disturbance to any native vegetation surrounding the development area and protect trees adjacent to the site boundaries.*
- *Incorporate the second order stream in the south of the property into the developments drainage strategy.*
- *Incorporate rehabilitation of the second order stream and planting with native, locally sourced species into the subdivision design.*
- *Avoid disturbance to native vegetation on surrounding road reserves when assigning Asset Protection Zones.*
- *Where possible, any trees to be retained should be protected in accordance with Australian Standard AS4970 – 2009 Protection of trees on development sites, during construction, operation and decommissioning of the site compound.*
- *In the unlikely event that unexpected threatened species are identified during the project, works should cease and an ecologist contacted.*
- *Soil transportation should be minimised within, into or out of the study area to reduce the spread of weeds.*
- *One priority weed within the Greater Hume Shire LGA were identified within the study area. Appropriate measures should be implemented to minimise the spread of these species.*
- *Appropriate erosion and sediment control measures should be installed at all sites to avoid sedimentation of receiving water bodies or other indirect impacts to surrounding biodiversity values.*
- *Hollow-bearing trees are to be removed in a two-stage process:*
 - *Stage 1: All surrounding vegetation to be cleared and grubbed.*
 - *Stage 2: 24 to 48 hours later (or in accordance with approval documentation) the hollow bearing trees to be inspected by an ecologist. If resident fauna is observed, the hollow section is to be lowered to the ground and the animal allowed to move on of its own volition. If injured, the fauna to be taken to a WIRES carer or appropriate veterinarian for care.”*

Council staff have reviewed the submitted report and are satisfied that subject to imposition of a condition on any consent granted (i.e. provide evidence that the recommendations of the *Flora and Fauna Assessment* prepared by *Biosis* and dated 17 November 2022 have been implemented etc.) the development can proceed.

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

As per NSW ePlanning Spatial Viewer, the subject development site is mapped as a bushfire prone land on the map maintained by the NSW Rural Fire Service (RFS). As a result, the DA was referred to NSW RFS in accordance with S4.46 and S4.47 of the *EP&A Act* for a General Terms of Approval on 7/10/2022 via the Planning Portal. A further discussion can be found under **Section 4.15(1)(d)** within this report.

Section 4.46 - What is “integrated development”?

As above. Please refer to discussion in Section 4.14.

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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:

- (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.*

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

Local Environmental Plans

The *Greater Hume Local Environmental Plan (GHLEP) 2012* applies.

As noted previously, the subject land is zoned RU5: Village pursuant to the *GHLEP 2012*. The relevant matters of the LEP are addressed as follows.

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.*

It is considered that the proposal provides residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. It is therefore considered that the proposal is consistent with the objectives of land-zoned RU5 Village.

Section 2.6 Subdivision—consent requirements

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

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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 600 m². It is noted that lots resulting from the subdivision are on or above 600m². Therefore, the proposal is consistent with this section.

Section 5.10 Heritage conservation

The Application is accompanied with an Aboriginal Heritage Assessment and a basic AHIMS search. The AHIMS report confirms that no known Aboriginal sites or places have been recorded in or near the location with a buffer of 50 meters. The submitted Aboriginal Heritage Assessment has also concluded that “*no further Aboriginal archaeological assessment is required prior to the commencement of works.*”

Based on the above, Council staff are satisfied that the Applicant is not required to provide additional documentation to proceed with the proposal. It is noted however, the Applicant is still 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. Consequently, any consent granted will contain the standard Heritage NSW condition regarding protection of Aboriginal Cultural Heritage.

It is further 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 5.21 Flood planning

It is noted that the flood hazard category mapping within the Holbrook Flood Study, dated September 2013, has identified that the site subject of this Application is within the low and high hazard flood category.

As per 5.21(1) of the *GHLEP 2012*, the objectives of this section 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.*

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In addition to that Section 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.

The Application is supported by a *Flood Impact Assessment* prepared by *Cardno* and dated 19 September 2022. The study has calculated the maximum flood depths and changes in flood level hydraulic modelling between the existing and developed conditions for 1% and 20% AEP are shown on the images below:

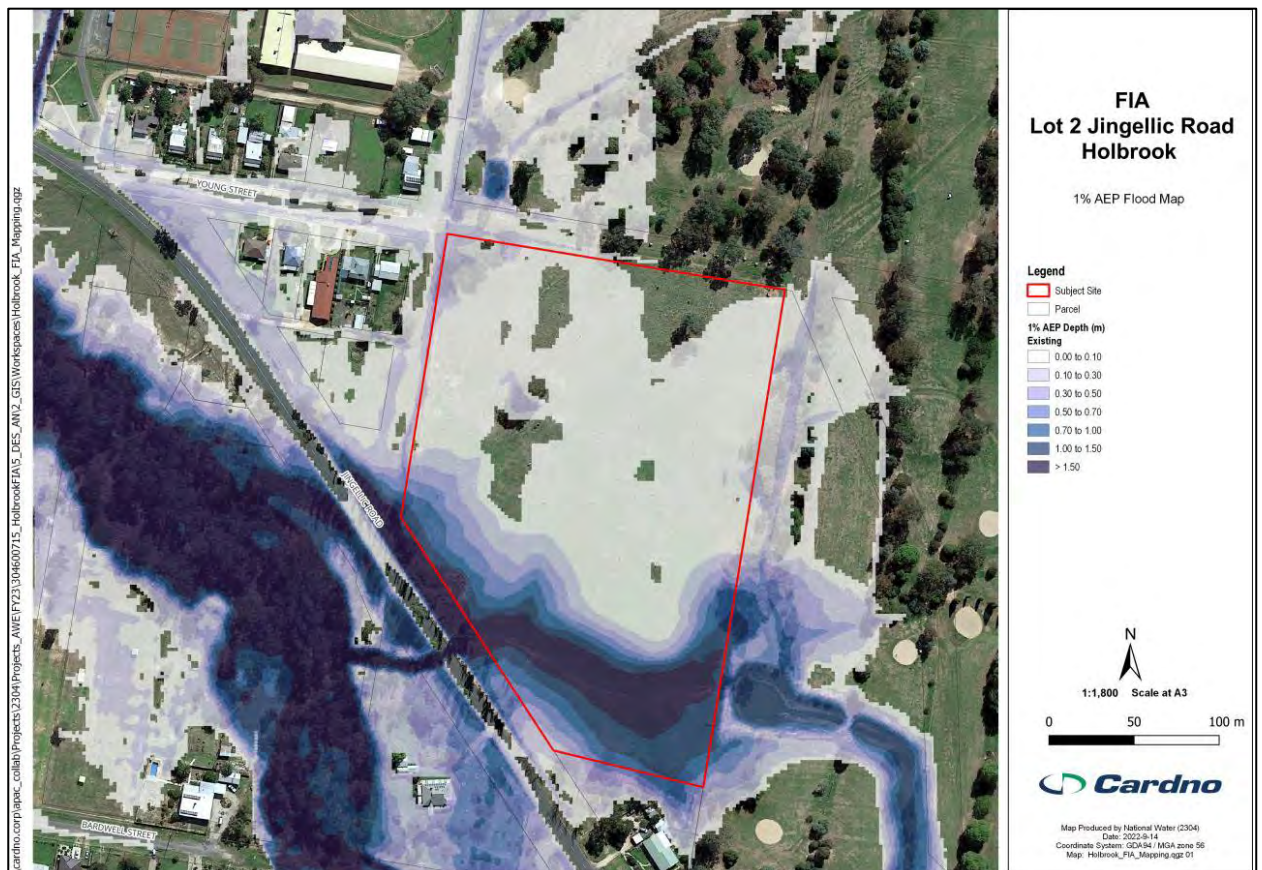


Figure 5 – 1% AEP Flood Depth – Existing Conditions; Source: Cardno, Flood Impact Assessment dated 19/09/2022

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Figure 6 – 1% AEP Flood Depth – Developed Conditions; Source: Cardno, Flood Impact Assessment dated 19/09/2022



Figure 7 – 20% AEP Flood Depth – Existing Conditions; Source: Cardno, Flood Impact Assessment dated 19/09/2022

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Figure 8 – 20% AEP Flood Depth – Developed Conditions; Source: Cardno, Flood Impact Assessment dated 19/09/2022

As per the above modelling, the Applicant has avoided construction of new allotments on the flood prone land and has instead proposed that land to be used as a stormwater retention basin for the development. The submitted Flood Impact Assessment has justified the proposed development as follows;

“Under existing conditions, the subject site is inundated by external flows coming from the north and east toward the depressed overland flow path located to the south. An existing drain located within the golf course conveys the flow adjacent to the eastern boundary of the site. Water is generally confined within the road reserve on the Young Street, however, it does impact several parcels to the west of the subject site with shallow depths of flooding.

Under the proposed developed conditions, flows from the north are partially diverted by the proposed 900 mm pipe along the Young Street. The rest of the flows are contained within the road reserve along the western boundary. It was assumed that the 1% AEP flood has no impact to the lots within the site as the finished levels are to be set 500 mm above the applicable 1% AEP flood levels.”

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Consideration must now turn to whether the proposed development meets the above design criteria and decision guidelines outlined in Section 5.21(3) of the *GHLEP 2012*. In this regard, the following is noted:

- Council's Engineering Department has reviewed the submitted Flood Impact Assessment and is in agreement with the above outcome of the assessment. As a result, it is considered that the development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.
- Council staff are satisfied that the internal roads network formed part of the subdivision will adequately support any emergency evacuation needed from the site. As such, the proposal is considered unlikely to endanger the safety of persons on that land or adjoining land.
- As noted previously, the Applicant has avoided construction of new allotments on the flood prone land and has instead proposed that land to be used as a storm water retention basin for the development. As such Council considered that the intended land use (residential development) is appropriate to the various flood hazards within the site

As a result, it is considered that, the proposed subdivision will not increase the flood risk to life or property and is generally consistent with this section.

Section 6.1 Earthworks

(1) The objective of this clause is 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 forty-six (46) new allotments, associated civil works and creation of a number of internal public roads to support the future new allotments. The earth works associated with this development cannot be considered as of a minor nature. Therefore, the works require a separate approval, which can be granted along with this approval in the event that Council approves this Application. It is also noted the site subject of this Application is located in a nearby established residential estate. 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 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*
- (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.*

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The proposed earthworks are not classed as exempt development under this plan or other applicable environmental planning instrument. ([Subdivision 15 of State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#)) Therefore, the proposed earthworks will require a separate approval.

(3) Before granting development consent for earthworks (or for development involving ancillary 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;

The proposed earthworks may have potential to change the natural drainage pattern and soil stability in the locality. Therefore, the Applicant has provided a preliminary service layout with proposed drainage system to support the Application. The submitted plan was referred to Council's Engineering Department who has not raised any issues in relation to the suitability of the plan. Therefore, in the event should Council give consent for the development, a condition will be recommended to mitigate soil stability in the locality.

(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 forty six (46) residential lots, facilitate associated civil works and to design internal roads. Therefore, it is considered that the proposed earthworks will facilitate the future development (residential) 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,

Whilst it is acknowledged that a total of three (03) submissions were received for the proposal (including two objections), Council staff are satisfied that the proposal will not bring detrimental impacts on the adjoining properties subject to including appropriate conditions on any consent granted.

(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 per the submitted Aboriginal Heritage Assessment and the AHIMS Search, no known Aboriginal objects are recorded on or near the site. Therefore, it is considered that subject to imposition of a condition related to Aboriginal Heritage the development 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 development has provisions to divert the upstream catchment and second order stream by the drainage network.

(h) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

As discussed above within the body of the report, Council staff are satisfied that subject to imposition of standard and specific conditions, the development can proceed.

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
(a) the supply of water,	Riverina Water is responsible for supply of water for Holbrook Township. As such, the Development Application was referred to Riverina Water who confirmed that sufficient capacity is available for the new allotments to be connected. A condition will be included on the consent to reflect this requirement.
(b) the supply of electricity,	A general condition related to provide Notice of Arrangement (NOA) will be imposed on any consent granted prior to issue of a subdivision certificate.
(c) the disposal and management of sewage,	As per Council's Engineering Department referral response, the Applicant is required to provide sewer connection for the new allotments resulting from this subdivision. A condition will be included on the consent granted to reflect this requirement.
(d) stormwater drainage or on-site conservation,	Council's Engineering Department responded that the Applicant is required to prepare a stormwater drainage design for the proposal to direct the flow towards the southern end (Jingellic Road) along the drainage easement. Therefore, a condition will be incorporated on any consent granted to reflect this requirement.
(e) suitable vehicular access	The development site has access from Young Street to the west and Jingellic Road to the South. The proposed subdivision layout is also incorporated with an internal road network. As per the submitted preliminary plan, each lot will have direct or indirect access to proposed internal roads. As per Council's Engineering Department referral response, the Applicant is required to include a 1.5m concrete footpath along one side of the new road reserve of the proposed 46 lot subdivision to Council's specification. A condition will be incorporated on any consent granted to reflect this requirement.

Relevant State Environmental Planning Policies applicable for the proposal:

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**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.**

It is considered that the proposal is acceptable subject to including condition(s) on any consent granted.

The objective of this Chapter is to *“promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment”*.

Section 4.6 of this Chapter outlines that the consent authority *“must not consent to the carrying out of any development on land unless:*

- “(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out; it is satisfied that the land will be remediated before the land is used for that purpose.”*

The Application is supported by a ‘*Preliminary Site Investigation Report*’ prepared by *McMahon Earth Science* and dated July 2022. The report considers the site history, desktop study, detailed site inspection, findings of soil contamination testing carried out over the site and future use of land.

The submitted report concluded the findings as below;

- a) “The site has a history of undeveloped agricultural land use.*
- b) A site inspection was conducted and found an extensively cleared paddock with a well-maintained grass-based pasture with no visual evidence of contamination.*
- c) From the site history and the site inspection it is assessed that potential contamination could be present in the soil from persistent agricultural chemicals that may have been used.*
- d) The soil sampling found natural alluvial soil and the soil analysis for persistent agricultural chemicals returned results below the criteria for residential land use.*
- e) In conclusion the identified historical potential contaminating land use is assessed to be of low significance in terms of risk to future site users and the site is suitable for the proposed development.”*

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In light of the above findings, Council staff are satisfied that the site is environmentally suitable for the proposed residential development.

Of note suitable conditions will be recommended on any consent granted to ensure that the proposed subdivision works are appropriately supervised and the development is consistent with the recommendation of the contamination assessment report and the relevant aims, objectives and requirements of this Chapter.

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 – Townships Structure Plan
- Chapter 6 – Subdivision
- Chapter 8 – Flood Liable Land
- Chapter 10 – Notification Policy

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CHAPTER 5 - TOWNSHIP STRUCTURE PLANS

CONTROLS

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.

COMMENT

The '*Holbrook Structure Plan*' applies for the development site. The proposal will deliver an increased supply of average to medium density residential housing in an area, which Council is anticipated to have more residential accommodation. Therefore it is considered that the proposal is consistent with this Chapter.

CHAPTER 6 - SUBDIVISION

1. *Where staging of a subdivision is proposed, a staging plan must be submitted with the Development Application.*

Not applicable in this instance

2. *Staging of subdivision should have regard to the existing and proposed provision of services and avoid staging development, which would have negative impacts upon infrastructure provision and/or design.*

Not applicable in this instance

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6.2 Movement Network

<p><i>1. Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>The 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. Therefore if in the event that Council consented for this DA, a general condition will be imposed on any consent granted stating that the development is required to be complied with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</p>
<p><i>2. All development for subdivision must comply with the Council's standards for road design.</i></p>	<p>As per the subdivision layout, the Applicant has proposed to construct two (2) roads to enable direct movements through and between neighbourhoods for all people. The proposed subdivision layout plan was referred to Council Engineering Department, who advised that that the proposed roads are required to be designed and constructed to Council's road design specifications. A condition will be recommended on any consent granted to reflect this requirement.</p>
<p><i>3. For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i></p>	<p>The development site can be accessed via Jingellic Road and Young Street. As per the proposed subdivision layout, access to lots resulting from this subdivision will provide as an extension from Jingellic Road or Young Street. Driveway locations for the proposed new allotments have been taken into account by the Engineering Department and they consider the proposal to be acceptable having regard to the requirements specified.</p>
<p><i>4. 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 access easement is required in this instance, as all lots will have access from a public road via a new internal road network.</p>
<p><i>5. 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. A general condition will be recommended in this regard.</p>

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6.3 Lot design	
<i>1. 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).
<i>2. Multi-lot subdivisions should provide for a range of lot sizes.</i>	As per supplied subdivision master plan, the proposal includes a variety of lot sizes ranging from 600m ² to 1294m ² . This will allow for a diversity in housing form. This approach will facilitate smooth transition between lower to higher density.
<i>3. Lots are to be provided with legal and practical public road access.</i>	As noted in Section 6.2(3), all proposed new lots are provided with legal and practical public road access.
<i>4. Lots are to be designed to accommodate the type of development envisaged. Irregular shaped lots or lots too small will be regarded by Council as incompatible with objectives for this standard.</i>	The site subject of this Development Application is zoned RU5: Village. In accordance with the <i>GHLEP 2012</i> , one objective of this zone is to provide a range of land uses, services and facilities that are associated with a rural village (i.e. dwelling houses and ancillary developments). Based on the allotment sizes and their orientation, Council staff are satisfied that residential accommodation and or ancillary structures can comfortably fit within a new proposed allotment.
<i>5. For battle-axe allotments a minimum width of the access handle is to be 4.5m.</i>	No battle-axe allotments are proposed.
<i>6. Lots are to be able to contain a rectangular building envelope measuring 10 metres by 15 metres, suitable for the erection of a dwelling</i>	Due to proposed length and width of the proposed allotments Council, staff are satisfied that the lots resulting from this subdivision are capable of supporting a rectangular building envelope of 10m x 15m for a dwelling.
<i>7. Lots are to be designed to maximise solar access.</i>	As per the preliminary layout, the majority of parcels are orientated towards north-south or east-west directions. It is noted however, some of the lots are oriented in a southeasterly direction. Most importantly, the proposed allotments are large enough to accommodate a house and receive adequate solar access. Therefore, it is considered that the proposal is consistent with these objectives.

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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)
<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>	As noted in Section 6.7 within this report, a condition is to be incorporated on any consent granted stating that the Applicant is required to connect each allotment with Council's stormwater and sewer reticulated systems whilst the Applicant is also required to connect each allotment into Riverina Water reticulated system prior to issue of the Subdivision Certificate.

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>	<p>As noted within Section 4.14 of this report, the Application was nominated as integrated development as the Application proposes the residential subdivision of land, which has been identified as being bush fire prone.</p> <p>At the time of completion of this report, Council had not received a response from NSW RFS. Even though Council can make a determination of the Application based on the provisions outlined in Section 4.47 (5) of the EP&A Act, a condition will however be imposed stating that the Applicant is still required to be complied with any correspondence received from NSW RFS for the respective Development Application. A further discussion can be found under Section 4.15(1)(d) within this report.</p>
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>	Please refer to the detailed assessment against Section 5.21- Flood Planning within this report for comment.
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>	Refer to the assessment against the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> within the body of this report.

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6.6 SITE MANAGEMENT	
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)
2. <i>Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils</i>	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	
<i>This chapter of the GHDCP applies to Council's policy for notifying development Application s.</i>	In accordance with the <i>GHDCP 2013</i> , the Application was notified to adjoining landowners whilst it was also advertised on the NSW Planning Portal from 7 October 2022 until 27 October 2022. As outlined above, Council received a total of three submissions (3). Please refer to Section 4.15(1)(d) within this report for further discussion..

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 Prescribed Conditions as outlined in Subdivisions 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 adjoining land to the west has already been subdivided for residential purpose whilst adjoining land to the north and east can be identified as an established golf course. It is considered that the proposed subdivision layout is generally consistent with the historic subdivision layout pattern within the locality. Whilst the area surrounding the subject land is of a general rural character, it is all designated for future urban purposes as part of 'Holbrook Structure Plan' within the GHDCP 2013. Therefore, the proposed subdivision will reinforce the residential character in the locality and can be considered as a prime example for transiting land from RU1 to RU5 to the north of Jingellic Road. The site is also located within close proximity to a range of community and education facilities including recreational facilities, schools, and Holbrook Central Business District. It is also noted that the proposed stormwater retention basin adjacent to Jingellic Road and landscaping measures would soften the overall appearance of the development, upon completion. Most importantly, the Applicant has not sought a variation to the minimum lot size provision applicable for the development site.</p> <p>The site shares its eastern and northern boundaries with the Holbrook Golf Course. Therefore there is a potential risk of being hit by golf balls in the event if Council approves the DA and a dwelling is erected after such plan has been approved. This issue has specifically raised by the Holbrook Returned Servicemen's Club in their submission dated 22/11/2022. Therefore, a condition will be imposed stating that a 2m high fence to be erected at developers cost along the eastern boundary of the development site and also a covenant will be imposed stating that the prospective buyers must be aware of the potential risk associated with living adjacent to the Holbrook Golf Course.</p>

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Access, parking, Roads & traffic	The proposed subdivision will create an additional forty six (46) residential lots to the area and is also accompanied with an internal road network. These internal road networks will then connect to collector roads such as Jingellic Road and Young Street. As noted previously, the Application is accompanied with a Traffic Impact Assessment. The assessment concluded that <i>“the proposed subdivision is in a form that meets the objectives of the DCP, and the car parking and traffic demands generated by the site can be readily accommodated on the surrounding and internal road network.”</i> It is noted however as discussed in <i>“Section- 10.0 Notification Policy”</i> of this report, the DA was notified to neighbouring properties and Council received two (2) submissions regarding the volume of traffic generated as a result of the development and safety at the intersection of Young Street and Jingellic Road. As such, the findings of the Traffic Assessment report together with the submissions received were discussed with the Council Engineering Department. It was concluded that the Applicant is required to upgrade corner of Jingellic Road to a T Intersection with traffic calming devices to improve safety feature at the intersection. In addition to that Council's Engineering Department also recommended that a new 1.5m concrete footpath be included along one side of the proposed road network to Council's footpath specification at developer's cost. Therefore, these requirements will form part of any consent granted.
Utilities	As discussed within the body of the report, a condition will 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; - Gas.
Heritage	The subject site has not been identified as heritage conservation areas in accordance with the Greater Hume Shire Community Based Heritage Study 2010. It is noted however as discussed above the proposal is not inconsistent with Section 5.10 of the <i>GHLEP 2012</i> and <i>GHDCP 2013</i> subject to imposition of a suitable condition on any consent granted.
Economic Impacts	New subdivisions and the subsequent provision of new housing lots will have a positive economic impact on the area, providing new jobs during construction and new accommodation to prospective buyers.
Social Impacts	The development is unlikely to create any adverse social impact. The proposal will deliver an increased supply of average density residential housing in an area, which Council is anticipated to expand its infrastructure. The design of each future dwelling will be separately assessed.

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Safety, security & crime prevention	The proposed subdivision does not raise any concerns in relation to these matters. The design of each future dwelling will be separately assessed.
Soils & erosion	The proposed subdivision also includes considerable amount of earthworks. This may have potential to create issues such as additional noise generated from construction equipment, dust, destabilisation of soil and sediment transfer to other properties. However, Council is satisfied that the conditions of development consent will address potential impacts associated with development construction.
Flora & fauna	The ' <i>Flora and Fauna Assessment</i> ' prepared by <i>Biosis</i> and dated 7 September 2022, provided the flora and fauna investigations associated with the proposed land subdivision. The report concluded that no significant impact would occur as a result of the proposal. The report however made recommendations to be incorporated during works.
Waste	These matters will be controlled by standard conditions of development consent.
Technological hazards	As a result of earthwork associated with the development 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 during works will be included on any consent granted.

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

The internal referral response received together with the above assessment against the applicable planning controls concluded that the proposal is suitable for the locality and the site subject of this application is suitable for the particular development for the following reasons:

- a) There are no constraints from surrounding land uses that would make this development prohibitive subject to adopting relevant measures outlined in the reports submitted with the Application;
- b) The respective internal referral response received for the Development Application indicates that subject to implementation of standard and specific conditions the development can proceed;
- c) The access to the site is satisfactory for the intended use;
- d) Adequate services and utilities can be provided to the site prior to intended use as per the respective referral response from Council's Engineering Department.
- e) The development will not impact upon critical habitats and threatened species, populations, ecological communities and habitats;
- f) The proposal is generally consistent with what was expected as part of the '*Holbrook Township Structure Plan*' as outlined in the GHDCP 2013.

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DEVELOPMENT APPLICATION 10.2022.193.1 – FORTY-SIX (46) LOT TORRENS TITLE SUBDIVISION INCLUDING A PUBLIC RESERVE, VEGETATION REMOVAL, CONSTRUCTION OF ROADS AND ASSOCIATED CIVIL WORKS. – LOT: 2 DP: 610499 & CROWN PUBLIC ROAD TO THE WEST OF LOT: 2 DP: 610499 AT JINGELLIC ROAD HOLBROOK NSW 2644 [CONT'D

As there are no known specific site constraints that would render site unsuitable it is considered that the site is suitable for the particular development.

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

External Referral	Response
NSW Rural Fire Services	As noted previously, the DA was referred to NSW RFS for their respective referral response via the NSW Planning Portal on 7/10/2022. It is noted however NSW RFS has failed to inform the Council, whether or not it will grant approval, or of the general terms of its approval. As a result, in accordance with Part 4, Division 4.8 Section 4.47 (5)(a) of the EP&A Act Council have decided to proceed with the Application. It is noted however, as per Section 45(3) of the EP&A Reg 2021 , a condition will be recommended on any consent granted stating that the Applicant is still required to comply with the correspondences received for the DA by NSW RFS. <i>Of note, once the Development Application is determined (approve or refuse) in accordance with Section 4.47 (6) of the EP&A Act, a copy of determination will be sent to NSW RFS for their reference via the Planning Portal.</i>
Riverina Water	Riverina Water in their correspondence dated 22/11/2022 indicated that subject to imposition of conditions on any consent granted the development can proceed. Therefore, conditions recommended in their correspondence will form part of any consent granted.
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.
Public Submissions	
The three (03) submissions received were forwarded onto the Applicant on 31/10/2022. The Applicant has also provided a further response to the issues raised within the submissions on 31/10/2022 and 17/11/2022.	

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Submission	Response from the assessing officer
<p><i>“(Trees) The trees that are going to be planted along the unnamed proposed road 02 will be too high for homes with solar, such as myself and the new homes that will be built. I have recently spent \$15,000.00 on solar only to have them shaded of a morning with Chinese Elm's which can grow to 12m in height. and I am referring to the rising and setting sun east and west.”</i></p>	<p>Submission maker's comment noted.</p> <p>The submitted preliminary landscaping plan was reviewed by Council's Engineering Department and responded that Council no longer accept landscaping plans from the Applicant. Therefore, Engineering Department recommended that a condition be imposed requiring the Applicant to pay a landscaping contribution fee to Council for supply, planting and maintenance of street trees at Council's preference. As such, it is considered that this concern can be appropriately addressed.</p>
<p><i>“(Sewer) I could not find any plans about the sewer connection; the pump station is at the southern end of the proposed development is that where the connection to the sewer main will be? Reason being, I have a sewer main ending at my boundary with my Nabors at 56 Young Street if that is where the sewer will connect to, I believe then the three trees at the front of my property will have to go as they are in the way of the sewer connection would that be the case?”</i></p>	<p>Submission maker's comment noted.</p> <p>This matter was discussed with Council's Engineering Department who confirmed that as per the submitted preliminary services layout no trees are required to be removed to extend the sewer line to the development site.</p>
<p><i>“(Side gate entrance) I have a side gate entrance to my property, will there be a driveway provision made on the curb? Also no trees planted in front of it?”</i></p>	<p>Submission maker's comment noted.</p> <p>This matter was discussed with Council's Engineering Department who confirmed that no driveway or tree to be planted.</p>

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Submission	Response from the assessing officer
<p>“(Traffic) in regards to Ambers report I find that it is flawed in regards to the amount of extra traffic generated by the proposed development. Most homes today have two cars per household not one, so therefor it could be up to 90 extra movements of cars of a morning and the same in the evening as well as comings and goings threw out the day.”</p>	<p>Submission maker’s comment noted.</p> <p>As per Council’s Engineering Department referral response, the proposal will not unreasonably increase the vehicle movements beyond the capacity of the local road network.</p>
<p><i>“I support the proposed subdivision and believe it to be a necessary inclusion for the growth of Holbrook, but have concerns over the intersection of Young Street and Jingellic Rd that this proposed subdivision will be utilising.</i></p> <p><i>I am a daily user of this intersection and have experienced multiple near misses with the awkward way traffic comes out of the sporting complex to turn into Jingellic Rd. If turning into Young St from Jingellic Rd you indicate a left turn to basically continue straight ahead, but anyone coming out of the sports complex can misinterpret this to mean you are turning into the complex, and they start to move out into the intersection to clear the sports complex roadway as it is effectively only a one lane road.</i></p> <p><i>The other issue with this intersection is due to the extreme angle that Young St intersects with Jingellic Rd. When exiting Young St it is hard to see traffic travelling west on Jingellic Rd without angling your vehicle at right angles to Jingellic Rd and coming to a stop. Log trucks and stock trucks are routinely still travelling well above the 50kmh speed limit coming into town on Jingellic Rd at this point.</i></p> <p><i>I fear that unless the intersection of Young St and Jingellic Rd is re-profiled in such a way as to make Young St intersect Jingellic Rd at right angles further to the east and eliminate the confusing double give way for traffic coming out of the complex, there will be a bad accident soon, particularly with the increased traffic from the subdivision construction and future residents. The land to do this is already there and would take minimal work to complete in my opinion.”</i></p>	<p>Submission maker’s comments noted.</p> <p>This matter was discussed with the Council Engineering Department. The Engineering Department is in agreeance with the submission marker’s comment. As a result, a condition has been recommended to include on any consent granted stating that the Applicant is required to upgrade corner of Jingellic Road to a T Intersection with traffic calming devices to improve safety feature at the intersection.</p>

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Submission	Response from the assessing officer
<p><i>“The main concerns the club would have with any said development would be the potential liability concerning the following;</i></p> <p><i>Damage caused by stray golf balls to property access to golf course; potential injury risks environmental impact to course (i.e. drainage)</i></p> <p><i>As you can see above the issues around insurance, public liability, etc. would be our main concern, and is also the concern of our insurers. We have taken steps in the last few years to limit un-solicited access to the course. Not sure how we can combat this, once a development is situated so close to the course, knowing that this would definitely be a selling point for potential buyers.</i></p> <p><i>Are there options around allowing such access and for purchasers to accept liability of potential damages?</i></p>	<p>Holbrook Returned Servicemen’s Club’s comments noted.</p> <p>This matter is discussed within Section 4.15(1)(b) of this report. As noted previously Council staff have recommended conditions to address potential risk associated with living adjacent to the Holbrook Golf Course.</p>
<p>The Department of Planning, Industry and Environment – Crown Lands in their letter dated 26 October 2022 has provided the below response:</p> <p><i>“Council is advised that the proposed development will impact the Crown Public Road which is identified as the legal access to the proposed subdivision. Should the Crown Public Road be required for the access to the subdivision, the road is to be transferred to Greater Hume Shire Council.</i></p> <p><i>Alternatively, if the applicant and council can satisfy the department that no impact to Crown land/Crown Road will result from the proposed development and/or, the development application is modified to ensure the proposal does not impact Crown land, the objection will be formally withdrawn and no further action or consultation is required.</i></p> <p><i>Therefore, the department objects to the proposed development as submitted for the reasons stated above. The development application should be modified to remove any impact from Crown land/Crown Road, whereupon the objection will be formally withdrawn and no further action or consultation is required.”</i></p>	<p>In following up with this response, the assessment officer of this Application contacted the department and sought further clarification whether the Application can proceed subject to imposition of a condition on any consent granted (i.e. <i>prior to the release of the Subdivision Works Certificate the Applicant must ensure that the land must be transferred to Greater Hume Council</i>). In their response dated 14 and 21 November 2022, Crown Lands indicates that the objection can be withdrawn as suggested by the Council.</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 Regulation 2021*, State Environmental Planning Policies, GHDCP 2012 and applicable strategic policies and guidelines. 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.

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. 10.2022.193.1 at Jingelic Road Holbrook NSW 2644 on Lot: 2 DP: 610499 & Crown Public Road to the west of Lot: 2 DP: 610499 for forty-six (46) lot Torrens Title Subdivision Including a public reserve, vegetation removal, construction of roads and associated civil works, 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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PRESCRIBED CONDITIONS OF CONSENT

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

Section 70: Erection of signs

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

Section 72: Entertainment venues

Section 73: Maximum capacity signage

Section 74: Shoring and adequacy of adjoining property

Section 81: Build-to-rent housing

Please refer to the NSW State legislation for full text of the above Sections under Part 4 Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Compliance with Plans and Conditions

The subdivision must be carried out in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent. All conditions of consent must be fulfilled at the expense of the Applicant to comply with Council's Engineering Guidelines for Subdivisions and Development Standards in conjunction with advice from Council.

2. Protection of Vegetation

There must be no clearing of any vegetation (including within Council's road reserve) other than the vegetation approved to be removed on the Vegetation Removal Plan; Reversion 1; Drawing No MKR00434-11-C0030; Dated 15/9/2022; Drawn by J.Newell and which have been assessed under the Flora and Fauna Assessment prepared by Biosis and dated 17 November 2022. 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.

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3. **Aboriginal Cultural Heritage**

No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.

If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:

- o Not further harm the object(s);
- o Immediately cease all work at the particular location;
- o Secure the area to avoid further harm to the Aboriginal object(s);
- o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
- o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the *Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. All reasonable precautions must be taken to prevent damage to Aboriginal objects.

4. **Contaminated Soil**

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.

5. **Integrated Development - General Terms of Approval**

The Applicant must comply with any correspondence including conditions and requirements received from NSW Rural Fire Service.

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CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE SUBDIVISION WORKS CERTIFICATE

6. Subdivision Works Plans a Cost Summary Report

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

- a) Road Design, including intersection at corner of Young Street and Jingellic Road;
- b) Sewer;
- c) Stormwater Management;
- d) Details of any fill material to be brought on site;
- e) Concrete footpaths (1.5m wide);
- f) Certified Essential Energy (electricity) plans;
- g) Street names and street numbering;
- h) Street lighting;
- i) Indicative details of utilities (gas, telecommunications);
- j) Cost summary report.
- k) New Flood Planning Area Map prepared by Cardino

NOTE: 1- The existing intersection at corner of Young Street and Jingellic Road being upgraded to a Type T Austroads intersection with detail incorporated in the Subdivision Works Plans and upgrading must be undertaken at no cost to Council.

NOTE: 1- The Subdivision Works Plans must conform and comply with the requirements outlined in the NSW RFS correspondence.

Details of where any excavated material is to be stored must be submitted to and approved by Council.

These plans must be prepared to the satisfaction of Council. The plans must be prepared in accordance with Council's 'Guidelines for Subdivisions and Development Standards' and must be consistent with conditions of this consent. These plans must be approved by Council prior to the release of the Subdivision Works Certificate.

7. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan must be prepared and submitted to Council with the application for a Subdivision Works Certificate. Exposed surface soil must be stabilised as soon as possible to avoid potential erosion and dust issue. Any stockpile of earth on the site must not be higher than 2m. This plan must be approved by Council prior to the release of the Subdivision Works Certificate.

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8. **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 prior to the release of the Subdivision Works Certificate.

9. **Long Service Levy**

It is noted 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.

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

10. **Subdivision Works Certificate**

A Subdivision Works Certificate must be **submitted to and approved** by Council prior to any subdivision works taking place. The Subdivision Works Certificate must be lodged via the [NSW Planning Portal](#).

11. **Transfer of Crown Public Road**

Prior to the release of the Subdivision Works Certificate Crown Public Road to the west of Lot 2 DP 610499 must be transferred to Greater Hume Council.

12. **Notification and Appointment of a Principal Certifier**

Prior to the commencement of any works, the person having benefit of a 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.

13. **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: "[Erosion and Sediment Control – A Resource Guide for Local Councils](#)".

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CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

14. **Riverina Water - Notice of Requirements**
A Notice of Requirements must be obtained from Riverina Water prior to the development commencement. The Applicant is advised to make an early Application for the certificate, as there may be water pipes to be built that can take some time.
15. **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.
16. **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.
17. **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.
18. **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.
19. **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.

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20. 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.

21. 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.

CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

22. Subdivision Certificate

A Subdivision Certificate Application must be submitted to and approved by Council. The Subdivision Certificate Application must be lodged via the [NSW Planning Portal](#). A fee is payable.

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.

23. Section 64 and Landscape Contributions Fees

The payment of Section 64 sewer headwork charges and landscape contribution fees are applicable and must be paid to Council prior to the release of the Subdivision Certificate. Contributions are calculated per allotment created. The fees will be charged and calculated in accordance with Council's Adopted Fees and Charges.

DEVELOPMENT	STANDARD RESIDENTIAL LOT
SEWER	Rate of 1 ET for 2022 Financial Year= \$4,390.00 X 46 = \$201,940.00
Landscape Contributions Fee - per block for supply, planting and maintenance of a street tree.	\$200 X 46 = \$ 9,200.00

24. Completion of Subdivision Works

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by Condition 6 of this consent and a satisfactory final inspection of the works by Council's Engineering Department.

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25. **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 have been met;

(i) Riverina Water - Compliance Certificate

A Compliance Certificate must be provided confirming satisfactory arrangements have been made for the provision of water prior to issue of the Subdivision Certificate. The certificate must refer to this development consent and all of the lots created.

Note: The certificate must clearly state that water service is connected;

(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) Natural gas

APA Gas: Certificate of Acceptance;

(iv) Telecommunications and Fiber-ready Facilities

Certification from an approved telecommunications provider outlining satisfactory arrangements have been made for:

- a) the installation of fibre-ready facilities to all individual lots 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.

(v) Integrated Development - General Terms of Approval

The Applicant must provide evidence to Council outlining how conditions and requirements outlined in the General Terms of Approval/correspondence from NSW Rural Fire Service have been complied with.

The submitted written correspondence/evidence must be to the satisfaction of Council.

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DEVELOPMENT APPLICATION 10.2022.193.1 – FORTY-SIX (46) LOT TORRENS TITLE SUBDIVISION INCLUDING A PUBLIC RESERVE, VEGETATION REMOVAL, CONSTRUCTION OF ROADS AND ASSOCIATED CIVIL WORKS. – LOT: 2 DP: 610499 & CROWN PUBLIC ROAD TO THE WEST OF LOT: 2 DP: 610499 AT JINGELIC ROAD HOLBROOK NSW 2644 [CONT'D

26. **A Safety Fence**

Prior to the release of the Subdivision Certificate a minimum height of 2 m above natural ground level **safety fencing** must be erected. The erection of the fence must be started from the northern boundary of proposed Lot 33 and must run along the eastern boundary of the development site (Lot 2 DP 610499) abutting the Holbrook Golf Course (Lot 2 DP 1267821) to the furthestmost point of proposed Lot 42 as shown on the **Vegetation** Removal Plan; Drawing No MKR00434-11-C0030; Dated 15/09/2022 and drawn by J.Newell.

The "**2m safety fencing**" referred under this condition must be:

- a) constructed of non-combustible materials or hardwood, or if it is constructed of metal components-be of low reflective, factory pre-coloured materials to a height up to a 1.5m above ground level (existing), and the remaining 0.5m must be slatted.

27. **Conveyancing Act 1919 Instruments**

The proponent must submit a copy of an instrument prepared in accordance with the *Conveyancing Act* 1919, with the application for a Subdivision Certificate for Council's endorsement for each relevant stage.

The instrument must contain the following:

- (i) A restrictive covenant on proposed lots which abut the Holbrook Golf course (Lot 2 DP 1267821) outlining that lot owners and occupiers of the subject land, recognise that they live adjacent to the existing Holbrook Golf Course located on Lot 2 DP 1267821 and Council holds no responsibility for any wayward golf balls which may enter the property.
- (ii) The **safety fence** as required by Condition 27 must be maintained by the owners and occupiers of the respective allotments for the life of the development. Council holds no responsibility for the maintenance/replacement of such fencing.
- (iii) There shall be no removal or disturbance to trees, on proposed new Lots 41 and 40 without the prior written consent of the Council. The restriction must be in favour of Greater Hume Council.

The wording of the covenants/restrictions must be to the satisfaction of Council prior to the release of the Subdivision Certificate.

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28. **Works as Executed Plans**

Works as Executed (WaE) plans of all infrastructure and services 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.

29. **Council Property**

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.

30. **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.

31. **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.

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.

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CONDITIONS HAVE BEEN PLACED ON THE CONSENT FOR THE FOLLOWING REASONS:

1. To ensure compliance comply with the *Biodiversity Conservation Act 2016*.
2. To protect Aboriginal heritage and to comply with the *National Parks and Wildlife Act 1974*.
3. To ensure compliance with the terms of the *Environmental Planning and Assessment Act 1979*.
4. To protect public interest, the environment and existing amenity of the locality.
5. To improve the amenity, safety and environmental quality of the locality.

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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2. **DEVELOPMENT APPLICATION 10.2022.205.1 – EIGHT (8) LOT TORRENS TITLE SUBDIVISION IN THREE (3) STAGES, DEMOLITION OF EXISTING SHEDS, AND ASSOCIATED CIVIL WORKS. – LOT A DP 385255 AT 24 HAMILTON STREET CULCAIRN NSW 2660.**

Report prepared by Town Planner – Gayan Wickramasinghe.

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation for the above development application for Eight (8) Lot Torrens Title Subdivision in three (3) stages Demolition of existing sheds, and associated civil works on Lot A DP 385255 at 24 Hamilton Street Culcairn NSW 2660.

Following public exhibition of the Development Application from 1 November 2022 to 18 November 2022, Council received one (1) objection for the proposal. Accordingly, this matter is reported to Council for determination as per the Council adopted assessment of development applications policy.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION - DESCRIPTION OF PROPOSAL

Development Application No. DA 10.2022.205.1 seeks consent for eight (8) Lot Torrens Title Subdivision in three (3) stages, demolition of existing sheds, and associated civil works. As per the preliminary layouts, the proposed subdivision will consist of parcels that range from 970m² to 1080m² whilst all residential lots are proposed to be delivered in three (3) stages.

The Applicant (*John Lanfranchi L and L Projects P/L*) has provided the following documentation in support of the Application;

1. A Statement of Environmental Effects (SEE) dated 2 November 2022;
2. Preliminary plans prepared by Esler Land Consulting (i.e. staging plan, preliminary subdivision layout).

Works required for the subdivision are to be carried out include minor earthworks for the provision and extension of infrastructure services including reticulated sewerage, water supply, storm water infrastructure, electricity, telecommunications and gas supply for the new allotments.

As noted previously, the Development Application was advertised on the NSW Planning Portal whilst it was also notified to adjoining owners in accordance with the Greater Hume Council Community Participation Plan from the 1 November 2022 to 18 November 2022. Council received one objection. The objection was formed around management of additional storm water, connection to the sewer main, fencing and additional traffic being generated as a result of the development.

The submitted plans, SEE and the submission were reviewed by Council's Planning and Engineering Staff and they are satisfied that subject to imposition of suitable conditions on any consent granted the submissions can appropriately be addressed. A further discussion regarding the submissions can be found in **Section 4.15(1)(d)** of this report.

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The following figures (**Figures 1-2**) indicates the nature of the proposed development.

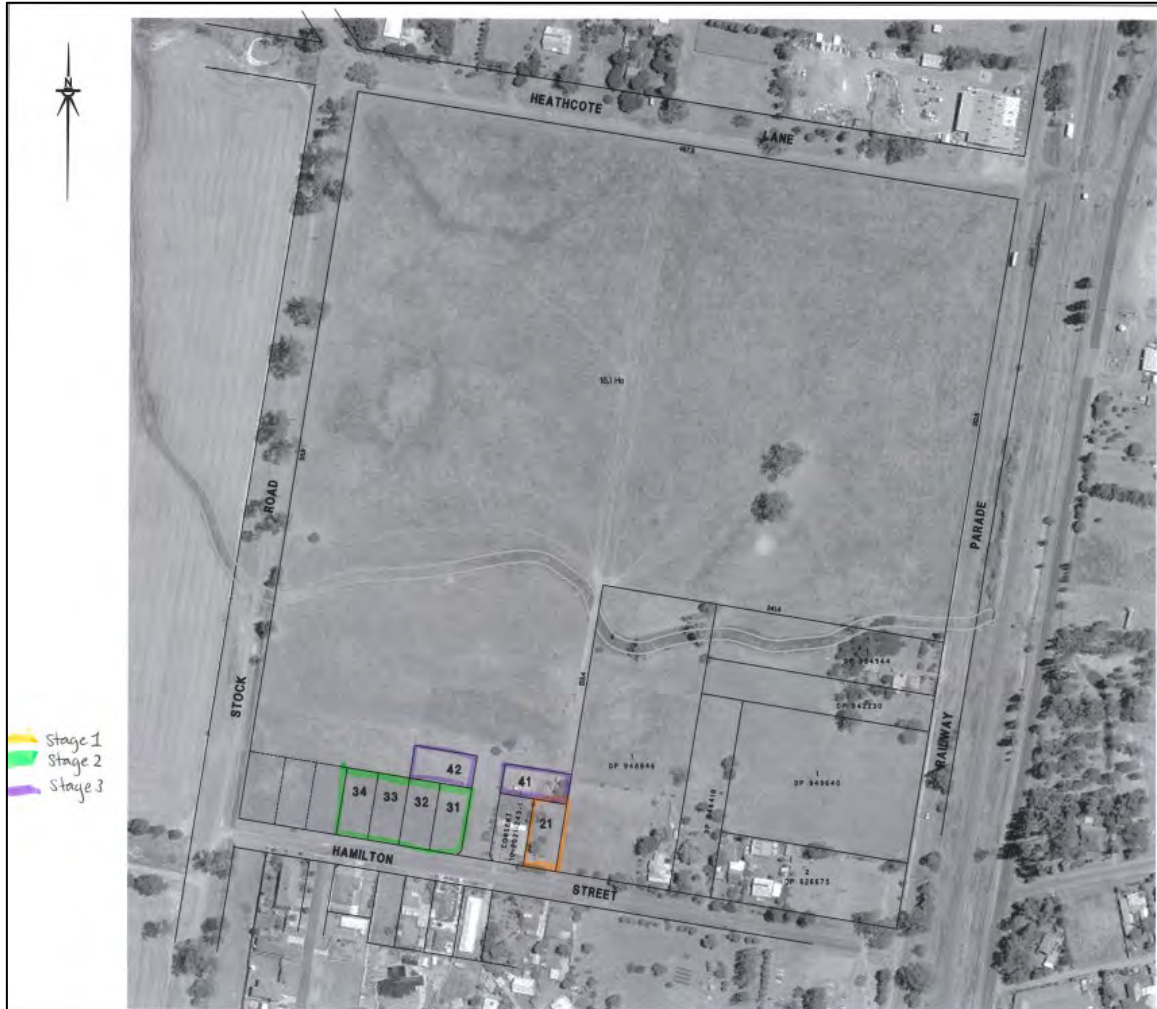


Figure 1 – An overview of the proposed subdivision layout by the Applicant.

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Figure 2 – Proposed staging plan by the Applicant.

ASSESSMENT

1.1 DESCRIPTION OF THE SITE AND LOCALITY

The site is legally described as Lot: A DP: 385255 and formally known as 24 Hamilton Street Culcairn NSW 2660. The subject land is a battle-axe shaped holding approximately with a total area of 19.082ha and has road frontages to Hamilton Road to the south and Heathcote Lane to the north. The site currently contains a single storey dwelling house together with a number of metal sheds at its southern eastern corner, adjacent to Hamilton Street. The topography of the site is generally flat, however slopes gently downward towards the street frontage and the drainage infrastructure within the adjoining roadside. The site contains a patch of vegetation (i.e. Apple Trees and other non-native trees) along the eastern boundary.

The immediate vicinity of the site is characterised by single storey dwellings with an attached or detached shed, and with a regular, orthogonal street pattern influenced by the flatter elevated topography. The properties that are located immediately to the north and east of the subject development site are large rural residential lots zoned RU4 Primary production Small Lots and RU1 Primary Production respectively.

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The site subject of the Application is zoned RU5 Village pursuant to the *Greater Hume Local Environmental Plan (GHLEP) 2012* with a minimum lot size of 600m². 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 with applicable planning controls.



Figure 4 – An Aerial view of the subject of this Application; **Source:** IntraMaps

Figure 5 – 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.

As no bed and bank work form part of this application, it is considered that the proposed development will not have a significant effect on the terrestrial and aquatic environment, threatened species, populations or ecological communities, or their habitats. It is further noted that as the Applicant is not proposed to remove any native vegetation. It is therefore considered that, the proposal is not inconsistent with Part 7A of the *Fisheries Management Act 1994* and Part 7 of the *Biodiversity Conservation Act 2016*.

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). Therefore no referral is required under this Section.

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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*
- (iv) 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

Local Environmental Plans

The *Greater Hume Local Environmental Plan (GHLEP) 2012* applies.

As noted previously, the subject land is zoned RU5: Village pursuant to the *GHLEP 2012*. The relevant matters of the LEP are addressed as follows.

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.*

It is considered that the proposal provides residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. It is therefore considered that the proposal is consistent with the objectives of land zoned RU5 Village.

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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 600 m². It is noted that lots resulting from the subdivision are on or above 600m². 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. Therefore, any consent granted will contain the standard Heritage NSW condition regarding 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

As noted during the site inspection, the site is predominantly flat and is free of vegetation other than grass. Therefore, no significant earthworks (site preparation works) are required other than earthworks for providing connections (i.e. water, sewer, gas and electricity). Therefore, the earthwork required for the above (to provide connections) is considered to be minor nature and will not have a detrimental impact on environmental functions and processes or neighbouring uses and can be carried out without requiring separate development consent.

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—

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Subsection	Comment
<i>(a) the supply of water,</i>	As per internal referral response from the Engineering Department, the proposed new allotments are required to be connected into Council's reticulated system. A condition will be included on the consent to reflect this requirement.
<i>(b) the supply of electricity,</i>	A general condition related to provide Notice of Arrangement (NOA) will be imposed on any consent granted prior to issue of a subdivision certificate.
<i>(c) the disposal and management of sewage,</i>	Council's Engineering Department referral response indicates that the applicant is required to provide sewer connections for the new allotments resulting from this subdivision. A condition will be included on the consent granted to reflect this requirement.
<i>(d) stormwater drainage or on-site conservation,</i>	Council's Engineering Department responded that the Applicant is required to prepare a stormwater drainage design for the proposal to direct the flow towards Hamilton Street and future road, road reserves. Therefore a condition will be incorporated on any consent granted to reflect this requirement.
<i>(e) suitable vehicular access</i>	The proposed new Lot 21, 31-34 will have access from all-weather sealed Hamilton Road. The Applicant has also incorporated a 20m wide internal road to provide access to proposed Lot 41-42. As per Engineering Department's referral response the proposed arrangements are satisfactory. A condition will be incorporated on any consent granted to reflect this requirement.

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.

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

It is considered that the proposal is acceptable subject to including condition(s) on any consent granted.

The objective of this Chapter is to “*promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment*”.

Section 4.6 of this Chapter outlines that the consent authority “*must not consent to the carrying out of any development on land unless:*

- “(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

As per Section 4.6(1)(a), and a search of Council files indicated that the land has not been used for any approved activities which would render the soil contaminated to such a degree as to prevent the future development of the land for residential purpose. 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 – Townships Structure Plan
- Chapter 6 – Subdivision
- Chapter 10 – Notification Policy

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CHAPTER 5 TOWNSHIP STRUCTURE PLAN	
CONTROL	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.</p> <p>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>The ‘<i>Culcairn Structure Plan</i>’ applies for the development site. The site subject of the Application has been identified as ‘<i>future residential</i>’ under this plan.</p> <p>It is noted, the proposal will deliver an increased supply of average to medium density residential housing in an area which Council is anticipated to have more residential accommodation. Therefore it is considered that the proposal is consistent with this Chapter.</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>The staging plan has been prepared by the Applicant and has been lodged with the Development Application. The Application was also internally referred to Council’s Engineering Department. They did not object to the proposal subject to conditions</p>
<p><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></p>	<p>As discussed within Section 6.7 Essential services of this report, Council is satisfied that all relevant infrastructure can be provided for the proposed development.</p>

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6.2 Movement Network

CHAPTER 6 - SUBDIVISION

<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>The 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. Therefore if in the event that Council consented to this DA, a general condition will be imposed on any consent granted stating that the development is required to be complied with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</p>
<p>2. <i>All development for subdivision must comply with the Council’s standards for road design.</i></p>	<p>As noted within Section 6.7 of this report, the Applicant has proposed to construct a new road to provide access for the proposed Lot 41-42. The Council Engineering Department recommended that the road proposed to be constructed must meet relevant Council specifications.</p> <p>A condition will be recommended on any consent granted to reflect this requirement.</p>
<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 only allotments facing the secondary road are Lot 41 and 42. Driveway locations for the proposed new allotments have taken into account by the Engineering Department and they consider the proposal to be acceptable having regard to the requirements specified.</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 access easement is proposed as part of the proposal.</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. A general condition will be recommended in this regard.</p>

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CHAPTER 6 - SUBDIVISION

6.3 Lot design

<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 per supplied subdivision master plan, the proposal includes a variety of lot sizes ranging from 970m² to 1080m². This will allow for a diversity in housing form. This approach will facilitate smooth transition between medium to average density.</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), all proposed new lots are 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>The site subject of this Development Application is zoned RU5: Village. In accordance with the <i>GHLEP 2012</i>, one objective of this zone is to provide a range of land uses, services and facilities that are associated with a rural village (i.e. dwelling houses and ancillary developments). Based on the allotment sizes and their orientation, Council staff are satisfied that residential accommodation and or ancillary structures can comfortably fit within a new proposed allotments.</p>
<p>5. <i>For battle-axe allotments a minimum width of the access handle is to be 4.5m.</i></p>	<p>No battle-axe allotments have been proposed.</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>Due to proposed length and width of the allotments Council staff are satisfied that the lots resulting from this subdivision are capable of supporting a rectangular building envelope of 10m x 15m for a dwelling.</p>
<p>7. <i>Lots are to be designed to maximise solar access.</i></p>	<p>As per the preliminary layout, the majority of parcels are orientated towards north-south or east-west directions. Most importantly the proposed allotments are large enough to accommodate a house and receive adequate solar access. Therefore, it is considered that the proposal is consistent with this objective.</p>

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IN THREE (3) STAGES, DEMOLITION OF EXISTING SHEDS, AND ASSOCIATED CIVIL WORKS.
– LOT A DP 385255 AT 24 HAMILTON STREET CULCAIRN NSW 2660 [CONT'D]

CHAPTER 6 SUBDIVISION	
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	As noted in Section 6.7 within this report, a condition is to be incorporated on any consent granted stating that the Applicant is required to connect each allotment with Council's reticulated water system prior to issue of the Subdivision Certificate.
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>	As noted in Section 6.7 within this report, a condition is to be incorporated on any consent granted stating that the Applicant is required to connect each allotment with Council's reticulated sewer system prior to issue of the Subdivision Certificate.
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 noted within Section 4.14 of this report, the subject site is not being identified as a bushfire prone land.
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>	The land has not been identified as a flood prone under Section 5.21 of the GHLEP 2012 or the Culcairn Floodplain Risk Management Study and dated April 2017.
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>	Refer to the assessment against the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> within the body of this report.

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CHAPTER 6 - SUBDIVISION	
6.6 SITE MANAGEMENT	
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)
2. <i>Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils</i>	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	
<i>This chapter of the GHDCP applies to Council's policy for notifying development Application s.</i>	In accordance with the GHDCP 2013, the Application was notified to adjoining landowners whilst it was also advertised on the NSW Planning Portal from 1 November 2022 till 18 November 2022. As outlined above, Council received one objection. Please refer to <u>Section 4.15(1)(d)</u> within this report for further discussion..

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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 Development Application;

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

It is noted, the Prescribed Conditions as outlined in Subdivisions 1 and 2 of Division 2 are recommended to include on any consent granted, in the event if 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;

ISSUE	COMMENT
Context & setting	<p>The proposed subdivision support the residential use of the site and surrounding locality. It is also noted that the current and proposed access arrangements and services to the sites are adequate for the proposal and will remain unchanged.</p> <p>In this regard, the proposed subdivision would provide an acceptable social and economic impact to the locality, while not adversely impacting the built and natural environment of the locality.</p>
Access, parking, Roads & traffic	<p>The proposed new Lot 21, 31-34 will have access from all-weather sealed Hamilton Road. The Applicant has also incorporated a 20m wide internal road to provide access to proposed Lot 41-42. As per internal engineering response, the proposed arrangement is considered to be satisfactory subject to relevant conditions on any consent granted.</p>

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ISSUE	COMMENT
Utilities	As discussed within the body of the report, a condition will 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; - Stormwater Management - Telecommunication; - Gas.
Heritage	The subject site has not been identified as a heritage conservation areas in accordance with the Greater Hume Shire Community Based Heritage Study 2010. It is noted however as discussed above the proposal is not inconsistent with Section 5.10 of the <i>GHLEP 2012</i> and <i>GHDCP 2013</i> subject to 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. <i>Of note</i> , any new future dwelling on the proposed new allotments are to be assessed separately.
Soils & erosion	Minor soil disturbance will be required to enable the installation of services (i.e. water, sewage, electricity and telecommunication 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	No native vegetation is proposed to be removed as part of the subdivision. It is noted Council's Engineering Department recommended that the Applicant pay a \$200 landscape fee per block to Council for supply, planting and maintenance of a street tree. Therefore this requirement will form part of any consent granted.
Waste	Waste can be disposed to an approved collection site during the construction stage. A condition will be imposed to ensure consistency.
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.

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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 imposition of relevant conditions on any consent granted.

Council's Engineering Department have reviewed the proposal and raised no objections for the proposal subject to standard and specific conditions on any consent granted to further reduce the potential impacts of the development to acceptable levels.

As there are no known specific site constraints that would render site unsuitable it is considered that the site is suitable for the particular development.

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

External Referral	
The Development Application was not required to be notified to Government Agencies for comments.	
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	
The Application was notified to adjoining property owners and was also advertised on the NSW Planning Portal from 1 November 2022 till 18 November 2022. As mentioned previously within the body of the report Council received one objection. The submission was reviewed by Council's Engineering and Planning Staff. Please see below key summary and response from the assessing officer.	

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Submission	Response from the assessing officer
<p><i>“Storm water - the drainage in Hamilton st is already under pressure with storm water runoff and rain, which causes it to flood on a regular basis, the added pressure of the development will put residents in McLean st, Lions place and Hamilton st underwater.</i></p> <p><i>I personally lodged a complaint regarding drainage in October of 2021 and nothing has been resolved. CRM 8979/2021, Nor have I heard from council regarding and resolutions regarding this..”</i></p>	<p>Submission maker’s comment noted.</p> <p>This matter was discussed with Council’s Engineering Department who responded that the additional storm water generated as a result of the development can be dealt by imposition of a condition on any consent granted. Therefore a condition has been recommended to appropriately address this matter.</p>
<p><i>“Will this subdivision allow existing residents access to sewer.”</i></p>	<p>Submission maker’s comment noted.</p> <p>In this regard, Council’s Engineering Department raises no objections subject to include a condition of consent whereby all proposed lots to be connected into Council’s sewer scheme.</p>
<p><i>“Fencing, the existing fencing is currently inadequate to keep stock in and cattle get out regularly.”</i></p>	<p>Submission maker’s comment noted.</p> <p>The Development Applications has been assessed against the matters outlined in Section 4.15 of the <i>EP&A Act 1979</i>. This matter is not related to the proposal.</p>
<p><i>“Development traffic how will that be managed to reduce noise and air pollution (dust), and protect the privacy of existing residents.”</i></p>	<p>Submission maker’s comment noted.</p> <p>As per Council’s Engineering Department referral response, the proposal will not unreasonably increase the vehicle movements beyond the capacity of the local road network. Council staff are satisfied that subject to appropriate conditions on any consent granted these issues are appropriately addressed.</p>

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

The proposed subdivision would provide functional lots which support the use of the land for residential purposes. The proposal complies with the relevant controls and is considered consistent with the public interest.

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.

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BUDGET IMPLICATIONS

Nil.

CONCLUSION

The proposal will provide development of the land for a residential purpose whilst minimising adverse impacts on the surrounding locality. Suitable documentation to the satisfaction of Council's Planning and Engineering Departments has been submitted with the application in support of the proposal.

As discussed within the report approval of the application is consistent with the strategic planning vision for the site and surrounding area, in particular the vision aiming to achieve through the Culcairn Structure Plan contained within the GHDCP 2013.

RECOMMENDATION

That Council resolves to:

1. approve Development Application No. 10.2022.205.1 at 24 Hamilton Street Culcairn NSW 2660 on Lot: A DP: 385255 for eight (8) Lot Torrens Title Subdivision in three (3) stages demolition of existing sheds, and associated civil works subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

PRESCRIBED CONDITIONS OF CONSENT

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

Section 70: Erection of signs

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

Section 72: Entertainment venues

Section 73: Maximum capacity signage

Section 74: Shoring and adequacy of adjoining property

Section 81: Build-to-rent housing

Please refer to the NSW State legislation for full text of the above Sections under Part 4 Division 2 of the *Environmental Planning and Assessment Regulation 2021*.

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GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Compliance with Plans and Conditions

The subdivision must be carried out in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent. All conditions of consent must be fulfilled at the expense of the Applicant to comply with Council's Engineering Guidelines for Subdivisions and Development Standards in conjunction with advice from Council.

2. Aboriginal Cultural Heritage

No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.

If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:

- o Not further harm the object(s);
- o Immediately cease all work at the particular location;
- o Secure the area to avoid further harm to the Aboriginal object(s);
- o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
- o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the *Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. All reasonable precautions must be taken to prevent damage to Aboriginal objects.

3. Contaminated Soil

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.

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**CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE
SUBDIVISION WORKS CERTIFICATE**

4. Subdivision Works Plans and a Cost Summary Report

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 relevant stage**:

- a) Road Design ("*Future Road*" as shown on the proposed Subdivision Layout) **for 3**;
- b) Road design for Stage 2 showing widening and reconstruction of Hamilton Street, provision of mountable kerb and gutter together with footpath formation are to be constructed along the northern side of Hamilton Street;
- c) Sewer;
- d) Reticulated water;
- e) Stormwater drainage design;
- f) Details of **any** fill material to be brought on site;
- g) Mountable kerb and gutter **for staged 2 and 3**;
- h) Environmental and sedimentation details.
- i) Concrete footpaths (1.5m wide) **for staged 2 and 3**;
- j) Certified Essential Energy (electricity) plans;
- k) Street names and street numbering;
- l) Indicative details of utilities (gas, telecommunications).
- m) Cost summary report.

Note:1- Details of the "*Future Road*" as shown on the proposed Subdivision Layout; Dated 19/05/2022, File No 17505 and Sheet 2 of 2 and full details of mountable kerb and gutter, together with footpath formation on one side of "*Future Road*" are to be submitted as part of Subdivision Works Certificate for **Stage 3**.

These plans must be prepared to the satisfaction of Council. The plans must be prepared in accordance with Council's 'Guidelines for Subdivisions and Development Standards' and must be consistent with conditions of this consent. These plans must be approved by Council prior to the release of the Subdivision Works Certificate.

5. 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 prior to the release of the Subdivision Works Certificate.

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6. Long Service Levy

It is noted 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.

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

7. Subdivision Works Certificate

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.

8. Notification and Appointment of a Principal Certifier

Prior to the commencement of any works, the person having benefit of a 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.

9. 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: "[Erosion and Sediment Control – A Resource Guide for Local Councils](#)".

CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

10. 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.

11. 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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12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

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**CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE
SUBDIVISION CERTIFICATE**

17. Subdivision Certificate

A Subdivision Certificate Application must be submitted to and approved by Council for each stage. The Subdivision Certificate Application must be lodged via the [NSW Planning Portal](#). A fee is payable.

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.

18. Section 64 and Landscape Contributions Fees

The payment of Section 64 water and sewer headworks charges and landscape contribution fees are applicable and must be paid to Council prior to the release of the Subdivision Certificate. Contributions are calculated per allotment created. The fees will be charged and calculated in accordance with Council's Adopted Fees and Charges.

Stage	Sewer	Reticulated Water	Landscape Contributions Fee (per block for supply, planting and maintenance of a street tree)
Stage 1	\$4,390.00 X 1 = \$4,390.00	\$3,230.00 X 1 = \$3,230.00	\$200 X 1 = \$ 200.00
Stage 2	\$4,390.00 X 4 = \$17,560.00	\$3,230.00 X 4 = \$12,920.00	\$200 X 4 = \$ 800.00
Stage 3	\$4,390.00 X 3 = \$13,170.00	\$3,230.00 X 3 = \$9,690.00	\$200 X 3 = \$ 600.00

19. 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 have been met;

(i) 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;;

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(ii) Natural gas

APA Gas: Certificate of Acceptance;

(iii) Telecommunications and Fiber-ready Facilities

Certification from an approved telecommunications provider outlining satisfactory arrangements have been made for:

- a) the installation of fibre-ready facilities to all individual lots 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.

The submitted written correspondence/evidence must be to the satisfaction of Council.

20. Works as Executed Plans

Works as Executed (WaE) plans of all infrastructure and services 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.

21. Council Property

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.

22. 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.

23. 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.

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.

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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.

CONDITIONS HAVE BEEN PLACED ON THE CONSENT FOR THE FOLLOWING REASONS:

1. To ensure compliance comply with the Biodiversity Conservation Act 2016.
2. To protect Aboriginal heritage and to comply with the National Parks and Wildlife Act 1974.
3. To ensure compliance with the terms of the Environmental Planning and Assessment Act 1979.
4. To protect public interest, the environment and existing amenity of the locality.
5. To improve the amenity, safety and environmental quality of the locality.

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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3. **DEVELOPMENT APPLICATION 10.2022.225.1 – TWO (2) LOT TORRENS TITLE SUBDIVISION & ASSOCIATED CIVIL WORKS. – LOT 2 DP1179045 AT 116 HALFORD DRIVE HOLBROOK NSW 2644.**

Report prepared by Town Planner – Gayan Wickramasinghe

REASON FOR REPORT

The purpose of this report is to provide an assessment and recommendation for the above development application for Two (2) Lot Torrens Title Subdivision and associated civil works on LOT 2 DP 1179045 at 116 Halford Drive Holbrook NSW 2644.

Following public exhibition of the Development Application from 1 November 2022 to 14 December 2022, Council received one (1) objection for the proposal. Accordingly, this matter is reported to Council for determination as per the Council adopted assessment of development applications policy.

REFERENCE TO DELIVERY PLAN

None relevant.

DISCUSSION - DESCRIPTION OF PROPOSAL

This development application seeks Council approval to subdivide the existing property at 116 Halford Drive Holbrook NSW 2644 into two (2) Torrens Title Lots. The site is currently vacant and has an area of 4.08ha. It is proposed that both lots will have direct access from Halford Drive.

The proposed two lot Torrens Title subdivision involves the following;

- Proposed Lot 1 – this allotment will be a battle-axe allotment which will have an area of 2ha and will have direct access from Halford Drive;
- 1.
- Proposed Lot 2 – this allotment will have an area of 2.08ha and would be serviced by an access handle to Halford Drive.

This Application is supported by the following;

1. A brief Statement of Environmental Effects (SEE) prepared by Helen Gunn and dated 14/05/2022;
2. Existing subdivision layout plan (Title) and the proposed subdivision layout;
3. Series of preliminary service layouts (drainage plan, water supply plan and power supply plan)

It is noted that as per the Greater Hume Local Environmental Plan (GHLEP) 2012 the subject land is currently zoned R5: Large Lot Residential the minimum lot size provision applicable for the site is 2ha. The submitted proposed subdivision layout indicates that both lots resulting from the development is above the minimum lot size provision outlined in the GHLEP 2012. Please refer to the submitted plans, and the body of the report for background and further details.

Of note, 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

1.2 DESCRIPTION OF THE SITE AND LOCALITY

The site subject to this development application is located at 116 Halford Drive Holbrook NSW 2644 on Lot: 2 DP: 1179045 and has access to Halford Drive to the north.

The allotment is irregular shaped vacant block with a patch of mature vegetation in the middle of the site on the southern eastern side of the existing dam. The development site backs onto Lot 4 DP 1232498 to the north and east whilst it is fronting to Halford Drive for 68.18m with side boundaries of 266.28m on the north and 160.62m on the south side. The site has a total area of 4.08ha by survey as per Applicant's documentation and Council's GIS Register.

The land slopes from the rear of the site to the front of the site and is between 300 metres and 280 metres above the Australian Height Datum. The immediate vicinity of the site is characterised by single storey dwellings with an attached or detached shed, and rural, residential and agricultural land uses. The development site is zoned R5: Large Lot Residential whilst the minimum lot size applicable for the site is 2ha pursuant to the Greater Hume Local Environmental Plan (GHLEP) 2012. The subject development site does not contain any known items of environmental heritage significance as outlined in Schedule 5 of the *GHLEP 2012*.

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

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**Figure – 2 Existing layout with Aerial Imagery;
Source: IntraMaps**

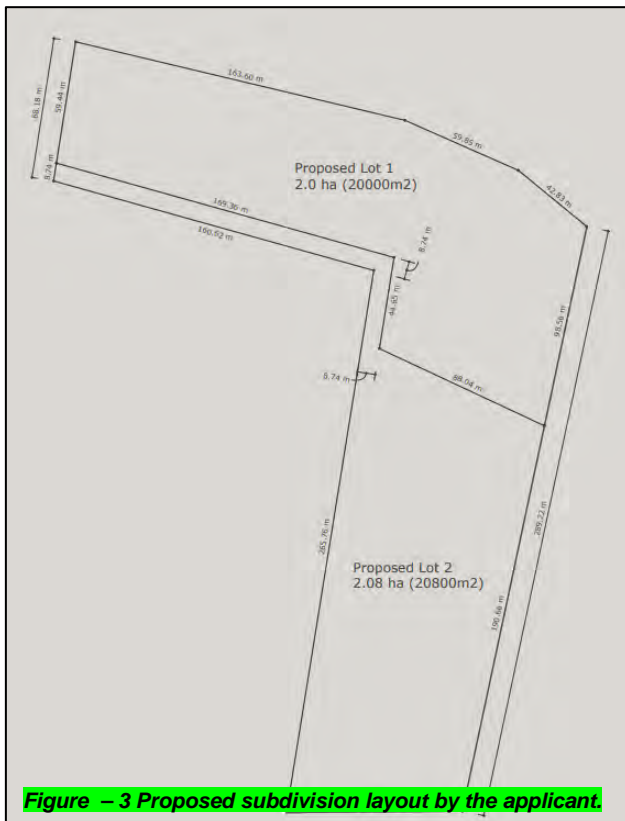


Figure – 3 Proposed subdivision layout by the applicant.



Figure – 4 Preliminary Drainage Plan by the applicant.

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

As no bed and bank work form part of this application, it is considered that the proposed development will not have a significant effect on the terrestrial and aquatic environment, threatened species, populations or ecological communities, or their habitats. It is further noted that as the applicant is not proposed to remove any native vegetation. It is therefore considered that, the proposal is not inconsistent with Part 7A of the *Fisheries Management Act 1994* and Part 7 of the *Biodiversity Conservation Act 2016*.

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 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.*

**Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument
Local Environmental Plans**

The *Greater Hume Local Environmental Plan (GHLEP) 2012* applies.

As noted previously, a portion of the subject land is zoned R5: Large Lot Residential pursuant to the *GHLEP 2012*. The relevant matters of the LEP are addressed as follows.

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R5 Large Lot Residential

Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

It is considered that the proposal provides residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. It is also noted that most of the adjoining land to the north and east is zoned R5: Large Lot Residential. As a result Council staff are satisfied that the proposal will minimise conflict between land uses within this zone and land uses within adjoining zones.

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 2 ha. It is noted that lots resulting from the subdivision are on or above 2ha. Therefore the proposal is consistent with this section.

Section 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 will be recommended on any consent granted.

Section 6.1 Earthworks

As per applicant's documentation, all associated earthworks will be limited to the providing connections (i.e. water and electricity) to enable the proposal. It is therefore considered that these earthworks are ancillary to the proposed development and will not require a separate development consent. In addition to that, the assessment officer of this application believes that subject to appropriate conditions on the consent (i.e. sediment control measures, protection of Aboriginal items etc.) the similar consistency can also be achieved and 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:

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Subsection	Comment
(a) the supply of water,	Riverina Water is responsible for supply of water for Holbrook Township. As such the Development Application was referred to Riverina Water who confirmed that sufficient capacity is available for the new allotments to be connected. A condition will be included on the consent to reflect this requirement.
(b) the supply of electricity,	A general condition related to provide Notice of Arrangement will be imposed on any consent granted.
(c) the disposal and management of sewage,	As per Council's Engineering Department referral response, no reticulated sewer supply is available for the development site. As a result, the applicant is required to utilise onsite sewer management system and due to the proposed allotment sizes Council staff are satisfied that the applicant is easily able to comply with this requirement. It is noted that this requirement will be considered as a part of any future development application for dwelling house.
(d) stormwater drainage or on-site conservation,	As per Council' Engineering Department respective referral response, additional stormwater to be generated can be managed onsite.
(e) suitable vehicular access	The development site has access from the existing Halford Drive. It is noted however the Applicant is required to finalise access arrangements for the proposed new allotments as per Council's Engineering Department respective referral response. Therefore a condition will be imposed to ensure consistency.

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.

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***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 Plan
- Chapter 6 – Subdivision
- Chapter 10 – Notification Policy

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CHAPTER 5 - TOWNSHIP STRUCTURE PLANS

CONTROLS	COMMENT
<p><i>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.</i></p> <p><i>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.</i></p>	<p>The 'Holbrook Structure Plan' applies for the development site. The site subject of the Application has been identified as 'future residential' under this plan.</p> <p>It is noted, the proposal will deliver an increased supply of low density residential housing in an area which Council is anticipated to have more residential accommodation. Therefore it is considered that the proposal is consistent with this Chapter.</p>

CHAPTER 6 - SUBDIVISION

6.1- STAGING

CONTROLS	COMMENT
<p><i>1. Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.</i></p>	<p>Not applicable in this instance</p>
<p><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></p>	<p>Not applicable in this instance</p>

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6.2 MOVEMENT NETWORK

<p>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></p>	<p>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. Therefore if in the event that Council consented for this DA, a general condition will be imposed on any consent granted stating that the development is required to be complied with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</p>
<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 proposed access for proposed Lot 2. It is noted however a standard condition related to access will be incorporated on any consent granted as per Engineering Department referral response.</p>
<p>3. <i>For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i></p>	<p>As no secondary road is available it is considered the proposed arrangement is satisfactory.</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 access to public roads. 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 is required as part of this application.</p>

6.3 LOT DESIGN

<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 applicable.</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), lots are provided with legal and practical public road access.</p>

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6.3 LOT DESIGN

<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>The site subject of this Development Application is zoned R5: Large Lot Residential. In accordance with the GHLEP 2012, an object of this zone is to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. Based on the allotment sizes and their orientation, Council staff are satisfied that residential accommodation and or ancillary structures can comfortably fit within a new proposed allotment.</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 1 and 2 are battle-axe allotments. It is noted however the applicant has proposed 59.44 and 8.74m frontages to Halford Drive 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>Due to proposed length and width of the allotments Council staff are satisfied that the lots resulting from this subdivision are capable of supporting a rectangular building envelope of 10m x 15m for a dwelling.</p>
<p>7. <i>Lots are to be designed to maximise solar access.</i></p>	<p>The proposed lots are oriented to north-south direction. As such Council staff are satisfied that the lots are designed to maximise solar access.</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)
<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>	As noted in Section 6.7 within this report, a condition will be incorporated on any consent granted stating that the applicant is required to connect each allotment into Riverina Water reticulated system prior to issue of the Subdivision Certificate.

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 noted within Section 4.14 of this report, the subject site is not being identified as a bushfire prone land.
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>	Please refer to the above assessment against the State Environmental Planning Policy (Resilience and Hazards) 2021 within this report.

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6.6 SITE MANAGEMENT

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)
2. <i>Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga & Hume Councils</i>	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

<i>This chapter of the GHDCP applies to Council's policy for notifying development Applications.</i>	In accordance with the GHDCP 2013, the Application was notified to adjoining landowners from 25 November 2022 till 14 December 2022. As outlined above, Council received one objection. Please refer to <u>Section 4.15(1)(d)</u> within this report for further discussion..
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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 development application;

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

It is noted, the Prescribed Conditions as outlined in Subdivision 1 and 2 of Division 2 are recommended to be included on any consent granted, in the event if 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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ISSUE	COMMENT
Context & setting	The proposed development is unlikely to have significant negative impact upon the built environment. As noted within the report no buildings/structures will form part of this Approval. The proposed subdivision layout is generally considered to be consistent with adjoining lot arrangements. Most importantly, the Applicant has not sought a variation to the minimum lot size provision applicable for the development site.
Access & parking	The development site has suitable vehicle access via Halford Drive. It is further noted that the development will not unreasonably increase the vehicle movements beyond the capacity of the local road network. As per the referral response received from Council's Engineering Department access to the proposed new allotment (Lot 1) can be appropriately conditioned on any consent granted.
Roads & traffic	As above no issues identified.
Utilities	As discussed within the body of the report, a conditions will imposed stating that the Applicant is required to provide the following for the proposed new allotments: <ul style="list-style-type: none"> - Electricity - Water - Telecommunication.
Heritage	The subject site has not been identified as a heritage conservation areas in accordance with the Greater Hume Shire Community Based Heritage Study 2010. It is also noted as discussed above the proposal is not inconsistent with Section 5.10 of the GHLEP 2012 subject to imposition of suitable conditions on any consent granted.
Stormwater	As per internal referral response received, storm water from the proposed new allotments can be managed on site.
Soils & erosion	Minor soil disturbance can be anticipated during civil work for installing water lines and access to proposed new allotments. It is noted however Council staff are satisfied that potential impacts on the environment can be minimised subject to inclusion of suitable condition/s on any consent granted.
Flora & fauna	The existing tree on site is not required to be removed in order for the proposal to proceed. Therefore it is considered that no impacts on the environment in general.
Bushfire	The land is not mapped as a bushfire prone in accordance with the map maintained by NSW RFS.
Technological hazards	Minimal noise impacts can be anticipated during civil works associated with the proposal. A general condition related to maximum noise level to be adhered during works will be included on any consent granted.
Landscaping	No additional Landscaping is required in this instance As per Council Engineering Department's referral response. ✓

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

The proposed lots create a functional shape with appropriate dimensions to allow for adequate area for a new residential accommodation and large setbacks to nearby dwellings. The lots boundaries are designed to the site constraints and allow for suitable direct access to roads.

The application has been referred to Council's Engineering Department for consideration. The referral response recommended the implementation of standard development conditions which have been included in the condition section within this report.

As there are no known specific site constraints that would render site unsuitable it is considered that the site is suitable for the particular development.

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

External Referral	Response
Riverina Water	Correspondence dated 28 November 2022 to Greater Hume Council from Riverina Water confirms that the proposed two (2) lot subdivision is able to be served from their reticulated water supply. Riverina water also recommended conditions to be included on any consent granted. The recommended conditions will form part of any consent granted.
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	
The Application was notified to adjoining property owners and was also advertised on the NSW Planning Portal from 25 November 2022 till 14 December 2022. As mentioned previously within the body of the report Council received one objection.	
The submission was reviewed by Council's Engineering and Planning Staff. Please see below key summary and response from the assessing officer.	

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SUBDIVISION & ASSOCIATED CIVIL WORKS. – LOT 2 DP1179045 AT 116 HALFORD
DRIVE HOLBROOK NSW 2644 [CONT'D].

Submission	Response from the assessing officer
<p><i>"We feel extra subdivision is not warranted as we are zoned Rural Residential. Sub division brings extra dwellings. As Halford Drive is unsealed it becomes very dangerous very quickly with any amount of rain. The recent rain fall has made Halford Drive quite a nightmare to navigate. Halford Drive is quite a busy thoroughfare as it connects with Jingellic Road thus making it a short cut around town. Vegetation is quite wild at present making clear vision from driveways dangerous. Another driveway means more traffic using Halford Drive adding to an already dangerous thoroughfare. Extensive work needs to be carried out along Halford Drive for the safety of all residents and the general public who use this thoroughfare. I report Halford Drive quite regularly in need of repair and repairs generally last one week sometimes less. Repairs are generally a grader smoothing the surface, a water truck settling the dirt and a roller compacting the scraped surface. I have been told that Council does not have the resources to mow/maintain vegetation along unsealed roads, however, contractors names can be supplied to us. Why should we as ratepayers have to contact private contractors to make a public thoroughfare safe. If the current overgrown vegetation was on private land it would be considered a fire hazard. We maintain our section for our own safety but the rest of the thoroughfare is not maintained. If Council does not have the resources to maintain existing roadways how can approval of further subdivision be considered. We have lived in the Greater Hume Shire for over forty years at our current address since 2007. The zoning of Rural Residential was one aspect for us buying our block. This objection is from concerned rate payers.</i></p>	<p>Submission makers' comments noted.</p> <p>The subject application has been assessed on its merits against the relevant planning controls (i.e. GHLEP 2012, GHDCP 2013 and the applicable <i>State Environmental Planning Policies</i>) as outlined in Section 4.15 of the EP&A Act 1979.</p> <p>As discussed, the minimum lot size provision applicable for the development site is 2ha pursuant to the GHLEP 2012. The proposed lot configuration is consistent with the minimum size shown on the Lot Size Map in relation to that land. As also discussed, the proposal will not unreasonably increase the vehicle movements beyond the capacity of the local road network.</p> <p>Therefore, the proposal still maintains the rural character as expected under the objectives of this zone.</p>

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

The proposal is consistent with Council's relevant subdivision controls and the approval of the application is seen to be in the public interest.

BUDGET IMPLICATIONS

Nil.

CONCLUSION

The proposal will provide development of the land for a residential purpose whilst minimising adverse impacts on the surrounding locality. Suitable documentation to the satisfaction of Council's Planning and Engineering Departments has been submitted with the application in support of the proposal.

As discussed within the report approval of the application is consistent with the strategic planning vision for the site and surrounding area, in particular the vision aiming to achieve through the '*Holbrook Structure Plan*' contained within the GHDCP 2013.

RECOMMENDATION

That Council resolves to:

2. Approve Development Application No. 10.2022.225.1 at 116 Halford Drive HOLBROOK NSW 2644 on Lot 2 DP 1179045 for Two (2) Lot Torrens Title Subdivision & associated civil works subject to the conditions attached to this report pursuant to Sections 4.16 and Section 4.17 of the *Environmental Planning and Assessment Act 1979*.

PRESCRIBED CONDITIONS OF CONSENT

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

Section 70: Erection of signs

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

Section 72: Entertainment venues

Section 73: Maximum capacity signage

Section 74: Shoring and adequacy of adjoining property

Section 81: Build-to-rent housing

Please refer to the NSW State legislation for full text of the above Sections under Part 4 Division 2 of the [Environmental Planning and Assessment Regulation 2021](#).

GENERAL CONDITIONS WHICH MUST BE FULFILLED

1. Compliance with Plans and Conditions

The subdivision must be carried out in accordance with the approved development plans, except as modified in red by Council and/or any conditions of this consent. All conditions of consent must be fulfilled at the expense of the Applicant to comply with Council's Engineering Guidelines for Subdivisions and Development Standards in conjunction with advice from Council.

2. Protection of Vegetation

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

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DRIVE HOLBROOK NSW 2644 [CONT'D].

3. **Aboriginal Cultural Heritage**

No Aboriginal objects may be harmed without an approval from Heritage NSW under the [National Parks and Wildlife Act 1974](#).

If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:

- o Not further harm the object(s);
- o Immediately cease all work at the particular location;
- o Secure the area to avoid further harm to the Aboriginal object(s);
- o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location;
- o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the [Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales](#). All reasonable precautions must be taken to prevent damage to Aboriginal objects.

CONDITIONS WHICH MUST BE COMPLIED WITH DURING WORKS

4. **Riverina Water - Notice of Requirements**

A Notice of Requirements must be obtained from Riverina Water prior to the development commencement. The Applicant is advised to make an early Application for the certificate, as there may be water pipes to be built that can take some time.

5. **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: "[Erosion and Sediment Control – A Resource Guide for Local Councils](#)".

6. **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.

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7. **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.

8. **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.

9. **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.

**CONDITIONS WHICH MUST BE FULFILLED PRIOR TO THE RELEASE OF THE
SUBDIVISION CERTIFICATE**

10. **Subdivision Certificate**

A Subdivision Certificate Application must be submitted to and approved by Council. The Subdivision Certificate Application must be lodged via the [NSW Planning Portal](#). A fee is payable.

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.

11. **Completion of Civil Works and additional correspondence**

Prior to the issue of the Subdivision Certificate the following works must be undertaken and suitable correspondence must be provided to the satisfaction of Council;

- a) The typical rural driveway crossover(s) shall be in accordance with Council's Specifications Drawing. All works associated with the vehicle crossover shall be inspected by Council's Engineering Department prior to any pouring of concrete. A Road Opening Permit will only be issued upon completion of "Road Opening Permit Application" (form attached) and payment of the fee applicable

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- b) **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;
- c) **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 lots 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.
- d) **Riverina Water - Compliance Certificate**
A Compliance Certificate must be provided confirming satisfactory arrangements have been made for the provision of water prior to issue of the Subdivision Certificate. The certificate must refer to this development consent and all of the lots created.

The submitted written correspondence/evidence must be to the satisfaction of Council.

12. **Council Property**

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.

CONDITIONS HAVE BEEN PLACED ON THE CONSENT FOR THE FOLLOWING REASONS:

- 1. To ensure compliance comply with the [Biodiversity Conservation Act 2016](#).
- 2. To protect Aboriginal heritage and to comply with the [National Parks and Wildlife Act 1974](#).
- 3. To ensure compliance with the terms of the [Environmental Planning and Assessment Act 1979](#).
- 4. To protect public interest, the environment and existing amenity of the locality.
- 5. To improve the amenity, safety and environmental quality of the locality.

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ADVICE TO APPLICANT

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

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

GOVERNANCE

Nil.

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CORPORATE AND COMMUNITY SERVICES

1. CONFIRMATION OF ORGANISATION STRUCTURE

Report prepared by Director Corporate & Community Services – David Smith

REASON FOR REPORT

For Council to review the organisation structure in accordance with Section 333 of the Local Government Act 1993.

REFERENCE TO DELIVERY PLAN ACTION

Nil

DISCUSSION

Under Section 332 of the Local Government Act, Council must determine the senior staff positions within the organisation structure after consulting with the General Manager. Section 333 of the Local Government Act further requires Council to review the organisation structure within 12 months of the ordinary election of Council.

Since the election in December 2021, the Council has undertaken an extensive review of Council's Integrated Planning and Reporting framework. This included the revision of the Community Strategic Plan (CSP), development of the Delivery Program 2022-2026, Operational Plan 2022-2023 (DPOP) and Resourcing Strategy 2022-2032.

With the development and adoption of these strategic it is appropriate for Council to adopt the organisation structure that underpins its delivery. It is considered that the current structure aligns with the future needs of the organisation, synergies and effectiveness of the corporate functions and financial implications now and into the future.

The Community Strategic Plan is the highest-level strategy that Council prepares and is a whole of community plan, reviewed and developed in partnership with the community. It identifies and articulates the community's long-term aspirations, priorities and vision.

The Delivery Program details the activities that the Council will deliver over its term and the strategies it will implement in consultation with the community and contained in the Community Strategic Plan.

The Operational Plan details the actions to be undertaken during the next financial year and includes the annual budget and fees and charges for the year ahead. The General Manager, supported by the Executive Leadership Team, implements the program of services, capital works and projects set out in the annual Operational Plan and endorsed by the Council.

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. It is considered that the current structure has a focus on the current and future needs of the community. It is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy.

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CONFIRMATION OF ORGANISATION STRUCTURE [CONT'D]

The current three Directorate structure report directly to the General Manager and supports the delivery of the activities and actions in the Delivery Program 2022-2026 and Operational Plan 2022-2023 as follows:

General Manager (Senior Staff)
Director – Corporate & Community Services
Director – Engineering
Director – Environment & Planning

It should be noted that the organisational structure must be reviewed by Council within 12 months after any ordinary election of the council as stated in Section 333 of the Local Government Act:

Section 333 Re-determination and review of structure:

The organisation structure may be re-determined under this Part from time to time. The council must review, and may re-determine, the organisation structure within 12 months after any ordinary election of the council'.

Following are relevant extracts from the Local Government Act 1993.

Section 332 Determination of structure

(1) A council must, after consulting the general manager, determine the following:

- (a) the senior staff positions within the organisation structure of the council,*
- (b) the roles and reporting lines (for other senior staff) of holders of senior staff positions,*
- (c) the resources to be allocated towards the employment of staff.*

(2) A council may not determine a position to be a senior staff position unless--

(a) the responsibilities, skills and accountabilities of the position are generally equivalent to those applicable to the Executive Band of the Local Government (State) Award, and

(b) the total remuneration package payable with respect to the position is equal to or greater than the minimum remuneration package (within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975) payable with respect to senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013 .

As at 1 July 2021, the Band 1 range under the Government Sector Employment Act 2013 was \$197,400 - \$281,550.

The General Manager is the only designated Senior Staff position at Greater Hume Council.

In reviewing the current structure, it is recommended it be retained. The elected body have expressed a desire to retain a strong focus on service delivery while improving Council's financial sustainability over the medium term. This is better served with a stable and consistent executive structure to foster organisational support and understanding between employees, community and the elected body.

General Managers, after consulting with the elected body of the council, determine the positions (other than the senior staff positions) within the organisation structure of the Council. This confers a responsibility on General Managers to determine all other positions other than senior staff positions to give effect to priorities in the community strategic plan and delivery program. As such, the General Manager may amend the organisation structure in response to

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CONFIRMATION OF ORGANISATION STRUCTURE [CONT'D]

changing priorities within the bounds of the resources allocated in the annual Operational Plan endorsed by the Council.

Senior Staff Employment – Office of Local Government Discussion Paper

In response to the findings and recommendations of the Independent Commission Against Corruption arising from its investigation of the former Canterbury City Council (Operation Dasha), the parties to *the Local Government (State) Award*, have requested the Government to amend the *Local Government Act 1993* to remove the ability for councils to determine positions in their organisation structure to be “senior staff positions”.

Under the current provisions of the Act, the holders of positions determined by councils to be “senior staff positions” must be employed using standard contracts of between 1–5 years duration. Under the model proposed by the parties to the Award, only the General Manager would be employed under a standard contract and all other council staff, including senior executives, would be employed under the Award, as is currently the case with Directors at Greater Hume Council.

The Office of Local Government has issued a discussion paper to seek the views of the broader local government sector on the changes requested by the parties to the Award. All Councils were invited to make submissions indicating whether they would support the making of the legislative amendments requested by the parties to the Award set out in the discussion paper with submissions closing on 15 November 2022.

BUDGET IMPLICATION

The resources for the employment of staff is included in the adopted Operational Plan 2022-2026. Senior staff remuneration package details are outlined in the Annual Report.

CONCLUSION

The organisation structure should facilitate the delivery of services to achieve the Operational Plan actions. The current structure is designed to provide the leadership and management of appropriately grouped services which currently work across directorates to enable improved and effective delivery of services for our community. The aim is to also ensure the structure of the organisation aligns with the priorities of the Community Strategic Plan, Delivery Program, Operational Plan and Resourcing Strategy.

The current structure is functioning well within a constrained financial environment and it is considered that the current three Directorate structure aligns with these strategies. Accordingly, this report recommends re-determining the present structure as appropriate for Council.

RECOMMENDATION

That in accordance with Section 333 of the Local Government Act 1993, Council determine its present organisation structure as appropriate for the Council’s purposes being:

- (a) General Manager (Senior Staff)
- (b) Director – Corporate & Community Services
- (c) Director – Engineering
- (d) Director – Environment & Planning

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ENGINEERING

1. 2022 – 2023 CHANGES TO RURAL ROADS PROGRAM OF WORKS

Report prepared by Manager Works – Ken Thompson

REASON FOR REPORT

To approve changes to Councils Spray Seal Bitumen Resealing Program on Rural Roads for 2022-2023

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

Due to the sustained wet weather and the deterioration of our Rural Roads, it is recommended that Council defer any resealing on Rural Roads for the current financial year 2022/23 until 2023/24 and to undertake heavy patching instead.

It is proposed that Council reallocate \$900,000 for resealing in the Rural Road Program and utilise those allocated funds to complete a large Heavy Patching Program on our Rural Roads of the same value. The proposed program is being prioritised and scoped by Councils Manager Works and Overseers from road data provide by Councils Road Surveillance Officer.

This heavy patching will be in addition to the heavy patching to be undertaken under the Pothole funding received by Council.

2022/23 Resealing Projects to be deferred are:

Brocklesby Goombargana Road (Ch1720-Ch3758)	\$50,000
Henty Cookardinia Road (Ch9320-Ch12820)	\$105,000
Morven Cookardinia Road (Ch10000-Ch13000)	\$76,000
Burrumbuttock Walla Walla Road (Ch0-Ch3000)	\$73,000
Burrumbuttock Brocklesby Road (Ch10000-Ch12400)	\$66,000
Four Corners Road (Ch0-Ch3950)	\$105,000
Henty Walla Road (Ch8550-Ch12550)	\$115,000
Westby Road (Ch0-Ch11920)	\$270,000
Rodgers Road West (Ch0-Ch1200)	\$40,000
Total	\$900,000

The Heavy Patching Program on Rural Roads will be completed by both Council and contractors after the completion of the required tendering process that will be commenced in January, and roads to be heavy patched will be reported to the February Meeting.

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2022 – 2023 CHANGES TO RURAL ROADS PROGRAM OF WORKS [CONT'D]

BUDGET IMPLICATION

Total Project Cost\	\$900,000
Funded From: Local Rural Road Resealing Program	\$900,000
Adopted Budget Item	\$
Grant - (Specify Grant Program)	\$0
Transfer from Internal Reserve	\$0
External Contribution (Specify who/where from)	\$0
TOTAL	\$900,000

These proposed changes will have no negative effect on the Rural Roads budget for Council in 2022-23 financial year.

CONCLUSION

In proceeding, this will allow significant heavy patching to be undertaken to repair a number of Council roads that has been damaged as part of the wet conditions.

Whilst deferring Council's bitumen resealing program is not considered sustainable in the long term, the priority to fix the significant failures is considered a higher priority at this time over the proposed resealing works.

It will have no negative impact on Council's budget, but will allow Council to conduct vital repairs to our Rural Roads for the safety of motorists.

RECOMMENDATION

That Council approve the following changes to the Regional Roads budget as detailed.

1. Defer the following 2022/23 Resealing Projects to 2023/24:

Brocklesby Goombargana Road (Ch1720-Ch3758)	\$50,000
Henty Cookardina Road (Ch9320-Ch12820)	\$105,000
Morven Cookardina Road (Ch10000-Ch13000)	\$76,000
Burrumbuttock Walla Walla Road (Ch0-Ch3000)	\$73,000
Burrumbuttock Brocklesby Road (Ch10000-Ch12400)	\$66,000
Four Corners Road (Ch0-Ch3950)	\$105,000
Henty Walla Road (Ch8550-Ch12550)	\$115,000
Westby Road (Ch0-Ch11920)	\$270,000
Rodgers Road West (Ch0-Ch1200)	\$40,000
Total	\$900,000

2. And reallocate the funds of \$900,000 to heavy patching on Rural Roads.

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2. TENDER TL 02 – 2022/23 FERNDALE ROAD RECONSTRUCTION-STAGE 1

Report prepared by Works Engineer – Andrew Walls

REASON FOR REPORT

To consider the re-negotiated tender for the construction of the Ferndale Road Reconstruction project.

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 2022/2023 Operational Plan.

The scope of the contract covers the reconstruction, widening and sealing of approximately 350m of Ferndale Road and includes the culvert replacement over Tunnel Creek.

Advertisements were placed in the Border Mail and on Tenderlink with the original tender submissions presented to the September 2022 Council meeting. The lowest conforming tender submitted by Longford Civil P/L exceeded the remaining budget.

At that meeting Council resolved;

4. Decline to accept any Tenders for the Tender TL02-2022/23 Ferndale Road reconstruction – Stage 1, in accordance with clause 178 (1) (b) of the Local Government (General) Requirements,

5. Enter into negotiations with Longford Civil with the view of entering into a contract for the reconstruction of 350m of Ferndale Road on the basis that the Tender submitted by Longford Civil is the most competitive of the Tenders received and they have the proven ability to complete a project of this nature.

Project scope was reduced and provisional items removed from the contract Bill of Quantities with Longford Civil invited to submit a revised tender price.

The project scope was reduced with the exclusion of line marking, provisional rock, rock beaching for minor culverts, second coat seal (now to be done in 12 months' time) under reseal program, removal of spoil from site, and hydro mulching of batters.

It should be noted that the removal of provisional items from the Bill of Quantities included items such as replacement of unsuitable subgrade material.

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TENDER TL 02 – 2022/23 FERNDALE ROAD RECONSTRUCTION-STAGE 1 [CONT'D]

BUDGET IMPLICATION

Total Project Cost	\$500,000
Funded From:	
Adopted Budget Item	\$500,000
Grant - (RTR)	\$250,000 (2022/23)
Transfer from Internal Reserve	\$-
External Contribution (LRCIP)	\$250,000 (2021/22)
TOTAL	\$500,000

The remaining budget for the Ferndale Road Reconstruction Stage 1 project is \$423,466.00 (excl GST) following the completion of the survey and design and purchase of the culverts.

The revised tender price received amounted to \$431,865.61 (excl GST) which marginally exceeds the engineers estimate and the remaining budget of \$423,466.00 (excl GST).

It is proposed to cover the funding shortfall from the Roads Maintenance budget.

CONCLUSION

The revised tender received for the Ferndale Road Reconstruction Stage 1 project marginally exceeds the remaining budget for these works with the shortfall to be covered from the Roads Maintenance budget.

RECOMMENDATION

That:

1. the revised tender submitted by Longford Civil P/L for tender TL02 2022/2023 for the Reconstruction of Ferndale Road – Stage 1 for \$431,865.61 (excl. GST) be accepted.
2. the General Manager and the Mayor be authorised to execute contract documentation with Longford Civil P/L under the Common Seal of Council.

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3. LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – ROUND 3 UPDATE

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To propose a reallocation of Local Road Community Infrastructure (LRCIP) – Round 3 project allocations following remedial works undertaken at the Jindera Swimming Pool.

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

At the ordinary meeting of Council February this year, Council nominated the expenditure for the funding to be received under LRCIP Round 3 of \$2,588,380 to be allocated as follows.

1. Construction of Public Toilet Facilities at Burrumbuttock Recreation Ground \$300,000
2. Installation of Kerb and Channel, Drainage and Footpath in Balfour St Culcairn \$1,038,380
3. Replacement of Pool Shell at Jindera Public Swimming Pool. \$1,250,000

The minutes of the meeting clearly indicate the \$1.25 Million for the Jindera pool be subject to the opportunity to undertake repair work instead of the complete pool shell replacement to determine if this work can extend the life of the pool at a lower cost.

Since February, repair work has been undertaken, and the pool is currently in operation for the current pool season, with belief that the repair work has elongated the life of the pool, although a further year is required to fully contemplate if the repairs have been a complete success.

With the funding under LRCIP Round 3 required to be expended by 30 June, and with the “success” of the repairs at the pool it is required that the reallocation of the funding is required to ensure Council meets the timelines of the grant.

In discussion with the Council staff, the Council has currently expended approximately \$150,000 on the repairs and advice received that following the end of the pool season a further \$100,000 is required to be expended to complete other repairs. Staff have advised this can be completed prior to 30 June to meet the grant guidelines

Therefore it is considered that the allocation to the Jindera Pool be changed from \$1.25 Million to \$250,000

As discussed at the recent Council workshop it is considered the remaining \$1 Million dollars be reallocated as follows

1. \$450,000 Molquentin Road Drainage Project
2. \$550,000 Resheeting of Unsealed Roads

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LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – ROUND 3 UPDATE
[CONT'D]

1. \$450,000 Molkentin Road Drainage Project.

This projects involves the installation of new large box culverts under Urana Road and Molkentin Road in Jindera as well as constructing a new open channel linking the new culverts to manage the stormwater flows from the Jindera Recreation Reserve and further to the south around properties in Urana Road and Cade Court in Jindera.

This work eliminates the current under capacity drain under Urana St and the similar under capacity open drain at the intersection with Molkentin Road linking to Cade Court.

The work has involved the acquisition of land on the south side of Molkentin Road and substantial investigation into service relocations.

Initially \$350,000 was allocated over 19/20 and 20/21 to commence the land acquisition and fund the open drain, however with Covid and other delays the land acquisition was only completed this year.

In 20/21 \$400k was allocated in Regional Roads and in 21/22 \$250k was allocated in RTR funding to undertake the culvert construction. Unfortunately supply chain issues delayed culvert delivery, and funding under Regional; Roads are required to be expended in the current calendar year required the funding to be spent on other Regional Roads Projects including significant maintenance works due to the wet weather that commenced that year.

Tendering for culvert work under Urana Road was completed in 2021 with Hurst Earthmoving awarded the contract. Tendering for the construction of the open drain and culvert under Molkentin Drain was undertaken in May of this year and is to be considered as part of this monthly agenda. Discussion with Telstra has led to a cost of \$80k to realign the Telstra network on Urana Road to allow the new culverts to be installed.

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LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – ROUND 3 UPDATE
[CONT'D]

The table below details the breakdown of the budget including the previously committed funds and the additional funds to be allocated.

	Expenditure on the project (current)	Budgeted Expenditure	Remaining Cost	Income	TOTAL
Survey and Design	\$40,000				
Land Acquisition and legal costs	\$50,000				
Part Payment to Hurst for Culverts (Currently onsite at Rec Ground)	\$80,000				
Culvert Construction (under Urana Road)		\$300,000			
Realignment of Telstra cabling		\$80,000			
Purchase of Culverts/Headwalls for Molkentin Road			\$90,000		
Tender from Hutchison Civil			\$410,000		
SUB TOTAL EXPENDITURE	\$170,000	\$380,000	\$500,000		\$1,050,000
19/20 Stormwater Drainage				(\$50,000)	
20/21 Stormwater Drainage				(\$300,000)	
21/22 Roads to Recovery \$250,000				(\$250,000)	
LRCIP Reallocated				(\$450,000)	
SUB TOTAL					(\$1,050,000)

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[CONT'D]

2. \$550,000 Resheeting of Unsealed Roads

The completion of additional resheeting of rural roads is considered to be a priority to Council to mitigate firstly the some of the of the impact of the wet weather over the past 18 months and deficient as detailed in Council road strategy as detailed in another report to this meeting.

It is proposed the following roads be resheeted as they are currently identified as part of 2023-2024 resheeting program and are not been impacted by the current natural disaster events.

The roads proposed are:

Coppabella Road Part Sections (CH5410-CH5850, CH6065 – CH6670 and CH7860 –CH9240) Just east of Cribbs Road	\$113,000
• Shoemarks Road Part Section Scholz Rd to Graetz Rd (CH3340 – CH3970)	\$28,000
• Seidels Road Full Length (CH0 – CH4950)	\$206,000
• Stewarts Road Daysdale Road to Hudsons Road (Ch0 – CH3210)	\$121,000
• Graetz Road Full Length (CH0- CH2185)	\$82,000
Total	\$550,000

The two projects proposed both meet the requirements of the LRCIP program and can be completed within the required time frames, as well as the completion of the additional works at the Jindera pool

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LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM – ROUND 3 UPDATE
[CONT'D]

The proposed LRCIP changes are:

Current LRCIP

Projects	Locality	Project Cost
Installation of drainage in Balfour St	Culcairn	\$1,038,380
Public toilet facilities at Burrumbuttock Recreation Reserve	Burrumbuttock	\$300,000
Replacement of Pool Shell at Jindera Pool	Jindera	\$1,250,000
Total		\$2,588,380

Proposed LRCIP

Projects	Locality	Project Cost
Installation of drainage in Balfour St	Culcairn	\$1,038,380
Public toilet facilities at Burrumbuttock Recreation reserve	Burrumbuttock	\$300,000
Upgrade/Repairs to Jindera Pool	Jindera	\$250,000
Construct Drainage Molkentin Road	Jindera	\$450,000
Gravel Road Resheeting	Various Rural Areas	\$550,000
Total		\$2,588,380

BUDGET IMPLICATION

Total Project Cost	\$2,588,380
Funded From:	
Adopted Budget Item	\$
Grant - (LRCIP)	\$2,588,380
Transfer from Internal Reserve	\$
External Contribution (Specify who/where from)	\$
TOTAL	\$2,588,380

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[CONT'D]

CONCLUSION

Following the successful repair work completed at the Jindera pool a revision of proposed projects have been determined that meet LRCIP guidelines and can be completed by 30 June 2023.

Therefore as discussed at the Council workshop it is proposed the following projects be put forward for as projects to be completed as part of Round 3 LRCIP, as per **ANNEXURE 5**.

Projects	Locality	Project Cost
Installation of drainage in Balfour St	Culcairn	\$1,038,380
Public toilet facilities at Burrumbuttock Recreation reserve	Burrumbuttock	\$300,000
Upgrade/Repairs to Jindera Pool	Jindera	\$250,000
Construct Drainage Molkentin Road	Jindera	\$450,000
Gravel Road Resheeting	Various Rural Areas	\$550,000
Total		\$2,588,380

RECOMMENDATION

That Council adopt the changes to LRCIP Program Round 3, with the revised projects being:

Projects	Locality	Project Cost
Installation of drainage in Balfour St	Culcairn	\$1,038,380
Public toilet facilities at Burrumbuttock Recreation reserve	Burrumbuttock	\$300,000
Upgrade/Repairs to Jindera Pool	Jindera	\$250,000
Construct Drainage Molkentin Road	Jindera	\$450,000
Gravel Road Resheeting	Various Rural Areas	\$550,000
Total		\$2,588,380

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4. TENDER TL 12 – 2020/21 MOLKENTIN FLOODWAY AND ASSOCIATED WORKS

Report prepared by Works Engineer – Andrew Walls

REASON FOR REPORT

To consider tenders for the construction of the Molkentin Road floodway and associated works.

REFERENCE TO DELIVERY PLAN ACTION

Objective Our development and maintenance is sustainable, environmentally responsible, accessible and enjoyed by our community.
Outcome 4.1 Infrastructure and facilities meets the needs of our communities.

DISCUSSION

This project was part of the Council 2020/2021 Operational Plan however was delayed due to supply chain issues and weather events requiring the funding for the project to be reallocated to other works on the Regional Road Network.

Advertisements were placed in the Border Mail and on Tenderlink.

Tenders closed on Tuesday 3rd May 2022. Three tenders were received via the Tenderlink portal.

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

Company	Tender Price (excluding GST)
Crown Traffic Services P/L	Non- Conforming
Hurst Earthmoving P/L	\$ 478,246.00
Hutchinson Civil P/L	\$ 428,285.00

The tender submitted by Crown Traffic Services contained advertising material which bore no relevance to this tender and it was not considered.

A table of the apportionment used to assess the tenders is **ENCLOSED SEPARATELY** for Councillors information.

Hutchinson Civil is a well-established civil contractor based in Albury and has previously completed works for Greater Hume Council to a satisfactory standard. Mr Bede Hutchinson from Hutchinson Civil 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. However Mr Hutchinson indicated that a projected commencement date would depend on the procurement of the concrete box culvert units.

During the post-tender interview Mr Hutchinson indicated that the works are likely to require closures of Molkentin Road, although considerate programming of works should minimise these closures.

Due to the delays in confirming the funding for the project Mr Hutchison was requested to advise of a revised price for the works since the previous tendered price was submitted in May of this year. The revised price received was \$492,505.00. This price is considered reasonable due to the substantial increases in the construction industry.

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TENDER TL 12 – 2020/21 MOLKENTIN FLOODWAY AND ASSOCIATED WORKS

Due to increasing supply chain issues and price increases it was subsequently determined the best course of action was for Council to procure the culverts and headwalls for the project to lock in their cost and delivery timetable asap.

The cost for the culverts and headwalls came to \$89,487.60. Mr Hutchinson has agreed to undertake the project for the his price less the cost of the culverts and headwall totalling \$403,017.40

The culverts and headwalls are due to be delivered in March 2023. If the project was not to proceed Council has the option to cancel the order for culverts and headwalls for at least the next two months

A drawing of the proposed works is **ENCLOSED SEPARATELY** for Councillors information.

BUDGET IMPLICATION

The budget for the Molkentin Road Floodway project \$500,000 (See earlier report to Council on revised allocations to LRCIP).

The revised tender price for the project is \$403,017.40 (excl.GST) is consistent with the engineers estimate and within the revised budget of \$410,000 (\$500,000 Budget less price of culverts and headwalls of \$90,000).

The tendered price includes the possibility of \$50,000 of provisional items.

CONCLUSION

Three tenders were received for the Molkentin Floodway and Associated Work project. Two 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:

1. the tender submitted by Hutchinson Civil P/L for tender TL12 2021/2022 for the Molkentin Floodway and Associated Works at \$403,017.40 (excl. GST) be accepted.
2. the unsuccessful tenderers be notified.
3. 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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5. ROAD STRATEGY UPDATE 2023 -2027

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To provide an updated Greater Hume Road Strategy 2023 – 2027 for endorsement to take to public consultation prior to referring to a future Council meeting for adoption.

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

As Councillors would be aware, the current Greater Hume Road Strategy is due for review following the election of the new Council. The Road Strategy is updated every 4 years once a new Council has been elected.

The draft 2023 -2027 Greater Hume Road Strategy is **ENCLOSED SEPARATELY** for Councillors information.

The Road Strategy provides the overarching principles of the management of Councils Road Network, and guides the construction and maintenance practices on all Council Roads in both urban and rural environments. It also contains the most up to date data of the road network that Council manages as part of its ongoing activities.

The road network is the most predominate asset Council manages with a replacement value of \$672 Million and a current written down value of \$558 Million.

Roads are also one of the most important assets Council controls that directly impacts the lives of its residents, visitors and other road users.

Council currently has a sealed Regional Road Network of 286km (Rural 270.2km, Urban 15.6km) and a local sealed Rural Road Network of 699 km supported by an unsealed Rural Road Network of 868km (Gravel surface) and 102 km of formed Rural Roads (Natural surface – Dry weather roads only). Council also has 101km of sealed local Urban Streets (excluding Regional Roads), 14km of unsealed Urban Streets. The total road length managed by Council is 2070km (1784 km - Local Roads, 286km - Regional Roads).

Total budgeted expenditure in 2022/23 on the Local Road Network of 1,784km is \$6,866,578. In addition, Council has a budget of \$2,810,000 for the management of Councils Regional Road Network of 286km that is provided to Council by the NSW Government through the Regional Road Block and Repair Grant. The total expenditure of \$9,676,578 on the road network represents 28.69% of Council's annual expenditure (excluding depreciation and works on State Highways).

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ROAD STRATEGY UPDATE 2023 -2027 [CONT'D]

Overarching Principles of the Strategy

The overarching principles of the strategy are to provide the following in the most fair, reasonable and logical manner to our residents and road users.

- All Towns and Villages are to be connected by a sealed road
- All dwellings that have residents are to be connected to the road network by a road that has a gravelled surface to provide all weather access
- Roads will be managed (constructed and maintained) on a hieratical basis determined by their current traffic usage, B Double accessibility (Approved Routes), and school bus usage

Road Classifications

All roads have been classified under the strategy, so that standards for the construction and maintenance can be consistently applied to roads based on their usage, and Council and external funds that are available.

All state funded roads (Regional Roads) are classified as Class 3 roads. These are roads that are funded by the NSW Government to Council by Regional Road Block and Repair Grants that were once a State Road but were given back to Council to manage and maintain.

All local roads are classified, class 4 to 8 roads. All sealed local roads are classified Class 4 and unsealed local roads that have a gravel surface are classified Class 5 (High Use) and 6 (Low Use), and formed roads that don't have a gravel surface Class 7, and road reserves that may have a "track" on it, are Class 8.

The three criteria that determine the classification of road (class 4 to 8) are calculated from the roads current traffic volume, B-Double (Heavy Vehicle) approval, and use by school buses. The details of the scoring of each road and their classification are contained within the road strategy.

Changes since last revision

Urban / Rural Roads

The **first major change** is that roads are now been classified as either Urban or Rural Roads, and not simply roads, due to Urban Roads have differing design characteristic and the need to provide more statistical data on roads to both State and Federal Governments.

New urban road classifications are:

Class 4A-Two Lane Sealed Road
Class4B – Single Lane Sealed Road
Class 4C – Sealed Laneways
Class 4D – Sealed Parking Areas
Class 5A – Unsealed Urban Roads
Class 5B – Unsealed Urban Lanes
Class 8 – Urban Green Lanes
Urban Private Lanes

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ROAD STRATEGY UPDATE 2023 -2027 [CONT'D]

Rural Roads

Class 4A rural roads are local roads built to a regional rural road standard. These roads are high use roads that in most cases take traffic volumes greater than regional roads or they are roads that have a unique use that requires a higher standard of construction or in two cases (Woomargama Way and Bowna Road) are roads that were originally part of the Hume Highway and that to reduce their standard would not be logical. In previous revisions the strategy simply classified roads 4A as Major Sealed Roads and 4B Minor Sealed Roads. The **second major change** in the strategy is Class 4A roads now have a traffic score of >1000 and Class 4B have a score of between 80 and 1000. Previously Class 4A roads had a traffic score >200 and Class 4B roads a score between 80 and 200. The reclassification is considered more logical as it reflects roads only built to a regional road standard that have high volumes equivalent to regional roads

The third change is the classification of roads that have single lane seals (Class 4C) and where dust seals have been placed (Class 4D) have been added due to their maintenance requirements being different to that of a normal Class 4B sealed road

The forth change is Class 6 sealed roads have now been separated into two classes where class 6A roads are a school bus route and Class 6B are roads that have no school buses. This has been undertaken to quantify the length of class 6 roads school buses travel on and to look at the provision of additional maintenance due to the bus usage.

The fifth change is that Rural Private Road data has also been collected and mapped for rural addressing purposes, however Council does not maintain these roads

BUDGET IMPLICATION

As shown in the strategy Council is now undertaking the desired level of rural and urban road resealing (35-40km/year), following on from increased budgets helped by the special rate variation implemented some years ago. The amount of rural road resheeting has improved and Council is now undertaking approximately 45-50km/year of the required 55-60km/year. If Council continues the addition of \$50k in the budget per year for resheeting, above CPI, the required level of resheeting will be achieved on the network in approx. 7 years' time or 2030.

Reconstruction budgets vary significantly year to year, following both the State and Federal Government are now providing funding through specific grant programs to the upgrade the Road Network. Unfortunately this provides a challenge to Council to obtain the required funding to maintain the road network in a structured way due to the fallibilities of grant funding.

Increasing costs for maintenance grading will require also additional funding to be allocated to meet required grading standards as detailed in the strategy due to partly to the increase in basic operational costs (ie fuel, repairs etc).

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ROAD STRATEGY UPDATE 2023 -2027 [CONT'D]

CONCLUSION

The updated road strategy provides Council with detailed information and direction on the ongoing challenges of the strategic management of the road network, and the financial issues involved. The overarching principles of the management remain the same as previously stated in previous versions respecting the management of the network based on, current usage (traffic volumes), b-double accessibility (approved B- Double routes), school bus usage, and providing a minimum level of access to all households based on all weather (gravel) road surface.

The strategy is an important document to Council as it also sets the standard of road construction and maintenance to be undertaken on roads in Greater Hume as well setting priorities for the upgrading of certain roads that formulates a majority of Council forward works road construction program.

RECOMMENDATION

That Council endorse the proposed draft Greater Hume Road Strategy 2023 -2027 and take to public consultation prior to referring to a future Council meeting for adoption.

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ITEM TO BE REFERRED TO CLOSED COUNCIL

ENVIRONMENT AND PLANNING

1. **NORTH MANILLA PETROLEUM PTY LTD V GREATER HUME COUNCIL –
SERVICE STATION RAILWAY PARADE HENTY**

Report prepared by Director Environment and Planning – Colin Kane

REASON FOR REPORT

Council has been served with class 1 proceedings in the Land and Environment Court relating to proceedings commence by North Manilla Petroleum Pty Limited.

So that Council can respond to the proceedings this report will provide legal advice which will assist Council in determining its response.

REFERENCE TO DELIVERY PLAN

Nil Relevant

DISCUSSION

As mentioned Council has been served with class 1 proceedings in the Land and Environment Court which relate to proceeding commenced by North Manilla Petroleum Pty Limited. The details of the application are that it is an appeal against Greater Hume Council's refusal of modification application no 10.2021.72.2 dated 22 June 2022.

The original development application was for a new service station to be constructed on the corner of Railway Parade and Sladen Street East Henty on Lots 1, 2 and 3 DP12560. The development application proposed to establish the service station on the site which will operate 24 hours per day, seven days per week. There were a number of submissions made in response to the notification of the development application and therefore the application was considered by Council at its Ordinary meeting held on 16 February 2022. The application was approved however, Council imposed condition 55 which is as follows:

Hours of Operation

The approved hours of operation are as follows Monday to Sunday, 6am -10pm.

The modification application was submitted as the proponent indicated that the development was not feasible with the current approved operating hours. The modification application sought change in the wording of condition 55 to be as follows:

“The approved hours of operation are as follows Monday to Sunday, 6am -10pm. A trial period of 6 months to start from the date the site receives its Occupation Certificate for the hours of operation of Monday to Sunday 5am-12am Midnight.”

At Council's Ordinary Meeting on 22 June 2022 the following was resolved:

That the applicant of DA10.2021.72.2 be advised that the original Conditions of consent as agreed at the 16 February 2022 meeting remain in effect.

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NORTH MANILLA PETROLEUM PTY LTD v GREATER HUME COUNCIL – SERVICE
STATION RAILWAY PARADE HENTY [CONT'D]

To assist Council in responding to the class 1 proceeding the author has requested a letter be provided from Council's legal representatives. The letter outlines the process followed by the Land and Environment Court, the differing ways that Council can proceed, associated costs and seeks instructions from Council.

BUDGET IMPLICATIONS

There is legal costs that will be incurred by Council.

CONCLUSION

This report advised that Council has been served with class 1 proceedings in the Land and Environment Court relating to proceedings commenced by North Manilla Petroleum Pty Limited. A brief overview is provided of Council's determination of the development application and an application for modification. The report provides a letter from Council's legal representative which provided information and seeks instructions.

RECOMMENDATION

Council resolves to:

1. That the report on class 1 proceedings in the Land and Environment Court be referred to Closed Council in accordance with section 10A(2)(g) of the Local Government Act 1993 as the report deals with advice concerning litigation.

REASON

The discussions to be had in relation to this matter deals with litigation and how Council will instruct its legal representative.

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GOVERNANCE

1. **JINDERA INDUSTRIAL ESTATE – GENERAL MANAGER’S AUTHORISATION TO SIGN CONTRACTS OF SALE FOR SALE OF LOTS 201 AND 202 DP 1285198 KILNACROTT DRIVE, JINDERA AND SALE OF LOTS 203, 204, 206 AND 207 JARICK WAY, JINDERA AND METHOD OF DISPOSAL TO RESULT IN SALE OF LOT 205 DP 1285198, 33 JARICK WAY, JINDERA**

Report prepared by Economic Development Coordinator – Marg Killalea

REASON FOR REPORT

The purpose of this report is to provide authorisation to sign contract documents for the sale of six industrial allotments, and provide a recommendation for the disposal of Lot 205 in the current stage of the estate.

In light of the confidential nature of the discussion, it is appropriate that the matter be referred to the confidential section of the meeting for consideration.

REFERENCE TO DELIVERY PLAN ACTIONS

CSP Strategy	G.2.2 Encourage social enterprises and businesses to grow local employment
Initiative	G.2.1 Prepare a strategy to investigate the expansion of industrial estates or development of new industrial estates for Holbrook, Culcairn, Jindera, Walla Walla and Henty

DISCUSSION

The report provides authority for the completion of contracts to result in the sale of six allotments in the latest industrial land development at Jindera Industrial Estate.

In addition the Property Offer To Purchase for Lot 205 has lapsed, and therefore Council will be required to consider a further report and recommendation for the disposal of this allotment.

In light of the confidential nature of the discussion, it is appropriate that the matter be referred to the confidential section of the meeting (Closed Council) in accordance with section 10 A (2) (d) (i) commercial information of confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, that would, if disclosed, confer an advantage on a person whom Council is conducting (or proposes to conduct) business and (ii) confer a commercial advantage on a competitor of the council.

RECOMMENDATION

That consideration of the report to result in authorisation for the sale of six allotments and a report outlining a recommendation for the method of disposal of Lot 205 DP 1285198, be referred to the confidential section of the meeting (Closed Council) in accordance with section 10 A (2) (d) (i) commercial information of confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, that would, if disclosed, confer an advantage on a person whom Council is conducting (or proposes to conduct) business and (ii) confer a commercial advantage on a competitor of the council

REASON

On balance the public interest in transparency regarding the report is outweighed because the disclosure of this information could compromise the commercial position of the Council.

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

CORPORATE AND COMMUNITY SERVICES

1. COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 NOVEMBER 2022

Report prepared by Accountant – Camilla Webb

REASON FOR REPORT

This report presents to Council details of all funds invested as at 30 November 2022 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.

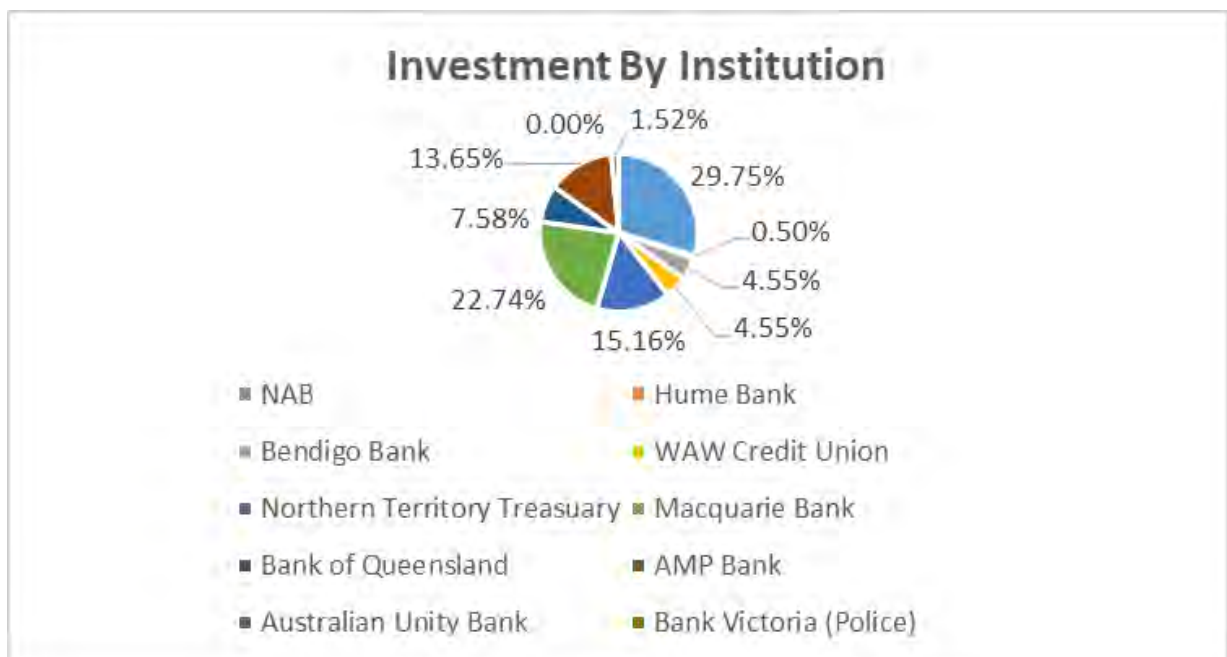
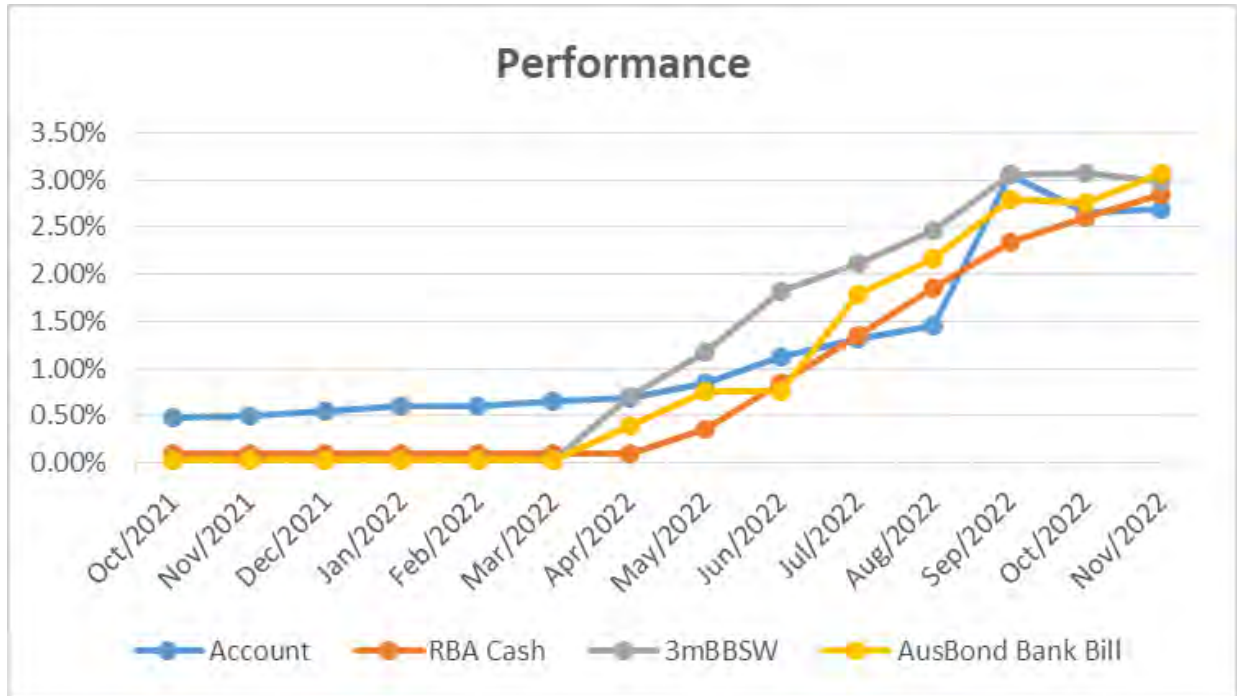
Councillors should note that Council has engaged an external investment manager, Curve Securities, to source appropriate investment opportunities with the aim of transitioning Council's investment portfolio to meet the investment parameters as detailed in Council's revised Investment Policy. Curve Securities 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.

Greater Hume's overall investment portfolio

Total cost	\$32,976,259.60
Total Portfolio Value	\$33,259,805.08
Weighted Average Term (days)	251
Weighted Average Yield	2.69%
Total Monthly Accrued Interest	\$66,934.12
Total Interest Received this month	\$20,669.30
Interest Payments this month	5
Matured Investments this month	5
Total Funds Matured this month	\$3,000,000.00
New Investments this month	0
Total Funds Invested this month	\$0

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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 NOVEMBER 2022 [CONT'D]



**ORDINARY MEETING OF GREATER HUME COUNCIL
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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 NOVEMBER 2022 [CONT'D]

Investment Register

Contract Number	ADI/Security Name	Maturity Date	Amount	Long Term Rating	Term in Days	Monthly Accrued Interest	Yield
55913	NAB	6/12/2022	\$510,414.36	AA-	357	\$255.91	0.61%
60222	Macquarie Bank	8/12/2022	\$500,000	A+	91	\$1,339.73	3.26%
60223	NAB	8/12/2022	\$500,000	AA-	91	\$1,273.97	3.10%
58586	WAW Credit Union	13/12/2022	\$500,000	NR	178	\$1,232.88	3.00%
58397	AMP Bank	13/12/2022	\$1,000,000	BBB	182	\$2,465.75	3.00%
60498	Macquarie Bank	23/12/2022	\$1,000,000	A+	87	\$2,942.47	3.58%
58597	WAW Credit Union	24/12/2022	\$600,000	NR	180	\$1,479.45	3.00%
58594	Bank Of Queensland.	5/01/2023	\$500,000	BBB+	191	\$1,212.33	2.95%
60818	Macquarie Bank	12/01/2023	\$1,000,000	A+	91	\$3,000	3.65%
56050	Bendigo And Adelaide Bank	12/01/2023	\$500,000	BBB+	365	\$267.12	0.65%
57614	NAB	18/01/2023	\$500,000	AA-	265	\$616.44	1.50%
56172	NAB	19/01/2023	\$500,000	AA-	365	\$300	0.73%
58032	NAB	20/01/2023	\$500,000	AA-	245	\$945.21	2.30%
60083	NAB	27/01/2023	\$500,000	AA-	150	\$1,356.16	3.30%
57782	NAB	31/01/2023	\$500,000	AA-	273	\$817.81	1.99%
59676	NAB	9/02/2023	\$1,000,000	AA-	182	\$2,712.33	3.30%
60820	Macquarie Bank	10/02/2023	\$1,000,000	A+	120	\$3,000	3.65%
59790	Police Financial Services	16/02/2023	\$500,000	BBB	182	\$1,397.26	3.40%
60556	Macquarie Bank	27/02/2023	\$500,000	A+	151	\$1,573.97	3.83%
57456	Hume Bank	1/03/2023	\$69,371.71	NR	365	\$19.96	0.35%
60821	Macquarie Bank	15/03/2023	\$1,000,000	A+	153	\$3,049.32	3.71%
60941	NAB	20/03/2023	\$500,000	AA-	152	\$1,504.11	3.66%
60899	Macquarie Bank	20/03/2023	\$1,000,000	A+	153	\$3,049.32	3.71%
60785	Bank Of Queensland.	13/04/2023	\$2,000,000	BBB+	182	\$6,410.96	3.90%
60884	Bendigo And Adelaide Bank	17/04/2023	\$500,000	BBB+	182	\$1,602.74	3.90%
58094	Macquarie Bank	19/04/2023	\$500,000	A+	330	\$1,109.59	2.70%
57638	AMP Bank	21/04/2023	\$1,000,000	BBB	365	\$1,602.74	1.95%
58201	Hume Bank	2/05/2023	\$46,751.06	NR	365	\$23.06	0.60%
58022	Bendigo And Adelaide Bank	19/05/2023	\$500,000	BBB+	365	\$1,150.68	2.80%
58000	Macquarie Bank	19/05/2023	\$1,000,000	A+	365	\$2,219.18	2.70%
58640	Hume Bank	30/06/2023	\$50,112.21	NR	365	\$113.27	2.75%
54123	NAB	13/09/2023	\$2,000,000	AA-	727	\$986.30	0.60%
60497	AMP Bank	27/09/2023	\$500,000	BBB	365	\$1,931.51	4.70%
60822	WAW Credit Union	9/10/2023	\$400,000	NR	365	\$1,150.68	3.50%
60817	AMP Bank	12/10/2023	\$1,000,000	BBB	365	\$3,739.73	4.55%
60956	AMP Bank	20/10/2023	\$1,000,000	BBB	365	\$3,904.11	4.75%
56079	Northern Territory Treasury Corp	15/06/2025	\$1,000,000	NR	1,248	\$1,150.68	1.40%
52490	Northern Territory Treasury Corp	16/06/2025	\$1,500,000	NR	1,481	\$1,356.16	1.10%
51782	Northern Territory Treasury Corp	15/06/2026	\$2,500,000	NR	1,887	\$2,671.23	1.30%
49570	NAB	1/12/2022	\$2,799,610.26	AA-	1	\$0	2.60%
Total			\$32,976,259.60			\$66,934.12	

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COMBINED INVESTMENT ACCOUNT – MONTH ENDED 30 NOVEMBER 2022 [CONT'D]

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 30 November, 2022 total Investments held were \$32,976,259.60. The year to date accrued investment earnings for 2022/23 was \$283,545.48 representing a weighted average yield of 2.69%.

RECOMMENDATION

That Council receives and notes the Investment Balances Report for the month of November 2022.

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PART C - ITEMS FOR INFORMATION

CORPORATE AND COMMUNITY SERVICES

1. GREATER HUME CHILDREN SERVICES - UPDATE

Report prepared by Position – Service Manager Greater Hume Children Services-Fiona Pattinson

REASON FOR REPORT

To provide an update on statistics and activities of Greater Hume Children Services (GHCS).

REFERENCE TO DELIVERY PLAN ACTION

Objective Our lifestyle and services nurture the health and wellbeing of the individual and community as a whole

Outcome H3 Our connection to the local culture and environment fosters positive relationships and learning for sustained health benefits

DISCUSSION

In September 2022 GHCS Family Day Care (FDC) were assessed by the Department of Education and progressed from a service “Meeting” the National Quality Standards to now “Exceeding” National Quality Standards, which recognises the service for going beyond the requirements of National Quality Standard. A fantastic achievement reflective of the excellent work the team has done. Also, our FDC Educator, Nanda Jamble won the “Excellence in Family Day Care” award for the Albury region.

On Monday 21st November the Greater Hume Children Services moved its office to 1132 Burrows Road Lavington. The new premises are purpose built for Family Day Care and will be beneficial for Playgroups and facilitating training for staff and educators.

Our centres too have been working hard to continue to provide quality education and care with staffing shortages still impacting and with addressing community and family concerns around waitlists for places across all of our centres. All centres are actively reducing their waitlists as follows:

Service	Waitlist as at August 2022	Wait List as at November 2022
Henty	16	5
Walla Walla	31	22
Holbrook	65	20
Culcairn	20	8

Holbrook centre has been liaising with local community, schools and the NSW Department of Education in order to meet demand. A survey of families was completed and provided data that has helped target the most urgent needs now and in to the future.

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GREATER HUME CHILDREN SERVICES – UPDATE [CONT'D]

Commencing Term 1 2023 GHCS Holbrook has gained approval to provide Out of School Hours Care (OSHC) and Vacation care for up to 15 children at Holbrook Public School. This will enable the Holbrook service to increase the numbers in the toddler room from 10 to 15 which will enable increased capacity.

With changing government legislation and increased focus on early childhood education, greater funding support is being provided to long day care to support Start Strong Preschool programs. Both Holbrook and Culcairn will be increasing the focus on delivering a quality preschool education under Start Strong to children aged 4 and above who are enrolled in long day care

Congratulations to the many staff at Greater Hume Children services centres who have completed studies in Cert III and Diploma. Moving into 2023 we have taken on three new trainees, and many staff are updating their qualification and working towards ECT teacher.

Greater Hume Children Services FDC will be closed from Friday 23rd December 2022 to Tuesday 3rd December 2023

GHCS Centres will be closed from Friday 23rd December 2022 to Tuesday 10th January 2023. Monday 9th January will be a planning and set up day at all centres.

Service Statistics as of December 2022

Greater Hume Children Services Family Day Care (FDC)	Mon – Fri
Educators	NSW – 46 Vic –16
Educators working in the shire	3 1 on maternity leave
Families registered	491
Children registered for care	687
Waitlist	Currently 83
Average EFT 2022	Jan 182.34 Nov: 204.52

Henty Service Approved places 30	Mon - Fri 7.30am - 5.30pm
Staff numbers	<u>Full time</u> 1 Diploma 1 WT Dip 1 Cert III Full time <u>Part time</u> 1 Director Dip 1 Part time Admin
Families registered	25
Children registered	30
Waitlist	Aug:16 Dec:5
Average EFT (children per day) 2022	Jan :10.20 Dec : 12.27

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GREATER HUME CHILDREN SERVICES – UPDATE [CONT'D]

Walla Walla Service Approved places 38	Mon - Fri : 7.30am - 5.30pm
Staff numbers	<u>Full time:</u> (4) (2 PT) 1 WT ECT 1 WT DIP 2 Cert III <u>Part time</u> 1 Director Dip 1 Part time Dip 1 Part time Admin 1 Trainee
Families registered	29
Children registered	33
Waitlist	Aug: 31 Dec: 22
Average EFT(children per day)2022	Jan 13.87 Nov: 16.45

Holbrook service approved 50 Places Approval waiting for approval for 59 places	Mon – Fri 6.45am -5.45pm
Staff numbers	<u>Full time:</u> Director 1 Dip 2 Dip 1 ECT 1WT ECT 1 CIII Trainee <u>Part time</u> 2 Part time Dip 1 Part time Cert III 1Part time Admin
Families registered	70
Children registered	111
Waitlist	August :65 November: 20
Average EFT(children per day) 2022	Jan:33.33 Nov: 45.20

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GREATER HUME CHILDREN SERVICES – UPDATE [CONT'D]

Culcairn service approved for 40 places	Mon – Fri 8.00-5.30pm
Staff numbers	<u>Full time</u> 1 Director ECT 1 Dip 1 Cert III <u>Part time</u> 1 ECT 1 Dip 3 Cert III 1 WT Cert III
Families registered	32
Children registered	45
Waitlist	Aug:20 Dec: 8
Average EFT(children per day) 2022	Jan14.47 Nov: 22.70

For Councillors' information.

2. **GREATER HUME CUSTOMER REQUEST MODULE – SUMMARY OF MONTHLY REQUESTS**

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

3. **STATEMENT OF BANK BALANCES AS AT 30 NOVEMBER 2022**

The statement of bank balances as at 30 November 2022 is attached at **ANNEXURE 6**.

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4. GREATER HUME LIBRARY SERVICES

Report prepared by Library & Youth Services Team Leader – Susan Kane

REASON FOR REPORT

To inform Council on library membership and participation in Greater Hume Council Libraries

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 continue to organise and facilitate programs and services that meet the needs and wants of the community.

Library programs for 1 September – 30 November 22

1September – 30 November 22	Location	Event
Tim Fischer – Project presentation night – September•	Henty	H & H Podcasting presentation by Harlan Candy and Hayden Honeywill
Tech Savvy Seniors	Culcairn & Henty Library – September 22 Holbrook – November 22 Jindera – October 22	One on one computer training for Seniors in the community
Holbrook Library open day – Saturday 1 October 22	Holbrook Library	Opening of the newly refurbished Holbrook Library in conjunction with the official opening of the Community Gardens
Get Online Week	All Libraries – October 22	A range of tech savvy programs held across all libraries
School holidays – September/October 22	All Libraries	Build & Paint own birdhouse Paint a spring Tree Create a felt flower bouquet Make your own slime
Spring Holidays - CASP funded Art Starts Here	Culcairn and Holbrook Libraries	Resin Workshops

**ORDINARY MEETING OF GREATER HUME COUNCIL
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GREATER HUME LIBRARY SERVICES [CONT'D]

Upcoming library programs in December 22

Upcoming Programs December 22	Location	Event
Ginger Bread Men	All Libraries	Free Event – Young people have the opportunity to ice Christmas Cookies
Greater Hume Council Christmas Appeal	All Libraries	The RRL Christmas Food Appeal provides library customers with the opportunity to donate non-perishable food items that are given to local charitable organisations for distribution to needy families over the Christmas period. Participation by libraries in this program is voluntary, and at the discretion of individual member councils.

NSW residents will benefit from improved access to books and information with more than \$165 million to be invested into public libraries over the next four years.

GREATER HUME LIBRARY SERVICES [CONT'D]

The Government has announced ongoing commitment to public libraries and the extraordinary work they do to serve their communities. As part of the ongoing increase in funding, money provided to councils to support public libraries will be indexed to meet population growth.

The annual funding package includes \$30 million to councils to improve collections and services, a \$6 million capital grants program, \$2 million in Internet connectivity support and a range of targeted programs such as the Outback Letterbox Library, which is operated by Broken Hill City Library.

Current funding for 2022/23 is \$40.468 M and over the next four years will be:

2023/24	\$40.892M
2024/25	\$41.326M
2025/26	\$41.771M
2026/27	\$42.227M

Minister for the Arts Ben Franklin said “he is particularly pleased the record increases to annual subsidy payments will continue and an ongoing capital grants program will be maintained as part of the package”.

Public library funding is administered by the State Library of NSW on behalf of the NSW Government.

Greater Hume Council – Wins Murrumbidgee Primary Health – Event of the Year Award

A collection of community driven activities designed for older people has won the 2022 Murrumbidgee Grant of the Year award.

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GREATER HUME LIBRARY SERVICES [CONT'D]

The Festival of Seniors was delivered by Greater Hume Council with the assistance of a Community Grant with the aim of providing mental health and wellbeing benefits to communities of Henty, Culcairn, Walla Walla, Jindera and Holbrook.

MPHN Board Chair Dr Jodi Culbert congratulated those involved with the festival on winning the award.

“The Festival of Seniors is a worthy recipient and is a wonderful example of community spirit and collaboration to address issues around isolation and its impacts on older people,” Dr Culbert said.

Greater Hume Council – Outstanding Achievement

The IIOS Awards for Public Libraries recognise successful marketing projects across the state. In 2022 there were many projects that were undertaken in our libraries. Greater Hume Council Seniors Week application was one application selected in the Population 10,000 – 30,000 Category as Highly Commendable.

Library Statistics – August 22

Library Statistics – Loans September - November 22	Henty	Culcairn	Holbrook	Jindera
	639	860	1289	384

Mobile Library Statistics – August 22

Mobile Library Statistics – Loans September December 22	Brocklesby	Burrumbuttock	Gerogery	Jindera	Walla Walla	Walbundrie	Woomargama
	157	58	109	141	177	64	21

BUDGET IMPLICATIONS

Nil. Programs are funded from existing budget allocations.

CONCLUSION

Greater Hume Council Libraries continue to facilitate programs and services that meet the needs and wants of the community. Winning the Murrumbidgee Primary Health Grant of the Year for Festival of Seniors Week project highlights the wonderful dedication Greater Hume Council’s Library & Customer Services teams have for providing accessible and inclusive programs for all members of the community.

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ENGINEERING

1. NOVEMBER 2022 - REPORT OF WORKS

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).

Regional Roads

General maintenance including guide post replacement is continuing on all Regional Roads.

Major rehabilitation works (Heavy Patching) have been completed by council staff and contractors along various sections of Jingellic Road.

Local Roads

Sealed

General maintenance on local roads is continuing. Significant damage to our road network from sustained wet weather conditions is occurring with patching and heavy patching being undertaken.

Road reconstruction of 4km of Gerogery Road, starting at Charles Street, Gerogery West is continuing. The first 2km has been sealed, guideposts installed with line marking to be completed prior to Christmas.

Road reconstruction of 4km of Brocklesby Balldale Road, from Brocklesby Goombargana Road to Woodland Road is continuing. The supply of culvert material is delayed, therefore works have temporarily ceased.

Roadside slashing/spraying has commenced as per Council's roadside slashing/spraying program.

Unsealed:

Gravel resheeting has been completed on Boxwood Park Road and Marramook Lane.

Sustained wet weather is continuing to cause significant impediments to Council's road network. Additional grading, pothole repair and drainage works are being undertaken when possible.

Maintenance grading has been carried out on the following roads during November. See Map **ANNEXURE 7**

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NOVEMBER 2022 - REPORT OF WORKS [CONT'D]

Road Name	Location & Length (km)
Back Henty Road	From end of seal to Ashcroft Rd approx. 6km
Balldale Walbundrie Road	From Triangle Road, southward to the seal approx.. 8.7km
Bendemeer Lane	Entire Length
Blight's Road East	Entire Length
Bowlers Road	Entire Length
Browns Road	Entire Length
Caringa Road	From Cunningham Rd northward
Clifton Road	From Burdack Rd to property entrance "Bringa" approx. 500m
Cunningham Road	Entire Length
Daly Road	Entire Length
Elmo Road	Entire Length
Ferndale Road	Entire Length
Hickory Hill Road	Entire Length
Hymans Road	Entire Length
Scheetz Road	Entire Length
Shannons Road	Entire Length
Spring Valley Road	Entire Length
Stolls Road	Entire Length
Top Springs Road	Entire Length

Urban Streets:

General maintenance of urban streets is continuing.

Wet weather has delayed some mowing in towns and villages, staff are working to catch up with mowing where possible.

General:

General maintenance of public toilets and parks is continuing.

General sign maintenance is continuing.

Two new bus shelters have been installed at Mary McKillop School, Jindera as part of the intersection upgrade at Urana Street and Pioneer Drive.

Fabrication works for the lookout and raised walk way on Hanel's Road, Woomargama is progressing.

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NOVEMBER 2022 - REPORT OF WORKS [CONT'D]

Monthly Works Maintenance Expenditure:

Local Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Comments
Urban Roads Maintenance	\$210,000	\$87,500	\$115,620	-\$28,120	Over expenditure will be addressed by the reduction of Capital Works Program.
Urban Roads Town Maintenance	\$250,000	\$104,167	\$107,856	-\$3,689	Monitor.
Rural Roads Sealed	\$764,975	\$318,740	\$600,420	-\$281,680	Over expenditure will be addressed by the reduction of Capital Works Program and Natural Disaster Funding.
Rural Roads Unsealed	\$1,221,603	\$509,001	\$841,845	-\$332,844	Over expenditure will be addressed by the reduction of Capital Works Program and Natural Disaster Funding.
Street Tree Maintenance	\$250,000	\$104,167	\$109,617	-\$5,451	Due to wet weather will monitor in future months.

NOTE : Application for Natural Disaster submitted and declared for significant weather events December/January. Awaiting acceptance of funding for completed emergency works and pending works estimated value \$1.5m.

Regional Roads Program	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Comments
Regional Roads Maintenance	\$750,000	\$312,500	\$561,271	-\$248,771	Over expenditure will be addressed by the reduction of Capital Works Program.

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NOVEMBER 2022 - REPORT OF WORKS [CONT'D]

Sportsgrounds, Parks & Public Toilets	Current Budget	Monthly Budget to Date	YTD Expenditure	Monthly Budget Variance to Actual	Comments
Sportsground Maintenance	\$303,512	\$126,463	\$161,545	-\$35,082	Monitor and is balanced by under expenditure of P&G Maintenance.
Parks & Gardens Maintenance	\$353,378	\$147,241	\$104,433	\$42,808	
Public Toilets Maintenance	\$159,748	\$66,562	\$94,104	-\$27,542	Monitor and is partially balanced by under expenditure of P&G Maintenance.

NB : Sportsground Maintenance excludes annual GHC contribution payment

Major Projects Expenditure:

Project	Budget	YTD	Committed	Total	Remainin g	Comments
Gerogery Road Rehabilitation	\$2,609,911	\$625,654	\$242,859	\$868,513	\$1,741,398	First 2km has been sealed and work is continuing on widening and table drains for the next section of work.
Brocklesby Balldale Road Rehabilitation	\$1,750,000	\$127,077	\$0	\$127,077	\$1,622,923	Drainage works are to commence as soon as all material has been received, we are experiencing delays from providers.

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ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATIONS PROCESSED FOR THE MONTH OF NOVEMBER 2022**

The schedule of development applications processed for the month of November 2022 is attached at **ANNEXURE 8**.

PART D

COMMUNITY MEETING- MINUTES

Attached in **ANNEXURE 9**, are minutes of the following items:

1. **GREATER HUME COUNCIL AUDIT, RISK & IMPROVEMENT COMMITTEE**
2. **MINUTES GREATER HUME COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE HELD ON 8 NOVEMBER 2022**
3. **HOLBROOK COMMUNITY AND DISTRICT DEVELOPMENT GROUP – 1ST NOVEMBER 2022 MEETING**
4. **MINUTES OF THE WALLA WALLA COMMUNITY DEVELOPMENT COMMITTEE HELD ON MONDAY 26TH SEPTEMBER 2022 AT THE WALLA WALLA HALL AT 7 P.M.**