



New South Wales Consolidated Regulations

[\[Index\]](#) [\[Table\]](#) [\[Search\]](#) [\[Search this Regulation\]](#) [\[Notes\]](#) [\[Noteup\]](#) [\[Previous\]](#) [\[Next\]](#) [\[Download\]](#)
[\[Help\]](#)

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - SCHEDULE 7

SCHEDULE 7 – Election of mayor by councillors

(Clause 394)

Part 1 - Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:

"ballot" has its normal meaning of secret ballot.

"open voting" means voting by a show of hands or similar means.

Part 2 - Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

6 Count--2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count--3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 - Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

(1) The ballot-papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

10 Count

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. The latter is elected.

(4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal--the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes--the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 - General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

(a) to be declared to the councillors at the council meeting at which the election is held by the returning officer, and

(b) to be delivered or sent to the Director-General and to the Secretary of the Local Government and Shires Association of New South Wales.

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Greg Blackie
Director Engineering
Greater Hume Council
PO Box 99, Holbrook NSW 2644

12 September 2018

Dear Greg

Greater Hume Council re Culcairn Bridge – Proposal to remove Pedestrian Footbridge Culcairn

Thank you for your correspondence received by Inland Rail on 27 August 2018 regarding the proposal to remove the pedestrian footbridge at Culcairn and the associated Council report. This letter provides ARTC Inland Rail's response to Council's request that the footbridge be lifted and retained at the location.

We have considered Council's request and recognise Council and the community's appreciation for the Culcairn footbridge structure. A proposed lifting / retention for any decommissioned asset in a rail corridor is impacted by following factors:

- Safety consideration for any unused / decommissioned structure;
- Safety consideration if the structure is proposed to be retained within the rail corridor;
- Application of the current standards and regulations to the structure in the rail corridor, including compliance to AS5100 collision impact requirement;
- Current condition of the structure;
- Maintenance requirements of the structure; and
- Compliance with the Rail Operator's policy for a similar structure, as in this case a compliant active pedestrian crossing exists at the location.


Following the consideration of the above issues, we do not believe it is feasible or safe enough for ARTC to lift and retain the structure within the rail corridor at the existing location.

Also, if the bridge is to be considered for reopening in addition to lifting, considering public safety and public accessibility it would also require that the bridge be brought into compliance with current DDA requirements. This would require that ramps and or lifts be provided which would not align with the historical context of the bridge.

However, as stated in our previous correspondence ARTC#0-0000-210-SBD-00-LT-0001_0-CULCAIRN COUNCIL RESPONSE, we can certainly work with the Council to hand over part/s of footbridge, if the Council has any plans to utilise them outside the rail corridor. A proposal to set a plaque close to the site commemorating the footbridge's history can also be worked through.

We are willing to discuss this in person, if required, and available to attend the Council's forum to discuss the issues in more detail at your earliest convenience.

Yours sincerely


Dinesh Batra
Senior Project Manager
Inland Rail

Greg Blackie
Director Engineering
Greater Hume Council
PO Box 99
Holbrook NSW 2644

6 September 2018

Dear Greg

Greater Hume Council re Culcairn Bridge

Thank you for your correspondence received by Inland Rail on 27 August 2018 regarding the proposal to remove the pedestrian footbridge at Culcairn and the associated Council report.

I can confirm that we have reviewed Council's request and have no objection in principle to provide in part/s the relevant sections of the footbridge after the removal and dismantling of the bridge to preserve the historical aspect of the bridge.

We do recommend that Council consider a number of issues, including the following:

- a) The current state of the structure - as the bridge has been closed for a number of years, the current condition will impact how feasible it is to dismantle the bridge in one piece or more and what level of followup repair / reconstruction works required
- b) Responsibility for the follow on works required – including the installation works if any post removal and ongoing maintenance works in the new location will need to be considered from the Council.
- c) The management of any contamination – if applicable, will also need to be considered as part of the dismantling and re-establishing process.
- d) The sections of the footbridge which will need to be relocated or stored, are required to be considered, outside the rail corridor in council land.

With these considerations in mind, we are ready to work with council on developing an interface plan to address these issues and confirm, prior to working starting, what parts can be delivered and in what condition.

We look forward to discussing with Council further and if Council agrees, developing a plan to address the issues outlined and confirming the required approach to removing the structure.

Yours sincerely,



Dinesh Batra
Senior Project Manager
Inland Rail



Greater Hume Shire

simply greater

Our Ref: GB:VE

Dinesh Batra
Senior Project manager
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Australian Rail Track Corporation
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P: 02 6036 0100 or 1300 653 538
F: 02 6036 2683

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40 Balfour Street Culcairn NSW 2660
P: 02 6029 8588 F: 02 6029 8607

Customer Service Centres
Henty RTC/Library
32 Staden Street, Henty NSW 2658
Jindera
Shops 8 & 9 Jindera Plaza
Jindera NSW 2642
Walla Walla RTC/WAW Credit Union
Commercial Street,
Walla Walla NSW 2659

E: mail@greaterhume.nsw.gov.au
www.greaterhume.nsw.gov.au

Dear Dinesh

Proposal to Remove Pedestrian Footbridge Culcairn

I refer to previous correspondence with yourself and an onsite meeting regarding the impact of the Inland Rail Project on the Olympic Highway footbridge.

I advise that at Council's Ordinary Meeting of Council held on 15 August 2018, Council resolved the following: *"That Director Engineering write to ARTC (Australian Rail Track Corporation) requesting that the footbridge be lifted and a commitment be sought to maintain and preserve the historical aspect of the bridge."*

A copy of the associated Council report on the matter is also attached for your information.

I request you provide a response to Council's resolution as soon as possible.

If you wish to discuss this matter further please don't hesitate to contact myself on 02 6036 0100.

Yours faithfully

Greg Blackie
Director Engineering
GREATER HUME COUNCIL

27 August 2018

Council Report – Proposal to Remove Pedestrian Footbridge - Culcairn

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY COURT,
HOLBROOK ON WEDNESDAY, 15 AUGUST 2018**

**DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING
DEMOLITION LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK**

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Meyer Hicks O'Neill Quinn Weston Schilg	Wilton	Osborne Stewart	

5038 RESOLVED [Hicks/O'Neill]

That standing orders be suspended and **PART A ENGINEERING REPORT** Item 2 **REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE – CULCAIRN** be brought forward at this time 6.20pm.

ENGINEERING

2. REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE - CULCAIRN

5039 RESOLVED [Quinn/Hicks]

That Director Engineering write to ARTC (Australian Rail Track Corporation) requesting that the footbridge be lifted and a commitment sought to maintain and preserve the historical aspect of the bridge.

5040 RESOLVED [Hicks/Weston]

That standing orders resume at 6.27pm and the meeting return to the agenda as printed.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY
COURT, HOLBROOK
ON WEDNESDAY, 15 AUGUST 2018**

2. REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE - CULCAIRN

Report prepared by Director Engineering – Greg Blackie

REASON FOR REPORT

To advise Council on the proposed removal of the pedestrian footbridge over the railway line in Balfour St (Olympic Hwy) Culcairn, and consider a request from the Culcairn Community Development Committee to retain parts of the structure for possible reuse.

REFERENCE TO DELIVERY PLAN ACTION

Outcome 4.1 Infrastructure and facilities meets the needs of our communities.

Action 4.1.1.2 Ensure the investment in the upgrade of infrastructure is targeted and prioritised.

DISCUSSION

Council has been advised that the pedestrian footbridge in Culcairn is to be removed, as part of the Inland Rail Project. Refer **ANNEXURE 9**.

As stated in the correspondence the reasons for the removal are:

- *It does not meet vertical clearance requirements for Inland Rail.*
- *The footbridge has been closed for a few years and is not in use*
- *A compliant pedestrian crossing exists near the footbridge ruling out any future requirement of the footbridge.*

It was also noted upon inspection that the structure is visually in poor condition.

Following correspondence about the project from Inland Rail the writer arranged a meeting onsite with Inland Rail to discuss the footbridge. At the onsite meeting it was discussed that the most appropriate forum to start any consultation about the removal is by advising the local Culcairn Development Committee (CDC) about the proposal. It was advised that the writer would attend a meeting to advise the committee of the proposal.

The writer attended the CDC meeting on the 17 July and advised the committee of the proposed footbridge removal. Whilst all attendees at the meeting could see the requirement for the footbridge's removal, questions were raised on subsequent recognition for the bridge since it has been a prominent landmark and used by many Culcairn residents over its lifetime.

It was suggested that a plaque set close to the site providing a history of the footbridge commemorating its use may be suitable recognition.

At the meeting some comments were made about the possibility of relocating or reusing the structure in another location.

It is noted the structure is not heritage listed but is part of the Culcairn Conservation Area under Council's Development Control Plan.

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REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE - CULCAIRN [CONT'D]

Subsequently, as detailed in **ANNEXURE 9**, following the meeting it was advised that further discussion took place after the writer left the meeting with a recommendation that: In response to the removal of the Railway Footbridge, the committee would like to keep part or all of it, as it is part of the heritage of Culcairn and would be stored for a future project."

The resolution from the meeting has raised some issues that Council now need to consider prior to any consultation with Inland Rail about the removal of the structure and possible retention of components of the structure.

Firstly, the committee's resolution indicates that the gifting of part or all of the structure to the committee essentially recommends gifting the structure to Council (As the committee is a Reference Committee of Council).

The status of the structure is unknown in relation to it's structural condition and as advised the structure visually looks in poor condition and there is no current assessment available of its condition.

Secondly, it is unknown what coatings have been applied to the structure (ie lead paint?) or it being contaminated from its proximity to diesel powered trains.

Thirdly, for any future reuse the additional public liability on Council of the structure in a relocated location.

It is also unknown if the structure would be gifted by Inland Rail

BUDGET IMPLICATION

No costs at this stage but if gifted to Council and subsequently placed for public use will create some additional ongoing maintenance costs. There is also the possible cost of decontamination.

CONCLUSION

It is clear the removal of the bridge is required to allow for the development of the Inland Rail. As it has already been replaced with a compliant crossing there is no need for it to remain as a pedestrian thoroughfare. A plaque recognising the bridges history and value to the Culcairn Community (which can be funded by Inland Rail) is considered a suitable request to be made.

However possible retention of parts or all of the structure for other projects does raise some issues that Council need to consider carefully prior to contacting Inland Rail on this option.

Should Council come into possession of the structure (or parts of) a risk does emanate from its current condition and possible future use.

It is considered by the writer that due to the risks involved, including possible contamination and structural issues and future public liability issues in the reuse of the structure, the risk of taking possession at this time is considered unacceptable.

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ON WEDNESDAY, 15 AUGUST 2018**

REMOVAL OF RAILWAY PEDESTRIAN FOOTBRIDGE - CULCAIRN [CONT'D]

RECOMMENDATION

That Council

1. Acknowledge the removal of the existing structure is appropriate due to the requirements of the Inland Rail Project.
2. Request the removal of the bridge be recognised by the placement of a plaque nearby to the site providing a suitable history of the bridge and value to the Culcairn Community and that its manufacture and installation be funded by Inland Rail
3. Advise Inland Rail that it does not wish to retain any components of the structure for reuse, and advise the Culcairn Development Committee accordingly.

Greg Blackie

From: Dinesh Batra
Sent: Friday, 25 May 2018 12:12 PM
To: Greg Blackie
Cc: Linton Gloster; Heath Martin
Subject: ARTC Inland Rail Impact on Olympic way Footbridge
Attachments: Inland Rail A2I Project Fact Sheet.pdf; Inland Rail - The solution to Australia's freight challenge.pdf; The benefits of Inland Rail.pdf

Hi Greg,

Thanks for giving us time to meet on 23rd May on a short notice. As stated earlier, we represent the ARTC's Inland Rail project delivery team and operate from Melbourne Inland Rail office. Just to give you the broader facts of Inland Rail.

About Inland Rail

Inland Rail is a 1,700km freight rail network which will run between Melbourne to Brisbane completing the spine of the national freight rail network, offering less than 24 hour transit time with 98% reliability. This is a federal government funded project with Australian Government commitment for \$9.3 billion for ARTC to develop and build Inland Rail. Additional funds will come from a partnership with the private sector. Key facts of the project are:

- Approximately 16,000 jobs will be created at the peak of construction, with 700 jobs once Inland Rail is operational.
- Inland Rail has been divided into 13 distinct projects to deliver the 1,700km rail line: one project in Victoria, seven in NSW, and five in Queensland. We manage 2 of the 13 packages being Tottenham – Albury (T2A) & Albury to Illabo (A2I)
- 1,200km of existing rail infrastructure (rail lines and corridors) will be used to complete the 1,700km Inland Rail with the remaining section being new track infrastructure works.
- The corridor needs to support double stacked trains which means it needs to achieve 7.1m of vertical clearance in the corridor.

I have attached other information on the project herewith.

Impact on Olympic Hwy footbridge

Olympic Hwy footbridge falls on the Albury to Illabo section of the works, where the existing track infrastructure will be utilised to run double stacked trains and thus any constraints for achieving 7.1m vertical clearance needs to be addressed. In Greater Hume council jurisdiction, it impacts some signal gantries which are restricted within the rail corridor and Olympic Hwy footbridge.

Olympic Hwy bridge is proposed to be removed for the reason:

- It does not meet vertical clearance requirements for Inland Rail.
- The footbridge has been closed for few years and is not in use.
- A compliant pedestrian crossing exists near the footbridge ruling out any future requirement of the footbridge.

At this stage we are into the feasibility design stage and the timing of bridge removal is yet to be confirmed and can be discussed and worked around. Inland rail project construction is scheduled to be undertaken between 2020 to 2025.

ANNEXURE 9

Can you please review the footbridge removal proposal and provide feedback and your thoughts on how to move forward on this.

Kind Regards,
Dinesh Batra
Senior Project Manager
Inland Rail

ARTC

artc.com.au

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Greg Blackie

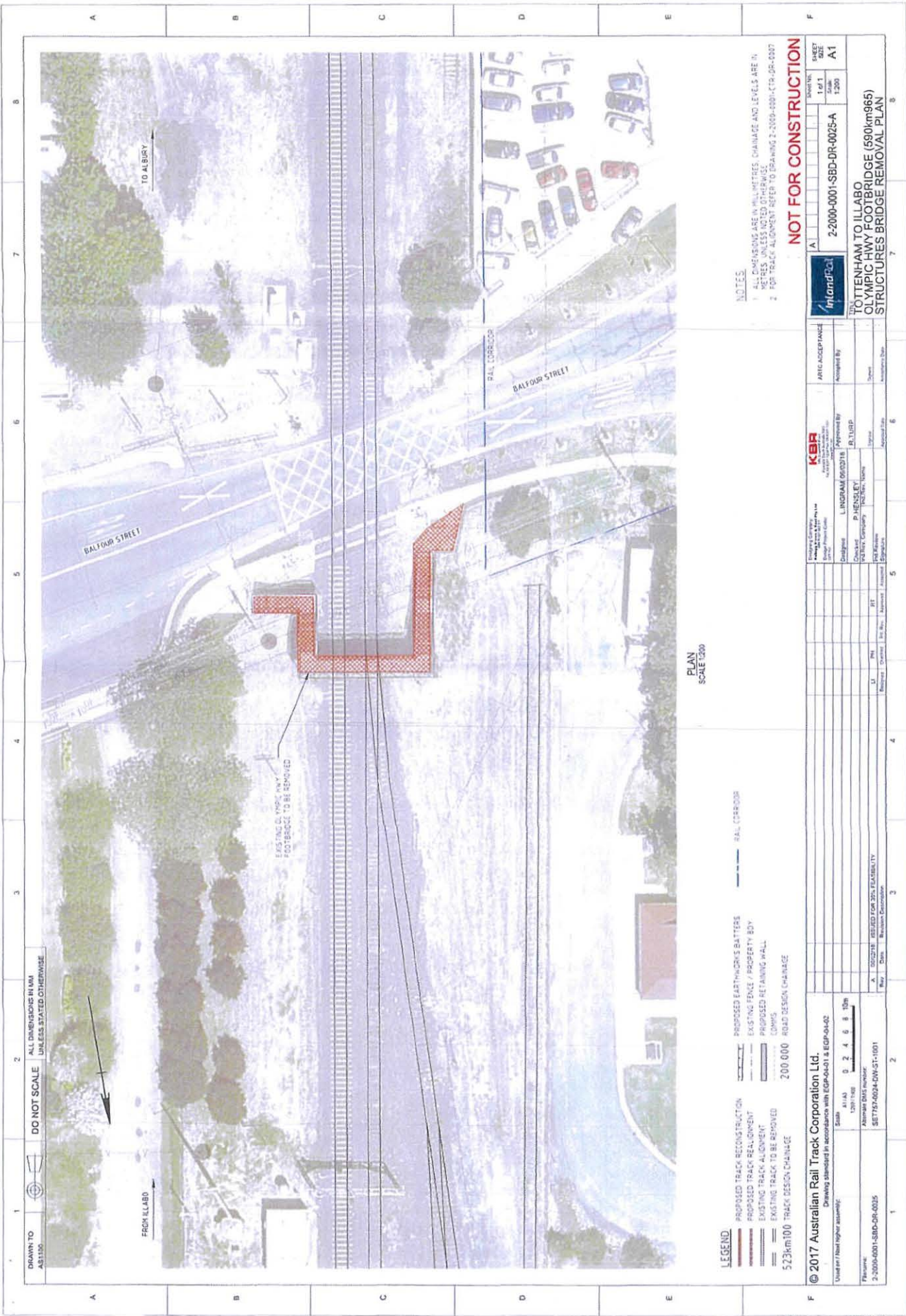
From: Kirsty Wilksch Estate
Sent: Sunday, 22 July 2018 5:47 PM
To: Greg Blackie
Cc: 'T & J Weston'; karen.schoff.ghs@gmail.com; christine parker; Diane McElwaine; gary kenney; jacob wilksch; jennifer christensen; ken and jan scheuner; kirndeen5@bigpond.com; Lolita Landman; paul hoffmann; paul wilksch; shannon
Subject: the Culcairn Development Committee Meeting response

Hello Greg, I want to thank you very much for coming to our meeting last Tuesday and informing us of all the exciting things that are going to be done over the coming months in Culcairn. After you left, we moved this motion that I have been asked to pass onto you regarding the Railway Footbridge removal-

"In response to the removal of the Railway Footbridge, the committee would like to keep part or all of it, as it is part of the heritage of Culcairn. It would be stored for a future project. This was moved by Karen Schoff, seconded Glenice Miller and carried. "

Is it possible for you to discuss this with your Inland Railway contact & could we be informed of the date of removal in good time for us to organise a truck. (or could we email him directly with our request?) We would like to store the main platform and maybe the main uprights for future projects (we have some ideas) Jonathon and Karen Schoff are prepared to store this until such time we can apply for grants etc. .

Many thanks
Kirsty Wilksch
secretary



NOTES

- 1 ALL DIMENSIONS ARE IN MILLIMETRES. CHAINAGE AND LEVELS ARE IN METRES, UNLESS NOTED OTHERWISE.
- 2 FOR TRACK ALIGNMENT REFER TO DRAWING 2-2000-0001-CT9-DR-0007

NOT FOR CONSTRUCTION

Client	Illabo Olympic Village
Project	ILLABO OLYMPIC VILLAGE FOOTBRIDGE (590m x 965)
Drawn By	[Signature]
Checked By	[Signature]
Approved By	[Signature]
Scale	1 of 1
Sheet Size	A1

Project Manager	Project Engineer	Project Designer	Project Checker	Project Approver
[Name]	[Name]	[Name]	[Name]	[Name]

Project Name	Project No.	Project Date
ILLABO OLYMPIC VILLAGE FOOTBRIDGE (590m x 965)	2-2000-0001-SBD-DR-0025-A	11/01/2020

Project Manager	Project Engineer	Project Designer	Project Checker	Project Approver
[Name]	[Name]	[Name]	[Name]	[Name]

Project Name	Project No.	Project Date
ILLABO OLYMPIC VILLAGE FOOTBRIDGE (590m x 965)	2-2000-0001-SBD-DR-0025-A	11/01/2020

Project Manager	Project Engineer	Project Designer	Project Checker	Project Approver
[Name]	[Name]	[Name]	[Name]	[Name]

- LEGEND**
- PROPOSED TRACK RECONSTRUCTION
 - PROPOSED TRACK REALIGNMENT
 - EXISTING TRACK ALIGNMENT
 - EXISTING TRACK TO BE REMOVED
 - 523km/100 TRACK DESIGN CHAINAGE
 - 200 6000 ROAD DESIGN CHAINAGE
 - PROPOSED EARTHWORKS BATTERS
 - EXISTING FENCE / PROPERTY BOUNDARY
 - PROPOSED RETAINING WALL
 - COMPS
 - RAIL CORRIDOR

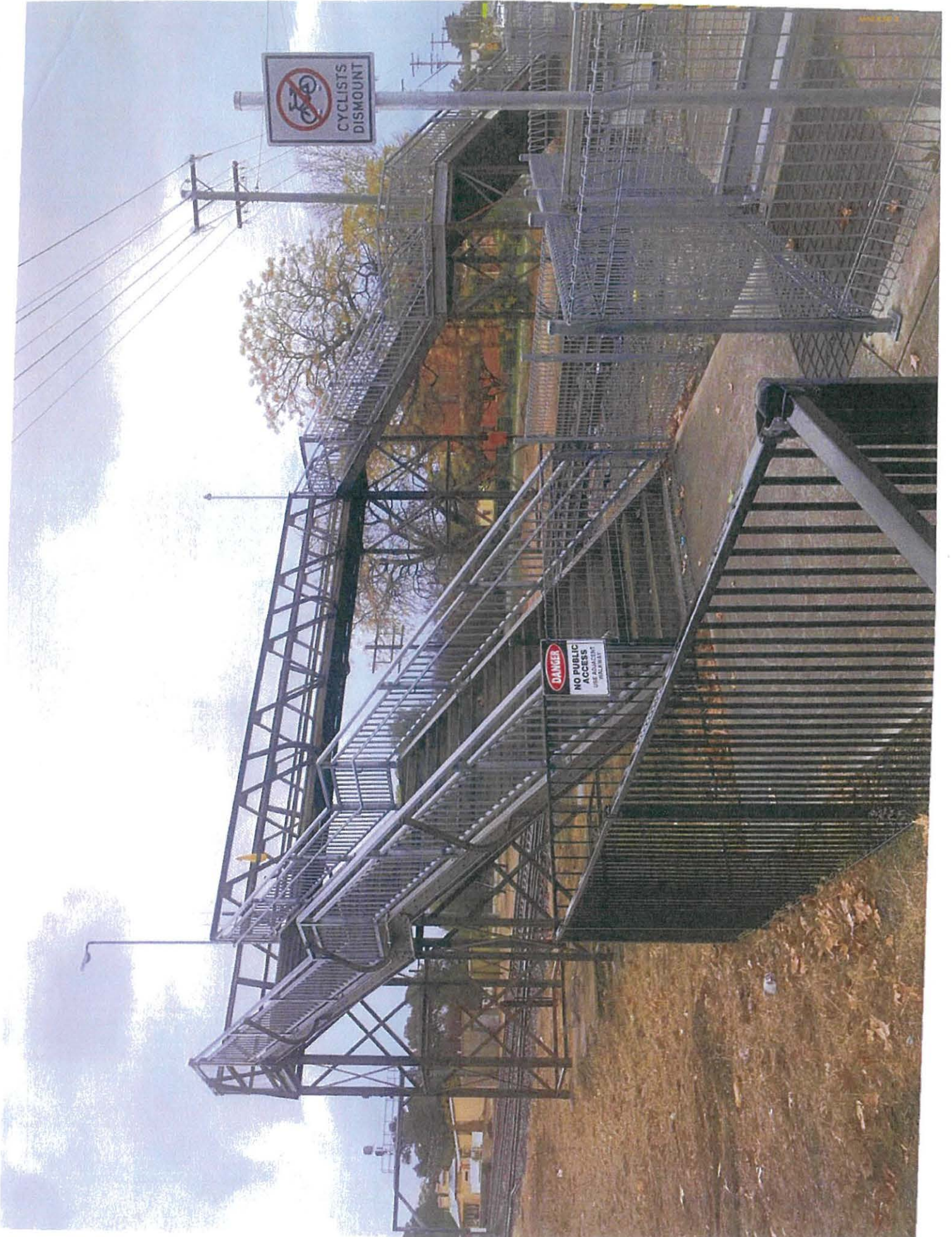
PLAN SCALE 1:300

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Drawn on / based upon assembly: 2-2000-0001-SBD-DR-0025

File name: 2-2000-0001-SBD-DR-0025

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**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY
COURT, HOLBROOK
ON WEDNESDAY, 15 AUGUST 2018**

OFFICERS' REPORTS – PART A – FOR DETERMINATION

ENVIRONMENT AND PLANNING

1. **DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING
DEMOLITION LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK**

Report prepared by Director Environment and Planning - Colin Kane

REASON FOR REPORT

Council is in receipt of a development application for demolition of a commercial building. The site is 95 Albury Street Holbrook described as Lot 3 DP544627 ("the subject land"). The applicant is Public Works Advisory and landowner is Property NSW.

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 an objection to the proposal being received.

REFERENCE TO DELIVERY PLAN

Not Applicable

DISCUSSION

An application has been received for the demolition of a 2 storey brick shop which is located at the subject land. Additional applications have been received for the demolition of shops on Lots 1 and 2 DP544627 which is 99 and 97 Albury Street Holbrook. Collectively the shops are one building built over three allotments.

The lots have been purchased by Property NSW and the building earmarked for demolition by NSW Public Works Advisory due to presence of Loose Fill Asbestos Insulation (LFAI). Typically the approval process for the demolition of properties affected by LFAI has been done as Complying development under Part 7 Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and this is an approval mechanism that does not require neighbour notification. The demolition of this building could not be approved as Complying Development because an adjacent building shared a load bearing wall.

Consequently three development applications have been received to demolish the building and an objection was received to the development application for the demolition of the portion of the building on the subject land.

ASSESSMENT

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

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TO BE HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY
COURT, HOLBROOK
ON WEDNESDAY, 15 AUGUST 2018**

DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

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. Perusal of Council's contaminated lands records indicates that the land is only contaminated because of the presence of Loose Fill Asbestos. The purpose of this application is to demolish the building which will remove the Loose Fill Asbestos.

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 demolition of any development or structure which would be permissible in the zone is permitted with consent. In this instance a commercial premise is permissible with consent in the RU5 village zones.

Clause 5.10 of the LEP relates to Heritage Conservation and states that the consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b)

requires a heritage conservation management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area before granting consent under this clause.

Council is not mandated to require a Heritage Conservation Management Plan and it is considered that such a plan is not warranted because heritage items are not located in the immediate vicinity of the subject land and this is an application for demolition.

Development Control Plans

As this development application is for demolition of the building the only chapter of the *Greater Hume Development Control Plan 2013* ("the DCP") that is relevant to the proposal is chapter 9 Heritage Conservation Areas. It is not clear whether this chapter relates as 99 Albury Street is mentioned as being excluded from the Heritage Conservation Area however, as mentioned, the building to be demolished is on 95, 97 and 99 Albury Street. An assessment of the requirements of Chapter 9 is discussed in the following table.

Decision Guideline	Response
The heritage significance of the heritage conservation area and the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and	The Holbrook Heritage Conservation Area contains many fine examples of buildings which were constructed as part of 19 th century highway town. The building itself has a substantial façade and significantly contributes to the heritage aspects of the streetscape.

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COURT, HOLBROOK
ON WEDNESDAY, 15 AUGUST 2018**

**DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]**

Decision Guideline	Response
The impact that the proposed development would have on the heritage significance of the heritage conservation area, and	The demolition of the building will obviously be a loss to the Heritage Conservation Area as the building has an impressive façade.
The measures proposed to conserve the significance of the heritage conservation area and its setting, and	As the item is to be demolished there are no measures that can be taken that will conserve the loss of the building from the Heritage Conservation precinct. Council can require as a condition of consent that a heritage archival record be prepared and that a marker/billboard be placed at the footpath of Albury Street with details and photographs of the building and its former use.
Whether any landscape or horticultural features would be affected by the proposed development, and	No effect.
Whether any archaeological site or potential archaeological site would be affected by the proposed development, and	No effect.
The extent to which the carrying out of the proposed development in accordance with the consent would affect any historic subdivision pattern, and	No effect.
The issues raised by any submission received in relation to the proposed development in response to the notification or advertising of the application.	A submission has been received refer to ANNEXURE 1 . That submission expresses a sentiment that it will be a shame to lose the building and at least the façade should be saved. The issues raised in the submission will be addressed later in this report.

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

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT COMMUNITY MEETING ROOM, LIBRARY COMPLEX, LIBRARY
COURT, HOLBROOK
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DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

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

ISSUE	ACCEPTABLE	RESPONSE
Context & setting		The context and setting of Albury Street will change as a building with a substantial façade will be demolished. The allotment will be empty and could remain so for a considerable period of time.
Noise	✓	Conditions of consent will ensure that noise generated by the demolition should not be detrimental to adjacent property owners.
Access & parking	✓	Conditions of consent will address issues associated with access and parking.
Roads & traffic	✓	The effect on roads and traffic is limited to a very small period of time.
Utilities	✓	No issue.
Heritage	✓	The heritage impacts have been discussed above and will be discussed further below under submissions.
Archaeology	N/A	-
Stormwater	✓	No issue.
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 & 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	N/A	-
Flooding	N/A	-
Bushfire	N/A	-
Technological hazards	N/A	-
Safety, security & crime prevention	✓	No issue.
Privacy	✓	No issue
Landscaping	N/A	-
Overshadowing	N/A	-
Land resources	N/A	-

The suitability of the site for the development

The demolition of the existing building from the subject land will make that land available for another use. For the demolition the suitability of the site is generally not in question.

Any submissions made in accordance with this Act or the Regulations

As mentioned a submission has been received ANNEXURE 1 that raises concerns about the loss of the building which is perceived by the author to have considerable heritage and aesthetic value and implications around the building sharing a common wall with the author's building.

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DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

In response to the concerns about the loss of the building, it is acknowledged that it is undeniable that the building has considerable heritage and aesthetic value. Therefore it is very unfortunate that Loose Fill Asbestos has been utilised within the structure because if the building is retained then this material will continue to pose a serious risk to the health and wellbeing of those people undertaking maintenance and residing within the building.

The author considers that the risk to people's health needs to take priority over the loss of the building which needs to be demolished. Unfortunately even the suggestion of retaining the façade should not be considered for the following reasons:

- The façade would need to be supported with propping which would have to be designed by a structural engineer and be very substantial.
- It is the intention of NSW Property to offer the cleared site for resale. It is highly likely that it will not be possible to make a viable business case to retain the façade and incorporate it into the design of a new building. Consequently the site with the façade will likely remain unsold and detract from Albury Street for a considerable period of time.

It is advised that a condition of consent will require the applicant to undertake a heritage archival record and produce a commemorative placard.

The submitter raises concerns about the demolition of the building which shares a load bearing wall with his building at 93 Albury Street Holbrook. The proponent was asked to respond to these concerns and provided correspondence (ANNEXURE 1). In that correspondence it is stated that an engineer will be consulted to ensure the structural integrity of the shared wall and any encroachments of the wall on common boundary will be addressed. No costs would be payable by the submitter.

The public interest

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

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

In this case there is a public benefit in maintaining people's health by fully demolishing the building at 99, 97 and 95 Albury Street Holbrook should take precedence over the loss of a building with aesthetic and heritage value.

BUDGET IMPLICATIONS

Nil.

**ORDINARY MEETING OF GREATER HUME COUNCIL
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**DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]**

CONCLUSION

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

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

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

RECOMMENDATION

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 consent be granted to development application 10.2018.94.1 for demolition of a building at 95 Albury Street Holbrook described as Lot 3 DP544627 and Lots 1 and 2 DP544627 which is 99 and 97 Albury Street Holbrook subject to the following conditions:

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

2 Toilet facilities

1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3 Waste management

1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.

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COURT, HOLBROOK
ON WEDNESDAY, 15 AUGUST 2018**

DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]

- 2) The waste management plan must:
 - a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
 - b) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
 - 3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
 - 4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- 4 Adjoining Wall Structural Report**
Prior to demolition the applicant is to engage a suitable qualified structural engineer to provide for approval plans or an engineering certificate to Council outlining the proposed method of retaining or replacing the common wall between 95 and 93 Albury Street. Any cost associated with the retaining or replacing the common wall is to be payable in full by the applicant
- 5 Rectification of Encroachment**
A registered surveyor is to be engaged to undertake survey work to rectify any encroachment of the common wall between 95 and 93 Albury Street Holbrook. Any cost associated with the rectification of the encroachment is to be payable in full by the applicant.
- 6 Heritage Archival Record and Commemorative Placard**
The applicant is to engage a suitable qualified individual or company to undertake a Heritage Archival Record of the building in accordance with the guidelines prepared by the NSW Heritage Office. Suitable information and photographs arising from this process are to be prepared for a site based placard which is to be erected along the Albury Street frontage. The applicant is to liaise with Council regarding the requirements for the commemorative placard.
- 7 Run-off and erosion controls**
Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a) diverting uncontaminated run-off around cleared or disturbed areas, and

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**DEVELOPMENT APPLICATION 10.2018.94.1 – COMMERCIAL BUILDING DEMOLITION
LOT 3 DP544627 - 95 ALBURY STREET HOLBROOK [CONT'D]**

- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- c) preventing the tracking of sediment by vehicles onto roads, and
- d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 Conditions applying during the works

Note. The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

8 Hours for demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

9 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

10 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

11 Maintenance of site

- 1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- 2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- 3) Copies of receipts stating the following must be given to the principal certifying authority:
 - a) the place to which waste materials were transported,
 - b) the name of the contractor transporting the materials,
 - c) the quantity of materials transported off-site and recycled or disposed of.
- 4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 5) During construction:
 - a) all vehicles entering or leaving the site must have their loads covered, and
 - b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- 6) At the completion of the works, the work site must be left clear of waste and debris.



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Mr Colin Kane
Director Environment and Planning
Greater Hume Council
Via email: CKane@greaterhume.nsw.gov.au

Dear Colin

Re: 95-99 Albury St, Holbrook – Potential for retention of the façade

I refer to Greater Hume Shire Council's response to the Development Application for the works at 95, 97 and 99 Albury Street, Holbrook. The Loose-fill Asbestos Implementation Taskforce (Taskforce) has consulted with project partners Public Works Advisory (PWA) and Property NSW (PNSW) and provides the below supplementary information.

PWA has advised it is technically possible to retain the façade and still achieve the desired remediation outcomes. However, in doing so, there are likely to be increased costs associated with both the asbestos removal, demolition phase, and redevelopment phase, which includes the requirement for additional Asbestos Management Practices to meet WHS Regulations.

PNSW has advised it is likely the additional costs associated with the redevelopment (or adaptive reuse of the existing façade) could considerably reduce the private market sale value of the property.

Technical feasibility of retaining the façade at 95-99 Albury St, Holbrook

The largest experience of loose fill asbestos insulation in a domestic setting comes from the ACT, where 1,022 homes have been purchased and demolished. Most of these homes were identified through a government testing program. An earlier attempt at remediation without demolition was determined to be unsuccessful.

A case study demolition of a home in the suburb of Downer, ACT demonstrated how loose fill asbestos material migrated throughout the structure, in particular via the cavity behind the wall lining. Throughout the ACT's subsequent demolition program, asbestos material was repeatedly found in this cavity space in double brick structures, timber and brick veneer structures. The ACT experience confirmed full demolition of loose fill insulation properties was the only enduring solution. The NSW experience has been very similar to the ACT's.

In contrast to the ACT and NSW experience, PWA have advised there is an absence of a cavity in the external brick walls for the property at 95-99 Albury Street, Holbrook. To PWA's knowledge, 95-99 Albury Street is the only loose fill insulation property without wall cavities so far identified in ACT or NSW.

In addition, the property's roof does not extend over the top of the external walls. Instead, the roof butts up to the wall with lead flashing to stop water ingress. As such, the loose fill material has no cavity to migrate through and all surfaces in contact with the material are fully accessible.

To maximise the efficacy of the loose fill removal, PWA will need to ensure full lining of the top floor area prior to removing the loose fill insulation from the top floor ceiling. Full cleaning of the bare brick area inside the roof space will require additional care due to its rough surface. It is possible that some surface treatment (of the exposed brickwork inside the roof space) may be advised to ensure any microscopic remnant fibres are permanently fixed in place.

Remaining demolition works would be reasonably straight forward but should be guided with targeted cleaning and testing to confirm the absence of asbestos. It is most likely that little or no asbestos will be present in the subsoil under the property, but testing will be required to confirm. The need for any local soil removal would be guided by soil sampling and testing.

The installation of bracing would be required to support the façade and side walls. The bracing would be temporary until a new structure is completed behind the façade.

Final Asbestos Clearance Certificate

PWA has advised that, depending on what is found, there may be a possibility of a final clearance certificate being qualified. Clearance certificate qualifications may be in response to any required local surface treatments to the brickwork previously in the ceiling space. If necessary, qualifications would be minor and unlikely to limit future design and building options.

It is unlikely that any clearance certificate qualification would be sufficient to require the building to remain on the public register of loose fill insulation properties.

Additional Costs

PWA have advised that the retention of the façade will incur additional costs. These will include:

- a slower, more careful and selective demolition procedure;
- increased asbestos testing during the demolition;
- potential need for local surface treatment of some brickwork exposed to asbestos; and
- additional bracing to support the façade until a new structure is built.

A precise estimate of the alternative demolition costs is not possible at this stage as it will depend on what is found during demolition and how much solid internal/ dividing walls fabric might be able to be retained to assist bracing. However, somewhere of the order of \$200k over and above the costs of a complete demolition is likely and would be a reasonable estimate.

PNSW have advised that the incorporation of an existing façade into a new building would likely increase redevelopment costs and may negatively affect the resale potential for the site.

Any decision on the future of the building will require weighing up the revised demolition strategy and redevelopment costs with community values, expectations and facility needs. The additional costs may be more easily identified if a specific project of value to the Holbrook community and associated funding can be identified.

As the Taskforce has not been established to fund redevelopment projects, PNSW advise that the retention of the façade would require a funding source to be identified to pay for the cost of the works to brace the façade when the remainder of the building is demolished, also noting also the end value of the property may be impacted.

If you have any queries in relation to the above, please do not hesitate to contact Aaron Mostafa, Senior Project Officer on 9895 9044.

Yours sincerely



Stewart Scarlett
Director Operations

10 September 2018

27 AUG 2018

24 August 2018

Mr & Mrs SR Scheetz
14 Wattle Street
CULCAIRN NSW 2660

The General Manager
Greater Hume Shire Council
40 Balfour Street
CULCAIRN NSW 2660

Dear Sir

Re: Development Application Number 10.2018.128.1
Property: 9 Wattle Street, Culcairn
Applicant: AM Stein
Notification of Objection

We refer to your letter dated the 10th August 2018 advising us as to the abovementioned Development Application. Please accept this letter as formal notification of our objection to the Application.

Our objection is based on the following grounds:-

- (i) The property the subject of the Application is situate in a residential area and the commercial use of the property is, it is submitted inappropriate and not in keeping with the amenities of the neighbourhood.
- (ii) The approval of the Application will intensify the commercial use of the property in consequence of which increases in traffic flow will create greater risk to the public and noise pollution.
- (iii) The twenty foot shipping container is unsightly and offends the aesthetic nature of the area. The position is made worse by the commercial use of the property, the parking of car bodies, the storage of tyres and car parts and the failure to maintain the property in an acceptable state of repair.
- (iv) The continued placement of the Container will encourage the continue use of the property for commercial purposes at night, adversely affecting the right of homes in proximity to the property to the enjoyment of peace and quiet. The security lighting invades the privacy of neighbours in their homes and disrupts their lifestyles.

- (v) It is noted that the container the subject of the Application has been on the property since mid July 2018. It is submitted that the erection of the container should not have taken place in the absence of the formal approval of the Application.

We ask Council to decline the Development Application for the reasons abovementioned and in the public interest.

Yours faithfully
 SR SCHEETZ & BF SCHEETZ
 Per:

SR Scheetz
 Stanley Ray Scheetz

Reply in Seven Days
SR Scheetz

Neil Johnson
 16 Wattle St

KRIS PILKINGTON
 12 WATTLE ST COLCATH

WARREN HEDGECOCK
 7 WATTLEST

M. J. Lee
 6 WATTLE ST

Sharon Pilkington
 12 Wattle St

Sharon Pilkington
 IRIS KELSH
 1 GORDON ST

DEVELOPMENT APPLICATION

161 SCHNEIDERS ROAD, WALLA WALLA

LOT 1 DP1069452, LOT 1 DP933189, LOT A DP376389

APPLICATION FOR DEVELOPMENT

2 LOT SUBDIVISION

161 SCHNEIDERS ROAD, WALLA WALLA

LOT 1 DP1069452, LOT 1 DP933189, LOT A DP376389

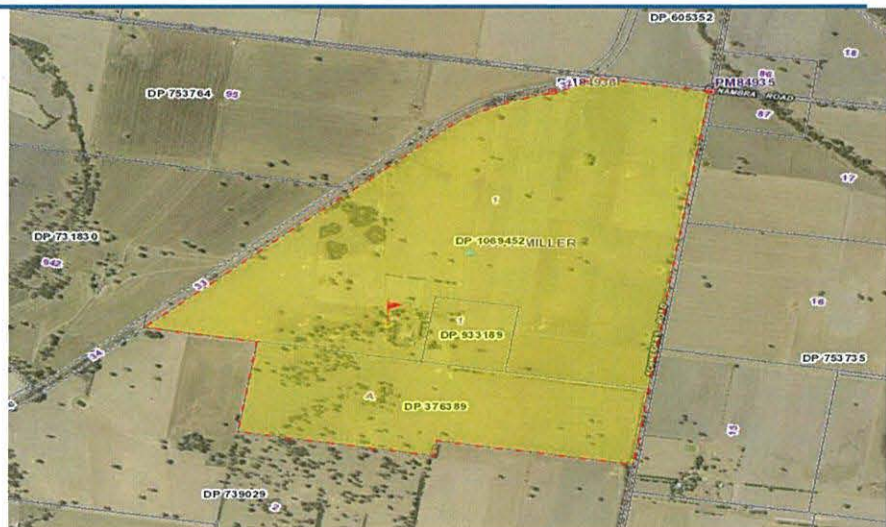
Introduction

The information provided in this submission supports an application for Development Consent for two (2) lot subdivision. The subject parcel is described as Lot 1 DP1069452, Lot 1 DP933189, Lot A DP376389, and is known as 161 Schneiders Road, Walla Walla.

This submission has been prepared in accordance with Greater Hume Shire Council LEP 2012. The aim is to obtain Development Consent for the subdivision.

Site Description

The subject site consists of parcels Lot 1 DP1069452, Lot 1 DP933189, Lot A DP376389, and is known as 161 Schneiders Road, Walla Walla. The existing dwelling is situated on Lot 1 DP1069452.



Source: Sixmaps

Description of the Proposal

The proposal is to consolidate lots Lot 1 DP1069452, Lot 1 DP933189, and Lot A DP376389 to create a new subdivision configuration comprising one lot consisting of an area of 199ha and a residual lot of 93ha (excluding roads) to comprise the existing dwelling.

Site Analysis

The design of the subdivision layout results from an analysis of the site and considers the natural and physical constraints and opportunities of the land. Significant elements considered include:

- Greater Hume Shire Council LEP & DCP
- Location
- Access
- Servicing
- Existing site
- Adjoining uses and future use
- Fragmentation of existing lots

Planning Controls

Land Zoning	RU1 – Primary Production
Minimum lot Size	AD – 100 ha
Land Application LEP	Greater Hume Local Environmental Plan 2012

The land is zoned RU1 Primary Production under GHSC LEP 2012. The development is in accordance with the principal objective of the zone and more importantly the particular objectives of:

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

The desired outcome is fundamentally consistent with provisions for subdivision for the zone and is supported by the following points:

- Minimises fragmenting of rural land (consolidating three (3) lots of varying shapes and sizes to two (2));
- Establishes a good size allotment to comprise the existing dwelling, which provides separation from adjoining land and thus minimises the risk of rural land conflicts with separation from the existing dwelling;
- There will be no change in use of the land as a result of the subdivision;
- No detrimental impacts on public benefit or public amenity;
- The creation of the new lot configurations will maintain and contribute to the character of the locality and will not increase the risk of disturbance to the landscape and scenic qualities of the area.

Under GHLEP 2012, the proposed lot 22 satisfies clause 4.1; the new allotment being created exceeds the minimum lot size and the residual lot will contain the existing dwelling.

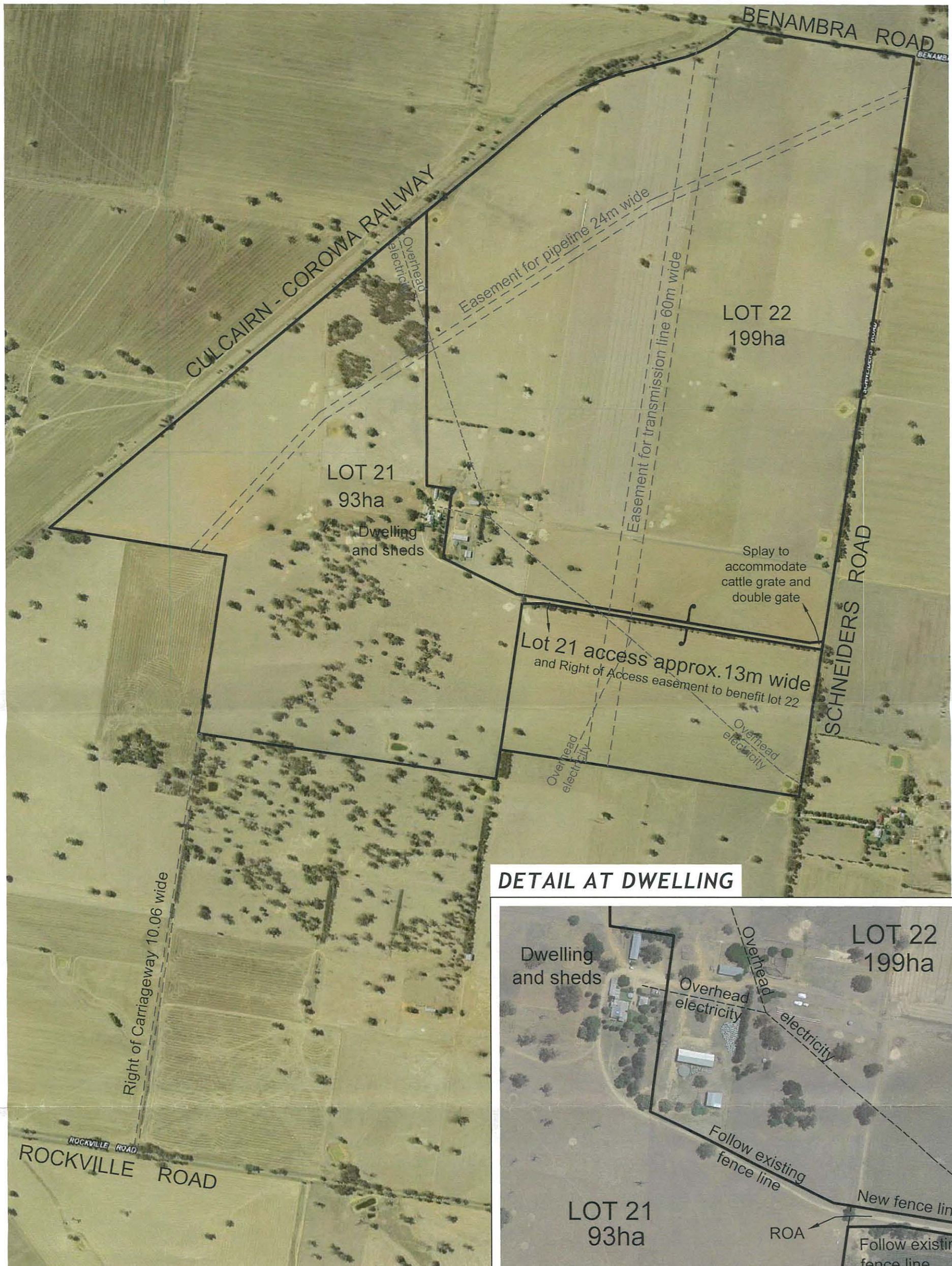
It is acknowledged the proposed lot size for proposed Lot 21 is less than the minimum prescribed for the zone. It is contended the applicant can justify a request for a variation to the current development standard under clause 4.6(3) of the GHSC LEP as compliance with the development standard is unnecessary in the circumstances of this case. The following reasons are provided:

Proposed lot 21 (approx area 93ha) will comprise the existing dwelling and grazing and cropping land with access from Schneiders Road and the balance proposed lot 22 (approx 199ha) will comprise grazing and cropping farm land, also with access to Schneiders Road. The subdivision will only result in one lot of less than the minimum area specified and no additional lots are to be created. It is considered the proposal meets the objectives of the RU1 zone by creating large, conventional rural lots to comprise sustainable agricultural pursuits for the area. The existing lot 1 DP933189 is rationalised to improve the current cadastral configuration. For the reasons mentioned above, it is considered a variation under clause 4.6(6) an exemption to the development standard would be appropriate and to no detriment to the surrounding land.

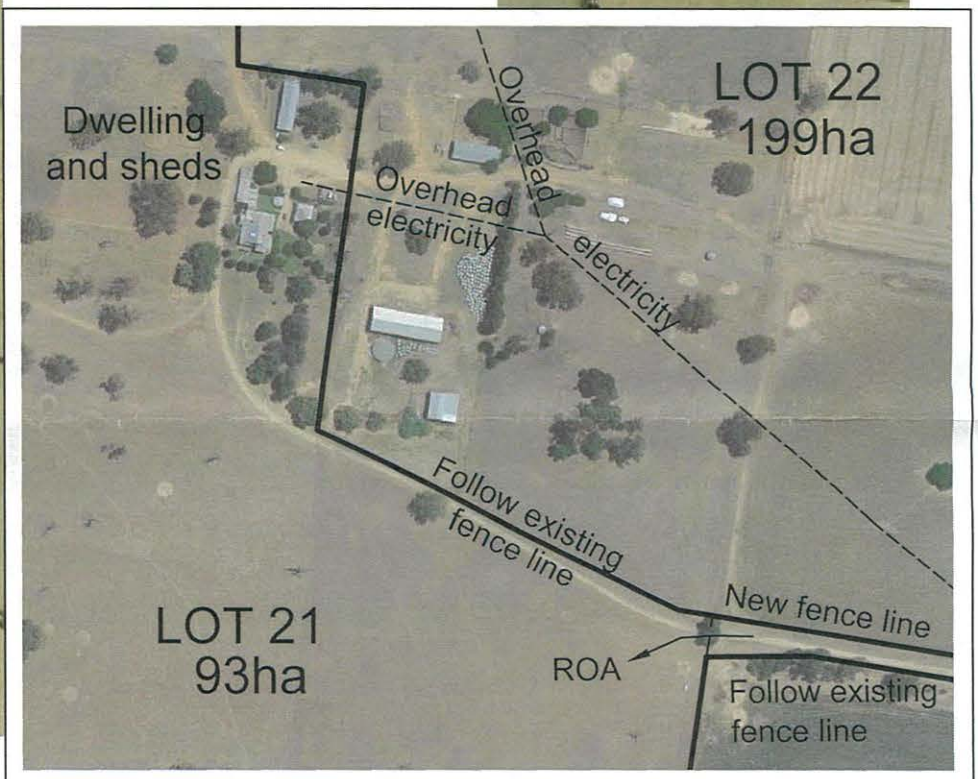
It is therefore demonstrated the outcome of the subdivision is consistent with the context and objectives of the zone and is appropriate. In this particular case it will not be unreasonable or tend to hinder the objectives of the *Environmental Planning & Assessment Act 1979*.

Conclusion

The proposed development is consistent with the objectives and requirements of the Primary Production Zone as set out in the GHSC LEP 2012, consequently development consent is requested.



DETAIL AT DWELLING



DIMENSIONS AND AREAS ARE SUBJECT TO PLANNING APPROVAL, ENGINEERING DESIGN AND FINAL SURVEY. PROPOSED LOTS MAY BE AFFECTED BY NEW EASEMENTS FOR SERVICES.

