

**DEVELOPMENT APPLICATION 10.2017.18.1 – PRIVATE CHAIR LIFT LOT 711  
DP1202940 - 4 RIBERY COURT JINDERA**

**Report by Consultant Planner – Habitat Planning**

**INTRODUCTION**

Council is in receipt of a development application for a private chair lift at 4 Ribery Court, Jindera. The proposal is on land described as Lot 711 DP1202940 which is an 8.4 hectare lot at the rear of the Glenhom Estate on the southern side of Hueske Road, southwest of Jindera ("the subject land"). The applicant and landowner is Aaron Van Werkhoven.

Following lodgement of the application additional information (including an acoustical assessment) was sought from the applicant and received by Council officers.

This report represents an assessment of the application under the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is being reported to Council because of a number of objections to the proposal being received.

**DESCRIPTION OF PROPOSAL**

The proposal is described in the application as a private/non-commercial chairlift. It extends over a distance of approximately 400 metres and has been designed to operate with just four 'quad chairs'. The lift line is supported by six steel towers not exceeding 8.5 metres in height supported by a drive station at the bottom and a top station at the top. The towers are to be painted green to blend with the landscape as much as possible. The chairlift would convey users from the lower portion of the lot to near a ridgeline on the southern boundary.

The chairlift is intended for the use of the Van Werkhoven family and friends and will only be operated periodically during daylight hours falling between 9am and 8pm Monday to Friday and between 9am and 5pm on weekends. There will be no public access or use of the chairlift.

**CONSULTATION & REFERRAL PROCESS**

The application was notified to all surrounding and nearby landowners. Submissions were received from 10 properties during this public exhibition period. Consideration of these submissions is undertaken later in the report.

**ASSESSMENT**

A development application is required to be assessed by Council against the following 'matters for consideration' listed in Section 79C(1) of the EP&A Act.

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

***State Environmental Planning Policies***

*State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* requires Council to consider the potential for any land proposed for development to be contaminated. There is no evidence or known specific locations within the subject land that may have been utilised for activities leading to potential contamination. Consequently Council can be satisfied that further investigation of the land for potential contamination is not warranted.

***Local Environmental Plans***

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

The subject land is zoned mostly RU4 Primary Production Small Lots under the LEP with a small portion adjoining Coogera Circuit zoned R5 Large Lot Residential. A personal chairlift best fits the land use definition in the Dictionary of the LEP of '*recreation facility (outdoor)*' being:

*a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)*

A '*recreation facility (outdoor)*' is permissible with consent in both the RU4 and R5 zones.

The objectives of the RU4 zone are:

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

The first two objectives relate to agriculture and not relevant to the application. The third requires consideration because of the adjacent R5 zone that is principally for residential purposes. In terms of a potential 'conflict', consideration needs to be given to impact of the chairlift on adjoining and nearby residents. These potential impacts are addressed later in the report.

The chairlift is located within an area mapped for biodiversity on the Terrestrial biodiversity map in the LEP and consequently Clause 6.2 of the LEP applies. Clause 6.2(3) requires that:

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:*
- (a) whether the development is likely to have:*
- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
  - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
  - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
  - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

In addition, Clause 6.2(4) requires that:

- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

It is considered that the construction and periodic operation of the chairlift will have minimal to no impact on biodiversity in the area. No trees are to be removed to accommodate the proposal. Consequently Council can be satisfied in regards to the requirements of this clause.

### ***Development Control Plans***

There are no matters in the *Greater Hume Development Control Plan 2013* ("the DCP") directly relevant to the proposal. Section 2.11 of the DCP provides controls applicable to development considered ancillary to residential development. For rural living, the DCP cross-references the Rural Housing Code contained within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* ("the Codes SEPP"). Whilst there is a section in the Rural Housing Code applicable to ancillary development, it only addresses swimming pools.

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

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

<b>ISSUE</b>	<b>ACCEPTABLE</b>	<b>RESPONSE</b>
Context & setting	✓	The proposed chairlift is located within a new low density residential estate near Jindera. The characteristics of this estate can be described as large new homes on large lots. Many feature large ancillary structures such as sheds that are generally of a much greater size that might be found in an urban environment. Whilst a chairlift would without doubt be a unique structure within this environment, it does not necessarily have any greater impact on the setting of the low density estate than other ancillary structures.

ISSUE	ACCEPTABLE	RESPONSE
Noise	✓	<p>The applicant originally submitted acoustic information relating to existing chairlifts elsewhere. Having regard for the level of public interest in the application, Council officers requested an acoustical assessment specifically relating to the specifications and circumstances of the proposal. The applicant subsequently commissioned a report from Ray Walsh and Associates and this is to be relied upon for the purposes of considering the impacts of noise from the proposed chairlift. This assessment concluded as follows:</p> <p><i>Based on the noise modelling using the measured noise data from Thredbo, as detailed in Section 5 of this report, the acceptable noise limits will be met for this proposal at the closest receptors without the need for additional mitigation. It is likely in practice that the level of noise emission from the proposed private chairlift will be lower still given the size of the motors and plant being considerably smaller when compared to the Thredbo chairlift as measured.</i></p> <p><i>None the less a final compliance assessment should be undertaken once the chairlift is installed and is operational to ensure the acceptable noise limits are met. In the event that a reduction in noise emission is required, noise controls will not be onerous and could easily be implemented post installation.</i></p> <p>Based on this report by a qualified acoustical consultant it is accepted there will be no detrimental impacts arising from noise generated by the chairlift. It is appropriate however to make provision in the consent for a further acoustical assessment be undertaken by the applicant post-development if Council is given cause to do so.</p>
Access & parking	✓	No parking in addition to that available to the existing dwelling is necessary to construct and periodically operate the chairlift for private purposes.
Roads & traffic	✓	The chairlift will not generate such additional traffic that it is beyond the design capacity of existing roads both within the estate and broader road network (Hueske and Urana Roads).
Utilities	✓	Power for the chairlift can be sourced from the supply to the lot.
Heritage	✓	There are no heritage items at the site for the chairlift or on the lot within which it is located.
Archaeology	✓	There are no known archaeological items at the subject land. The likelihood of such items being present is low having regard for the elevation of the land.
Stormwater	N/A	-

ISSUE	ACCEPTABLE	RESPONSE
Soils & erosion	✓	Any works associated with the construction will need to be undertaken in accordance with the <i>Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils</i> . This will require the implementation of erosion control measures to prevent the transport of sediment in stormwater away from disturbed areas.
Flora & fauna	✓	No trees are to be removed to accommodate the chairlift and there will be minimal ground disturbance to establish the six supporting towers and structures at both ends.
Flooding	N/A	-
Bushfire	✓	The chairlift is not considered to be any more of a fire risk than other outdoor activities undertaken within the estate.
Technological hazards	N/A	-
Safety, security & crime prevention	✓	The chairlift is to be constructed in accordance with the relevant standards. As the chairlift will not be open to the public, the responsibility for its safe operation rests with the applicant.
Privacy	✓	Whilst users of the chairlift will be placed in an elevated position that will provide longer views into adjoining and nearby properties, the distance to residences will be such that privacy will not be compromised. It is noted that the slope of land in this part of the estate already means that even at ground level views are obtainable into other properties.
Landscaping	N/A	-
Overshadowing	✓	The six 8.5 metre high towers supporting the chairlift will cast a shadow, but not across any adjoining property. In any case, the shadow is minimal and less than many of the large trees in this part of the estate.
Land resources	N/A	-

### The suitability of the site for the development

The site is suitable for the proposed development because it will have little to no impact on the amenity of adjoining and nearby residents. The low density of residential development within the Glenholm Estate creates an environment where activities and structures ancillary to residential use can be accommodated in circumstances that otherwise might be unsuitable in an urban environment. It is noted that the lot upon which the chairlift is proposed is one of the largest in the estate at 8.6 hectares.

### Any submissions made in accordance with this Act or the regulations

All submissions received to the application were by way of objection **ANNEXURE XXX**. The issues raised in submissions are summarised and responded to in the following table.

ISSUE	RESPONSE
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ISSUE	RESPONSE
Possibility of expanding beyond private use.	The applicant is obliged to undertake the development in accordance with the plans and statements made in the development application. The applicant has stated that the chairlift is for private purposes only. It would be appropriate to condition the consent to reinforce this. Any change to that arrangement would require the further approval of Council and this would be advertised. Without pre-empting the outcome of any such application, it is unlikely that an expanded use would be supported.
Detrimental impact on fauna.	Having regard for the infrequent use of the chairlift, it is not considered fauna will be detrimentally affected. It is noted no trees need to be removed to install the chairlift. The extent of ground disturbance required to install the towers and the top and bottom structures is relatively minor.
Detrimental impact on landscape values.	It is acknowledged that the chairlift will be visible from public (roads etc) and private places (nearby residences). However compromised of just six towers, a small number of chairs and cables, this presence is not considered to have such impact that the application should be refused on these grounds. It is noted that the chairlift is not being introduced into a natural rural landscape as it is located within a low density residential estate comprising large residences, sheds, roads and other ancillary structures.
Removal in the event use ceases.	Obsolescence is not usually a planning consideration but within the context of this proposal it is a valid issue. In the event that the chairlift becomes inoperable over a period of time for whatever reason, it is appropriate that it be dismantled and removed. Consequently the consent should include a condition that requires the removal of the chairlift in the event it becomes derelict.
Accessibility in the event of a fire.	Plans for the proposal indicate an access road to the top station. This road would also provide access in the event of a fire, whether or not it is related to the chairlift. As the proposal is not for public purposes, the standard of this road is the responsibility of the landowner. There is no evidence to suggest that the chairlift presents as an unacceptable fire risk.
Loss of residential amenity.	Other than being visible, there are no other aspects of the proposal that would have an impact on the residential amenity. The nearest existing residence to the chairlift is 115 metres away. The chairlift runs parallel to the western boundary of the lot with a setback of 20 metres. The adjoining lot, when it gets created, will also be a large lot and any dwelling will be forced to the northern end because of the zone boundary.
Stated hours of operation will extend into the night for part of the year creating the possibility of lights.	This observation is correct. It is likely this was not intentional and it is appropriate that the consent be conditioned to clearly restrict the operation of the chairlift to daylight hours. Whilst the scope of operating hours sought by the applicant is extensive, the chairlift will only operate for small periods of time given it is restricted to private use.
Is the power supply adequate?	It is understood chairlift will be able to operate without straining the electricity supply to other properties.

ISSUE	RESPONSE
Traffic will increase because of sightseers.	The point is taken that some traffic is likely to be generated by a small amount of people curious about the chairlift. Whilst this may be the case initially it won't be an ongoing issue. There is capacity within the local road network to accommodate any slight increase in traffic.
How is the restriction on private use to be enforced?	A condition will be imposed on the consent restricting the use to private purposes. In the event it can be demonstrated this is not being adhered to, the enforcement provisions of the EP&A Act are available to Council to ensure compliance.
Responsibility for safety.	As the chairlift is for private use, the onus is on the applicant to ensure it is safe and complies with relevant industry standards. In this regard the chairlift does not pose any threat to persons or property outside the lot boundaries. It will not be possible to secure the chairlift site because of the required post and wire fencing used in the low density residential estate. Steps could be taken however to prevent access to the towers by securing the access ladders. Providing such security can be conditioned on the consent.
Loss of amenity through noise.	Some objectors reject the claim that the operation of the chairlift will be silent and others are concerned that noise from people on the chairlift will be detrimental to their amenity. The acoustical assessment prepared specifically for the proposal adequately demonstrates there will be no detrimental impact from noise (see assessment of environmental matters above). Any noise generated from users of the chairlift is considered to be no different than that potentially generated by persons utilising outdoor areas of other large lots in the estate and is therefore not given weight as grounds for objection.
Potential breach of covenants on title.	Council is not responsible for the imposition or enforcement of covenants, unless they are related to Council business (eg infrastructure).
Horses and native fauna will be 'spooked' by the chairlift operating.	There is no evidence to support this claim. It is noted that within a low density residential estate, there will be significant movement (eg cars) that could potentially have the same effect. It is also noted that the chairlift will only be infrequently operated.



ISSUE	RESPONSE
Chairlift not anticipated by residents in the estate.	<p>Within the RU4 zone, which applies to land at the rear of the Glenholm Estate, the following activities are permissible with the consent of Council:</p> <p><i>Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Dual occupancies; Dwelling houses; Environmental facilities; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hotel or motel accommodation; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Passenger transport facilities; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Signage; Truck depots; Veterinary hospitals; Waste or resource management facilities; Water recreation structures; Water storage facilities; Wharf or boating facilities</i></p> <p>An application for any of these activities where the RU4 zone applies can be made to Council for consideration under the assessment criteria in the EP&amp;A Act.</p>

### The public interest

The question of 'public interest' within the context of Section 79C(1) essentially requires consideration of the weight in the assessment to be given to the general public benefit of the proposal versus that of the general public detriment. It is a consideration for example where the demolition of a heritage item is required to build a hospital.

In this case there is no public benefit of the proposal because it is for private purposes and there is also no public detriment because any impacts are considered to be restricted to the immediate surrounds of the site.

### BUDGET IMPLICATIONS

Nil.

### CONCLUSION

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

1. approve the application, with or without conditions;
2. defer the application for further information or redesign; or
3. refuse the application.

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

### RECOMMENDATION



That consent be granted to development application 10.2017.18.1 for a private chairlift on Lot 711 in DP1202940 located within the Glenholm Estate in Hueske Road Jindera subject to the following conditions:

**GENERAL  
APPROVED PLANS**

- 1 Development shall be generally in accordance with the approved plans and accompanying information (including the Statement of Environmental Effects), except where modified by the following conditions.
- 2 This approval shall expire if the development hereby permitted is not commenced within five (5) years of the date of consent.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

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

- 3 **Approval required prior to the issue of construction certificate**  
The following documentation is to be submitted to Council or the Accredited Certifier, prior to the granting of the construction certificate:
  - a. Full design plans that have been endorsed by a suitable qualified structural engineer.

**PRIOR TO THE COMMENCEMENT OF ANY WORKS**

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

- 4 **Construction Certificate Required**  
Prior to the commencement of any works, a construction certificate is required to be issued by a Certifying Authority.

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

- 5 **Appointment of a Principal Certifying Authority**  
Prior to the commencement of any works, the person having benefit of a development consent, or complying development certificate must:
  - a. appoint a Principal Certifying Authority; and
  - b. notify Council of the appointment.

- 6 **Notify Council of Intention to Commence Works**  
The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

**PRIOR TO OCCUPATION OF THE DEVELOPMENT**

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

**7 Interim / Final Occupation Certificate Required**

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

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

**GENERAL CONDITIONS – DEVELOPMENT PLANNING**

- 8 The chairlift structure and operation shall comply will all relevant industry standards.
- 9 Following construction of the chairlift but prior to commencement of its use, the applicant shall provide to Council an engineer's certificate certifying that the structure and equipment are satisfactory for their intended use.
- 10 The chairlift shall be for private use only and not for any commercial purpose or groups of people unrelated to the applicant or resident on the site.
- 11 A maximum of four chairs shall be used on the chairlift.
- 12 The chairlift is not to be used in conjunction with any other non-residential activity on the lot.
- 13 The approved use must not cause unreasonable amenity impacts to persons beyond the boundaries of the lot.
- 14 The towers and ancillary structures shall be painted in dull earthy tones that are consistent with the landscape backdrop of the site.
- 15 All earthworks associated with the installation of the chairlift shall be undertaken with appropriate erosion and sediment control devices in place.
- 16 All disturbed surfaces on the land resulting from the development must be appropriately revegetated and stabilised to the satisfaction of Council.
- 17 Access structures on towers (ladders etc) shall be designed and secured to prevent unauthorised use.
- 18 Following commencement of the chairlifts operation, the applicant shall provide an acoustical assessment prepared by a suitably qualified person if requested by Council.
- 19 The applicant shall undertake any noise mitigation measures to the chairlift requested by Council.

- 20 No lights shall be installed or operated on any component of the chairlift structure.
- 21 The chairlift shall operate in daylight hours only.
- 22 During construction measures must be taken to minimise and control the emission of noise and dust which may impact upon neighbouring properties.
- 23 The chairlift shall not operate when a total fire ban has been declared for the area.
- 24 Prior to the commencement of the use authorised by this consent, an Operational and Management Manual to the satisfaction of Council must be prepared and submitted to Council for approval. When approved the Operational and Management Manual will be endorsed and form part of this consent. The Operational and Management Manual must include (but not be limited to) the following:
- a. The contact details of the nominated person(s) responsible for the day-to-day management and control of the chairlift;
  - b. Details of hours of operation, as specified by this consent;
  - c. Documented emergency procedures in the event of any systems failure, as well as measures for safe passenger evacuation should it be required; and
  - d. Frequency and method of inspection of equipment, including erosion management inspection.
- 25 At all times, the chairlift must be operated and managed to the satisfaction of Council in accordance with the endorsed Operational and Management Manual.
- 26 If the chairlift becomes derelict through lack of use or maintenance it shall be dismantled and removed by the applicant at the request of Council.

**Reason for conditions**

The above conditions have been imposed:

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

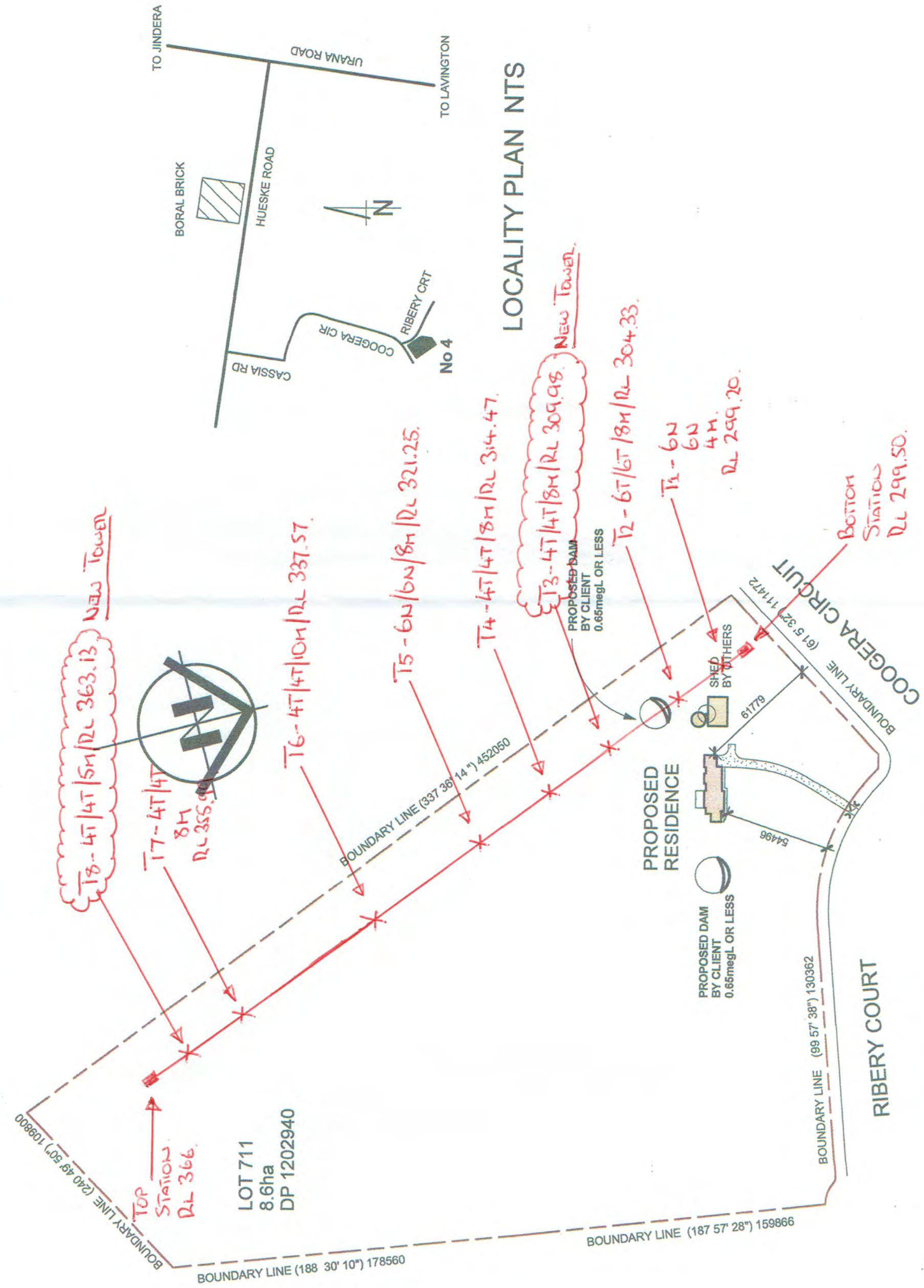




**PROPOSED RESIDENCE**

AT : LOT 711 COOGERA CIRCUIT, JINDERA  
 FOR : AARON & AMANDA VAN WERKHOVEN

DATE 27-01-16	WORKING DRAWING REFERRED TO IN YOUR CONTRACT	SIGNED	REVIEWED BY 0
APPROVED FOR CONSTRUCTION J. BAKER	DATE	DATE	DATE
SHEET No 650-1	DRAWN BY A. WARD	DRAWING NO	



**BLOCK PLAN 1:2000**

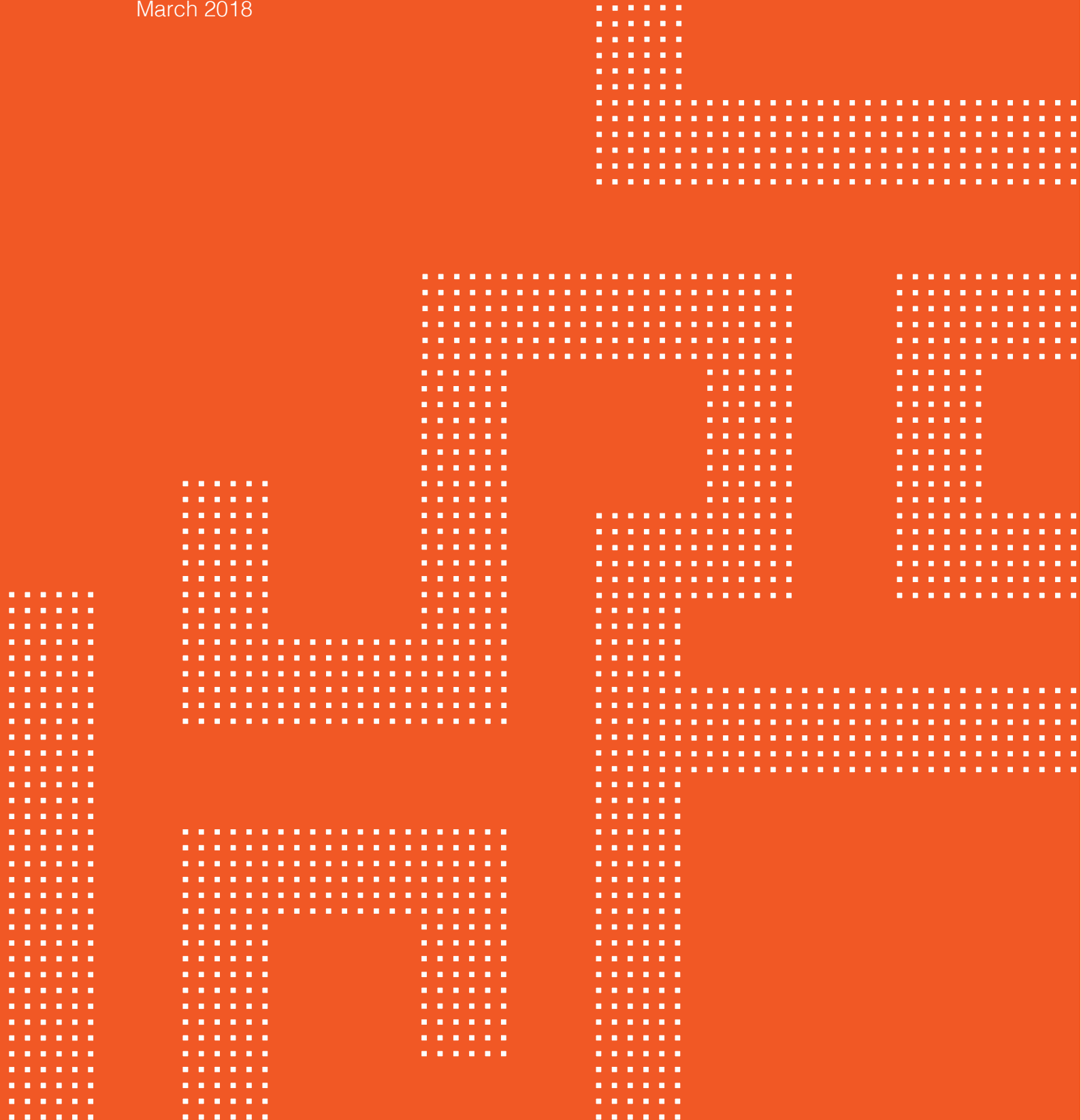
# habitat planning

## Development Application

**Hueske Road, Jindera**

Two Lot Subdivision

March 2018



TOWN PLANNING + URBAN DESIGN CONSULTANTS

**Prepared for**

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# Attachments

- A. Subdivision Plan
- B. Statement of Environmental Effects

## 1. Introduction

The purpose of this report is to support a development application for a two lot subdivision in Hueske Road south west of Jindera. It is noted that Council have already formerly supported the subdivision of this land into three lots and this two lot subdivision is the first step of that process.

The subject land is zoned the RU4 Primary Production Small Lots (RU4) pursuant to the *Greater Hume Local Environmental Plan 2012* (GHLEP) within which subdivision is permissible with consent.

This report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and the GHLEP in regards to a development application for a subdivision.

As is required by the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) the report includes a Statement of Environmental Effects to consider the environmental impacts of the proposal.

This report will demonstrate that the proposal is generally consistent with the intent and objectives of the relevant planning instruments and thereby provide Council with the confidence to grant consent for the subdivision.

## 2. Site & context description

The subject land is described as Lot 6 in DP1130778 addressed as Hueske Road, Jindera (see Figure 1).

The subject land is a large balanced allotment used predominately for the running of livestock. The lot to be subdivided is described as Lot 6 DP1130778 and is addressed as Hueske Rd Jindera. The allotment is approximately 23 hectares in area and maintains a regular rectangular shape.

The land currently exists as vacant former rural land, with no existing infrastructure present at the site. The majority of the property is primarily cleared of vegetation, with the exception of a large cluster of trees located in the central section of the site which become sparse as they extent toward the south. A number of dams are also contained throughout the property.



**Figure 1** Location of the subject land within the context of Jindera.



**Figure 2** The subject land (red outline) within the context of its immediate surrounds.

### 3. Description of proposal

The proposed development involves the subdivision of Lot 6 DP1130778 into two allotments 7.2 and 15.87 hectares. Both allotments will be accessed directly from Hueske Road.

The proposed rural living lots are consistent with the existing land in the surrounding area.

Proposed Lot 1 will be accessed via a 6 metre wide battle-axe handle along the 140 metre boundary with the adjoining lot on the eastern side. There are potential future dwelling sites at the northern and southern ends of the lot. The lot is rectangular in shape with an appropriate width and depth for rural living purposes.

Proposed Lot 2 is twice the size of Lot 1 and has a 268 metre frontage to Hueske Road. This lot will retain the majority of the stand of remnant vegetation existing on the subject land. The lot is also rectangular in shape with a wide range of options for the siting of a future dwelling that will ensure adequate separation from adjoining properties and avoid the need to remove any trees.

The two lots will share a vehicle crossing in Hueske Road to minimise access points to this busy road.

Reticulated potable water and cabled electricity and telecommunications are available to the lots from Hueske Road.

### 4. Matters for consideration

The proposal requires consideration against the following planning instruments.

#### 4.1 State Environmental Planning Policies

**State Environmental Planning Policy 44 – Koala Habitat Protection** (SEPP44) is applicable because the former Hume Shire is listed in Schedule 1 and the subject land exceeds the area threshold that necessitates consideration. Under SEPP44 Council is therefore required to consider whether the land is potential or core koala habitat.

The majority of the subject land is cleared of vegetation with the exception of the central part that is largely undisturbed and contains a substantial number of remnant White box trees (see Figure 2).

SEPP44 considers land to have 'potential koala habitat' if more than 15 percent of trees are of a species nominated in Schedule 2. As White box are nominated in the schedule and they constitute more than 15 percent, the subject land is deemed to be 'potential koala habitat'. As a consequence SEPP44 then requires consideration of whether the land is 'core koala habitat', which is where there is a population of koalas present.

There are no known observations of koalas on the subject land and no recorded sightings in the vicinity of Hume. In addition, the 2008 approved *Recovery Plan for the Koala in NSW* acknowledges the probability of koalas being present in the 'far west and south west' region of NSW (which includes Hume) is low. Having regard for this the subject land is deemed not to be 'core koala habitat' and Council can consent to the application without the need for a Koala Management Plan.



**State Environmental Planning Policy 55 - Remediation of Land** (SEPP55) requires Council to consider the potential for any land proposed for development to be contaminated. Up until now, the subject land has been used for rural purposes. There is no evidence or known specific locations within the subject land that may have been utilised for activities that may lead to site-specific contamination.

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

## **4.2 Greater Hume Local Environmental Plan 2012**

The relevant Local Environmental Plan is the GHLEP and those provisions applicable to the proposal are addressed as follows.

### **4.2.1 Subdivision – consent requirements (clause 2.6)**

Clause 2.6 allows any land to be subdivided only with the consent of Council and subject to consideration against the relevant matters under the GHLEP, such as minimum lot size. The proposal sought as part of this application seeks lot sizes generally consistent with the minimum lot size controls for the land. As such the subdivision is permissible with consent.

### **4.2.2 Land use table (Part 2)**

The objectives of the RU4 zone are:

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

The proposal is considered to be generally consistent with these objectives because:

- it will not impact upon the ongoing agricultural and primary industry activities in Jindera;
- It is located within a transitional area, with much of the surrounding area representing rural-residential uses and/or small scale agriculture;
- the subject land is zoned RU4 and not considered to represent high quality rural land given its topography and existing vegetation condition; and
- the land is considered to be preferred for large lot residential subdivision, based on the zoning and strategic basis.

It is considered that all objectives of the RU4 zone have been addressed and satisfied and that the proposal is capable of being assessed and determined on its merits.

### **4.2.3 Minimum subdivision lot size (clause 4.1)**

This clause requires that the area of any lot resulting from the subdivision is to be greater than that expressed on the Minimum Lot Size (MLS) map in the GHLEP. In this case the MLS is 8 hectares and the proposal is inconsistent as one lot is proposed at 7.2 hectares.

The objective of this clause is “*to ensure land use and development is undertaken on appropriately sized parcels of land consistent with the objectives of the relevant zone*”. Notwithstanding the provisions of Clause 4.6 of the GHLEP that allows for consideration of lots less than the MLS (see below), the proposal is consistent with the objective of the clause

because the size of the smaller lot is still 'appropriate' having regard for the RU4 zone objectives (see above). At 7.2 hectares the lot remains capable of being used for agricultural purposes similar to other rural living lots in the vicinity on the northern side of Hueske Road. In addition, it will not cause any land use conflicts with adjoining land or zones because it is being used for an identical purpose (i.e. rural living).

#### **4.2.4 Rural subdivision (clause 4.2)**

Whilst this clause makes provision for lots less than the MLS, it is not utilised in this instance as existing/future dwellings cannot result from the subdivision.

#### **4.2.5 Exceptions to development standards (clause 4.6)**

This clause allows for consideration of lots less than the MLS in a subdivision subject to a number of criteria being satisfied and is being relied upon for the purposes of creating one less than the MLS of 8 hectares. It is noted that use of the clause is not excluded if the MLS could be met by both lots proposed in the subdivision. In addition, Council have already formerly resolved to support a subdivision of the subject land into three lots of which this application for two lots is the first step.

The objectives of this clause are:

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

The proposed subdivision satisfies these objectives because:

- it is seeking flexibility on the basis that the land is less than one hectare short of qualifying for a three lot subdivision (this two lot subdivision being the first step in achieving this ultimate outcome); and
- it won't result in a lot density out of character with the surrounding area.

Subclause (3) requires that

*Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

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

The proposed subdivision satisfies these requirements because:

- this report represents the 'written request';
- the MLS is unreasonable in this circumstance as the minor variation will not result in development that is clearly different to that in the area;
- the "*circumstances of the case*" include Council's resolution to support three lots (of which these two lots are the first step); and
- a variance will not result in any additional environmental impacts

Subclause (6) requires that:

*Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The proposed subdivision satisfies these development standards because:

- only one lot is less than the MLS; and
- at 7.2 hectares the area of the smaller lot is not less than 90 percent of the MLS of 8 hectares.

#### 4.2.6 **Heritage conservation (clause 5.10)**

There are no mapped heritage items or conservation areas on or near the subject land.

Whilst there are no known archaeological items on the subject land, it is still appropriate to consider the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* prepared by the former NSW Department of Environment, Climate Change and Water in 2010. Consideration of the due diligence process is undertaken in the following table.

Due diligence steps	Response
Step 1. Will the activity disturb the ground surface?	Yes, through infrastructure provision (vehicle crossing, fencing, etc).
Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware.	There are no recorded archaeological sites on the AHIMS database or on the Heritage Map in the ALEP within or near the subject land.
Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects.	There are no permanent natural watercourses on or near the subject land and therefore it is unlikely to have been a place habited by Aborigines. Consequently there are no “ <i>landscape features</i> ” that would indicate the presence of Aboriginal objects.
Step 3. Can you avoid harm to the object or disturbance of the landscape feature?	Not applicable as the proposal is “ <i>on land that is not disturbed land or contains known Aboriginal objects</i> ”.
Step 4: Desktop assessment and visual inspection.	Not applicable as the proposal is “ <i>on land that is not disturbed land or contains known Aboriginal objects</i> ”.
Step 5. Further investigations and impact assessment	Not required.

#### 4.2.7 **Terrestrial biodiversity (clause 6.2)**

This clause is applicable to the application because part of the subject land is mapped as ‘biodiversity’ on the Terrestrial Biodiversity Map in GHLEP (see Figure 3).



Subclause 3 requires that:

*Before determining a development application for development on land to which this clause applies, the consent authority must consider:*

- (a) *whether the development is likely to have:*
- (i) *any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
  - (ii) *any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
  - (iii) *any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
  - (iv) *any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed subdivision satisfies these considerations because:

- the associated works (fences, entrance, etc) will not result in any tree removal and therefore no impact on biodiversity; and
- consequently no mitigating measures are required.

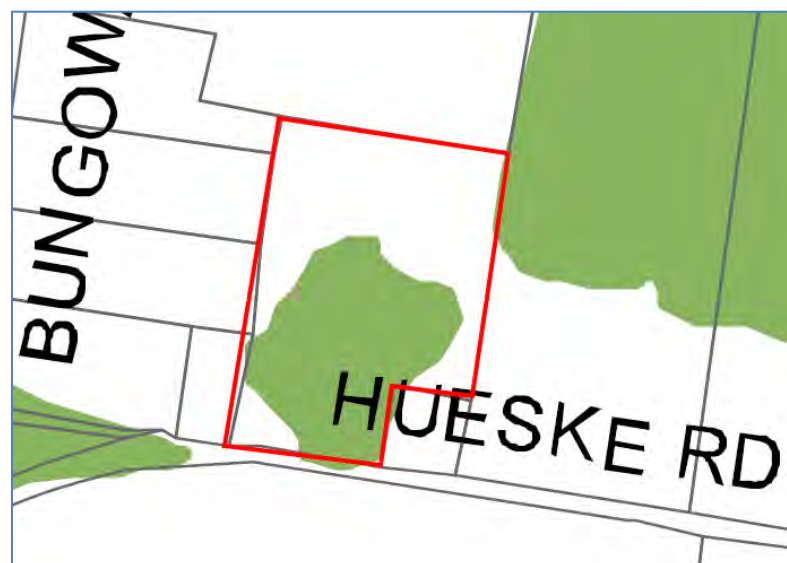
Subclause 4 requires that:

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

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Council can be satisfied as to these requirements because:

- sites for dwellings will be available in each lot without the need to remove any vegetation.



**Figure 3** Extract from the Terrestrial Biodiversity Map showing the subject land (Source: GHLEP)

#### 4.2.8 Essential services (clause 7.10)

The proposal can satisfy the requirements of this clause because the lots will be:

- connected to Council's existing reticulated potable water supply;
- connected to the existing electricity network in the road reserve; and
- accessed from a constructed rural road.

The subject land and surrounds is not provided with reticulated sewerage or constructed drainage.

#### 4.3 Greater Hume Development Control Plan 2013

Those parts of the ADCP applicable to the proposal are addressed as follows.

##### 4.3.1 Subdivision (Chapter 6)

The following development controls in the GHDCP are applicable to the subdivision.

Control	Response
<b>Staging</b>	
1. <i>Where staging of a subdivision is proposed, a staging plan must be submitted with the development application.</i>	No staging is proposed as part of this application. However it is noted that the proposal is the first step in achieving a three lot subdivision of the subject land as per Council's resolution.
2. <i>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>	See above.
<b>Movement network</b>	
1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards</i>	All works shall be undertaken in accordance with these requirements. It is expected these will be expressed as conditions of consent.
2. <i>All development for subdivision must comply with the Council's standards for road design.</i>	Not applicable as no new roads are proposed.
3. <i>For lots fronting a main road, access shall be from a secondary road where the opportunity exists.</i>	There is no opportunity for access to the lots from a secondary road.
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>	Both lots will have direct access to Hueske Road.
5. <i>Any upgrade or construction of a public road to provide access to a lot shall be at the applicant's expense.</i>	The proposed subdivision does not necessitate any upgrade of Hueske Road. It is noted significant upgrades have recently been undertaken in response to the Glenholm Estate opposite the subject land.

Control	Response
<p><b>Lot design</b></p> <ol style="list-style-type: none"> <li>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></li> <li>2. <i>Multi-lot subdivisions should provide for a range of lot sizes</i></li> <li>3. <i>Lots are to be provided with legal and practical public road access.</i></li> <li>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></li> <li>9. <i>The purpose of the subdivision shall be declared in the application.</i></li> </ol>	<p>The lot design can satisfy the requirements of these guidelines.</p> <p>A two lot subdivision does not qualify as a 'multi lot'. It is noted the two lots proposed are of quite different sizes.</p> <p>Legal and practical access from the two lots will be to Hueske Road.</p> <p>The purposes of the lots is for rural living. Both lots have options for the siting of a future dwelling that will have no environmental impact.</p> <p>The purpose of the subdivision is for rural living.</p>
<p><b>Infrastructure &amp; services</b></p> <ol style="list-style-type: none"> <li>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></li> </ol>	<p>All works shall be undertaken in accordance with these requirements. It is expected these will be expressed as conditions of consent.</p>
<p><b>Hazards</b></p> <ol style="list-style-type: none"> <li>1. <i>On land mapped as bushfire prone, compliance with the NSW Rural Fire Service guide Planning for Bushfire Protection (2006).</i></li> <li>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></li> <li>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></li> </ol>	<p>The land is not mapped as a bush fire risk.</p> <p>The land is not subject to flooding.</p> <p>The land has not previously been used for an activity that may result in land contamination. Consequently no further investigation of potential contamination is necessary.</p>
<p><b>Site management</b></p> <ol style="list-style-type: none"> <li>1. <i>Compliance with the Greater Hume Shire Engineering Guidelines for Subdivisions and Development Standards.</i></li> <li>2. <i>Compliance with Soil and Water Management Guidelines for Subdivisions – Albury, Wodonga &amp; Hume Councils.</i></li> </ol>	<p>The works required to undertake the subdivision are minimal and restricted to fencing, access and services. These will be undertaken in accordance with the guidelines.</p> <p>Any earth disturbance resulting from works will be managed in accordance with these guidelines.</p>

## 5. Statement of Environmental Effects

Clause 2 of Part 1 of Schedule 1 to the *Environmental Planning and Assessment Regulation 2000* lists the documents that must accompany a development application. Subclause 2(1)(c) states that one of these documents must be a statement of environmental effects. Subclause 2(4) specifies the matters to be addressed in a statement of environmental effects as follows:

- a) *the environmental impacts of the development,*
- b) *how the environmental impacts of the development have been identified,*
- c) *the steps taken to protect the environment or to lessen the expected harm to the environment,*
- d) *any matters required to be indicated by any guidelines issued by the Director-General for the purpose of this clause.*

It is noted that there are no guidelines issued by the Director-General applicable to this proposal.

An assessment of the environmental impacts of the proposed subdivision is undertaken in Attachment 'B'. In summary, this assessment reveals that there are no potential detrimental environmental impacts that can't be satisfactorily addressed through mitigation measures. Consequently the proposal is considered to be satisfactory in terms of environmental impacts.

## 6. Conclusion

This report supports a development application for the subdivision of Lot 6 in DP1130778 in Hueske Road Jindera into two lots. The proposal is the first step in achieving a three lot subdivision of the subject land that has been endorsed by Council.

Having regard for the assessment undertaken in this report, the proposal warrants the granting of consent because:

- one lot exceeds the MLS for subdivision and the other is slightly less but justified;
- it is generally consistent with the development standards expressed in the GHDCP;
- it represents appropriate development for RU4 zoned land in Jindera;
- it provides a greater variety of rural living opportunities in the Shire;
- it integrates well with the surrounding neighbourhood;
- the site is close to community facilities such as schools and open space;
- there are no detrimental environmental impacts; and
- it makes use of existing urban infrastructure.

**Attachment A**

Subdivision Plans





**Peak Survey & Developments**  
 Surveying | Town Planning | Project Management

PO Box 7338, East Albury NSW 2640  
 Ph 0422 919 652  
 ABN 96 129 061 476  
[www.peaksurveydevelopments.com.au](http://www.peaksurveydevelopments.com.au)

Designed	.	<b>JAKE &amp; MARIAN VANDORSSEN</b>	
Checked	.	DESIGN RESPONSE	
Drawn	.	LOT 6 DP 1130778	
Survey	.	HUESKE ROAD, JINDERA NSW 2642	
Date	.	Drawing No. J18001 - Design Response	Original Sheet
Datum	.	Scale 1: 2500	SHEET 1 OF 1 A2



**Attachment B**

Statement of Environmental Effects



	<i>How the environmental impacts of the development have been identified</i>	<i>The potential environmental impacts of the development</i>	<i>The steps taken to protect the environment or to lessen the expected harm to the environment</i>
<i>Context &amp; setting</i>	Site inspection.	<p>Positive impact through the continued growth and development of rural living development in Jindera generally, and within preferred areas.</p> <p>Potential negative impact upon surrounding rural properties through additional dwelling density in the area.</p> <p>Potential negative impact through the loss of land used for agriculture.</p>	<p>The subdivision density generally responds to the lot sizes expressed within the GHLEP, and the density envisaged by strategic planning work for the area. Consequently, the proposed lot density is considered to be that preferred for the location.</p> <p>The surrounding area includes few rural properties, which are generally utilised for small scale agricultural activities. There are no intensive agricultural activities which would be detrimentally affected by the proposal. Further, the area represents a transitional area, with much of the surrounding area shifting to a rural living character.</p>
<i>Access &amp; traffic</i>	Anticipated	<p>Potential detriment to road safety caused by an increase in traffic generated by the future development.</p> <p>Potential detriment to road safety due to an increase in traffic turning from the proposed lots onto Hueske Road</p> <p>Potential detriment to road infrastructure of Hueske Road through the increased traffic load generated by the subdivision.</p> <p>Potential detriment to efficient function of the surrounding road networks in the broader arterial road network through increased traffic from the property.</p>	<p>There are only two lots are being created and as a result the impact of additional traffic on Hueske Road will be inconsequential.</p> <p>Hueske Road is constructed to a high standard allowing it to accommodate an increase in traffic from the additional lot.</p> <p>The single access point to both lots will have excellent visibility in both directions, and as such any increased traffic movements are not considered to reduce traffic safety.</p> <p>The broader surrounding road network is considered to be of an appropriate standard able to accommodate the minor traffic increase.</p>
<i>Infrastructure</i>	Anticipated.	<p>Potential detriment caused by additional demand on existing infrastructure.</p> <p>Positive impact through the use of existing infrastructure to service new development and thus reducing the cost to service authorities.</p>	<p>All existing infrastructure can accommodate the additional demand created by the new lot. Development contributions will be payable and these go to offsetting any impacts on the broader infrastructure network.</p>
<i>Heritage</i>	Review of the list of Heritage Items in the GHLEP & Conservation Areas in the GHDCP.	None, there are no listed heritage items or nominated heritage conservation area on the subject land.	None required.

	<i>How the environmental impacts of the development have been identified</i>	<i>The potential environmental impacts of the development</i>	<i>The steps taken to protect the environment or to lessen the expected harm to the environment</i>
<i>Archaeology</i>	AHIMS database search.  Due diligence assessment.	Potential detrimental impact through disturbance of unknown archaeological items during works.	It is noted that the proposed development of the subdivision will require some earthworks to establish boundary fences, access and services. In the event an item of archaeological significance is revealed during any future construction, the appropriate protection measures will be implemented in accordance with legislation and best practice.
<i>Land resources</i>	Anticipated.	There are no known resources beneath the site.  Potential detrimental impact through the loss of access to an unknown resource through development of the land for rural living purposes.	None required.
<i>Soils</i>	Anticipated.	Potential negative impact through sediment transfer during works.	The construction of the subdivision will be undertaken in accordance with appropriate soil and water management practices in accordance with Council's guidelines.
<i>Air &amp; microclimate</i>	Anticipated.	Potential negative impact upon residential amenity of surrounding area through potential dust generated during subdivision construction.	Construction standards and procedures for the subdivision will be similar to other development undertaken in the area, and will be managed to prevent and reduce impacts to adjoining properties. The surrounding area comprises larger allotments, with much greater distances between the proposed construction areas and existing dwellings. Consequently, the impact of construction works on residential amenity is lessened.  It is likely that dust will be minimal and will be controlled where possible to ensure the amount of dust does not unreasonably impact on surrounding land. As above, there are greater distances between construction areas and existing dwellings.
<i>Flora</i>	Anticipated	Potential negative impact upon the natural environment and amenity of the area through removal of vegetation.  Potential positive impact for native flora and fauna habitat through intensification of landscaping on the subject land as a result of the subdivision.	No trees are to be removed as part of the subdivision.
<i>Fauna</i>	Anticipated	There are no potential impacts for fauna.	None required.

	<i>How the environmental impacts of the development have been identified</i>	<i>The potential environmental impacts of the development</i>	<i>The steps taken to protect the environment or to lessen the expected harm to the environment</i>
<i>Waste</i>	Anticipated.	Potential detrimental impact through an increase in litter and waste generated by construction activities. Potential increase in waste as a result of construction works.	Construction works are considered likely to generate little waste, given the nature of the proposed subdivision works. Any waste generated by construction works will be collected and disposed off-site; or re-used in the construction works where possible.
<i>Noise</i>	Anticipated.	Potential increase in noise during construction works.	The site is located with a rural living location which is already subject to some noise impacts because of the density of settlement. It is not considered that construction works will provide any greater impact to existing residential amenity over and above what already exists. Construction noise for the subdivision works will be temporary and isolated to daytime hours only. Subsequent residential construction noise is considered to be of little impact given it is not unreasonable for short term construction works to occur.
<i>Natural hazards</i>	<i>Bushfire Prone Land Map</i>	The subject land is not identified as being bushfire prone. The subject land is not identified as being flood liable.	None required.
<i>Social impact</i>	Anticipated.	Potential positive impact through an increase in population with future dwellings.	None required.
<i>Economic development</i>	Anticipated.	Potentially, a positive impact through investment in the development and future construction. Potential economic impact on Jindera and Albury through growth and investment opportunities.	None required.



**From:** Gail Davis [<mailto:gmdavis@bigpond.net.au>]  
**Sent:** Tuesday, 13 March 2018 2:31 PM  
**To:** Colin Kane  
**Subject:** 'Bring your own bag' initiative in Holbrook

Dear Colin,

It was great chatting with you earlier today and I thank you for your encouragement for our initiative to reduce the use of plastic in our community.

Since my husband and I moved to the region nearly 3 years ago, we have become very aware of the waste produced by our own household. We no longer have kerbside rubbish pickup, and we are responsible for the transportation and disposal of our refuse. We have always had a keen awareness of our own individual consumption and creation of waste, but now we are also confronted by the amount of waste which is generated by a little community such as Holbrook, as we witness it first hand on our monthly visits to the local tip!

As I mentioned, during my shopping visits to Holbrook in recent months, I have become aware of the community's increasing desire to reduce the use of plastic in our region. As a result, I have investigated the 'Boomerang Bags' initiative which has gained both Australia wide and worldwide momentum since its inception approximately 4 years ago. My initial discussion with Marg Geddes of Holbrook IGA and quite a few of the local retailers have progressed and enthusiasm abounds to such an extent that we are now looking at attempting to get a decent supply of reusable bags into the local community by the end of the financial year. I have been in touch with Tania of Boomerang Bags ([boomerangbags.org](http://boomerangbags.org)) and I am now a registered participant in the scheme. We are planning to make the bags with donated fabric at regular sewing bees, using local volunteer sewers, print the labels with our 'Holbrook' logo and the 'Reuse' message, and distribute them through the town!

We are hoping that our enthusiastic and growing band of volunteer sewers will meet over the next couple of weeks in order to commence construction, however, we are still looking for community, and potentially, council support to assist us with getting the project off the ground and making it happen.

We need support in the following ways:

- Donations of suitable fabric and thread to construct the bags.
- Funds to market and promote the concept to the community, by way of flyers etc; as well as, funds to purchase paint and screens to identify the reusable bags.

We are now very keen to pursue this initiative and foster the ever-increasing community enthusiasm which has occurred in recent months.

Regards,

Gail (Davis)  
Old Thomond  
Mountain Creek



HOLBROOK SPORTS GROUND

Bowler Street

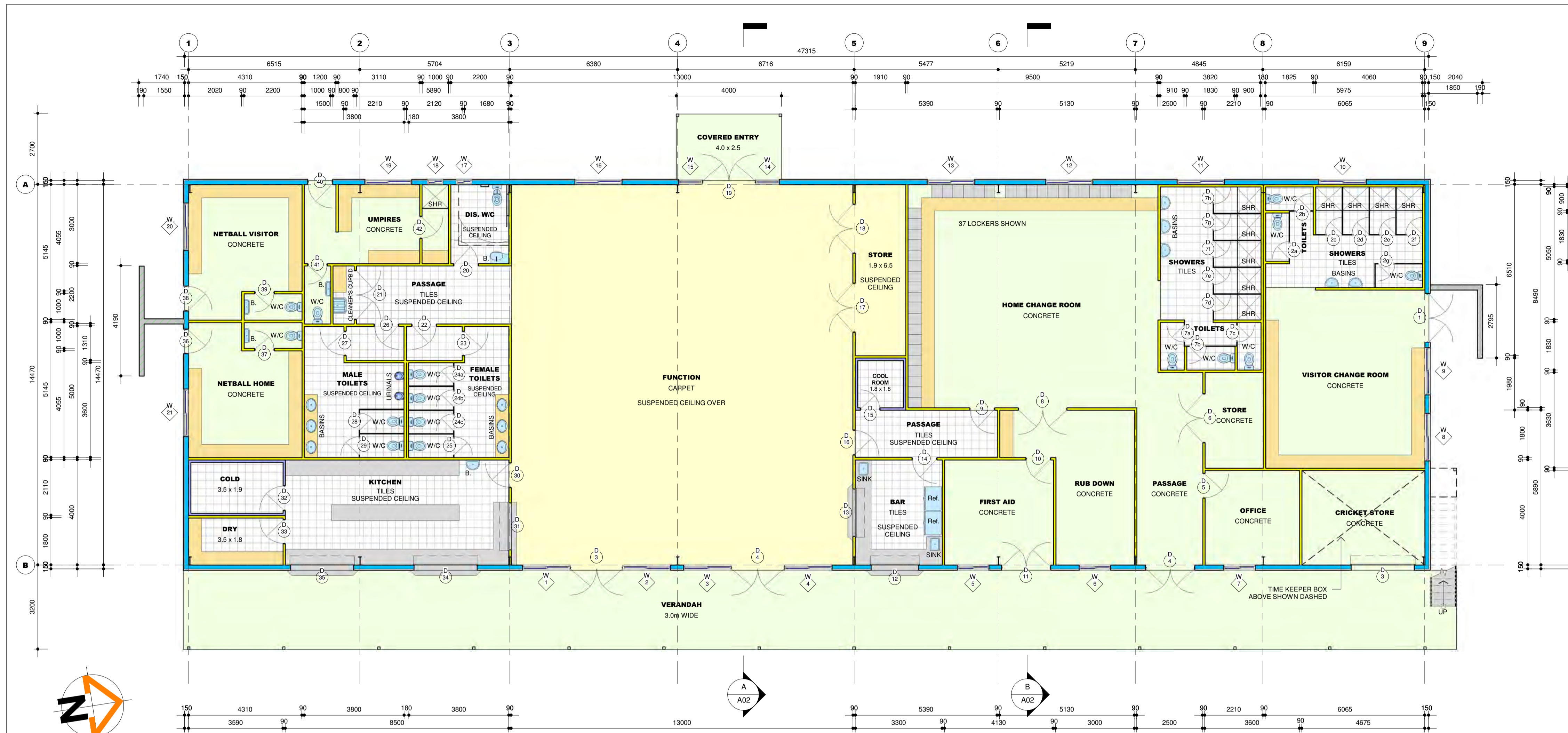
Proposed Multi-sport facility

Proposed Gymnasium

Existing Gymnasium



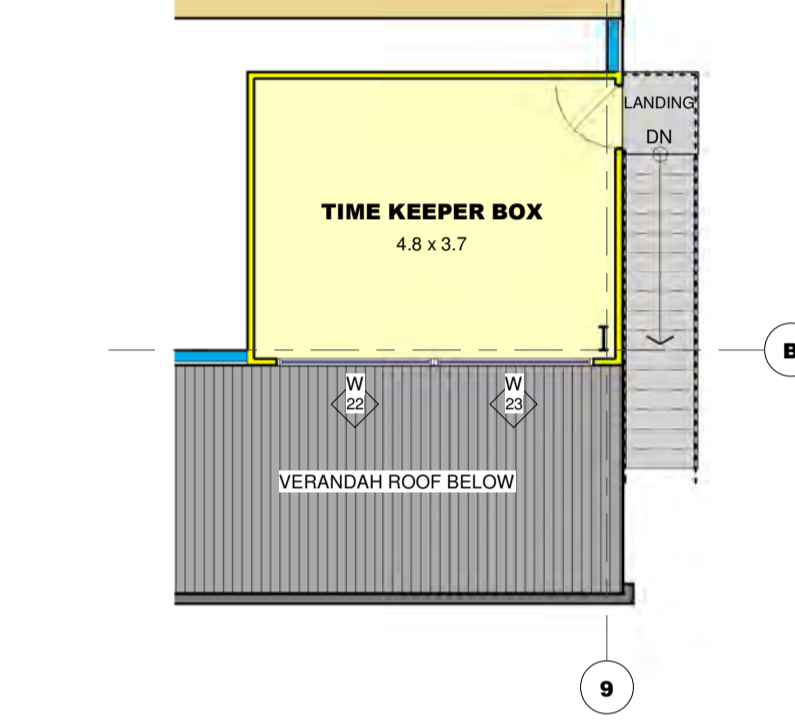




WINDOW SCHEDULE				
MARK	HEIGHT	WIDTH	NOTES	GLAZED
1	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
2	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
3	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
4	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
5	1200	1200	ALUMINIUM SLIDING	1.44 m <sup>2</sup>
6	1200	1200	ALUMINIUM SLIDING	1.44 m <sup>2</sup>
7	1200	1200	ALUMINIUM SLIDING	1.44 m <sup>2</sup>
8	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
9	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
10	1200	1800	ALUMINIUM SLIDING, OBSCURE	2.16 m <sup>2</sup>
11	1200	1800	ALUMINIUM SLIDING, OBSCURE	2.16 m <sup>2</sup>
12	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
13	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
14	2100	900	ALUMINIUM FIXED	1.89 m <sup>2</sup>
15	2100	900	ALUMINIUM FIXED	1.89 m <sup>2</sup>
16	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
17	600	600	ALUMINIUM SLIDING, OBSCURE	0.36 m <sup>2</sup>
18	600	600	ALUMINIUM SLIDING, OBSCURE	0.36 m <sup>2</sup>
19	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
20	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
21	1200	1800	ALUMINIUM SLIDING	2.16 m <sup>2</sup>
22	1100	2100	ALUMINIUM FIXED	2.31 m <sup>2</sup>
23	1100	2100	ALUMINIUM FIXED	2.31 m <sup>2</sup>

DOOR SCHEDULE			
MARK	HEIGHT	WIDTH	NOTES
1	2040	1840	HINGED EXTERNAL 2x920
2a	1600	650	TOILET PARTITION
2b	1600	650	TOILET PARTITION
2c	1600	650	TOILET PARTITION
2d	1600	650	TOILET PARTITION
2e	1600	650	TOILET PARTITION
2f	1600	650	TOILET PARTITION
2g	1600	650	TOILET PARTITION
3	2100	2000	HINGED EXTERNAL FULL GLAZED, 2x920
4	2400	2400	COLORBOND ROLLER DOOR
5	2040	2000	HINGED EXTERNAL FULL GLAZED, 2x920
6	2040	1840	HINGED INTERNAL 2x920
7a	1600	650	TOILET PARTITION
7b	1600	650	TOILET PARTITION
7c	1600	650	TOILET PARTITION
7d	1600	650	TOILET PARTITION
7e	1600	650	TOILET PARTITION
7f	1600	650	TOILET PARTITION
7g	1600	650	TOILET PARTITION
8	2040	1840	HINGED INTERNAL 2x920
9	2040	920	HINGED INTERNAL
10	2040	920	HINGED INTERNAL
11	2040	1840	HINGED EXTERNAL 2x920
12	1200	1800	ROLLER SHUTTER
13	1200	1800	ROLLER SHUTTER
14	2040	920	HINGED INTERNAL
15	2040	920	HINGED INTERNAL 2x920
16	2040	920	HINGED INTERNAL
17	2040	1840	HINGED INTERNAL 2x920
18	2040	1840	HINGED INTERNAL 2x920
19	2100	2000	HINGED EXTERNAL FULL GLAZED, 2x920
20	2040	920	HINGED INTERNAL
21	2040	1840	HINGED INTERNAL 2x920
22	2040	920	HINGED INTERNAL
23	2040	920	HINGED INTERNAL
24a	1600	650	TOILET PARTITION
24b	1600	650	TOILET PARTITION
24c	1600	650	TOILET PARTITION
25	1970	700	TOILET PARTITION
26	2040	920	HINGED INTERNAL
27	2040	920	HINGED INTERNAL
28	1600	650	TOILET PARTITION
29	1970	700	TOILET PARTITION
30	2040	920	HINGED INTERNAL
31	1200	1800	ROLLER SHUTTER
32	2040	920	HINGED INTERNAL
33	2040	920	HINGED INTERNAL
34	1200	2400	ROLLER SHUTTER
35	1200	2400	ROLLER SHUTTER
36	2040	920	HINGED INTERNAL
37	2040	720	HINGED INTERNAL 2x920
38	2040	920	HINGED INTERNAL
39	2040	720	HINGED INTERNAL 2x920
40	2040	920	HINGED INTERNAL
41	2040	720	HINGED INTERNAL 2x920
42	2040	820	HINGED INTERNAL
43	2040	820	HINGED INTERNAL

AREA TABULATION, APPROX AREAS. BUILDER TO CONFIRM	
NAME	AREA
1 - PROPOSED BUILDING	705.1 m <sup>2</sup>
2 - COVERED ENTRY	10.0 m <sup>2</sup>
3 - VERANDAH	142.2 m <sup>2</sup>
4 - TIME KEEPER BOX	18.2 m <sup>2</sup>
	975.5 m <sup>2</sup>



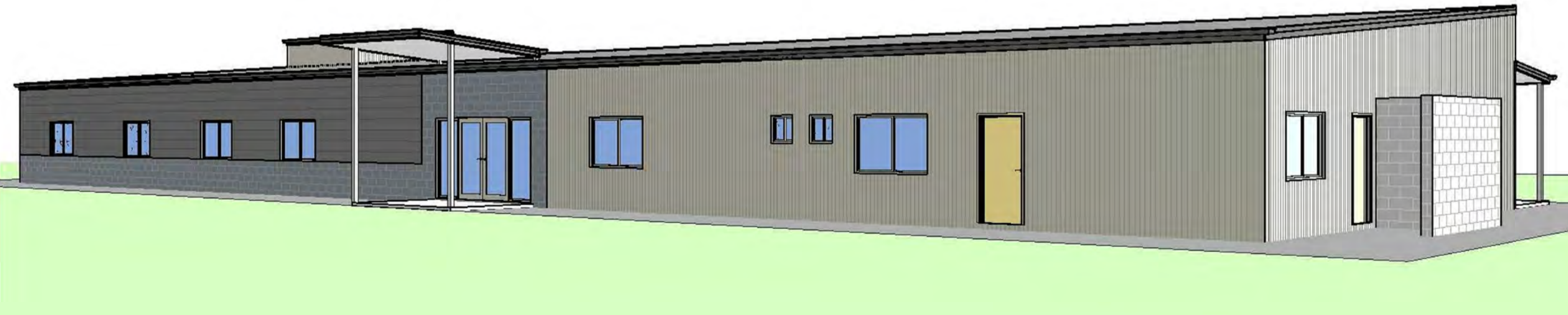
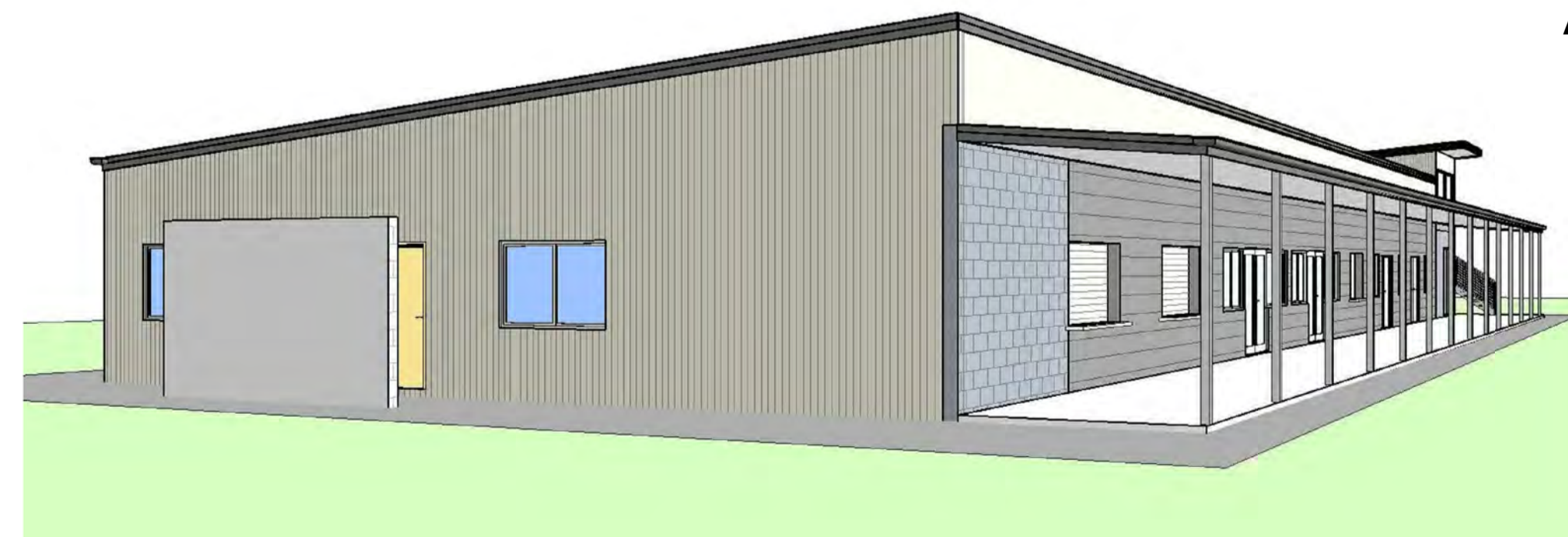
**TIME KEEPER BOX**  
1 : 100

**FLOOR PLAN**  
1 : 100

**FOOTBALL OVAL**



**ARTISTS IMPRESSIONS**



**FLOOR PLAN, PERSPECTIVES**

**PRELIMINARY**

THE BUILDER SHALL VERIFY ALL MEASUREMENTS AND LEVELS ON-SITE BEFORE ORDERING MATERIALS, COMMENCING SITE WORK OR FABRICATION WORK. COPYRIGHT RESERVED. NO PORTION OF THESE DRAWINGS MAY BE REPRODUCED BY ANY PROCESS WITHOUT THE WRITTEN CONSENT OF ROB PICKETT DESIGN.

**REGISTERED**  
Building Practitioner  
plus CPD  
Drawn By **BRENDAN**  
Checked By

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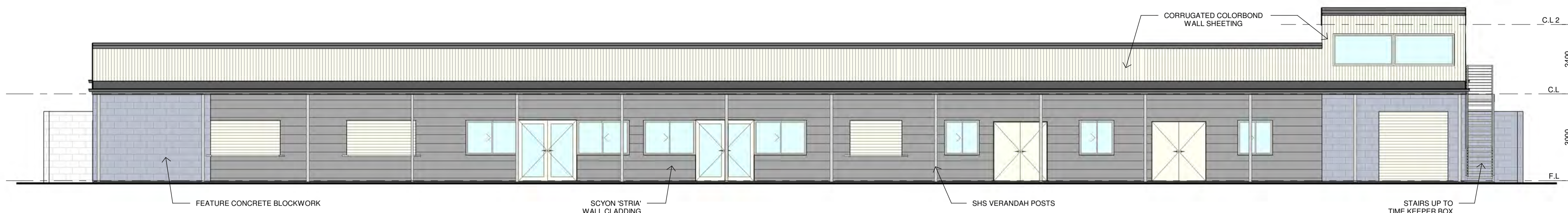


**PROPOSED SPORTS GROUND FACILITY**  
**For: HOLBROOK FOOTBALL CLUB**  
**At: HOLBROOK SPORTS GROUND**

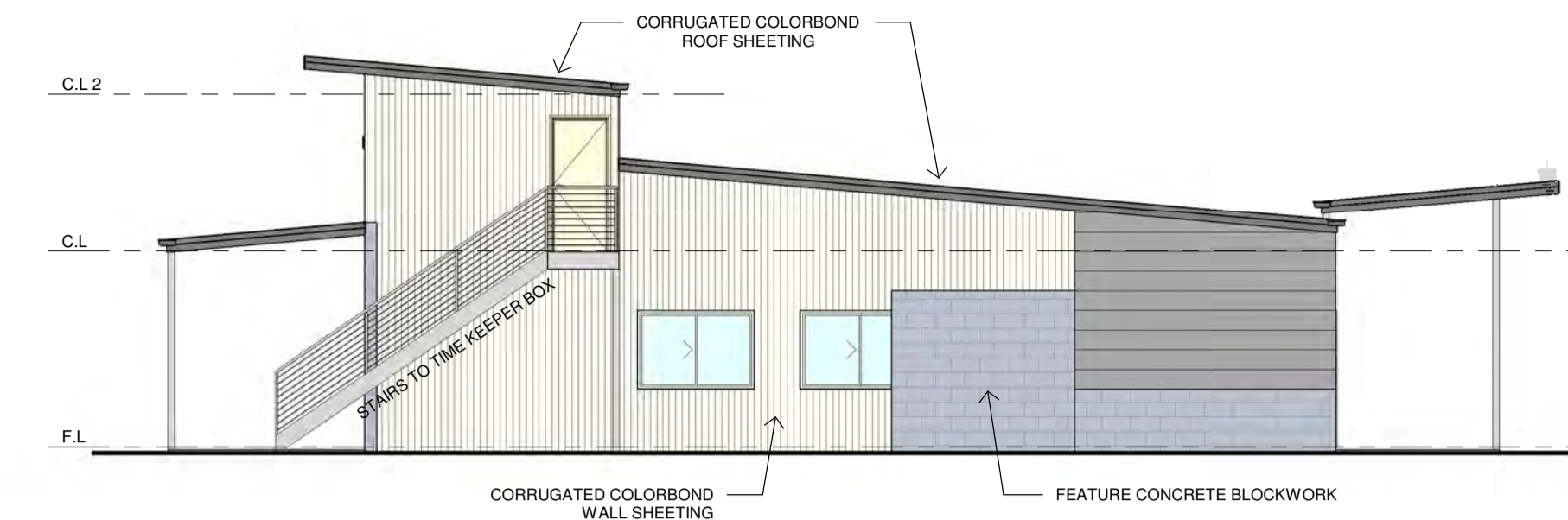
**SHEET**  
SIZE A1  
DP/AD 1076  
**A01**  
Date: 10-4-2018  
Job #: **6036**

DATE	REV	AMENDMENT

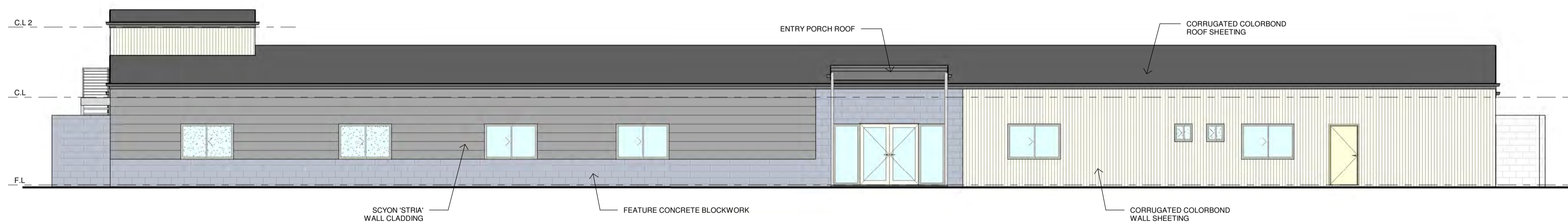




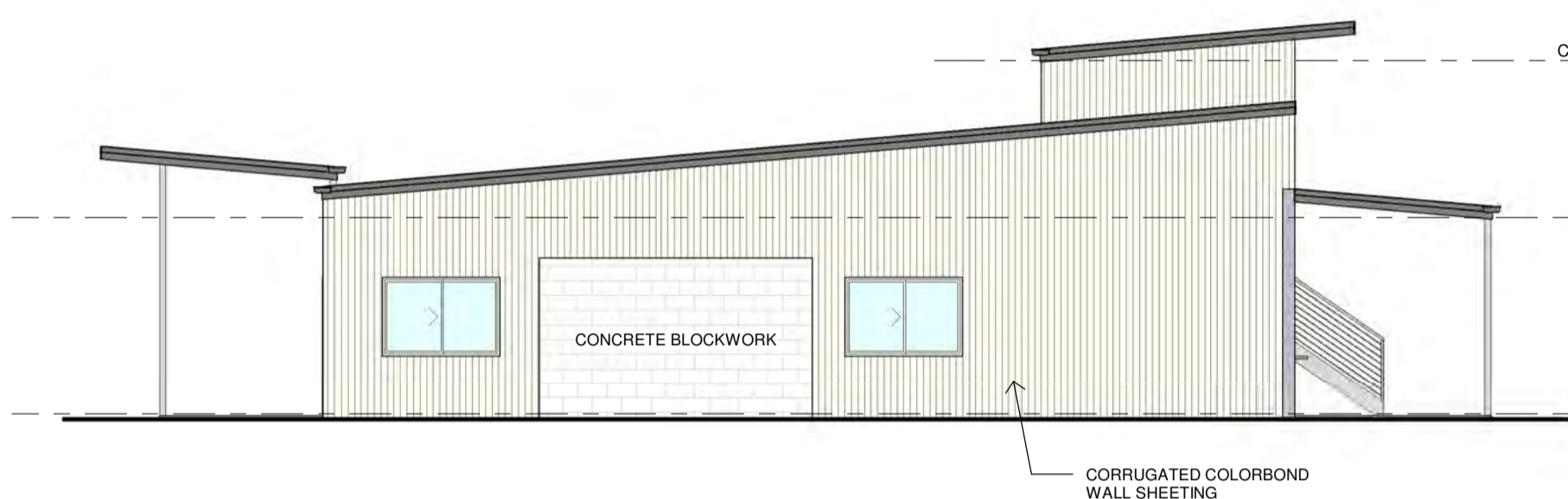
**EAST ELEVATION**  
1 : 100



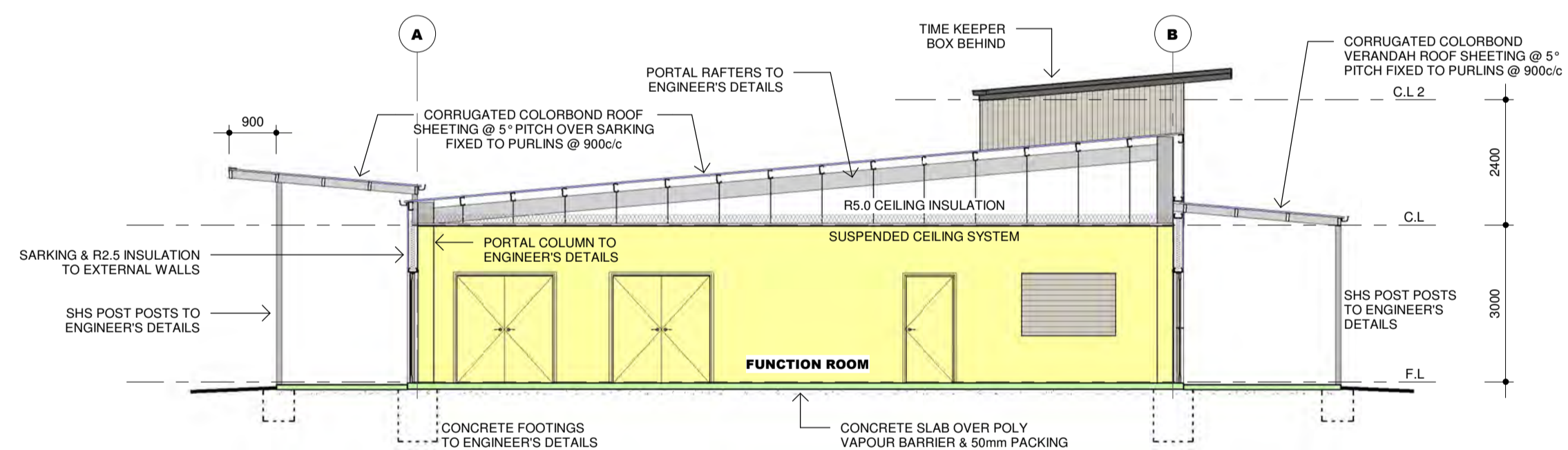
**NORTH ELEVATION**  
1 : 100



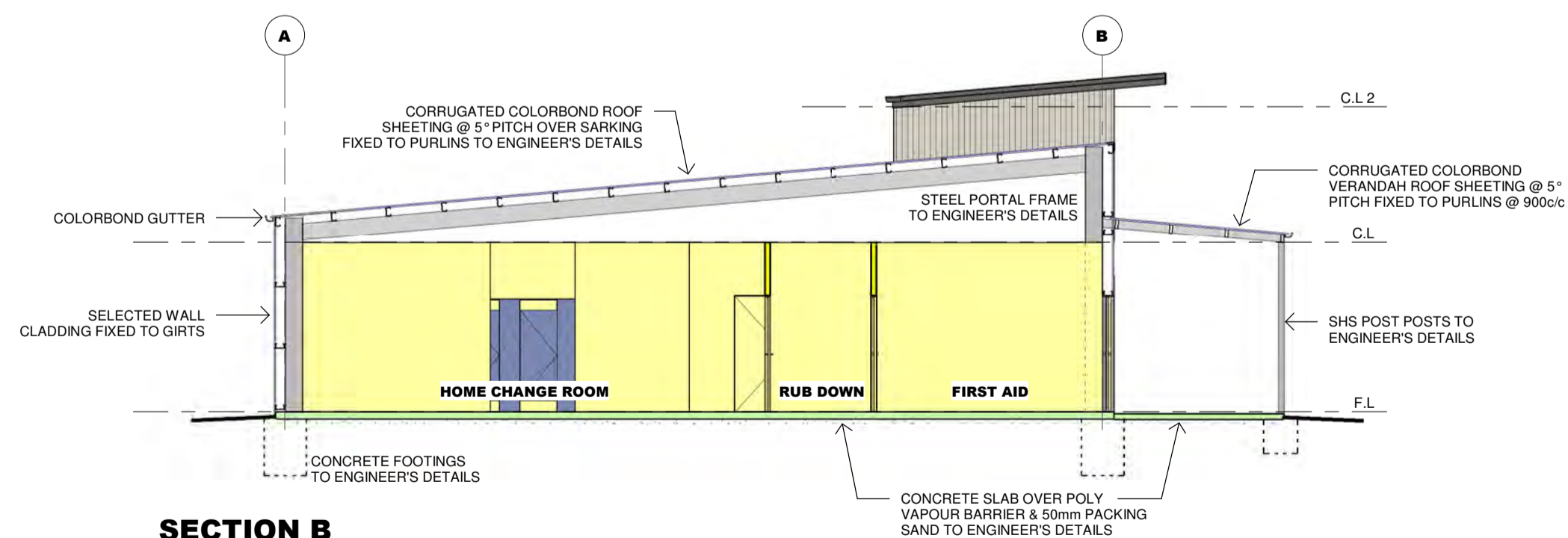
**WEST ELEVATION**  
1 : 100



**SOUTH ELEVATION**  
1 : 100



**SECTION A**  
1 : 100



**SECTION B**  
1 : 100

**PRELIMINARY**

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**ELEVATIONS, SECTIONS**

**REGISTERED**  
Building Practitioner  
plus CPD  
Drawn By **BRENDAN**  
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**PROPOSED SPORTS GROUND FACILITY**  
**For: HOLBROOK FOOTBALL CLUB**  
**At: HOLBROOK SPORTS GROUND**

**SHEET**  
SIZE A1  
**A02**  
DP/AD 1076  
Date: 10-4-2018  
Job #: **6036**





**Property  
NSW**

Property NSW  
Level 5, 4-6 Bligh Street, Sydney NSW 2000  
PO Box N408, Grosvenor Place NSW 1220  
Tel 02 9273 3972 | [www.property.nsw.gov.au](http://www.property.nsw.gov.au)

Our Ref: JS

**BY EMAIL:** [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)

General Manager and Rates Manager  
PO Box 99  
HOLBROOK NSW 2644

Dear General Manager and Rates Manager

**RE: Application for exemption of rates under Section 555 of the Local Government Act 1993 for properties owned by Property NSW (PNSW) in the Great Hume Shire Local Government Area.**

Property NSW (PNSW) has acquired 15 properties in the Greater Hume Shire LGA, under the NSW Government's voluntary purchase program for properties affected by loose-fill asbestos insulation.

PNSW has been paying council rates since acquiring these properties. Under Section 555 of the Local Government Act 1993, PNSW now seeks an exemption from payment of council rates for the 15 properties. These properties are vacant and will not be occupied prior to demolition of the improvements and remediation of the land.

PNSW also requests a refund of all utility payments made for each property since they were acquired by PNSW. Please see the enclosed list with property addresses, the dates they were acquired and assessment numbers.

I look forward to hearing from you at your earliest convenience.

If you have any queries please do not hesitate to contact my Property Manager, Kerrie Curtis on 9273 3807 who is managing this issue.

Yours sincerely

A handwritten signature in black ink that reads 'Jackie Schiller' in a cursive script.

**JACKIE SCHILLER**  
Senior Manager, Commercial Transactions  
Property NSW

15/11/17

Our Ref: SJP

NSW Property  
P.O. Box N408  
Grosvenor Place NSW 1220

Attention: Jackie Schiller

Dear Ms Schiller

**APPLICATION FOR AN EXEMPTION OF RATES UNDER SECTION 555 OF THE LOCAL GOVERNMENT ACT**

I refer to your correspondence dated 15 November 2017 seeking an exemption of rates under section 555 of the Local Government Act.

It assumed that the exemption is being sought under section 555 (1) outlined below:

***555 What land is exempt from all rates?***

***(1) The following land is exempt from all rates:***

***(a) land owned by the Crown, not being land held under a lease for private purposes,***

Council has carefully considered the application for an exemption under 555 (1) and has determined that it is not in the spirit of the Act to provide an exemption on this occasion for the following reason:

1. The land is being held for resale
2. The land has come into the possession of the NSW State Government as a direct result of a State Government initiative (Loose Fill Asbestos Insulation (LFAI) Voluntary Purchase and Demolition Program).
3. \$250,000,000 has been provided to roll out the LFAI Voluntary Purchase and Demolition Program and the rates and charges on properties being held for resale should be charged to that program.
4. Properties being held for resale should be placed on the market for sale at the earliest opportunity to reduce the holding costs.

Should you wish to discuss any matter further please do not hesitate to contact the undersigned on 0429 310205.

Yours faithfully

Steven Pinnuck  
**General Manager**  
GREATER HUME SHIRE COUNCIL

20 December 2017



**Property  
NSW**

Property NSW  
Level 5, 66 Harrington Street, Sydney NSW 2000  
PO Box N408, Grosvenor Place NSW 1220  
Tel 02 9273 3972 | [www.property.nsw.gov.au](http://www.property.nsw.gov.au)

Our Ref: JS

**BY EMAIL:** [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)

Steven Pinnuck  
General Manager  
PO Box 99  
HOLBROOK NSW 2644

Dear Mr Pinnuck

**RE: Exemption from payment of rates under Section 555 (1) (a) of the Local Government Act 1993 for LFAI properties owned by Property NSW (PNSW) in the Greater Hume Shire Local Government Area.**

Thank you for your letter dated 20<sup>th</sup> December 2017 which we have considered.

Property NSW (PNSW) is satisfied the exemption under Section 555 (1) of the Local Government Act 1993 applies to land acquired by PNSW under the NSW Government's Voluntary Purchase and Demolition Program for Loose-Fill Asbestos Insulation. The land is owned by PNSW and is not under a lease for private purposes. It is therefore exempt from payment of rates.

The funds made available by NSW Government under the Loose-Fill Asbestos Insulation eradication program are for payment to affected homeowners; their purpose is not for payment of rates to local councils.

We note PNSW has paid to Council the first instalment for 2017/2018. Given the exemption applies, payment of any further rates for the 2017/2018 year is not required.

If you have any queries please do not hesitate to contact me on 9273 3972.

Yours sincerely

**JACKIE SCHILLER**  
Senior Manager, Commercial Transactions  
Property NSW

22/2/18