



9 August 2019

**By email:** ckane@greaterhume.nsw.gov.au

**Our Reference**  
191712

Colin Kane  
Director Environment & Planning  
Greater Hume Shire Council  
PO BOX 99  
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Dear Colin

**Advice on withholding owners consent**

I refer to your telephone conversation with Alice Menyhart of 29 July 2019.

**1. Instructions**

- 1.1 We are instructed to provide advice regarding the ability of the Land and Environment Court to give consent, on behalf of the Council as landowner, to the making of a development application for the purpose of a solar farm partly on a public road that is owned by the Council.

**2. Summary of Advice**

- 2.1 The Council is able to withhold its consent as an owner to the making of a development application on land owned by the Council. However, there is case law which suggests that to do so arbitrarily may be considered by the Court to have been for an improper purpose.

- 2.2 In any appeal of a development application for State significant development, the Land and Environment Court (**the Court**) has the functions of the consent authority. For State significant development, the consent authority will be the Independent Planning Commission (**the Commission**) or the Minister and not the Council. However, in our view, it is arguable that, in the relevant statutory context, the Court may still be able to grant owner's consent on behalf of the Council.

- 2.3 The developer could apply for an easement over the Council's road:

- (a) to the Supreme Court under s.88K of the *Conveyancing Act 1919*; or  
(b) to the Court in any appeal of a refusal to grant development consent.

If an easement is granted there is an implied (and can be express) obligation that the Council will give its consent to the making of a development application consistent with the purpose for which the easement was granted.

- 2.4 If development consent is granted for the development by the Court, the Commission or the Minister, the Council cannot withhold its consent to the road works under s.138 of the *Roads Act 1993* if they are substantially consistent with the consent granted.

### 3. Background

- 3.1 There are a number of solar farm developments taking place in the Council's Local Government Area.
- 3.2 We are instructed that these solar farm developments are State significant development. We have assumed for the purpose of this advice, however, that the development is not State significant infrastructure.
- 3.3 A development application for a solar project has recently been made and is seeking to connect to an existing substation by constructing cables under a Council road. We have assumed for the purpose of this advice that the Council is the appropriate roads authority for this road and that the fee simple in the road is vested in the Council under s.145 of the *Roads Act 1993*.
- 3.4 We are instructed that, if the Council refuses to give its consent, then the developer will probably seek to have the Council's decision reviewed by the Court.
- 3.5 Please let us know if any of the above information is incorrect, as this may affect our advice.

### 4. Advice

#### Power to withhold owner's consent

- 4.1 As Council is aware, a land owner's consent to the making of a DA is an essential requirement for the making of a valid development application, without which any resulting development consent will be invalid. The requirement operates to give the owner of land effectively a right of veto over the approval of the development: *Mulyan Pty Ltd v Cowra Shire Council* [1999] NSWLEC 212. However, the right of the Council as the owner of a public road to withhold consent is not as broad as that of a private person. In *Sydney City Council v Claude Neon Ltd* (1989) 67 LGRA 181 at [729] the Court held that:

*'the council does not have a right arbitrarily to withhold its consent as the ordinary owner of private land might do. If the proposed development is one which ought to be approved, then the council ought to give its consent. Its failure to do so simply because it wished to frustrate the right of the adjoining owner to obtain approval...would be a use of its power for an improper purpose'.*

- 4.2 The Court's decision in *Clause Neon* was made in the course of considering whether the granting of development consent by the Council for development to be carried out on Council-owned land impliedly incorporated the Council's consent as landowner to the making of the development application. The Court held that it did and that the Council's granting of development consent 'necessarily and implicitly imports consent to the making of the application'. However, the Court's conclusion that the withholding of consent arbitrarily would be a use of its power for an improper purpose means, in our view, that there would be a significant risk that any such decision might be successfully challenged in Class 4 judicial review proceedings. The Council's inability to refuse approval to the works under s.138 of the *Roads Act 1993* (discussed below at [4.16]), lends further support to this conclusion.

#### Ability of the Court to grant owner's consent

- 4.3 Ordinarily, if a council is the consent authority for a DA to which it has not given its consent as owner of the land and that application is either expressly refused or deemed to be refused then, in any appeal, the Court will be able to give consent to the making of the application 'on behalf of the Council'. It is well established that the Court has this power pursuant to section 39 of the *Land and Environment Court Act 1979 (the LEC Act)*: *Sydney City Council v Ipoh Pty Ltd* [2006] NSWCA 3000. That provision is now contained in s.8.14 of *Environmental Planning and Assessment Act 1979 (the EPA Act)* and is as follows:

*'In addition to any other functions and discretions that the Court has apart from this subsection, the Court has, for the purposes of hearing and disposing of an appeal under*

*this Division, all the functions and discretions which the consent authority whose decision is the subject of the appeal had in respect of the matter the subject of the appeal.'*

4.4 We are instructed that the solar development currently being proposed is State significant development. Under s.4.5 of the EPA Act, the consent authority for State significant development is the Commission (if the development is of a kind for which the Commission is declared to be the consent authority by an environmental planning instrument) or the Minister (if the development is not of that kind). Therefore, in this case the consent authority will not be the Council and, in any appeal the *'person or body whose decision is the subject of the appeal'* will be the Minister or the Commission.

4.5 We are only aware of one case in which a similar issue has arisen. In *CEAL Limited v Minister for Planning and Ors* (2007) 159 LGERA 232, road upgrades were required to a Council road but consent had not been provided by the Council. In that case it was submitted by the applicant (at 241) that:

*Although the amended development application had sought development consent for the road upgrading, it had not been accompanied by the consent in writing of the owner of the road, the Council. Section 39(2) of the Land and Environment Court Act 1979 (the LEC Act) did not apply as the "person or body whose decision" was subject to the appeal within the meaning of that provision was the Minister not the Council. Accordingly, the court could not exercise the Council's functions as the owner of the road to give owner's consent to the development application (a function which, I note, the court could have exercised if the Council were the consent authority whose decision was subject to the appeal — see, for example, Sydney City Council v Ipoh Pty Ltd (2006) 149 LGERA 329).*

4.6 This was not a central issue in the appeal and the Court was not required to decide whether it was correct. However, the Court did appear to accept the submission, going on to find a different function of the Council, namely giving of consent under s.138 of the *Roads Act 1993*, was not exercisable by the Court because this was a function of the Council (as the relevant roads authority) and not the Minister as the consent authority: at [28].

4.7 As the issue has not been squarely decided by the Court there is some uncertainty about whether the Court will take the same approach discussed, but not finally decided, in the CEAL case. It seems to us that it would also be open to the Court to decide that, having regard to the Council's inability to withhold approval under s.138 of the *Roads Act 1993* for works necessary to implement a development consent for State significant development, the Court should be able to exercise the function of the Council to provide the owner's consent to the making of the application. This would also be consistent with the views expressed in the *Clause Neon* case (discussed above) that refusal to provide owner's consent simply to frustrate the determination of an otherwise meritorious application may be susceptible to legal challenge for having been done for an improper purpose.

#### **Creation of an Easement**

4.8 The developer may obtain a right to compel the Council to grant owner's consent if it can obtain an easement over the Council's land for the purpose of the development.

4.9 An easement is exercised over land for the benefit of other land. For the creation of an easement, the servient tenement (in this case, the Council's land) must 'accommodate' the dominant tenement (the developer's land). The separate lots will often, but need not, be contiguous (i.e. sharing a common border). We understand that the lots in the application the subject of your request for advice are, or are almost, contiguous and, in our view, in these circumstances an easement for the proposed cables would 'accommodate' the developer's land.

4.10 Under s.88K of the *Conveyancing Act 1919*, the Supreme Court may make an order imposing an easement over land if the easement is reasonably necessary for the effective use or development of other land that will have the benefit of the easement. The same power is given to the Court under s.40 of the LEC Act where it:

- (a) has determined to grant or modify a development consent pursuant to proceedings on an appeal under EPA Act, or
- (b) proceedings on an appeal under the EPA Act with respect to the granting or modification of a development consent are pending before the Court.
- 4.11 The relevant questions on an application under s.88K of the *Conveyancing Act 1919* or s.40 of the LEC Act were summarised by the Court in *Khattar v Wiese* [2005] NSWSC 1014 at [2]<sup>±</sup> as:
- (a) Is the proposed easement reasonably necessary for the effective use or development of the applicant's land that will have the benefit of the easement (s 88K(1))?
- (b) Will the use of the applicant's land having the benefit of the easement not be inconsistent with the public interest (s 88K(2)(a))?
- (c) Can the owner of the land to be burdened by the easement, and each other person having an estate or interest in that land, be adequately compensated for any loss or other disadvantage that will arise from imposition of the easement (s 88K(2)(b))?
- (d) Have all reasonable attempts been made by the applicant to obtain the easement or an easement having the same effect, but have been unsuccessful (s 88K(c))?
- (e) If yes to each of the foregoing questions, should the court exercise its discretion to impose an easement (s 88K(1))?
- (f) Unless there are special circumstances of the case, what compensation is appropriate to be ordered (s 88K(4))?
- (g) Is there any reason why the costs of the proceedings should not be paid by the applicant (s 88K(5))?
- 4.12 We do not have sufficient information about the project or the background to the matter to advise on the likelihood that a court would grant the easement under the above considerations. The making of an order to create an easement over the road in question is, however, clearly a possibility.
- Effect of an easement on owner's consent*
- 4.13 Granting an easement and obtaining owner's consent are two different issues. However, if an easement is granted there is an implied obligation imposed on the owner of the servient tenement (the land burdened by the easement) to give its consent to the making of an application for consent to undertake works within the easement, being works for the purpose for which the easement was granted. This obligation may be made an express term of the easement: *Rainbowforce Pty Limited v Skyton Holdings Pty Limited and Ors* [2010] NSWLEC 2 at [196]; *117 York St. Pty Ltd v Proprietors of Strata Plan No 16123* (1998) 43 NSWLR 504 at [522] but will be implied if not express.
- 4.14 Therefore, if the developer obtained an easement for the purpose of the laying of the cables, with the consent of the Council or by an application to a court, the Council could not withhold its consent to a development application for the solar project which required use of those cables.
- Consent under s.138 of the Roads Act 1993**
- 4.15 As the Council is aware, under s.138 of the *Roads Act 1993* a person must not carry out a work in, on or over a public road, or dig up or disturb the surface of a public road without the consent

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<sup>±</sup> Applied by Preston CJ in *Rainbowforce Pty Limited v Skyton Holdings Pty Limited and Ors* [2010] NSWLEC 2.  
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of the appropriate roads authority. The development will therefore need s.138 consent from the Council in addition to owner's consent.

- 4.16 An application can be made for consent by any person under s.139 of the *Roads Act 1993*. Ordinarily, an application for development consent can be integrated development under s.4.46 of the EPA Act and also seek approval under s.138; however, State significant development cannot be integrated development and, as such, a s.139 application must be made separately to an application for development consent.
- 4.17 Ordinarily, the Council could refuse to grant s.138 approval and the applicant would have no right of review or appeal. However, s. 4.42 of the EPA Act provides that a consent under s.138 of the *Roads Act 1993* is an authorisation of a kind which cannot be refused if;
- (a) it is necessary for carrying out State significant development that is authorised by a development consent; and
  - (b) is to be substantially consistent with the consent.
- 4.18 As such, if the Minister or Commission, or the Court on appeal, grants development consent for the proposed solar project and the application for works on the Council road is consistent with that consent, then the Council will not be able to withhold approval to carry out those works under s.138 of the *Roads Act 1993*.

Please let me know if you wish to discuss this advice.

Yours sincerely

BRADLEY ALLEN LOVE



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# Greater Hume Local Strategic Planning Statement

## Local Strategic Planning Statement (LSPS)

### What is LSPS?

In March 2018, amendments to the Environmental Planning and Assessment Act 1979 (EP&A Act) introduced new requirements for councils to prepare and make local strategic planning statements.

Local strategic planning statements (LSPS) will set out:

- the 20-year vision for land use in the local area
- the special characteristics which contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

Councils will show how their vision gives effect to the regional or district plan, based on local characteristics and opportunities, and the council's own priorities in the community strategic plan it prepares under local government legislation.

Informed by the strategic and community planning work undertaken across regions, districts and local government areas, the LSPS will be the key resource to understand how strategic and statutory plans will be implemented at the local level.

Visit

[www.planning.nsw.gov.au/Policyand-Legislation/Environmental-Planning-andAssessment-Act-updated](http://www.planning.nsw.gov.au/Policyand-Legislation/Environmental-Planning-andAssessment-Act-updated) for more information on local strategic planning statements and other planning legislation updates.



## Forward

To develop a vision for land use for the next 20 years the Greater Hume Local Strategic Planning Statement (the document) considers land use trends that are currently occurring within the shire and anticipates others that will likely emerge.

The continued importance of agriculture is acknowledged and planning actions are within this document to ensure its ongoing viability. However change in some form will likely occur within our agricultural land as large scale solar farms are currently being proposed and other development such as more intensive agriculture very likely to be developed.

Currently Greater Shire is enjoying popularity as a lifestyle option with many new residents choosing to come and build their home having identified that Greater Hume can best meet their needs. This document looks to expand upon this trend and analyses what will be needed to further enhance the popularity of Greater Hume whilst minimising risks to new residents posed by bushfire, flooding and other potential hazards.

Council is looking for opportunities to increase the ability for people to find employment within Greater Hume. It is shown within this document that industrial development which could include value adding agricultural industries are possible sources of employment opportunities and planning actions are provided for both.

*“Live a Greater Life”* is the stated goal of Council community strategic plan and Council is committed to that goals realization and it sees land use planning as a means to protects Greater Hume most important assets whilst planning for the future to provide lifestyle and employment opportunities so that the vitality of our communities is enhanced

Mayor, Cr Heather Wilton



## Acknowledgement of Country



In preparation of this statement, Council acknowledges the traditional lands of the Wiradjuri people, and pay my respect to elders both past, present and emerging.

## About this statement

This Local Strategic Planning Statement (LSPS) sets the land use framework for Greater Hume Council's economic, social and environmental land use needs over the next 20 years. It addresses the planning and development issues of strategic significance to the Council through planning priorities and actions, spatial land use direction and guidance.

The LSPS gives effect to the *Riverina Murray Regional Plan 2036* implementing the directions and actions at a local level. It is also informed by other State-wide and regional policies including *Future Transport Plan 2056* and the *NSW State Infrastructure Strategy 2018 – 2038*.

The LSPS works with Council's Community Strategic Plan (CSP), which has a similar but broader purpose on how Council will through land use planning meet the community's needs. The planning priorities and actions contained in the LSPS provide the rationale for decisions about how we will use our land to achieve the community's broader goals and what updates are required to the Local Environmental Plan (LEP) and Development Control Plan (DCP).

This work will also inform future iterations of Council's Operational Plan and will be integral element of the Integrated Planning and Reporting Framework.

## Purpose of this Statement

Greater Hume's population is projected to increase (from 10,686) to 11,765 people by 2036. To manage this growth and build capacity in our townships and rural communities, the Greater Hume Local Strategic Planning Statement sets 20-year plan integrating land use, transport and infrastructure planning, that aligns with the Directions set out in the *Riverina Murray Regional Plan 2036*.

All councils within NSW are required to prepare a local strategic planning statement to act as a link between the

strategic priorities identified at a regional, and the finer-grained planning at a local level expressed in council's local environmental plan and development control plans, to ensure consistency in strategic planning approaches. See Figure 1.

The link or line-of-sight between Council's Planning Priorities and the *Riverina Murray Regional Plan 2036* and other regional and state strategic planning instruments (*Albury Regional Economic Development Strategies*) is illustrated in Table 1 on the following pages.



Figure 1: Role of the Local Strategic Planning Statement: Strategic-led planning framework  
Source: Department of Planning and Environment, 2018, LSPS Guideline for Councils

## Policy Context

This Statement has been prepared in accordance with section 3.9 of the *Environmental Planning and Assessment Act 1979* (the Act) which requires that it include or identify the following:

1. the basis for strategic planning in the area, having regard to economic, social and environmental matters,
2. the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the *Local Government Act 1993*,
3. the actions required for achieving those planning priorities,
4. the basis on which the council is to monitor and report on the implementation of those actions.

## Consultation

Council prepared this Statement by building upon the results of extensive engagement undertaken in developing Council's Community Strategic Plan, during 2017-2018, including community feedback regarding what residents most like and dislike about Greater Hume, and what residents would like to see retained and changed.

Workshops were held with Councillors in mid - 2019 to confirm the values and planning direction for Greater Hume articulated in Council's current strategic plans.

## Monitoring and reporting

This LSPS describes the long-term land use strategy for the Greater Hume LGA to 2040. This statement is intended to be a living document and should be revised on an ongoing, as-needs-basis so that the plan remains responsive, relevant and local. To this end, it is intended that the statement will be updated upon completion of the various actions identified throughout the document. Revisions to the LSPS may also be required in response to significant changes within the LGA, such as new infrastructure investment and employment opportunities or significant changes in projected population growth.

Council will monitor and report on progress of the LSPS priorities, actions and outcomes in an annual report. This will inform adjustments to the LSPS to ensure local planning policy is effective, responsive and delivering on local community aspirations. A comprehensive review will be undertaken in 2026, if not earlier.

Community feedback will be regularly sought. It is anticipated that this consultation will identify continuous improvement opportunities and will ensure that the LSPS continues to reflect the community's social and economic needs as well as their vision of the future desired state of the local area.

There will be a need to collaborate with other councils in the region due to the wider role that Greater Hume's strategic planning and decision-making plays in achieving the objectives of the Riverina Murray Regional Plan 2036 and the Albury Regional Economic Development Strategy as outlined in the table below. It also recognises the potential impact that strategically important decisions regarding critical infrastructure, environmental issues, housing, investment and a range of other topics covered in the LSPS

may have on the plans of neighbouring communities. These valued cross boundary partnerships will also help deliver Greater Hume's vision by driving efficiencies in accessing government funding, attracting inward investment and accessing a wider field of expertise.

### Funding & Investment

Strategies and studies required by this statement will primarily be funded in future 4-year delivery programs and annual operational plans of Council, although availability of funding via the Regional Growth fund and other state agency opportunities will also be explored.

### Monitoring & Reporting

Council will monitor, review and report on its LSPS to ensure that its planning priorities are being achieved, using the existing Integrated Planning & Reporting framework (IP&R) in accordance with the Local Government Act 1993.

Table 1

|   | Liveability   |   |   | Productivity   |  |   | Environment and Resources  |   |   |
|---|---|---|---|--|--|---|--|---|---|
| LSPS Priority                           | Housing Choice  | Vibrant Places  | Utility Infrastructure  | Agricultural Lands   | Agribusiness-Value Ad  | Industry  | Solar and Forestry   | Natural Environment   | Climate Change and Natural Hazards                                      |
| <b>R&amp;M Regional Plan Directions</b> | Direction 23: Build resilience in towns and villages  | Direction 4: Promote business activities in industrial and commercial areas                                       | Direction 23: Build resilience in towns and villages  | Direction 1: Protect the region's diverse productive agricultural land | Direction 2: Promote and grow the agribusiness sector                        | Direction 9: Support the forestry industry                                  | Direction 9: Support the forestry industry   | Direction 15: Protect and manage the region's many environmental assets | Direction 16: Increase resilience to natural hazards and climate change |
|   | Direction 25: Build housing capacity to meet demand   | Direction 7: Promote tourism opportunities  |   |  |  | Direction 4: Promote business activities in industrial and commercial areas | Direction 11: Promote the diversification of energy supplies through renewable energy generation |   |   |
|   | Direction 27: Manage rural residential development  | Direction 23: Build resilience in towns and villages  |   |  |  | Direction 9: Support the forestry industry                                  |  |   |   |
|   |   | Direction 28: Deliver healthy built environments and improved urban design  |   |  |  |   |  |   |   |
| <b>Albury REDS</b>                      | Attract and retain talent to sustain the supply of skilled workers by improving liveability throughout the region | Attract and retain talent to sustain the supply of skilled workers by improving liveability throughout the region | Attract and retain talent to sustain the supply of skilled workers by improving liveability throughout the region |  | Support and grow Agribusiness and Softwoods industries throughout the region | Grow the Transport and Logistics sector                                     | Support and grow Agribusiness and Softwoods industries throughout the region                     |   |   |
|   |   | Continue to develop and grow the Tourism sector and the visitor economy   |   |  |  |   |  |   |   |

## Our place in the Riverina Murray Region



Greater Hume Shire is located in southern New South Wales, bordering with Victoria and the local government areas of Wagga Wagga, Albury, Federation, Lockhart, and Snowy Valleys Councils. It is approximately 110km from east to west and 60km north to south and ideally linked by highways to Canberra, Sydney and Melbourne. The Main Southern Railway Line traverses the shire, with proximity to the Ettamogah Rail Hub and regional airports nearby at Albury and Wagga Wagga.

Due to its location there are continued opportunities to grow the population of Greater Hume as the Albury, Wodonga and Wagga Wagga local government areas (LGA's) have a major influence through employment and access to higher level goods and services. There are growing numbers of residents who work in Albury, Wodonga or Wagga Wagga that have chosen the affordable rural and community lifestyle offered by Greater Hume.

Figure: Greater Hume's relationship to the region.  
Source: Riverina Murray Regional Plan 2036

## Our community

The population of the Greater Hume is expected to reach 11,765 by 2036<sup>1</sup> which represents an increase of 1,079 people from 2018. Proximity to jobs and higher-level services in Albury, Wodonga and Wagga Wagga is a key driver of this ongoing growth, with new residents attracted to the rural lifestyle, basic services and large residential allotments on offer in the Greater Hume's towns and villages.

Our population is dispersed across five towns and six villages. However many people live and work in our rural areas where 32.8% of the workforce is employed.

Our communities are ageing and by 2036, 27 per cent of our forecasted population in Greater Hume will be aged over 65 years, representing an increase of 46 per cent from 2016. There is also an increasing number of families without children in the area (44.1% of the family compositions an increase from 42.6% in 2011). This change in the population demographic will continue to increase the importance of the health care and social assistance sector in Greater Hume, with employment in the sector rising since 2011.

The proximity to Albury and Wagga Wagga also provides employment opportunities for a large portion of our working population (30% of the workforce is employed in Albury, Wodonga and 2% in Wagga Wagga).



The proximity to these cities allows the Greater Hume community to gain employment in a variety of professional jobs, with 48% of our workforce employed as managers, professionals or clerical and administration workers. The growing populations of the regional cities and Greater Hume have also provided opportunity for the construction industry which accounts for a third of our workforce.

## Our community

|   |  |   |  |
|---|--|---|--|
| Population now<br><b>10,357</b><br>Population 2036<br><b>11,765</b>                               | Median Age<br><b>44</b>  | Population aged 65<br>and over<br><b>19.9 %</b><br>At 2036<br><b>27%</b>        | Females<br><b>5,170</b><br>Males<br><b>5,187</b>                               |
| Family<br>Households<br><b>Greater Hume 72.5%</b><br>NSW 72%                                      | Lone Person<br>Households<br><b>Greater Hume 25.6%</b><br>NSW 23.8%                    | Couples with children<br>households<br><b>Greater Hume 42.4%</b><br>NSW 45.7%   | Couples without<br>children households<br><b>Greater Hume 44%</b><br>NSW 36.6% |
| One parent<br>families<br><b>Greater Hume 12.9%</b><br>NSW 16%                                    | Average household<br>size<br><b>Greater Hume 2.5</b><br>NSW 2.6                        | <b>4,753</b><br>people in the<br>workforce                                      | <b>2,354</b><br>people live and work<br>in Greater Hume                        |
| <b>1,393</b><br>residents work in<br>AlburyCity<br><b>104</b><br>residents work in<br>Wagga Wagga | <b>768</b><br>workers live<br>in Albury<br><b>77</b><br>workers live in<br>Wagga Wagga | <b>1,121</b><br>people employed in<br>the Greater Hume<br>agricultural industry | <b>260</b><br>people employed<br>in health and social<br>assistance            |



## Our Environment and Resource Lands

The environment which makes up Greater Hume is diverse and plays an integral role in the economic, social and natural environment makeup of the council area. These assets have been utilized by the traditional land owners, the Wiradjuri people, who recognised the favorable climate and water resources and continue to have long standing cultural and community connection with the land

Our diverse environmental areas provides important habitat for rare and vulnerable species such as the turquoise and swift parrots, the squirrel glider, regent honeyeater, superb parrot and powerful owl.

In Greater Hume the Woomargama National Park, Benambra National Park, Murray River, Hume Dam, swamps and wetlands, such as Gum Swamp and Doodle Corner Swamp, are environmental assets that have a regional, state and national significance. For example Woomargama National Park provides some of the best and largest examples of the remnant community of red and white box woodland vegetation in the state and is the largest protected forested area west of the Great Dividing Range. The beds, banks and riparian areas adjacent to the water bodies are key habitat areas and home to a number of important plant and animal species.

Greater Hume has a warm and temperate, four-season climate with cool to mild winters averaging about 14 degrees Celsius and very warm to hot summers averaging about 30 degrees Celsius. There is some climatic variation throughout the shire with the rolling

plains to the west being hotter and drier, while the easterly section is slightly cooler and usually wetter. These conditions combine with higher than average rainfall in areas such as Culcairn (721mm per annum at 2011/2012, compared to 554.5mm across the state), allows the agricultural sector to thrive. Our agricultural lands leverage off the climate conditions and fertile soils and is the largest economic contributor, contributing \$211.03 million to the local gross domestic product (39% of the total Gross Domestic Product).

The rising slopes to the east of the council towards the South Western Slopes of the Snowy Mountains is prime agricultural land for livestock (cattle and sheep) and livestock products (wool). This type of farming account for most of the agricultural productivity in Greater Hume, contributing 63% of the total agricultural GDP. The western part of the shire, west of the Olympic Highway, largely supports broadacre cropping and hay production, contributing 36.45% of the total agricultural GDP (2016 Census).

The forestry in the north east of Greater Hume area makes a significant contribution to the South West Slopes and Bombala forestry industry, making up 27% of the total regions forestry area (45,000 hectares). The South West Slopes and Bombala forestry regions contributes to a total gross value of \$2,130 million including the flow-on effects to other industries, which is heavily reliant on the haulage and transport sector.



## Our Environment and Resource Lands

|   |  |  |  |   |
|---|--|--|--|---|
| <b>574,951.9 Ha</b><br>Greater Hume<br>Land Area  | <b>3</b><br>National Parks<br><br><b>6</b><br>Nature Reserves                              | <b>39,657 Ha</b><br>Protected<br>environmental areas   | <b>45,000 Ha</b><br>Forestry Land  | The highest maximum<br>temperature of<br><b>44.8 C</b> was recorded<br>in February 2019 |
| Average Rainfall<br><b>721 mm</b><br>(measured at<br>Culcairn)  | Broadacre cropping<br>and hay production<br><b>36.45%</b> of the total<br>agricultural GDP | Livestock (cattle,<br>poultry, sheep, pigs,<br>goats) & livestock<br>products (wool &<br>eggs) <b>62.6%</b> of the<br>total agricultural GDP | Total agricultural<br>land mass<br><br><b>?</b>  |   |
| <b>\$131.75</b> million<br>contributed to<br>agriculture, forestry<br>and fishing value<br>added industry | <b>198,600 Ha</b><br>Bushfire<br>prone land  | <b>28</b><br>threatened species<br>identified  | <b>89</b> local listed<br>heritage items<br><b>2</b> state listed heritage<br>items<br><b>50</b> know aboriginal<br>heritage items |   |
| <b>8</b><br>grain storage<br>facilities   | <b>93%</b><br>of Council roads are<br>all weather roads                                    | <b>60 km</b><br>upper Murray River<br>foreshore (above Lake<br>Hume)<br><b>26km</b> Murray River<br>foreshore below Lake<br>Hume             | <b>42 km</b><br>Lake Hume<br>foreshore   |   |

## Our Towns and Villages

Greater Hume's townships very successfully convey the atmosphere of a nineteenth century boom and highway towns with many having characteristic railway crossings, hotels, shop fronts with parapets, street awnings, tree-row wide avenues, creek crossings, well preserved early buildings and parks.

Communities in the Greater Hume are supported by five main towns, six villages and rural localities. These places provide localised services to residents and are the centre of a diverse rural economy. It is anticipated that the very manageable commuting distance from both Albury and Wagga Wagga, the variety of housing choice, heritage streetscapes and buildings, access to aged and health care (with hospitals located in Henty, Culcairn and Holbrook) and diversifying the local economy will drive these towns ability to attract new residential development.

The southern towns and villages, such as Jindera, Walla Walla and to a lesser extent Culcairn and Holbrook, take advantage of the fast-growing Albury and Wodonga cities and they are expected to experience pressure for growth over the next 20 years. It is anticipated that with the population growth, there will be opportunities to grow and diversify the local business economy and upgrade existing community facilities to improve services to residents.

Further north and through the centre of Greater Hume, the townships of Culcairn, Henty and Holbrook are well supported by major transport links (Melbourne to Sydney Rail, Olympic and Hume Highways). The townships all have operating hospitals, act as a highway stop over and have experienced some diversification of commercial and retail development, providing pass through visitors a variety of food and retail options. They are also the centre of a diverse rural economy and play a pivotal role in servicing their rural communities.

The below table illustrates for the period July 2014 to June 2019 there has 349 new dwellings erected in Greater Hume. This demonstrates the emerging popularity of Greater Hume as a desirable lifestyle choice.

The table below provides the localities of the 349 new dwellings.

Table

| Locality      | Dwelling | Transportable |
|---------------|----------|---------------|
| Rural         | 100      | 6             |
| Culcairn      | 19       | 2             |
| Henty         | 22       | 0             |
| Holbrook      | 20       | 4             |
| Walla Walla   | 11       | 2             |
| Walbundrie    | 5        | 1             |
| Jindera       | 129      | 2             |
| Bowna         | 0        | 1             |
| Burrumbuttock | 3        | 2             |
| Gerogery      | 14       | 0             |
| Brocklesby    | 3        | 2             |
| Morven        | 3        | 0             |



## Our Towns and Villages

|   |  |  |   |
|---|--|--|---|
| Increase in the number of building approval and investment over last 10 yr period<br>( <b>\$9.5M in 2008-9 to \$21.8M 2016-17</b> ) | Albury City - Median house price<br><br><b>currently \$342,000</b>   | Wagga City - Median house price<br><br><b>\$412,000 increased from \$332,000</b> | <b>55</b><br><br>Dwelling approvals 2018                            |
| Greater Hume (Culcairn) - Median house price<br><br><b>\$161,000</b>  | Greater Hume (Holbrook) - Median house price<br><br><b>\$200,000</b> | Greater Hume (Henty) - Median house price<br><br><b>\$183,500</b>                | Greater Hume (Jindera) - Median house price<br><br><b>\$325,000</b> |
| Henty district population<br><br><b>1,237 persons</b>   | Jindera district population<br><br><b>2,222 persons</b>              | Holbrook district population<br><br><b>1,715 persons</b>                         | Culcairn district population<br><br><b>1,473 persons</b>            |
| Walla Walla district population<br><br><b>836 persons</b>   | <b>1,374</b><br><br>Employing businesses                             | <b>3</b><br><br>hospitals - Culcairn, Henty and Holbrook                         |   |



# Strategic Vision, Intent and Priorities

## Strategic Vision, intent and priorities

### Vision

Over the next 20 years Greater Hume will leverage the area's agricultural strengths to generate economic and social growth opportunities that continues to recognise the underlying agricultural value and rural strengths.

Agriculture will continue to drive prosperity in Greater Hume as the area capitalises on its favorable climate conditions and fertile soils to attract a diversity of high end, top quality agricultural practices and enterprises.

Important agricultural and resource lands will be valued and protected, whereby non-agricultural land uses will complement existing agricultural land practices. Local, regional, state and national freight networks, which provide access to national and international markets are fundamental for the success of agriculture and partnerships with industry and other levels of government will be formed to continue to effectively deliver infrastructure to support the sector.

Greater Hume will be open for business and Council will actively support the development of the agribusiness and industrial sectors. Greater Hume's location on the national freight network and between the growing regional cities of Albury and Wagga Wagga, combined with its agricultural strengths and affordable industrial lands, will provide the opportunity for these sectors to expand.

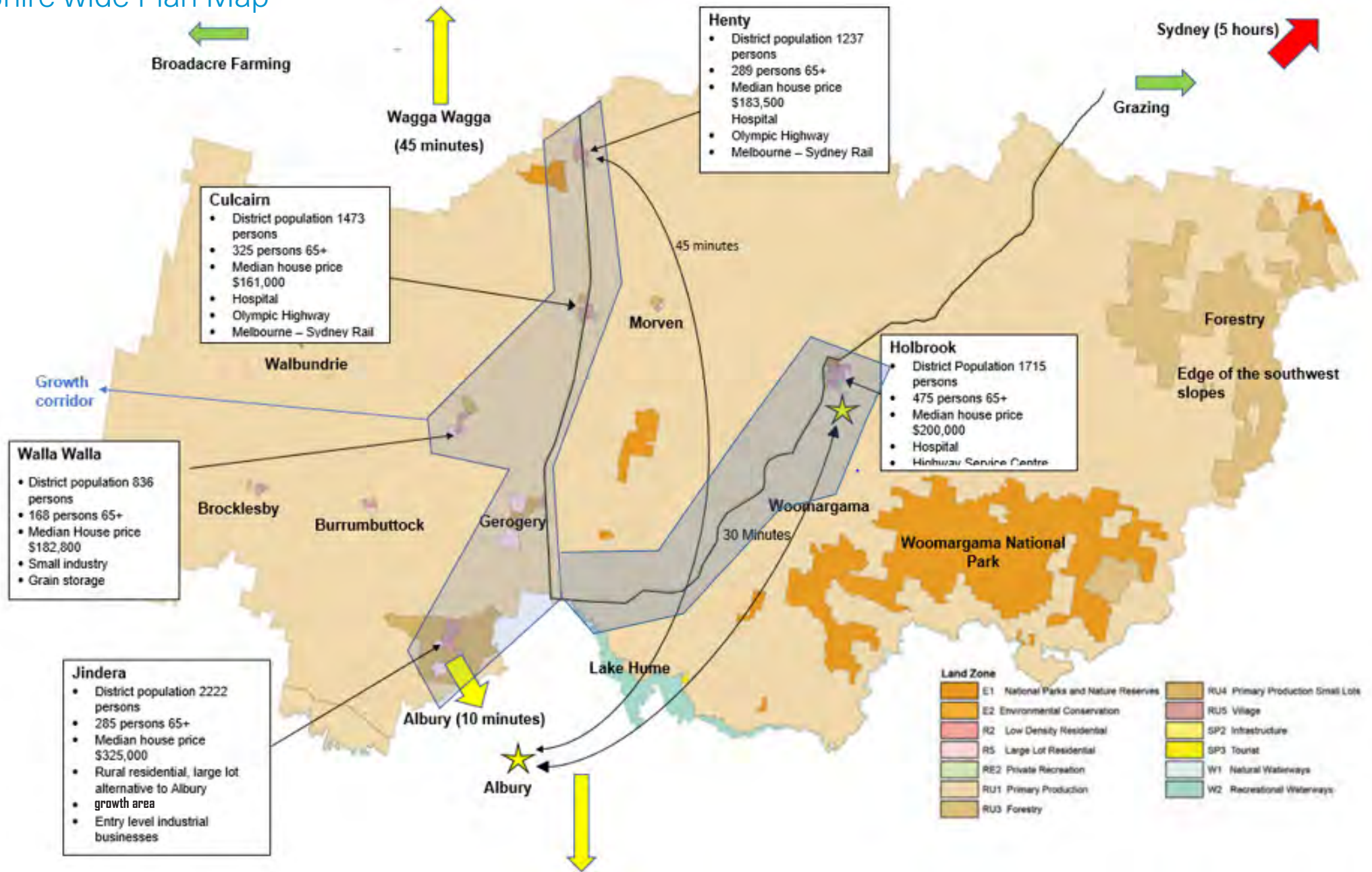
Council will have a proactive approach to enabling both agribusiness and industries in suitable locations, it will help communities understand the likely benefits, which are providing employment opportunities for local residents with positive economic and social flow on affects.

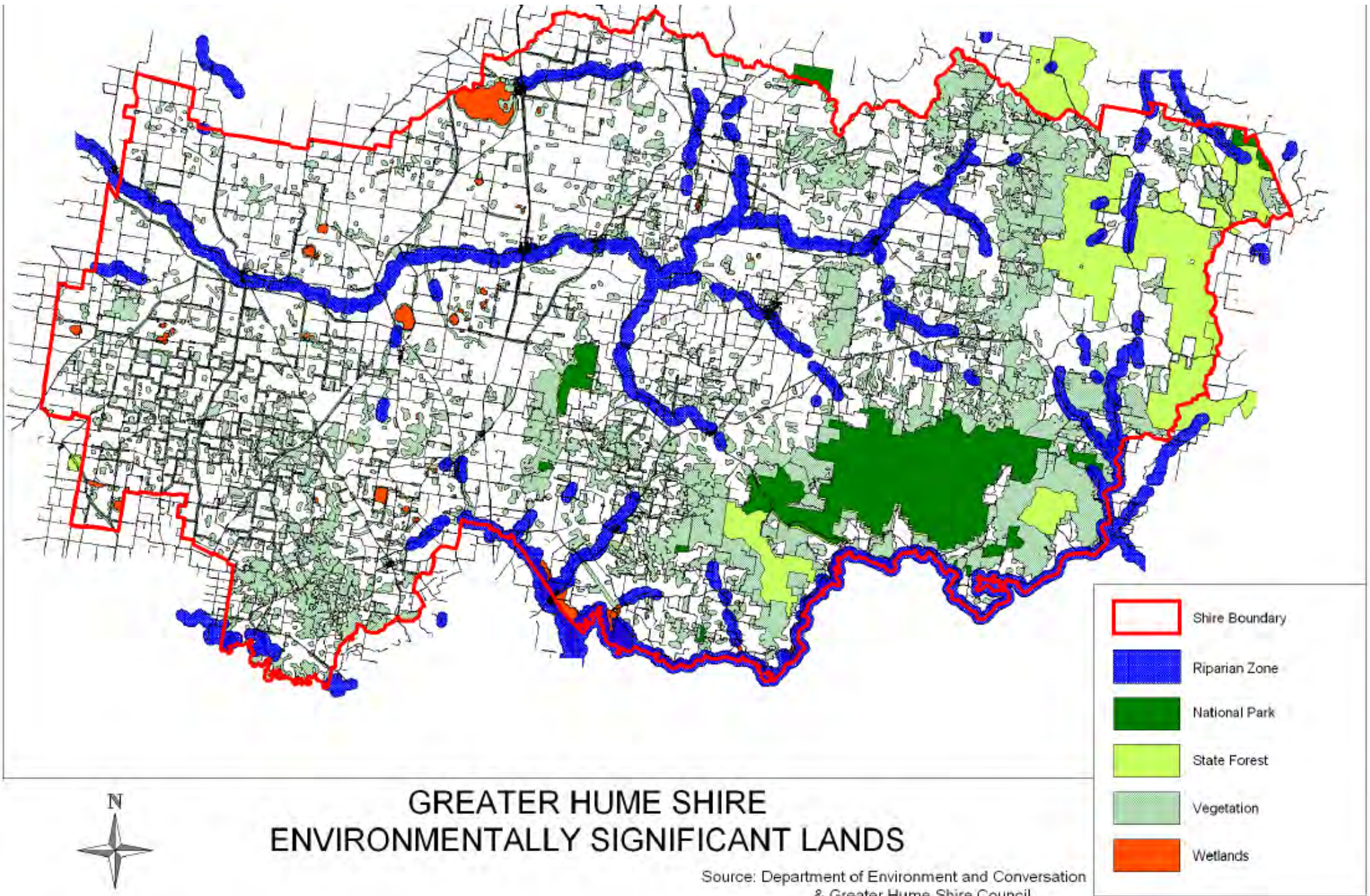
Greater Hume will continue to recognize the importance of the regional cities of Albury, Wodonga and Wagga Wagga and our community's ability to access higher level services, such as higher education, health services and employment. Recognising and enhancing this connection will be a key driver to the success of Greater Hume.

Our towns and villages will capitalise on growth opportunities so that they continue to service our rural communities. Our towns will offer variety of housing choice to retain the ageing population but will also provide an alternate rural lifestyle that will attract people to the area. As our towns continue to support new growth, our economic base will diversify. Our townships will be vibrant active places to visit and live providing a variety of basic economic and community services, within a rural heritage town setting, resilient to effects of climate change.

Our natural environment will fully be understood and appreciated. Our existing environmental assets, national parks, river and water bodies will be leveraged off, and there will be an opportunity to connect these areas through biodiversity corridors. Significant environmental areas adjoining our development areas will be identified, understood and protected. Our new development areas will respect the environmental values and will also leverage off these features to make Greater Hume a great place to live and visit.

# Shire wide Plan Map







## Achieving our Vision

### Planning Priorities

To achieve the 20-year vision for Greater Hume, Council has identified the following **9 Planning Priorities** to indicate the focus of future strategic planning in Greater Hume, which are consistent with the:

- Directions of the Riverina Murray Regional Plan 2036
- Strategic direction for Greater Hume expressed in Council's Community Strategic Plan 2017-2030.

Refer to Table 1 (earlier in this Statement) and the Appendix.

### Actions

Greater Hume's Planning Priorities will be delivered through actions and policy commitments which will be upheld by Council over the coming years. These may include the ensuring future development is consistent with a particular position, research of identified planning issues, preparation of strategies or policies, implementation of specific projects, or amendment to existing Council plans such as Greater Hume's Local Environmental Plan or Development Control Plans.

### Implementation, monitoring and reporting

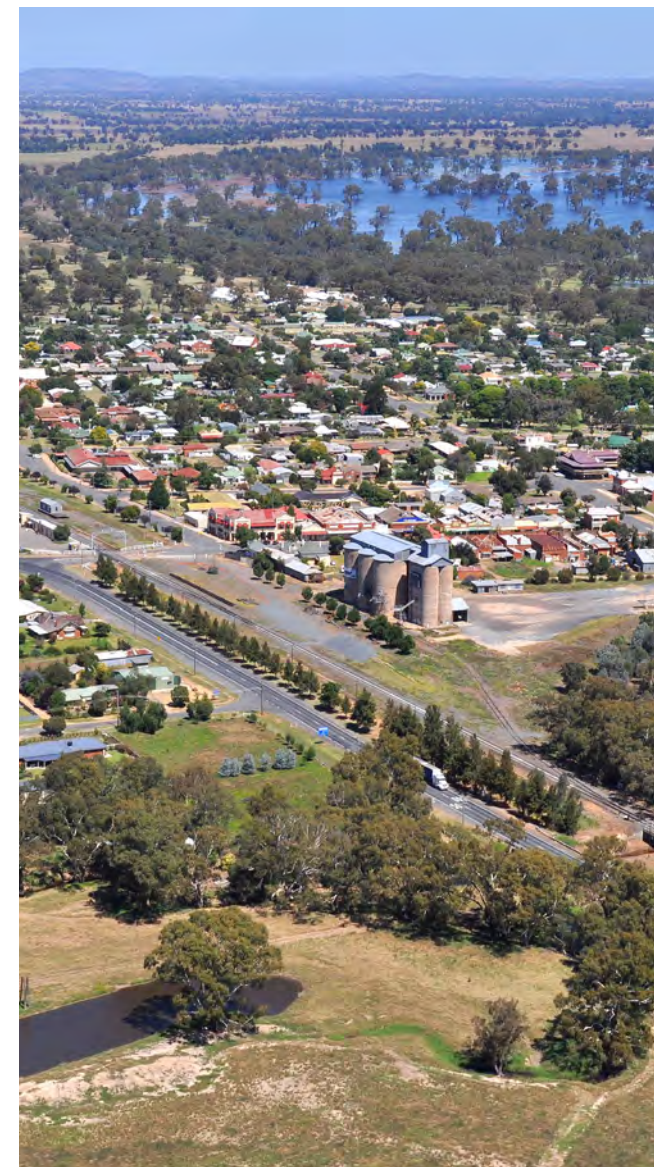
Council will monitor and report on the implementation of the actions to ensure that the planning priorities are being achieved. This will, as much as possible, be aligned to other Council review and reporting processes such as:

Review of Greater Hume's –

- Local Environmental Plan (every five years)
- Development Control Plans (every five years)

This approach is consistent with the Integrated Planning and Reporting (IP&R) framework under the Local Government Act 1993, which recognises that council plans and policies are inter-connected.

This Statement will be reviewed at least every seven years pursuant to section 3.9(1) of the Act.



## Planning Priority One - Housing and Land Supply

### Rationale

Greater Hume will strive to provide opportunities in the townships and their surrounds that offer diversity of housing choice that meets the needs of the growing and changing community.

Housing in the Greater Hume's towns and villages is dominated by single dwellings (96% of all housing), with 82% of housing containing 3 or more bedrooms. Home ownership is also important to Greater Hume, 42% of homeowners owning their property outright and 36% owning with a mortgage. Jindera is likely to experience the majority of the continued growth in Greater Hume. It has experienced the construction of 129 new dwellings over the period 2014-2019 as well as an increase of almost 20% in property values since 2010.

Housing in Jindera is predominately separate houses and sheds on generous proportioned standard residential allotments, large lot residential or larger rural residential lots that are situated to the south of Jindera and enjoy good access to Albury. Larger lots are a popular housing product in Greater Hume and will be strategically planned by Council to minimise the impact on our agricultural lands and to efficiently utilise existing infrastructure capacities and investments. As Jindera continues to grow it is also important for Council to provide a variety of housing choices to cater for the changing demographic and household incomes. This will involve protecting land to the west of Jindera for more traditional urban residential expansion.

Whilst there is a variety of housing options in Jindera, through large lot and rural residential subdivision, the townships of Holbrook, Henty and Culcairn do not offer the same amount of choice. These towns are traditionally filled with housing stock on lots that range from 600 meters square to 1000 meters square metres. There are smaller amounts of land in these townships that offer rural residential opportunities similar to those in Jindera which is a desirable product that attracts residents.

Investigation areas for expanded housing and employment uses has been identified on the towns and villages maps. These areas have been strategically identified and will be examined in greater detail as demand for these uses increases. Key considerations in undertaking further investigation include understanding the potential impacts on areas with landscape values; protecting important agricultural land; maximising infrastructure investments; and avoiding natural hazards including flood and bushfire. It will be important that Council consider these and other issues when rezoning land for rural residential development in particular.

There have been a number dwellings erected outside our townships and rural dwellings are a popular choice to build in rural areas with 106 new dwellings being constructed in rural locations. These types of dwelling can have adverse effects on agriculture, it will be important for Council to consider planning controls to prevent agricultural land fragmentation, as discussed in Planning Priority 4.



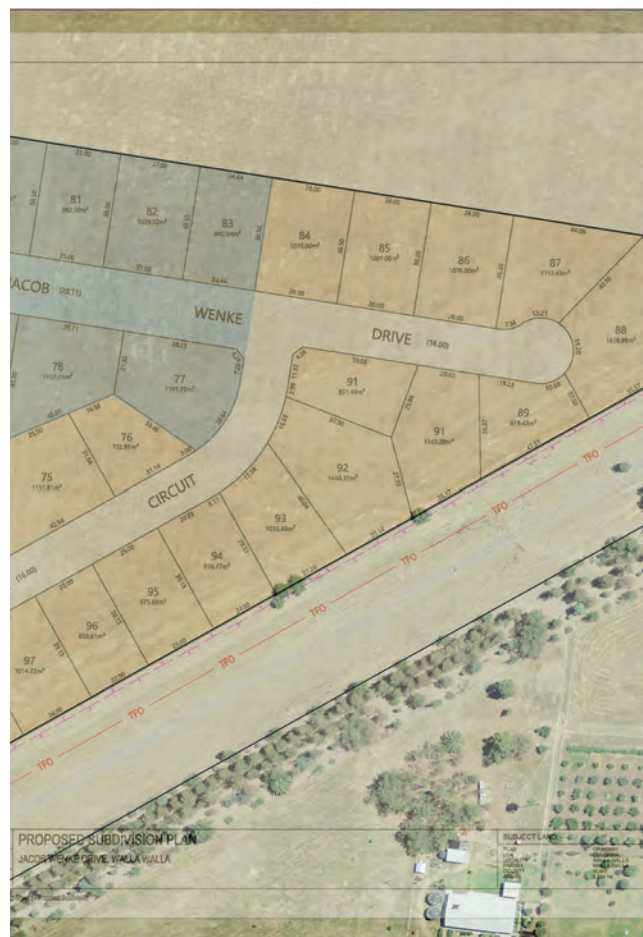
## Planning Priority One - Housing and Land Supply

### To deliver this planning priority, Council will:

Monitor the uptake of residential land in the towns and villages and investigate future residential areas (as identified on the town maps). These areas will:

- Be located to avoid areas that are identified as important agricultural land or areas that create potential for land use conflict;
- Align with the utility infrastructure network and its capabilities;
- Avoid or mitigate the impacts of hazards, including the implications of climate change;
- Protect areas with high environmental value and/or cultural heritage value and important biodiversity corridors;
- Not hinder development or urban expansion and will contribute to the function of existing townships;
- Create new neighbourhoods that are environmentally sustainable, socially inclusive, easy to get to, healthy and safe.

Investigate a mixture of smaller and larger residential lots in the towns and villages to create opportunity, respond to future demand, and to provide a range of housing options. This includes protecting areas west of Jindera for smaller residential lots.



### Planning Priority One - Actions

1. Update the Greater Hume Development Control Plan to reflect the existing and desired built form within our residential areas
2. Investigate and identify future potential for varied housing options in the townships of Henty, Holbrook, Morven and Culcairn – Short Term (refer plans)
3. Investigate and identify future opportunities to provide fully serviced large lot residential allotments and partially serviced rural residential allotment in Jindera – Short Term (refer plans)
4. For the RU4 zoning in Jindera and other townships investigate the feasibility of increasing the density within the RU4 zoning

## Planning Priority Two - Vibrant Places

### Rationale

The towns and villages of Greater Hume play a significant role in supporting a high quality of life that are valued by visitors and locals and attracts new residents to the shire. These places are characterised by local commercial areas that provide basic services to rural communities and are home to iconic heritage buildings such as historic hotels and memorial halls and parks. Maintaining and expanding the values and services provided by the towns and villages is a key consideration for Council to provide economic and social benefits to the community.

As the population demographics of Greater Hume continues to grow and change it will be necessary for Council to accommodate the change by ensuring that suitable open space, sporting and community facilities are provided. Council have committed to upgrading public pools, toilets, recreation grounds, skate parks and playground facilities across the shire and will actively pursue funding opportunities so that as development occurs, community facilities will also be improved. Key projects that Council are currently seeking to fund include the Adventure Playground in Jindera, walking track at Walla Walla, Jindera multi-purpose hall, upgrade playing surfaces for most of the shires sports grounds and improved drainage in urban areas.

It is a unique characteristic of Greater Hume that the population is dispersed throughout the shire in towns, villages and in the rural setting. The individuality of

each setting brings with it the opportunity for variety and the possibility of varied experiences. Council will try to enhance the uniqueness of each setting by providing infrastructure that responds to the local setting and is different to the adjacent townships or villages. This will encourage visitation from within the shire to utilise the varied infrastructure which could include parks and swimming pools.

Understanding how Greater Hume's towns and villages operate, how they relate to each other and to nearby places such as Albury, Wodonga and Wagga Wagga is important so that they remain attractive locations for local retail and services. As these areas grow and change, there is the potential for the demands for housing to come into conflict with the retail and service offering which is why Council will not only protect these areas, but and also take a flexible approach to encourage a range of retail and commercial uses to support the community.

New retail and services will be encouraged in the towns and villages to increase vitality, enhance the value of the public realm and attract complementary uses. Council will seek to facilitate the innovative reuse of heritage buildings and provide accessible pedestrian areas in high use commercial areas in Holbrook, Culcairn and Jindera.



## Planning Priority Two - Vibrant Places

### To deliver this planning priority, Council will:

- Protect the function of core commercial areas and provide opportunity to generate additional services and offerings.
- Promote the active reuse of heritage buildings that maintain the integrity of the historic character of the townships.
- Provide accessible pedestrian areas within main commercial areas, while maintaining the character of main streets.
- Actively seek opportunities/funding to upgrade/ provide community facilities throughout the shire.
- Provide and review the adequate supply of community infrastructure to cater for the changing population.



### Planning Priority Two - Actions

1. Undertake access masterplans for our commercial core areas to provide accessible public and commercial spaces that attract and retain visitors to the area
2. Undertake analysis of sporting facilities and community facilities to ensure planned upgrades have capacity to service demands of a changing population
3. Wherever possible provide or encourage the provision of infrastructure that is different to adjacent towns and villages so that variety is maintained and to encourage people from nearby townships to visit
4. Review and update the Section 7.12 development control plans to provide for opportunity to fund the upgrade of community facilities

## Planning Priority Three - Utility Infrastructure

### Rationale

Infrastructure is critical to the proper functioning and wellbeing of the community both now and in the future. As the towns and villages continue to grow within Greater Hume, it is important to provide infrastructure in the right place at the right time.

Understanding the current capacity and planned investments in utility infrastructure in the towns and villages will enable Council to capitalise on opportunities for economic and housing growth. Critical infrastructure investments will be identified as Council conducts more detailed analysis on the identified investigation areas so that growth is aligned with upgrades to town water, wastewater, electricity and telecommunication facilities. Aligning these utility infrastructure projects with future growth opportunities and Councils Delivery Program (2017-2021) and Operational Plan (2019-2020) is a key initiative of this planning priority.

To meet the future needs of the community several sewer networks and sewer treatment projects are currently being earmarked at a local and regional level. These include the construction of wastewater treatment facilities in Burrumbuttock, Gerogery and Woomargama and sewer treatment plant upgrades in Jindera, Culcairn, Henty, Holbrook and Walla Walla. Securing future funding opportunities to contribute to the ongoing management, upgrade and construction of these facilities will be crucial to the delivery of this priority.

Water supply for the towns, villages and smaller settlements in Greater Hume is not a constraint on growth, with an adequate supply secured by Council (as the water authority for Culcairn, Jindera, Burrumbuttock, Brockelsby and Gerogery), Riverina Water (as the water authority for Henty, Holbrook and Walla Walla). It will be important for Council to ensure that the infrastructure that supports the water supply can reach future growth areas and that water treatment plants operate to meet demands. As such Council have identified several water supply upgrades to accommodate growth, these include, water main upgrades and extensions in Jindera, water main extensions in Culcairn and future funding opportunities to upgrade the Culcairn water supply reservoir.

Essential Energy are the local electricity network provider and provide adequate electricity to the townships and villages of Greater Hume. The existing electricity network capabilities provide no constraints to providing electricity to future growth and development areas.



## Planning Priority Three - Utility Infrastructure

### To deliver this planning priority, Council will:

- Align residential and commercial growth with water and waste water capabilities.
- Investigate funding opportunities to upgrade existing utility infrastructure facilities to cater for our growing population.



### Planning Priority Three - Actions

1. Complete an integrated water management plan to ensure future water and sewer aligns with future growth
2. Complete identified upgrades and construction projects within Councils Delivery Program (2017-2021), Operational Plan (2019-2020) and Albury Regional Economic Development Strategy

## Planning Priority Four - Agricultural Lands

### Rationale

Greater Hume is strategically located and benefits from connections to the national freight network, favorable climate conditions and fertile soils to support a diverse agricultural sector. In order to leverage these strengths and take advantage of growing demand for fresh, high quality produce, Council will protect important agricultural land in the Greater Hume.

The Department of Primary Industries (Agriculture), intends to prepare maps identifying the important agricultural lands in the Greater Hume area. Managing emerging land uses and their potential land use conflicts and fragmentation of the land identified in the important agricultural land mapping will be a challenge for Greater Hume. Some examples of the emerging land uses that have caused concern include; rural residential development in the south of Greater Hume around Jindera, and large-scale industries and solar projects located on important agricultural land.

Greater Hume has already taken proactive steps in managing land use conflicts and impacts on primary producers, such as developing its own Right to Farm Policy and committing to the NSW Right to Farm Policy, which aims to reinforce rights and responsibilities, strengthen land use planning, improve education and awareness that supports farmers exercising their right to farm.

This planning priority reflects Greater Hume's aspirations to support its agricultural identity and to ensure a strong local economy that leverages the favorable climate and strategic connectivity to domestic and international markets via the regional freight route.



### To deliver this planning priority, Council will:

Protect important agricultural lands in local planning controls.

Continue to implement and advocate the NSW Right to Farm Policy.

To avoid agricultural land fragmentation maintain the existing rural lands minimum lots size provisions in the Greater Hume Local Environmental Plans.

Manage land use conflict on agricultural land by:

- In the case of nuisance complaints supporting pre-existing, lawfully operating agricultural land uses
- Avoid locating incompatible land uses in and adjacent to agricultural production areas
- restrict the encroachment of incompatible land uses;
- ensure that land use standards for minimum subdivision sizes in the LEP reflect trends and enable a productive agricultural sector

### Planning Priority Four - Actions

1. Update Council's Right to Farm Policy
2. On review of the Greater Hume Local Environment Plan investigate the appropriateness of minimum lots sizes rural zones through undertaking a strategic analysis of agricultural land and practices



## Planning Priority Five - Agricultural Value Adding

### Rationale

The Greater Hume's strong agricultural sector is increasingly supported by value adding operations including a tannery in Culcairn, an oat mill in Walla Walla, a lupin production facility in Jindera and a seed producer for dryland and irrigated crops in Holbrook. The *Greater Hume Economic and Social Plan* identifies an increased interest in intensive animal industries such as poultry and artificial breeding in beef, equine and lamb production. Council are committed to being open to facilitating these intensive uses as they provide positive social and economic outcomes to the community.

It is anticipated that a strong agricultural economy and technological advances will continue to provide an opportunity to attract boutique, innovative and more intensive agribusinesses to Greater Hume. These types of operations provide opportunity for the Greater Hume residents and towns, through higher earning employment opportunities for local residents and will provide an invaluable contribution to the Council's gross domestic product.

Managing these types of developments will be best undertaken by embracing new technological changes that create a positive change for the agricultural industry. Associated with the co-location of related industries, Council will work alongside the agribusiness sector to maximise infrastructure, decrease supply chain costs, and manage conflict between existing land uses and community expectations.



### To deliver this planning priority, Council will:

- Encourage complementary value-add agricultural opportunities through flexible planning provisions in local strategies and local planning controls.
- Locate agribusiness development in areas that capitalise on access to key freight networks.
- Ensure planning provisions accommodate the changing needs of agriculture as well as the development of intensive agriculture, agri-businesses and associated value-adding activities.

### Planning Priority Five - Action

1. Council will undertake a review to find locations suitable for industries that require a buffer zone and good access to power, gas and water

## Planning Priority Six - Supporting our Industries

### Rationale

A diverse industrial sector is vital for the sustainability of Greater Hume and there is the opportunity for Greater Hume to capitalise on its strategic location to attract a variety of industrial operations.

Connections to industrial activity and intermodal hubs in Albury (Nexus) and Wagga Wagga (Bomen), the national freight network, productive agricultural lands, flexible industrial precincts and two regional city population masses, provide a support network for a productive industrial sector in Greater Hume. Greater Hume is able to leverage this opportunity by offering small industrial precincts that are more affordable when compared to Albury, Wodonga and Wagga Wagga.

To the south of Jindera, Council has successfully enabled this opportunity by allowing a flexible industrial precinct that is supported by Council owned utility infrastructure with strong connections into Albury. As Jindera continues to grow Council will seek to protect and investigate expansion of this area to ensure that future residential uses do not detract from its industrial function.

Other opportunities also exist in Henty, Culcairn, Holbrook and Walla Walla which contain tracts of land surrounding existing industrial processes that leverage its location alongside the national freight network. Council will investigate future industrial land opportunities to provide a diverse economy in these areas.

Greater Hume's access to the national freight network will also present opportunity for other larger industries. These will be facilitated by Council as they provide a valuable contribution to diversifying the local economy. Council will work with industry to locate larger industry in areas where they can leverage off Greater Hume's assets whilst minimising impacts on the community and agricultural lands.



### To deliver this planning priority, Council will:

- Support existing industrial land uses and precincts for freight and logistics, industry, warehousing and similar activities in locations that minimise amenity impacts.
- Investigate opportunities for the expansion of existing and new industrial precincts in our townships that do not impact on residents.
- Protect and recognise existing industrial precincts and uses to avoid any land use conflicts from future residential development
- Encourage the co-location of complementary industry alongside agricultural enterprises that enhance the efficiency of the agricultural land use

### Planning Priority Six - Action

1. On review of the Greater Hume Local Environment Plan 2012 Council will investigate the practicalities of providing industrial zoning where appropriate. This measure will minimise the risk of land use conflict posed by non-compatible land uses being permissible development in the RU5 zone.

## Planning Priority Seven - Resources

### Rationale

The Greater Hume is home to natural resources that are economically and environmentally important to the region and to the State. The area is home to 45,000 ha of forestry lands and there are currently four solar projects in the early stages of investigation that represent a potential combined investment of \$1,100m and possibly 1,050 construction jobs<sup>1</sup>.

The softwood plantation industry in Greater Hume provides timber to process industries in Tumut, Albury, Tumbarumba and Wagga Wagga. To provide certainty for existing and future forestry operations in the area one of the key considerations to support the forestry industry include providing adequate roads and services between the plantation forest areas and their markets. Partnering with industry and other levels of government to consider strategic forestry transportation routes, identify sustainable funding sources for upgrades, recognize gaps in the network and other efficiency measures, are important to ensure the forestry industry remains sustainable in Greater Hume.

Managing the interface between forestry land and rural land is a key focus of Council.

Rural properties adjoining forestry areas often experience impacts associated with noxious weeds and introduced animals, these impact on the agricultural viability of rural land. Council will work alongside the forestry industry to better educate forestry operators on the management of noxious weeds and introduced animals and will investigate measures through the planning system to ensure new operations consider these impacts on surrounding land.



## Planning Priority Seven - Resources

### Rationale cont'd

Within Greater Hume there are several large scale extractive industries that provide a range of quarry products to the wider community. These activities are a substantial source of employment and are essential for the construction industry and for rail and road construction purposes. Council will support new and existing extractive industries in locations where there is safe access to a well maintained local and regional road network and where there will be minimal impacts on surrounding residents and agricultural lands.

Access to transmission infrastructure, land availability and favourable climate conditions make Greater Hume a desirable location for large scale solar, energy storage, and associated renewable energy generation technologies. There are some significant long-term sustainable benefits of renewable resources that Greater Hume could leverage to provide necessary infrastructure, energy security, employment, education and community investments that can benefit both the economy and local residents.

When reviewing the implications and impacts of large-scale solar farms and other major projects, consideration needs to be given to the potential for conflict between urban expansion of towns and villages and productivity of agricultural land. A strategic approach is therefore required and Greater Hume will work closely with industry and other levels of government to identify suitable areas that will provide grid capacity while minimising the potential impacts on residents and agricultural lands.

### To deliver this planning priority, Council will:

- Protect native and plantation forests in the north east of Greater Hume from the encroachment of inappropriate and incompatible land uses.
- Support solar energy projects only in suitable locations that contribute to the long term sustainability of Greater Hume Shire and minimise impacts on productivity of agricultural land, Aboriginal cultural heritage, biodiversity, and the amenity of residents.
- Advocate and support the establishment of local community contributions for all new major power generation projects; to provide opportunity for the wider community to benefit from new developments.



### Planning Priority Seven - Actions

1. Identify key regional forestry freight corridors that contribute to the broader regional viability of the forestry sector and seek funding to ensure these roads have the capacity to support existing forestry processes
2. Identify the freight networks that are utilised by Greater Hume's extractive industries and to ensure these roads have the capacity to support the extractive industries
3. Investigate whether there are opportunities in the planning system to encourage better land management by the timber industry
4. Investigate opportunities to secure community contributions from the development of solar farms through the review of Council's contribution plans

## Planning Priority Eight - Identify and protect environmental values

### Rationale

Greater Hume has a diverse natural environment that is valued by residents and visitors alike. Environmental assets such as the Woomargama National Park, Benambra National Park, Doodle Comer Swamp Nature Reserve, State Forests and parts of the Murray River provide significant wildlife habitat whose ecosystems support a wide range of native flora and fauna. These areas also provide opportunity for the Council area to attract visitors, with many of the national parks providing great places to camp, hike and undertake 4WD touring, all within close proximity to the regional cities of Wagga Wagga and Albury.

Understanding environmental areas outside national, state and nature reserves at a local level is a key challenge for Greater Hume. The opportunity to enhance the protection of habitat and threatened species, particularly by providing connections through private land holdings is an important issue which Council will consider when making planning decisions.

To enable these areas to be fully appreciated, additional work is required to better understand the environmental values on the land. Currently, there are significant gaps in baseline data to accurately understand the location of key biodiversity corridors and environmental values throughout Greater Hume. As new development occurs through our towns and villages, it will be important for Council to understand the location of key environmental values and the extent to which new development may impact them.

### To deliver this planning priority, Council will:

- Promote and preserve our natural environment and wildlife habitat.
- Liaise with NSW Government agencies to further develop and provide opportunity for the natural areas of Lake Hume, Doodle Cooma Swamp, Gum Swamp, Woomargama National Park, Murray River, Benambra National Park and Billabong Creek.
- Seek (funding) opportunities to undertake environmental management studies in consultation with government and community to update and inform new biodiversity mapping layer in the GHLEP.

### Planning Priority Eight - Actions

1. On review of the Greater Hume Local Environment Plan investigate the suitability of existing biodiversity layers and associated controls and consider whether less coarse biodiversity mapping should be provided
2. To better identify land with high conservation attributes, Council undertake a review of road and public space biodiversity mapping



## Planning Priority Nine - Climate change and natural hazards

### Rationale

It is anticipated that in the future, communities in the Greater Hume will experience an increased occurrence of heatwaves and hot days and an increase in average and severe fire weather days in summer and spring. Weather events will be seasonal extremes, particularly rainfall events and droughts, there will be a decrease in spring rainfall and an increase short and intense rainfall events resulting in increased localised flooding. Understanding these changing weather patterns will be important for Council to build sustainable and resilient communities.

Council have already undertaken extensive flood planning work through the preparation of the Culcairn, Henty, Holbrook, Jindera and Walla Walla flood studies, to understand the extent of these major rain and flooding events. These studies identify the high and low flooding hazard areas, these areas indicate whether land is or is not suitable for more intensive development. Ensuring the findings of these studies are replicated in local planning controls will be necessary to manage community expectations and development on land subject to inundation.

Council currently includes 198,600 hectares of bushfire prone land across the Council area and locating new development and expanding our towns in locations that have a low bushfire risk will be a key commitment for Council. In order to do this, it will be important for Council to review existing bushfire hazard mapping with the NSW Rural Fire Service.

When planning and developing new urban areas, design and environmental considerations such as vegetation, water management (water sensitive urban design) and energy efficiency will be incorporated into the decision-making process. This will assist our communities to build resilience to climate change.

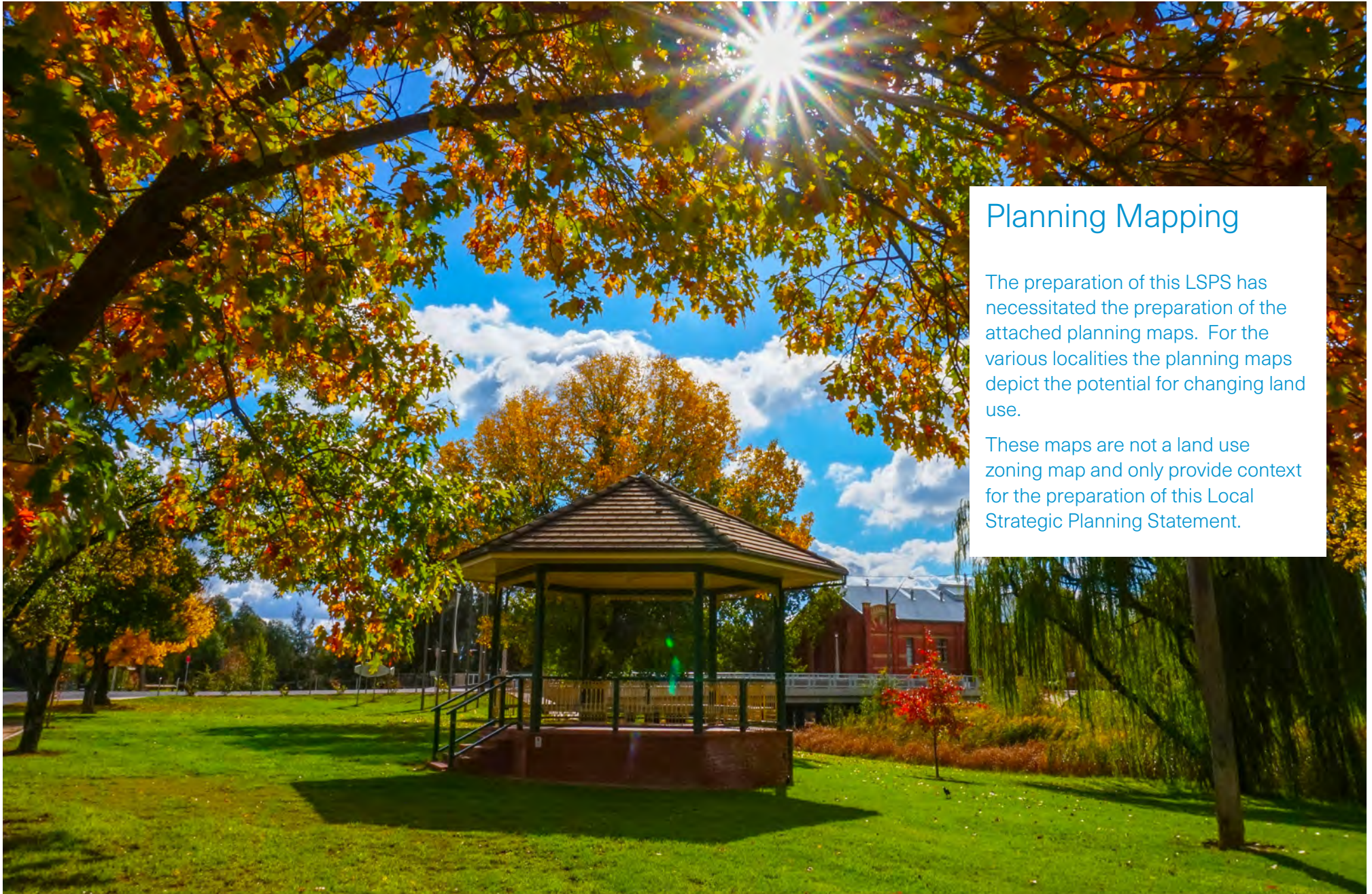
### To deliver this planning priority, Council will:

- Review Council's bushfire hazard mapping with NSW Rural Fire Service and update as required.
- Require water sensitive urban design, passive cooling/heating and energy efficiency measures to be considered in all new developments

### Planning Priority Nine - Actions

1. Undertake LEP and DCP amendments to implement recommendations from existing Floodplain Risk Management Studies and Plans identified above
2. Amend the Greater Hume Development Control Plan to include water sensitive urban design principles for new development and subdivision





## Planning Mapping

The preparation of this LSPS has necessitated the preparation of the attached planning maps. For the various localities the planning maps depict the potential for changing land use.

These maps are not a land use zoning map and only provide context for the preparation of this Local Strategic Planning Statement.





Draft

Greater Hume Council  
**COMMUNITY  
PARTICIPATION  
PLAN**



Greater  
Hume  
Council



POMVOGRANA  
ESTATE

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## PART A - Introduction

### What is a Community Participation Plan?

The Greater Hume Community Participation Plan (CPP) sets out when and how Council will engage with its communities across all the planning functions it performs.

The CPP must meet the minimum requirements for community participation set out in the Environmental Planning and Assessment Act 1979 (the Act) and relates to the planning functions of Council as set out in Schedule 1 of the Act.

### Limitations of the Community Participation Plan

This CPP is relevant to planning functions only and does not outline Council's engagement strategies for the delivery of other Council services, functions or infrastructure.

### For Planning why is Community participation important?

- It builds community confidence in the planning system
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character
- It provides access to community knowledge, ideas and expertise.

### Principles of the Community Participation Plan

The Act guides Council to ensure that it will be clearer and easier for the community to understand how it can participate in planning decisions and outlines the principles that underpin the CPP as being:

- a. The community has a right to be informed about planning matters that affect it;
- b. Planning authorities should encourage effective and ongoing partnerships with the community to provide meaningful opportunities for community participation in planning;
- c. Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning;
- d. The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered;

e. Community participation should be inclusive and planning authorities should actively seek views that are representative of the community;

f. Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made;

g. Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account); and

h. Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

### Land to which this Community Participation Plan applies

The Greater Hume CPP applies to all land within the Greater Hume Local Government Area (LGA).

### What are Council's Planning Functions?

Council's planning functions are divided into two streams: development assessment and strategic planning under the Act.

### Relationship to other Plans or Strategies

Environmental Planning and Assessment Act

The Act is the overarching document which establishes Council's legislative requirements. Part 2 Division 2.6 of the Act outlines the requirements in relation to community participation and the CPP is developed in response to Section 2.23 of the Act.

### The Greater Hume Strategic Plan 2017-2030 (CSP) and Community Engagement Strategy (CES)

The CSP explains that Council is committed to improving quality of life in Greater Hume through the involvement of community in development of policies programs and services. Council is committed to ensuring that all views are considered through deliberate and active involvement of the community.

The CES indicates that Council intends to ensure that effective levels of engagement are implemented depending on the project's current impact on the community and

“The planning system seeks to effectively leverage local knowledge, ideas and expertise

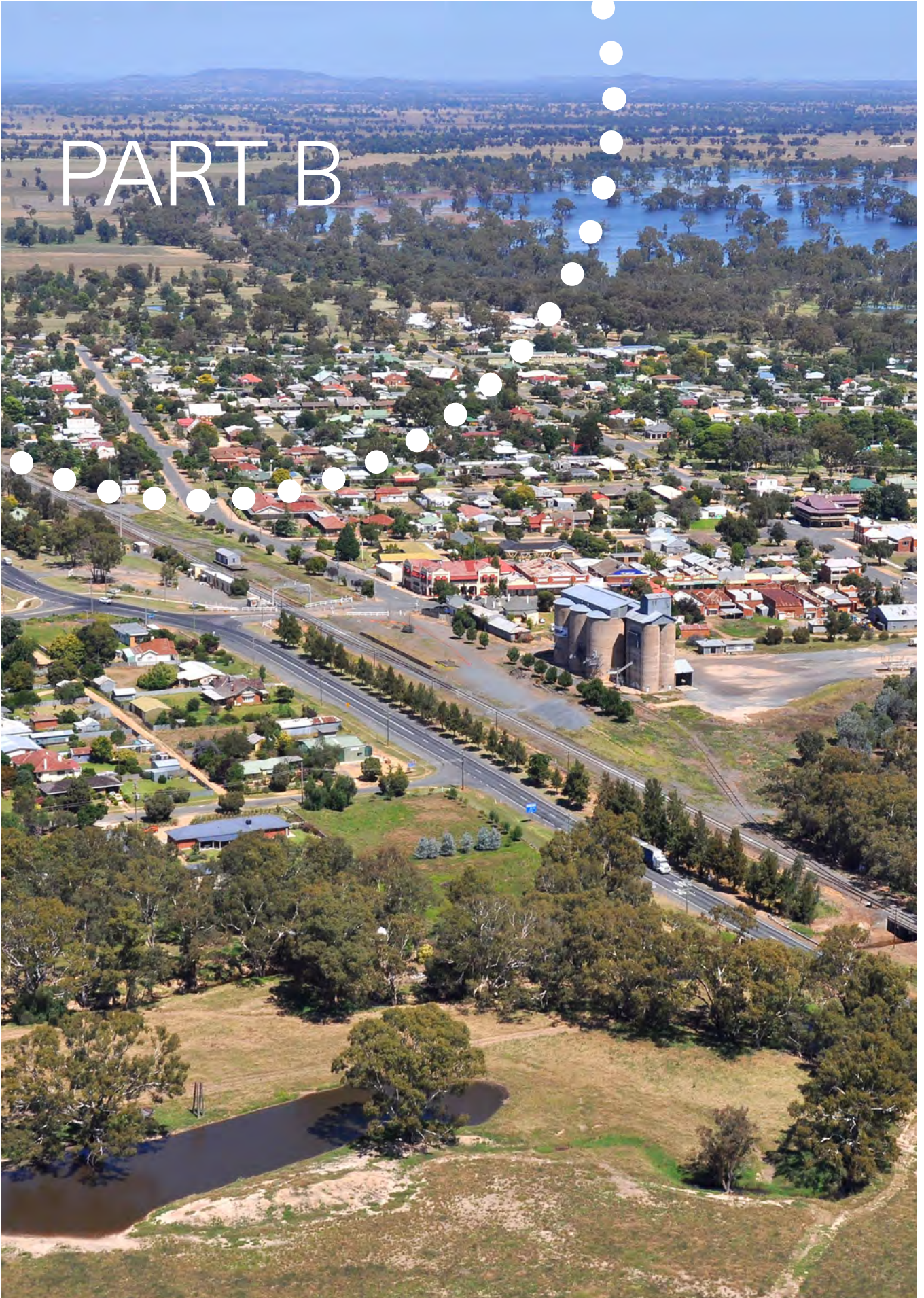
into the future. This means that Council needs to be open and accountable to the community and provide ample opportunity for feedback. Council also acknowledges that by involving a cross section of the community in a consultative process, it can make better decisions. Council also knows that strong relationships with the community is integral and is built on trust, goodwill and respect with the community.

**Note:**

The Greater Hume CPP outlines Council’s engagement practices for development assessment and strategic planning under the Act and the following Community Participation Requirements has been determined based upon the criteria in Schedule 1 of the Act and to align with the CSP and CES.



# PART B



## PART B - Minimum Community Participation Requirements

| MANDATORY REQUIREMENTS<br>(Schedule 1, Part 1, Division 1(1) of the Act)   | MINIMUM COMMUNITY PARTICIPATION<br>REQUIREMENT  |
|--|---|
| Draft Community participation Plans  | 28 days   |
| Draft local strategic planning statements  | 28 days   |
| Planning Proposals for local environmental plans subject to a gateway determination  | 28 days<br>or:<br>(a) If a different period of public exhibition is specified in the gateway determination for the proposal – the period so specified, or<br>(b) If the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal – no public exhibition.     |
| Draft Development Control Plans  | 28 days   |
| Draft Contribution Plans   | 28 days   |
| Application for development consent (other than for complying development certificate, for designated development or for State significant development)  | 14 days<br><br>The following development applications will not be notified: <ul style="list-style-type: none"> <li>• Development that is consistent with the primary objective of the zone.</li> <li>• Any application deemed by Council to be of a minor nature with little potential for adverse impacts</li> </ul> |
| Nominated integrated development – which means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under— | 28 days   |
| (a) a provision of the Heritage Act 1977 specified in section 4.46 (1) of the Act, or  |   |
| (b) a provision of the Water Management Act 2000 specified in section 4.46 (1) of the Act, or  |   |
| (c) a provision of the Protection of the Environment Operations Act 1997 specified in section 4.46 (1) of the Act.   |   |
| threatened species development means development to which section 7.7 (2) of the Biodiversity Conservation Act 2016 or section 221ZW of the Fisheries Management Act 1994 applies.   |   |

| MANDATORY REQUIREMENTS<br>(Schedule 1, Part 1, Division 1(1) of the Act)   | MINIMUM COMMUNITY PARTICIPATION REQUIREMENT  |
|--|--|
| Application for development consent for designated development   | 28 days  |
| Application for modification of development consent that is required to be publicly exhibited by the regulations under Section 4.55 of the Act   | <p>As per original DA or in accordance with the provisions of Part 6 Division 12 of the Environmental Planning and Assessment Regulation.</p> <p>14 days</p> <p>NOTE 1: If a modification is notified, all persons who made a submission to the previous DA will be notified.</p> <p>The following development applications will not be notified:</p> <ul style="list-style-type: none"> <li>If, in the opinion of Council, the proposed modifications will involve minimal environmental impact and will not increase the impact on adjoining or nearby land or development.</li> </ul> |
| Environmental impact statement obtained under Division 5.1   | 28 days  |
| Re-exhibition of any amended application - An amended application is an application where the applicant provides amended plans to Council prior to the determination of the DA.  | <p>As per original DA</p> <p>14 days</p> <p>NOTE: Only those applications where it is considered that there will be additional or significantly altered likely impact will be re-exhibited or re-notified. In some instances, only authors of submissions will be notified.</p>  |
| Review of Determination in accordance with section 8.2 of the Act.   | <p>As per original DA</p> <p>NOTE 1: Only those applications where the DA is amended in a material way and Council considers that the development is likely to have the potential to increase the adverse impact of the development as it was previously considered.</p> <p>NOTE 2: All persons who made a submission to the previous DA will be notified</p>  |
| NON-MANDATORY TIMEFRAMES   | MINIMUM COMMUNITY PARTICIPATION REQUIREMENT  |
| Planning Strategies  | 28 days  |
| Area / Structure Plans   | 28 days  |
| Precinct / Masterplans   | 28 days  |
| Public Domain Plans  | 28 days  |
| <p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>Clause 17 in Schedule 1 to the Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.</li> <li>The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.</li> </ol> |  |



## PART C - Means by which Council will seek Community Participation

A written letter seeking community participation will be sent to adjacent or potentially affected landholders. Where required by legislation notification under this community participation plan may be via publication of an advertisement within a local newspaper or by the erection of signage at the site of the proposed development.

“All levels of government have an intention to actively involve the community in planning for their places and and communities



## SUBMISSION PROCESS

|  |   |   |  |   |
|--|---|---|--|---|
| Submission is made to Council and assigned to corresponding DA | Submission author or lead petitioner details are recorded, and submission is acknowledged | Council officer receives notification of submission | Submission is considered in assessing the DA | Submitter is formally notified of outcome |
|--|---|---|--|---|



## Submissions

### To qualify as a submission, the submission must:

1. **Be in writing by email or letter;**
2. **Be submitted within the nominated exhibition period;**
3. **Reference the application, policy or plan being exhibited;**
4. **Be based on planning grounds in support or objection to the proposal;**
5. **Include the name, address, daytime telephone number of the author and preferably an email address; and**
6. **Submission must be lodged with Council by 5 pm on or before the final day of the exhibition period.**

### Disclosure of submissions

Submissions may be accessed by the public by way of a request to Council under the Government Information (Public Access) Act.

Also, if the proposal is reported to a Council meeting the issues raised in that submission will be summarised in the Council report and the submission will be attached to the report.

Council's notification correspondence will indicate that all submission are public documents unless privacy is specifically requested by the submitter.

### How Council deals with submissions

All submissions received during the public exhibition or notification period will be acknowledged.

Details of submissions or the actual submission may be forwarded to the applicant who will be encouraged to address the issues raised in the submissions, by way of comments or amended plans and/or discussions involving the relevant parties and Council will be held.

The submitter will be advised when the application will be determined by Council at an Ordinary Meeting and that there is the opportunity to attend and address the Council.

Where the submission relates to strategic planning Council will consider the issues raised in the submissions as part of the development of the plan or strategy

Following determination of a DA, or the adoption of a strategic plan or strategy, all persons who made a submission shall be notified in writing of the decision regarding the application, strategy or plan.



Greater  
Hume  
Council

View the Draft Greater Hume Community Participation Plan and have your say

**online anytime**

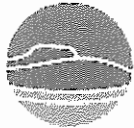
<https://www.greaterhume.nsw.gov.au/Your-Greater-Hume-Council/Have-Your-Say>

**make a submission**

email [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)  
post to PO Box 99 Holbrook NSW 2644

We value your feedback and all submissions will be considered as we finalise this plan.

Submissions close 5pm, 00 November 2019.



Greater  
Hume  
Council

GREATER HUME SHIRE COUNCIL  
CUSTOMER SERVICE  
13 SEP 2019  
Development/Construction Application

Environmental Planning and Assessment Act 1979, Local Government Act 1993 & Environmental Planning and Assessment Regulation 2000

All applications to:

General Manager  
Greater Hume Council  
39 Young Street (PO Box 99)  
HOLBROOK NSW 2644  
P: 02 6036 0100  
E: [mail@greaterhume.nsw.gov.au](mailto:mail@greaterhume.nsw.gov.au)

| Office use only |  |
|-----------------|--|
| Date Rec.       |  |
| Property No.    |  |
| Receipt No.     |  |
| Doc. ID No.     |  |

To avoid delays it is important that all relevant sections of this form are completed and any relevant information required to be attached is provided.

| Applicant Details        |                           |
|--------------------------|---------------------------|
| Name                     | CAMERON AND CATHY ODEWANN |
| Company                  |                           |
| Postal Address           | 99 Commercial St          |
| Town/ Locality           | WALLA WALLA               |
| State and Post Code      | N.S.W 2659                |
| Phone No.                | 02 60292230               |
| Mobile No.               | 0404 328 393              |
| Email                    | cam.odewann@gmail.com     |
| Your Ref (if applicable) |                           |
| Applicant/s Signature    |                           |
| Date                     |                           |

| Approvals                                 |                                      |
|---|--------------------------------------|
| Development Consent                       | <input checked="" type="checkbox"/>  |
| Construction Certificate                  | Building <input type="checkbox"/>    |
|   | Subdivision <input type="checkbox"/> |
|   | Other work <input type="checkbox"/>  |
| Complying Development Certificate         | <input type="checkbox"/>             |
| Bushfire Attack Level                     | <input type="checkbox"/>             |
| Application form attached (if applicable) | <input type="checkbox"/>             |

| Other Approvals   |                          |
|---|--------------------------|
| Install a manufactured home, moveable dwelling or associated structure  | <input type="checkbox"/> |
| Carry out water supply, sewerage or stormwater drainage work  | <input type="checkbox"/> |
| Install Onsite Sewage Management System (septic system) <b>Separate attached application form to be completed</b> | <input type="checkbox"/> |
| Management of waste (trade waste discharge to sewer) <b>Separate attached application form to be completed</b>    | <input type="checkbox"/> |
| Installation of backflow prevention device <b>Separate attached application form to be completed</b>              | <input type="checkbox"/> |
| Public roads (hoardings)  | <input type="checkbox"/> |
| Other activities (Install a domestic oil or solid fuel heating appliance; domestic greywater diversion)           | <input type="checkbox"/> |

| Land Owner Details  |                  |
|---------------------|------------------|
| Name                | CAMERON ODEWANN  |
| Company             |                  |
| Postal Address      | 99 COMMERCIAL ST |
| Town/ Locality      | WALLA WALLA      |
| State and Post Code | N.S.W 2659       |
| Phone No.           | 0404 328 393     |

| Property Details                                  |                    |       |         |
|---|--------------------|-------|---------|
| Property Name                                     | THE BLOCK          |       |         |
| No & Street/ Road                                 | WALLA - JINDERT RD |       |         |
| Town/ Locality                                    | WALLA WALLA        |       |         |
| Title details (if insufficient space attach list) | Lot/s              | Sec/s | DP/s    |
|   | 1                  |       | 1079397 |

| Description of Development |
|----------------------------|
| Rural dwelling.            |
|                            |
|                            |
|                            |
|                            |

| Details of Development   |
|--|
| Will the development involve   |
| <input checked="" type="checkbox"/> Erecting, altering, or adding to a building structure?   |
| <input type="checkbox"/> If so, is it a <u>temporary</u> building or structure?  |
| <input type="checkbox"/> Subdividing land?   |
| <input type="checkbox"/> Subdividing a building?   |
| <input type="checkbox"/> Demolition of building or work?   |
| <input type="checkbox"/> Changing the use of land or a building, or the classification of a building under the National Construction Code (without building, subdividing, or demolishing)? |
| <input type="checkbox"/> Other work (without building, subdividing, or demolishing)?   |

| Estimated Cost of Development   |           |
|---|-----------|
| Building construction and prep. cost (including the costs of installing plant, fittings, fixtures and equip.) | \$        |
| Demolition costs of building or work  | \$        |
| Construction costs of the carrying out of other work  | \$        |
| <b>TOTAL COST:</b>  | \$300,000 |

| Disclosure of Political Donations and Gifts   |
|---|
| Have you or any associated person with a financial interest in this application in the last two (2) years made any political donation or given any gifts to any local Councillor or Council employee? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| If you ticked "Yes", please fill out a Political Donations and Gifts Disclosure Statement and attach to this form. Note that it is an offence not to disclose reportable donations and gifts.         |

| Required Documentation   |
|--|
| <b>TWO (2) copies of A3 size plans</b> drawn to scale are to be provided as follows.   |
| <input checked="" type="checkbox"/> <b>Locality Plan</b>   |
| <input type="checkbox"/> <b>Site Plan</b> showing boundary dimensions, site area, north point, existing vegetation, location and uses of existing buildings, location of features, contours, the location and uses of buildings on sites adjoining the land, carparking, entry and exit points for vehicles, provision for movement of vehicles within the site, proposed landscaping, proposed methods of draining the land (as applicable) |
| <input checked="" type="checkbox"/> <b>Floor Plan</b> (for building work only) showing layout, partitioning, room sizes, and intended uses of each part of the building  |
| <input checked="" type="checkbox"/> <b>Elevation Plans</b> (for building work only) showing proposed external finishes and heights of any proposed buildings (other than temporary structures)   |
| <input type="checkbox"/> <b>Plan of Existing Buildings and Structures</b> (for building alteration work only)  |
| <input type="checkbox"/> <b>Preliminary Civil Engineering Drawing</b> (for subdivision work only)  |
| <input type="checkbox"/> <b>Demolition Plan</b> (for demolition work only)   |
| <input type="checkbox"/> <b>Specifications</b> (for building Construction Certificate applications)  |
| <input type="checkbox"/> <b>BASIX Certificate/s</b> (for "BASIX affected building"/"BASIX affected development" only – ensure that the site plan, floor plan, and specifications (where relevant) show all BASIX commitments   |

| Environmental Effects   |
|---|
| Is the development "designated development"?  |
| <input type="checkbox"/> <b>Yes</b> – please attach an Environmental Impact Statement (EIS) (seek Council advice beforehand)    |
| <input checked="" type="checkbox"/> <b>No</b> – please attach a Statement of Environmental Effects (SEE) (two (2) copies)       |
| Is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats? |
| <input type="checkbox"/> <b>Yes</b> – please attach a Species Impact Statement (SIS) (seek Council advice beforehand)           |
| <input checked="" type="checkbox"/> <b>No</b>   |

| Staged Development   |
|--|
| If you wish, you can apply for development consent for only part of the development now and for the remaining part/s at a later time |
| Are you applying for development consent in stages?  |
| <input type="checkbox"/> Yes   |
| <input checked="" type="checkbox"/> No   |

| Concurrence from State Departments or Agencies   |  |
|--|--|
| Does the development need concurrence from a State department or agency? If "Yes" list these | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
|  |  |
|  |  |

| Approvals from State Departments or Agencies  |  |
|---|--|
| If the development needs any of the following typical approvals before proceeding (see Fact Sheet) you can apply for those approvals at this time (note that this list only contains abridged approval types typical for Greater Hume). Ensure that a cheque for \$320 made out to the relevant agency accompanies this form. |  |
| <input type="checkbox"/> <i>Heritage Act 1977</i>   | Listing on the State Heritage Register   |
| <input type="checkbox"/> <i>National Parks and Wildlife Act 1974</i>  | Aboriginal relic or places   |
| <input type="checkbox"/> <i>Protection of the Environment Operations Act 1997</i>   | Environment Protection Licence   |
| <input type="checkbox"/> <i>Roads Act 1993</i>  | Consent to connect a road (whether public or private) to a classified road   |
| <input type="checkbox"/> <i>Rural Fires Act 1997</i>  | Subdivision of Bushfire Prone Land that could lawfully be used for residential or rural residential purposes or development for special fire protection purposes |
| <input type="checkbox"/> <i>Water Management Act 2000</i>   | Controlled Activity Approval for a "controlled activity" within 40m of the nearest high bank of a watercourse  |

| Builder Details               |  |
|-------------------------------|--|
| Name                          |  |
| Company                       |  |
| Licence No.                   |  |
| Permit No. (if owner builder) |  |
| Postal Address                |  |
| Town/State/Post Code          |  |
| Mobile No                     |  |

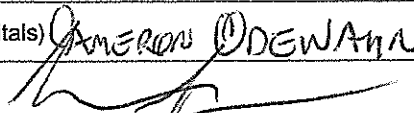
| Construction Statistics   |   |
|---|---|
| Required by the Australian Bureau of Statistics for building construction work only |   |
| <b>Walls</b>  | <b>Roof</b>                                     |
| <input type="checkbox"/> Brick double (11)  | <input type="checkbox"/> Tiles (10)             |
| <input type="checkbox"/> Brick veneer (12)  | <input type="checkbox"/> Concrete or Slate (20) |
| <input type="checkbox"/> Concrete or Stone (20)                                     | <input type="checkbox"/> Fibre cement (30)      |
| <input type="checkbox"/> Fibre cement (30)  | <input type="checkbox"/> Steel (60)             |
| <input type="checkbox"/> Timber (40)  | <input type="checkbox"/> Aluminium (70)         |
| <input type="checkbox"/> Curtain glass (50)   | <input type="checkbox"/> Other (80)             |
| <input type="checkbox"/> Steel (60)   | <input type="checkbox"/> Not specified (90)     |
| <input type="checkbox"/> Aluminium (70)   |   |
| <input type="checkbox"/> Other (80)   |   |
| <input type="checkbox"/> Not specified (90)   |   |
| <b>Floor</b>  | <b>Frame</b>                                    |
| <input type="checkbox"/> Concrete or State (20)                                     | <input type="checkbox"/> Timber (40)            |
| <input type="checkbox"/> Timber (40)  | <input type="checkbox"/> Steel (60)             |
| <input type="checkbox"/> Other (80)   | <input type="checkbox"/> Aluminium (70)         |
| <input type="checkbox"/> Not specified (90)   | <input type="checkbox"/> Other (80)             |
|   | <input type="checkbox"/> Not specified (90)     |
| Colour of roof?   |   |
| Colour of walls?  |   |
| Floor area of dwelling (exc. garage)?   |   |
| Floor area of garage?   |   |
| Floor area (other)?   |   |
| No. of storeys?   |   |
| If the building is a dwelling, is it a  | <input type="checkbox"/> Separate house         |
|   | <input type="checkbox"/> Kit home               |
|   | <input type="checkbox"/> Transportable dwelling |
| No. of new residential units (including dual occupancy)?                            | <input type="checkbox"/> Attached               |
|   | <input type="checkbox"/> Detached               |

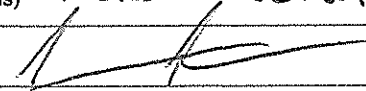
| Plumber Details          |  |
|--------------------------|--|
| Name                     |  |
| Company                  |  |
| Licence No.              |  |
| Postal Address           |  |
| Town/State/<br>Post Code |  |
| Mobile No.               |  |

| Principal Certifying Authority |   |
|--------------------------------|---|
| <input type="checkbox"/> Yes   | Does the landowner wish to appoint Council as the Principal Certifying Authority (PCA) for the purposes of carrying out inspections and issuing construction, compliance and occupation certificates? |
| <input type="checkbox"/> No    | Note:<br>1. Only a person having the benefit of the development consent or complying development certificate can appoint a PCA (ie the landowner).  |

| Contract for Undertaking Certification Work  |  |
|--|--|
| <p>The following applies if you have appointed Greater Hume Council as the PCA for this development:<br/>This contract has been prepared pursuant to Section 73A of the Building Professionals Act 2005 and Clause 19A of the Building Professionals Regulation 2007.<br/>This is a contract between:</p> <ol style="list-style-type: none"> <li>The Council is a certifying authority and employs an accredited certifier who is authorised to carry out the certification work which is the subject of this Agreement on behalf of the Council.</li> <li>The owner seeks to engage the Council to perform certification work in relation to the subject development.</li> </ol> <p><b>Refer to the Fees and Charges &amp; Statutory Obligations of the Certifier (see pages 5-7)</b><br/>Council undertakes all certification work in a professional manner and in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000. Details of the officers employed by Council as Accredited Certifiers, any of whom may carry out certification work and inspections under this contract, can be found on the Building Professionals Board website at <a href="http://www.bpb.nsw.gov.au">www.bpb.nsw.gov.au</a></p> <p><b>Certifying Authority:</b><br/>Greater Hume Council<br/>40 Balfour Street CULCAIRN NSW 2660<br/>P: 02 6036 0100<br/>E: <a href="mailto:mail@greaterhume.nsw.gov.au">mail@greaterhume.nsw.gov.au</a></p> |  |

|  |
|--|
| Development Consent/CDC/Part 6 Certificate number/identifier |
| Development Consent/CDC/Part 6 Certificate approval date     |
| Name and Accreditation number of PCA on behalf of Council    |
| Signature of Council PCA                                     |
| Date   |
| Signature of Owner/s   |
| Date   |

| Applicant Declaration   |   |
|---|---|
| I hereby apply for the approval/s as described in this application form |   |
| Name (capitals)   | CAMERON ODEWANN   |
| Signature   |  |
| Date  | 6.9.19.   |

| Landowner/s Declaration  |   |
|--|---|
| I/We being the owner/s of the land for which this application is sought, consent to the lodgement of this application, and give consent to authorised officers of Council to enter the property to carry out inspections, if necessary, relating to this application.      |   |
| Name (capitals)  | CAMERON ODEWANN   |
| Signature  |  |
| Date   | 6.9.19  |
| Name (capitals)  |   |
| Signature  |   |
| Date   |   |
| Name (capitals)  |   |
| Signature  |   |
| Date   |   |
| If the land is owned by individuals, all must sign. If the land is owned by a private company, at least one director residing in Australia must sign. If the land is owned by a public company, at least three directors must sign, two of which must reside in Australia. |   |

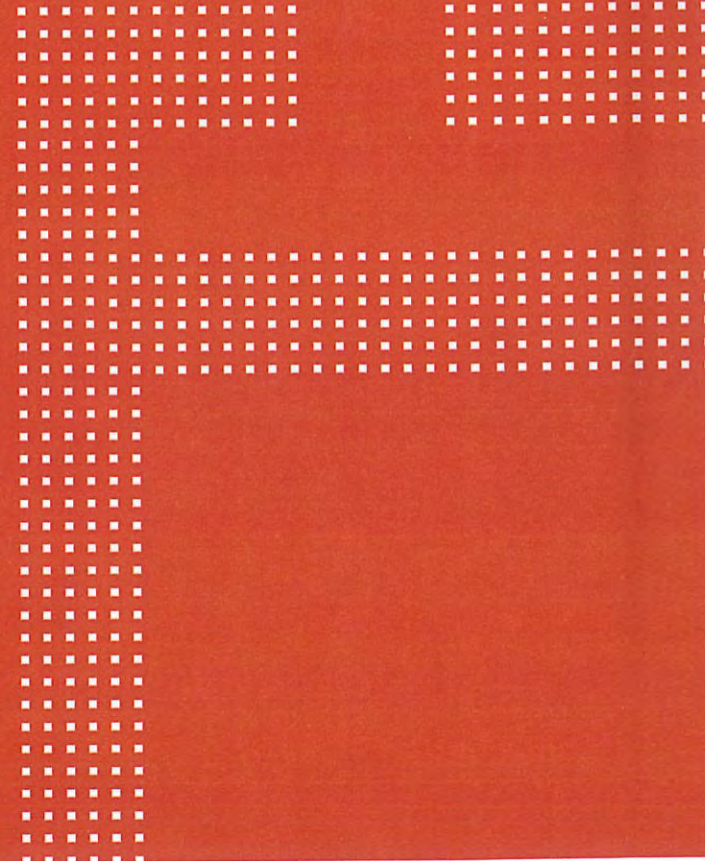
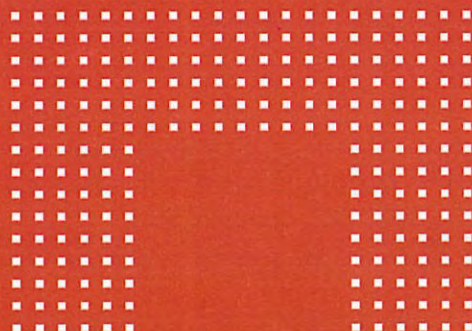
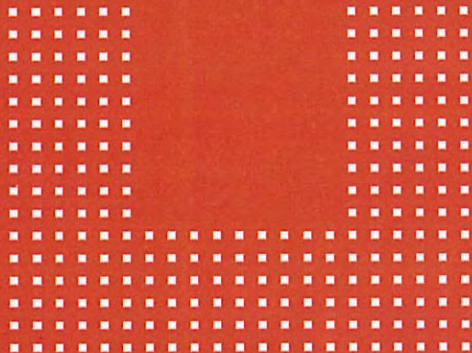
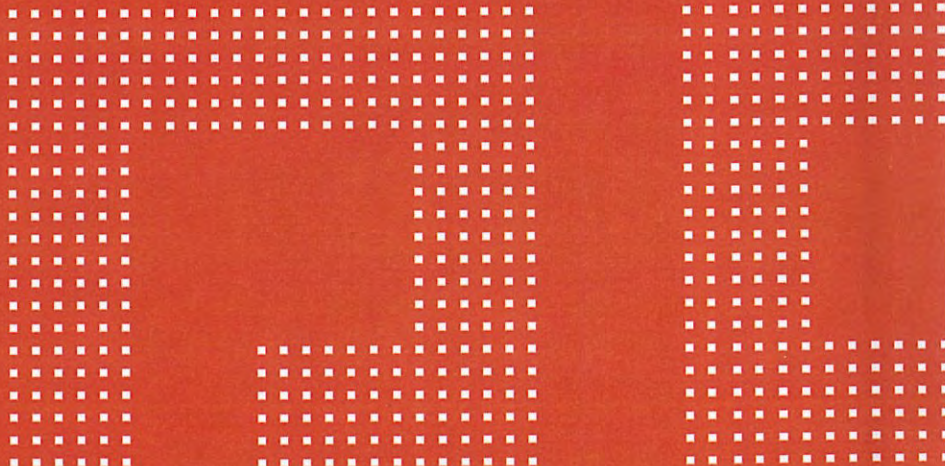


# habitat planning

## Planning Report

**Walla Walla-Jindera Road, Walla Walla**  
Rural dwelling

September 2019





TOWN PLANNING + URBAN DESIGN CONSULTANTS

**Prepared for**

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- A. Site and Dwelling Plans
- B. DCP Compliance Tables
- C. Statement of Environmental Effects



# 1. Introduction

This Planning Report is submitted to Greater Hume Council in support of a Development Application for a rural dwelling on Lot 1 in DP1079397 located on Walla Walla-Jindera Road, Walla Walla.

The subject site is zoned RU1 Primary Production pursuant to the *Greater Hume Local Environmental Plan 2012* (GHLEP). Development for the purposes of a dwelling house is permissible with consent in the RU1 zone, subject to compliance with the relevant provisions. In this case, the lot for the proposed dwelling is less than the minimum required under Clause 4.2A(3)(a) of the GHLEP, hence the application includes a request to vary the minimum under Clause 4.6 of the GHLEP.

The purpose of this report is to describe the site to which the application relates, describe the proposal, assess the proposal against the relevant heads of consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and justify a variation to the minimum lot size provision.

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

## 2. Site & context description

### 2.1 Subject land

This application relates to land described as Lot 1 in DP1079397 located on Walla Walla-Jindera Road, Walla Walla ("the subject land"). The subject land is located within an established rural area approximately six kilometres to the south of the Walla Walla township (see **Figure 1**).

The subject land is irregular in shape with a total area of 75.45 hectares and is farmed in conjunction with 10.5 hectares of Crown land on the eastern side (see **Figure 2**). The topography of the land is gently sloping and presents as rural broadacre grazing land. The land is largely cleared of vegetation with the exception of scattered paddock trees. There are two drainage lines traversing the lot from east to west, both of which supply dams. There is one farm shed on the property.

Due to the rural nature of the property, the subject land does not have access to reticulated water or sewer services, as well as gas. The eastern boundary of the lot has frontage to the Walla Walla-Jindera Road, which is a sealed road constructed to a rural road standard. Electricity and telecommunications are available within this road reserve.

### 2.2 Surrounding context

The surrounding area is characterised by rural landholdings used for broadacre cropping and grazing purposes.

A number of rural dwellings also exist within the vicinity of the subject land.

The Walla Walla township is a short six kilometres to the north along the Walla Walla-Jindera Road. The township provides most basic services for its residents and surrounding rural community. To the south the subject land is just 35 kilometres from the city of Albury. It is also in close proximity of other townships of Jindera, Culcairn, Walbundrie, Burrumbuttock and Gerogery.



**Figure 1** Locality Map indicating the subject land (highlighted) within the context of Walla Walla (Source: NSW Six Maps).



**Figure 2** Aerial view of the subject site and adjoining Crown lease (highlighted) within the context of the immediate surrounds (Source: NSW Six Maps).



### 3. Description of proposal

The proposal is for a rural dwelling on the subject land. Plans of the proposed dwelling are included at Attachment 'A'.

The proposed dwelling will be located approximately 150 metres from the eastern boundary and 280 metres from the northern boundary of the lot (see Attachment 'A'). It has been located and positioned so as to avoid the need to remove any trees or other vegetation as well as to avoid any potential land use conflicts with adjoining rural properties.

The dwelling will be constructed of face brick with a Colorbond roof and will be single storey in height. It will have a verandah on three sides.

Internally, the dwelling will comprise four bedrooms, a rumpus room, laundry, two bathrooms and a formal lounge room. An open plan kitchen, meals and family room is also proposed. The living areas of the dwelling will be orientated to the north to maximise solar efficiency.

The development will utilise the existing access in Walla Walla-Jindera Road that services the property and the dwelling will be connected to an overhead electrical supply, as well as relevant telecommunication services.

No reticulated water, sewerage or gas are available to the property. More specifically, water will be provided via roof collection and storage, whilst wastewater will be treated and disposed via a septic system. Gas will be provided via a bottled supply.

### 4. Planning instruments

Section 4.15 of the EP&A Act requires the consent authority to take into consideration a range of matters relevant to the development. The following sections of this report assess the proposal against the relevant provisions required by Section 4.15, as appropriate.

The proposal requires consideration against the following planning instruments.

- *Environmental Planning and Assessment Act 1979*
- State Environmental Planning Policies
- Greater Hume Local Environmental Plan 2012
- Greater Hume Development Control Plan 2013

#### 4.1 Environmental Planning & Assessment Act 1979

Greater Hume Council is the consent authority under part 4 of the EP&A Act.

Section 4.15 of the EP&A Act outlines matters for consideration that a local consent authority must consider when determining a development application and states:

- (1) In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
  - (a) the provisions of:
    - (i) any environmental planning instrument, and

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979*), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

This planning report provides an assessment of the proposal against the relevant matters listed at 4.15(1)(a) and demonstrates that the proposal is consistent with these provisions. An assessment of likely environmental impacts of the proposal, addressing 4.15(1)(b), (c) and (e) is also contained at Section 5.

## 4.2 State Environmental Planning Policies

### 4.2.1 State Environmental Planning Policy No. 55 – Remediation of Land

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP55) sets out considerations relating to land contamination across the state. The intention of SEPP55 is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.

In the context of this application, clause 7 of SEPP 55 generally requires that consideration be given to whether or not land proposed for development is potentially contaminated and fit for use for its intended purpose.

The subject land is rural and there is no physical evidence to suggest the dwelling site is potentially contaminated. Consequently, the land is considered fit for use for its intended purposes and therefore the relevant considerations of SEPP55 are satisfied by the current proposal.

No other State Environmental Planning Policies are relevant to the proposed development.

### 4.3 Greater Hume Local Environmental Plan 2012

*Greater Hume Local Environmental Plan 2012* (GHLEP) applies to the proposed development. The applicable provisions of GHLEP are:

- Clause 2.3 – Zone objectives and Land Use Table
- Clause 4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and residential zones
- Clause 4.6 – Exceptions to development standards

- Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones
- Clause 6.2 – Terrestrial biodiversity
- Clause 6.7 – Essential services

There are no draft environmental planning instruments relevant to the subject site.

#### 4.3.1 Zone objectives & Land Use Table (Clause 2.3)

The subject site is zoned RU1 Primary Production under the GHLEP. Clause 2.3(2) requires that the *“consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.”*

The objectives of the RU1 zone are as follows:

- 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.

Although the proposed development seeks a residential use in a rural area, it is still generally consistent with these objectives for the following reasons:

- The occupation of the land by the owner will result in the more efficient use of the land for agricultural purposes.
- The construction of a new dwelling will not fragment or alienate any resources or productive agricultural land as it takes up a very small proportion of the lot.
- The construction of a new dwelling is not expected to create any land use conflicts with adjoining lands or land within any adjoining zones given the location and position of the dwelling.
- There are a number of other nearby dwellings located within 1.5 kilometres of the subject land and the construction of a new rural dwelling in this area will be consistent with other adjoining established rural properties.
- The view of the dwelling from the Walla Walla-Jindera Road will be partially screened by existing mature vegetation within the road reserve and thus protect the rural landscape.

#### 4.3.2 Erection of dwelling houses and dual occupancies on land in certain rural and residential zones (Clause 4.2A)

The provisions of this clause apply as the land is zoned RU1 Primary Production and the development seeks to erect a dwelling house.

Subclause (3) requires that council must not issue development consent for the erection of a dwelling house on land to which this clause applies, and on which no dwelling house has been erected, unless the land is:

- (a) a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or

Habitat Planning Rural dwelling **Walla Walla-Jindera Road, Walla Walla**

- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible if the plan of subdivision had been registered before that commencement.
- (d) is an existing holding, or
- (e) would have been a lot or a holding referred to in paragraph (a), (b), (c) or (d) had it not been affected by:
  - (i) a minor realignment of its boundaries that did not create an additional lot, or
  - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

The proposed development does not satisfy the requirements of subclause (a) as at 75.45 hectares the lot does not achieve the 100 hectare minimum lot size requirement of the GHLEP for a dwelling. It is noted however that the lot is farmed in conjunction with an adjoining 10.5 hectares of Crown land (see **Figure 2**) that effectively brings the parcel up to around 86 hectares.

Council could consider consent for the dwelling under subclause (b) as the lot was created by consent in 2005 before commencement of the GHLEP in 2012. In 2005 the *Hume Local Environmental Plan 2001* (HELP) allowed a lot to be used for a dwelling if “it was created by development consent for subdivision under a previous or current environmental planning instrument and is at least 0.4 hectares”. As the lot was created both by consent and under the current LEP of the day, the opportunity for a dwelling under this ‘carry over’ clause exists.

However, at the time the lot was created in 2005, Council imposed a restrictive covenant that prevented the erection of a dwelling. The purpose of the covenant was to prevent landowners undertaking very minor boundary adjustments to rural lots of any size (permissible under the HELP) and then claiming a dwelling opportunity as ‘a lot created under the current LEP’. Of course, the HELP has since been repealed with the commencement of the GHLEP in 2012, which renders the premise for the restriction obsolete.

The covenant cannot be ignored under the provisions of clause 1.9A of the GHLEP because it has been imposed by Council. However in the covenant, Council is the nominated authority empowered to release the restriction and can exercise this right because in doing so does not contradict the current requirements for dwellings on rural lots expressed in subclause (b) under the GHLEP (i.e. the ‘test’ is restricted to when the lot was created and its size, and does not involve consideration of any other means such as a restrictive covenant to prevent a dwelling).

This scenario has been put to Council and whilst it has not been rejected, the preference is for the objective of a dwelling on the subject land to be explored via a variance to the minimum lot size requirement under clause 4.6 of the GHLEP. This will be addressed in the following section of the report.

The circumstances of the lot render the remaining subclauses (c), (d) and (e) impotent as a means of creating the opportunity for a dwelling.

#### **4.3.3 Exceptions to development standards (Clause 4.6)**

Clause 4.6 of the GHLEP provides the opportunity for development standards to be varied and seeks to provide an appropriate degree of flexibility in applying certain development standards to particular development.

In this instance, the development does not comply with the minimum lot size requirements for the erection of a dwelling house on land zoned RU1 Primary Production as the lot is only 75.45 hectares compared to the minimum 100 hectare requirement required by subclause 4.2A(3)(a) of the GHLEP.

In accordance with subclause 4.6(3) Council must not issue development consent 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 following represents a 'written request' under subclause 4.6(4) justifying the proposed variation of a development standard and confirms that the proposed development is considered appropriate for the following reasons:

- In combination with the adjoining Crown land, the subject land (i.e. the farm) has an area of approximately 86 hectares, which is 86 percent of the MLS for a dwelling.
- There will effectively no loss of rural land to agriculture by the proposal because the dwelling will utilise less than one percent of the lot.
- The subject land is currently only used for broadacre farming purposes and the use of a small portion of the land for a dwelling will not fragment or preclude it from continuing to be used for this purpose.
- It will not create any land use conflicts with the use of adjoining properties for agriculture as the dwelling is setback 150 metres from the closest boundary.
- The nearest residence is more than 900 metres away.
- The dwelling site is not remote or isolated as it is within a five-minute drive of Walla Walla and 30 minutes of Albury.
- The lot has excellent sealed road access.
- Walla Walla provides all the basic domestic needs for a dwelling and its residents.
- The lot contains three dams as potential raw water supplies for the dwelling.
- A dwelling will have a positive social impact through an increase in population for the Walla Walla community that is in slow decline. This is important to maintain community infrastructure and services as well as groups such as sporting clubs, etc.
- The subject land adjoins a number of other rural properties that also contain rural dwellings.
- The lot was the result of a boundary adjustment and not subdivision (i.e. the lot is not additional and does not represent fragmentation of rural land).
- The area of the lot is 75 percent of the minimum lot size in the RU1 zone in this area.
- If not for the restrictive covenant on the lot, a dwelling would be permissible with consent under the current GHLEP.
- The desires of the current owner to retain the lot and construct a dwelling relate to family succession of the farm.
- The Odewahn family has resided and farmed in the Walla Walla area since 1874 and have been heavily involved in the Walla Walla community over that time. The applicant has made a

significant contribution to the community in roles such as cricket club secretary (2004 to 2015); player (1980 to 2015); Junior coach (2010 to 2015); Auskick coach (2010 to 2014); swimming pool committee for three years; Walla gum swamp management committee as treasurer and current vice president; fire brigade member. and lawn bowls committee. The applicant's wife Cathy is currently vice president of the public school P&C committee and previously served on the board of directors for bowling club.

For these reasons, the application of the 100 hectare minimum lot size requirement for dwellings is considered unreasonable or unnecessary in this instance. The proposed development is therefore considered justified on environmental planning grounds for the reasons outlined in this report.

#### **4.3.4 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones (Clause 5.16)**

Clause 5.16 of the LEP applies to the subdivision of land or the construction of new dwellings in certain rural, residential or environment protection zones, including the RU1 Primary Production zone. The objective of this clause is to minimise potential land use conflicts between existing and proposed development on land in the rural, residential or environment protection zones.

Before council determines whether to grant development to development it must take into account the following matters for consideration as contained within subclause (4):

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

The proposed development is consistent with these requirements for the following reasons:

- The subject land and its surrounds are currently used for broadacre grazing purposes, which amongst other things, includes rural dwellings. There is no intensive agricultural activities within proximity of the lot.
- The proposed development of a small portion of the subject land for a rural dwelling is not expected to have a significant impact on the current use of the property for broadacre farming purposes. Similarly, the proposed new dwelling is more than 150 metres from the closest boundary, which is a sufficient buffer to avoid potential conflicts with adjoining rural land.
- The proposed new rural dwelling will be consistent with a number of other rural dwellings that have been constructed in the area.
- The proposed dwelling will be partially screened from public view (traffic in Walla Walla-Jindera Road) by remnant vegetation within the road reserve.

In conclusion, the proposed replacement dwelling is not expected to create any potential land use conflicts within existing activities conducted on the land or on adjoining lands.

#### **4.3.5 Terrestrial biodiversity (Clause 6.2)**

Clause 6.2 of the LEP applies to land identified as 'Biodiversity' on the Terrestrial Biodiversity Map and applies in this instance as a small portion on the western boundary and a strip along the Walla Walla-Jindera Road frontage.

Notwithstanding, given that this biodiversity layer only applies to a very small portion of the subject land (less than approximately 5ha) and the fact that the proposed dwelling is not located near them, no further assessment of the development against this clause is considered necessary in this instance.

Furthermore, the development does not propose to remove any vegetation and will therefore not adversely affect the condition, ecological value and significance of the fauna and flora on the land.

#### 4.3.6 Essential services (Clause 6.7)

Clause 6.7 of the LEP refers to essential services and requires that consent must not be granted to development, unless the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.

The proposal satisfies the requirement of clause 6.7 for the following reasons:

- The subject land has direct access to Walla Walla-Jindera Road and the property will be connected to an overhead electrical supply in that road reserve.
- Non-potable water will be supplied from one or both of the two dams on the lot.
- Effluent will be disposed of on-site via a proposed septic disposal system. The dwelling site is some way from the two drainage lines traversing the lot.

#### 4.4 Greater Hume Development Control Plan 2013

The *Greater Hume Development Control Plan 2013* GHDCP provides specific requirements for development within the Greater Hume LGA. The following chapters of the GHDCP are applicable to the proposed development:

- Chapter 2 – Residential Development
- Chapter 12 – Notification Policy

##### 4.4.1 Residential development (Chapter 2)

Chapter 2 of the GHDCP applies to residential development and applies to all forms of residential development, regardless of which zone they are proposed within. Given that the subject land is zoned RU1 Primary Production the proposed development is classified as 'rural' for the purposes of this chapter.

Sections 2.1 to 2.16 of this chapter provide specific controls regarding residential development and these are addressed in the GHDCP compliance table at **Attachment 'B'**. In summary, the proposed development is generally consistent with the requirements of Chapter 2 of the GHDCP.

##### 4.4.2 Notification Policy (Chapter 10)

Chapter 10 of the GHDCP provide details for notification of development applications. It is expected that the application will be notified in accordance with this notification policy.

## 5. Statement of Environmental Effects

Section 4.15(b) requires a consent authority to take into consideration the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. Clause 2(4) of Part 1, Schedule 1 to the *Environmental Planning and Assessment Regulation 2000* 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.

An assessment of the likely impacts of the proposed development is undertaken in **Attachment 'C'**. It is noted that there are no guidelines issued by the Director-General applicable to this proposal.

In summary, this assessment reveals that the proposed development is generally consistent with these matters for consideration and will not create any potential detrimental environmental impacts. Consequently, the proposal is considered to be satisfactory in terms of environmental impacts.

## 6. Conclusion

The proposed development application seeks approval to construct a new rural dwelling on Lot 1 in DP1079397 located on Walla Walla-Jindera Road, Walla Walla. Within this report, the proposal has been considered against the relevant matters of the EP&A Act, relevant State Environmental Planning Policies, the GHLEP and GHDCP and is considered to be consistent with the relevant controls and requirements.

Having regard to this, the proposal deserves the support of Council because:

- it is generally consistent with the relevant environmental planning instruments, and where inconsistent demonstrates a suitable justification for departure;
- it is generally consistent with the relevant development control plan;
- it proposes an orderly and well considered new dwelling;
- it will not adversely impact upon the long-term agricultural viability of the land or surrounding lands due to the location of the proposed new dwelling;
- it will not have any adverse environmental or social impacts and avoids areas of bushfire hazard; and
- it can be appropriately connected to existing core infrastructure.



Attachment 'A' Plans





# TITLE SEARCH

Title Reference: 1/1079397

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/1079397

| SEARCH DATE | TIME    | EDITION NO | DATE      |
|-------------|---------|------------|-----------|
| 25/11/2013  | 3:57 PM | 3          | 31/3/2006 |

LAND

LOT 1 IN DEPOSITED PLAN 1079397  
AT WALLA WALLA  
LOCAL GOVERNMENT AREA GREATER HUME SHIRE  
PARISH OF CASTLESTEAD COUNTY OF HUME  
TITLE DIAGRAM DP1079397

FIRST SCHEDULE

CAMERON KEITH ODEWAHN (TA AC211903)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES MINERALS BY THE CROWN GRANT OF PORTION 244 AND IN THE AREA GRANT OF 11.39 HA (28 ACRES 0 ROODS 22 PERCHES) AFFECTING THE PARTS SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 3 DP1079397 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 25/11/2013

\* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.  
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

**INSTRUMENT SETTING OUT TERMS OF RESTRICTIONS INTENDED TO BE  
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919.**

(Sheet 1 of 2 sheets)

**DP1079397**

Plan of subdivision of Lot 2 DP.431208,  
Lots 214 & 215 DP.753731, Lots 7, 14 & 15  
DP.134614, Lot 1 DP.172573 & land in C/T  
Vol.6649 Fol.4 covered by Council's  
Certificate No. 1/05 Dated 14 January,  
2005

**Full name and address of owner of the  
land.**

Mr Keith William Odewahn  
"Dallaroo"  
WALLA WALLA NSW 2659

And

Mr Alan Hubert Odewahn  
"Bona Vista"  
WALLA WALLA NSW 2659

**PART 1**

**1. Identity of restriction to be created  
and firstly referred to in the plan:**

Restriction on the use of land.

**Schedule of Lots affected.**

**Lots Burdened.**

**Lots Benefited.**

Lots 1 and 2

Greater Hume Shire Council

**PART 2**

**1. Terms of restriction firstly referred to in the plan.**

No additional dwelling may be erected on the land as a result of the registration of  
this plan.

**Name of authority empowered to release, vary or modify the restriction on use  
thirdly referred to in the plan.**

Greater Hume Shire Council.

**INSTRUMENT SETTING OUT TERMS OF RESTRICTIONS INTENDED TO BE  
CREATED PURSUANT TO SECTION 88B, CONVEYANCING ACT, 1919.**

(Sheet 2 of 2 sheets)

**Plan:** Plan of subdivision of Lot 2 DP.431208,  
Lots 214 & 215 DP.753731, Lots 7, 14 & 15  
DP.134614, Lot 1 DP.172573 & land in C/T  
Vol.6649 Fol.4 covered by Council's  
Certificate No.

**DP1079397**

Signed in my presence by **KEITH WILLIAM ODEWAHN** and **ALAN HUBERT ODEWAHN** who are personally known to me.

Signature of witness *Kerenza Melloney Brown*

Kerenza Melloney Brown  
Law Clerk

568 Kiewa Street Albury 2640

Name and qualification of witness (BLOCK LETTERS)

Proprietors *Keith William Odewahn*

*Alan Hubert Odewahn*  
x *Keith William Odewahn*

KEITH WILLIAM ODEWAHN  
BY HIS ATTORNEY  
CAMERON KEITH ODEWAHN  
UNDER POWER OF  
ATTORNEY BOOK 4440  
NO 614

Signed *[Signature]*  
Authorised Officer, Greater Hume Shire Council.

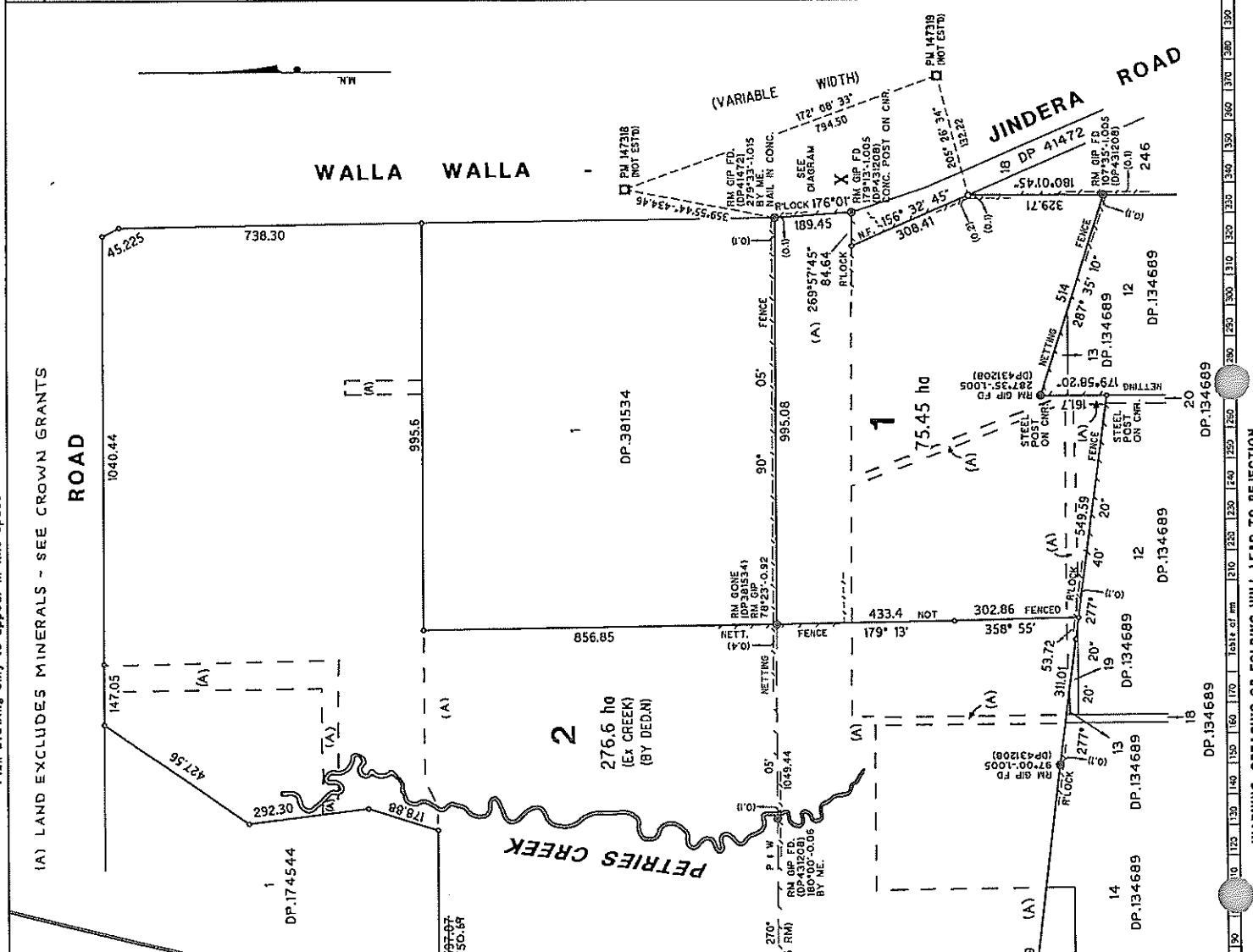
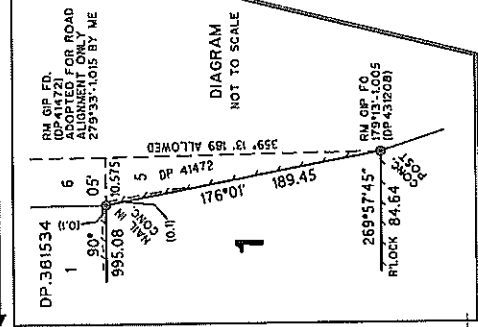


PLAN FORM 2

SIGNATURE AND SEALS ONLY.

*Keith Bullen*  
 KEITH BULLEN COLLEMAN ST  
 HIS ATTORNEY IN LAW  
 60 ELM AND THE PARK OF NORTHERY  
 BOK 4440 W.P. 614

|  |       |                             |       |
|--|-------|-----------------------------|-------|
| PLAN APPROVED  | ..... | Crown Lands Office Approval | ..... |
| Lead Surveyor  | ..... | Authorised Officer          | ..... |
| Field Book   | ..... | .....                       | ..... |
| Subdivision Certificate  |       | .....                       |       |
| I certify that the provisions of s.29(1) of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:   |       | .....                       |       |
| <ul style="list-style-type: none"> <li>the proposed subdivision of the land</li> <li>the subdivision of the land in accordance with s.23H of the Environmental Planning and Assessment Act 1979</li> </ul> |       | .....                       |       |
| Authorised Person/Authorised Officer/Authorised Officer  |       | .....                       |       |
| Date of Endorsement: 14/05/2005  |       | .....                       |       |
| Accreditation No.:   |       | .....                       |       |
| Subdivision Certificate No.:   |       | .....                       |       |
| Notes:   |       | .....                       |       |
| When this plan is to be lodged electronically in the Land Titles Office, it should include a signature in an electronic or digital format approved by the Registrar-General.                               |       | .....                       |       |
| State reference is required.   |       | .....                       |       |
| SURVEYORS REFERENCE 15444  |       | .....                       |       |



DP1079397  
 Registered: NW 03.03.2005  
 C.A: SEE CERTIFICATE  
 Title System: TORRENS  
 Purpose: SUBDIVISION  
 Ref. Map: PARISH (10)  
 Last Plan: DP134614 DP172573 DP431208 2023.1648  
 PLAN OF SUBDIVISION OF LOT 2 DP.431208, LOTS 214 & 215 DP.753731, LOTS 7, 14 & 15 DP.134614, LOT 1. DP.172573 & LAND IN C/T Vol.664-9 Fol.4

Lengths are in metres. Precision 1/1000  
 LGA: GREATER HUME  
 Locality: WALLA WALLA  
 Parish: CASTLESTEAD  
 County: HUME

This is Sheet 1 of my plan in L.W.O. (Subject to Registration)  
 I, PATRICK FRANCES ESLEP  
 of EXETER, TASMANIA, being the Surveyor, do hereby certify that this survey was made in accordance with the Surveyors Regulation 2001 and was completed on 17/9/2004.  
 Date: 17/9/2004  
 Signature: P.F. Eslep  
 Surveyor registered with the Surveyors Act 1993  
 State: Tasmania / Country

Plans used in preparation of survey/compilation:  
 DP.431208, DP.381534

PLAN FOR USE ONLY for statements of intention to dedicate public roads, to create public reserves, drainage reserves, easements, rectification on the use of land or positive easements.  
 PURSUANT TO SECTION 88B OF THE COMPANIONING ACT 1915, IT IS INTENDED TO CREATE:  
 1) RESTRICTION ON THE USE OF LAND.

Plan Drawing only to appear in this space

(A) LAND EXCLUDES MINERALS - SEE CROWN GRANTS ROAD

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

ANNEXURE 4

DISTANCE OF 550.85 METRES AT THE SURVEYORS REQUEST 03.03.2005



ABN 72 189 919 072

## LAND ACCOUNT

Department of Industry,  
PO Box 2155, Dangar NSW 2309

|               |           |
|---------------|-----------|
| notice number | 130833767 |
|---------------|-----------|

|           |          |
|-----------|----------|
| total due | \$547.80 |
|-----------|----------|

|          |             |
|----------|-------------|
| due date | 09 MAY 2019 |
|----------|-------------|

DATE OF ISSUE: 17 Apr 2019

PAYMENTS: P | 1300 886 235

ENQUIRIES: P | 1300 886 235

E | cl.accounts@crowland.nsw.gov.au

W | www.crowland.nsw.gov.au

MR C & MISS K ODEWAHN & MRS M MONAHAN  
DALLAROO  
WALLA WALLA NSW 2659

## TAX INVOICE

|    | due on last notice | payments received | adjustments | new charges | total due |
|----|--------------------|-------------------|-------------|-------------|-----------|
| \$ | \$539.00           | -\$539.00         | \$0.00      | \$547.80    | \$547.80  |

**New Charges** see over for details

Licence 390922

(Taxable supply. Includes \$49.80 GST)

\$547.80

|   |                 |
|---|-----------------|
| TOTAL NEW CHARGES ON THIS INVOICE   | \$547.80        |
| TOTAL NEW CHARGES ON THIS INVOICE INCLUDES GST OF                           | \$49.80         |
| <b>TOTAL AMOUNT PAYABLE INCLUDING AMOUNTS PREVIOUSLY CHARGED (see over)</b> | <b>\$547.80</b> |

General counter hours are between 9.00am and 12.00pm weekdays (excluding Public Holidays).  
To schedule an appointment outside of these hours please contact Crown Lands on the number above.

PD 4.5.19  
1 4060 3763

See reverse side for other payment options

## PAYMENT SLIP

MR C & MISS K ODEWAHN & MRS M MONAHAN  
DALLAROO  
WALLA WALLA NSW 2659

## ADDRESS FOR PAYMENTS

Department of Industry  
PO Box 2155, Dangar NSW 2309

## NAME/ADDRESS CHANGES

Call 1300 886 235 (Option 1)



In person at any  
Australia Post Office

|               |           |
|---------------|-----------|
| notice number | 130833767 |
|---------------|-----------|

|               |          |
|---------------|----------|
| total now due | \$547.80 |
|---------------|----------|

|          |             |
|----------|-------------|
| due date | 09 MAY 2019 |
|----------|-------------|



\*455 1451 0000000130833767 96



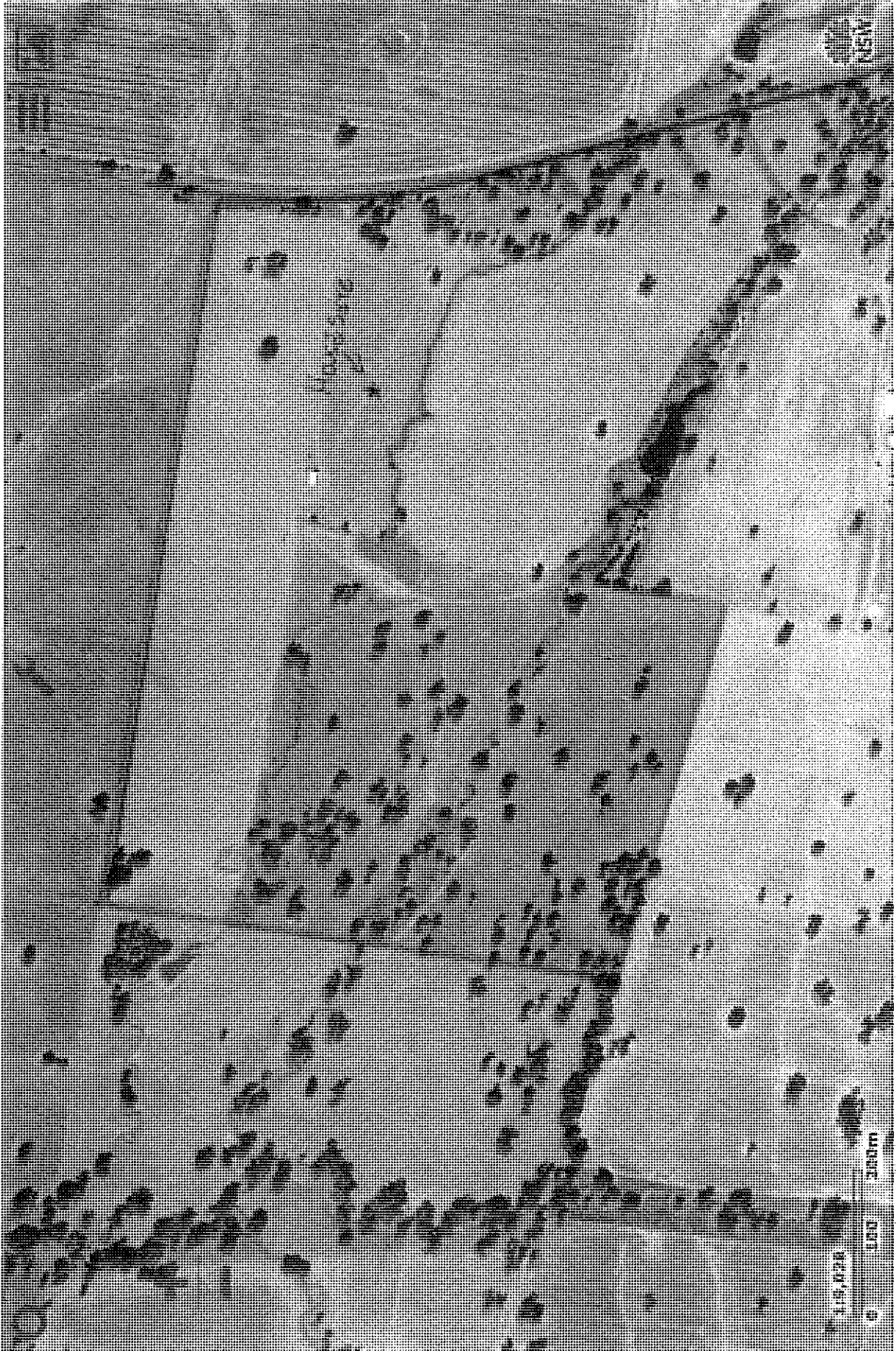
Disclaimer: This report has been generated by various sources and is provided for information purposes only. Spatial Services does not warrant or represent that the information is free from errors or omission, or that it is exhaustive. Spatial Services gives no warranty in relation to the information, especially material supplied by third parties. Spatial Services accepts no liability for loss, damage, or costs that you may incur relating to any use or reliance upon the information in this report.



"The Block"

Lot 1 dp 79397

CAMERON & LATTA VDEWAHN



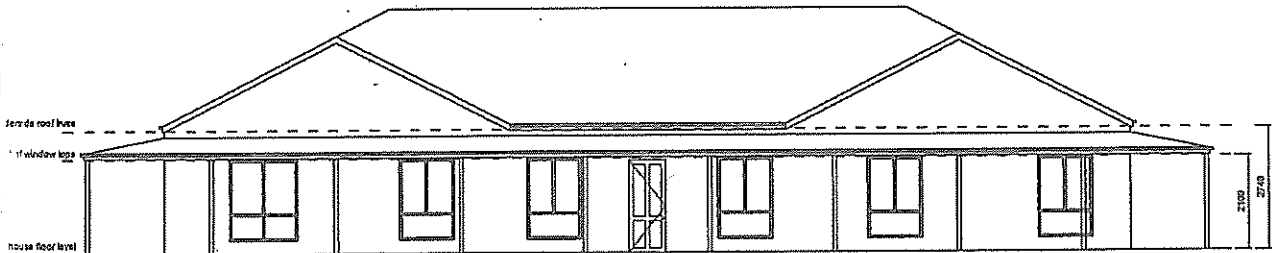
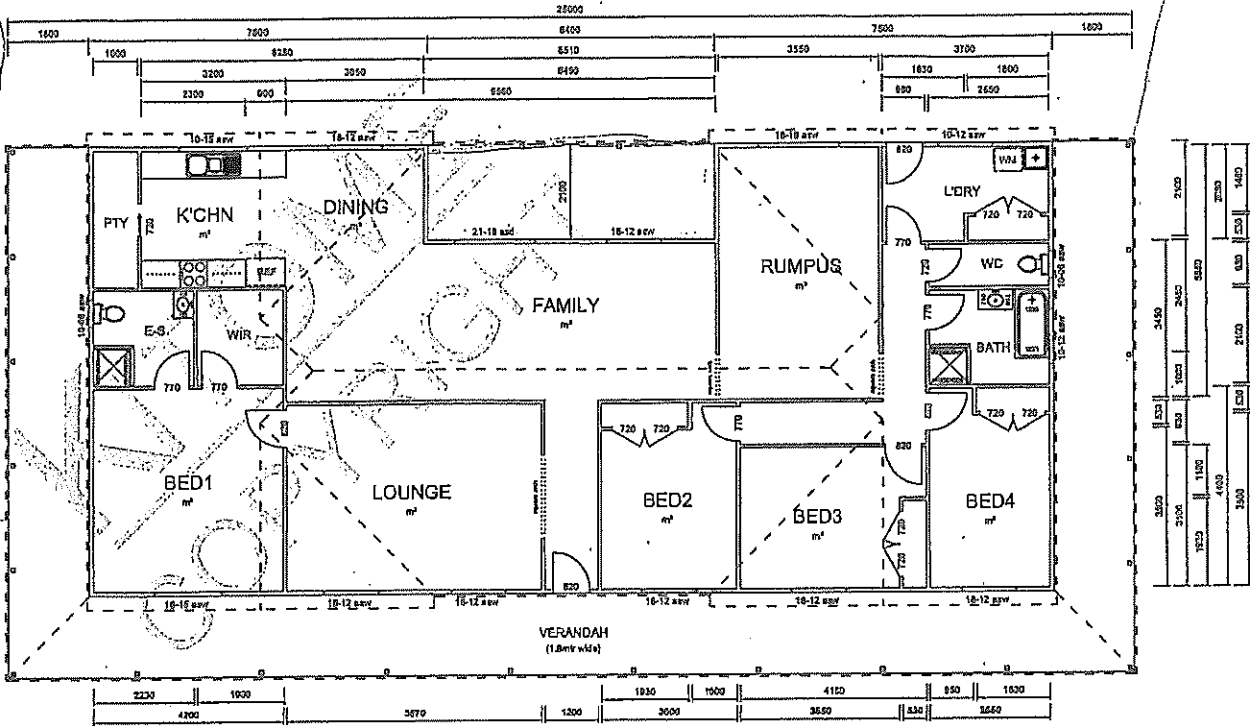
NSW

1:10,000  
© 2000  
LITTON

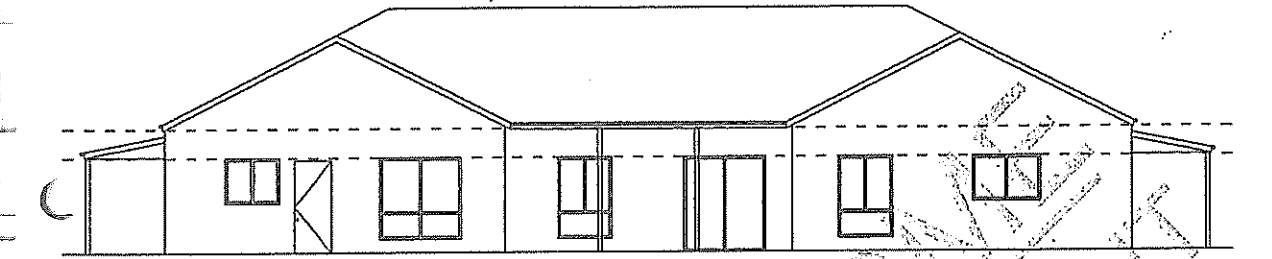


Date: 1/3/18      Revisions:      Designer: Harrington 31      Drawn By: IDS      Scale (if printed to A3 size): 1:110

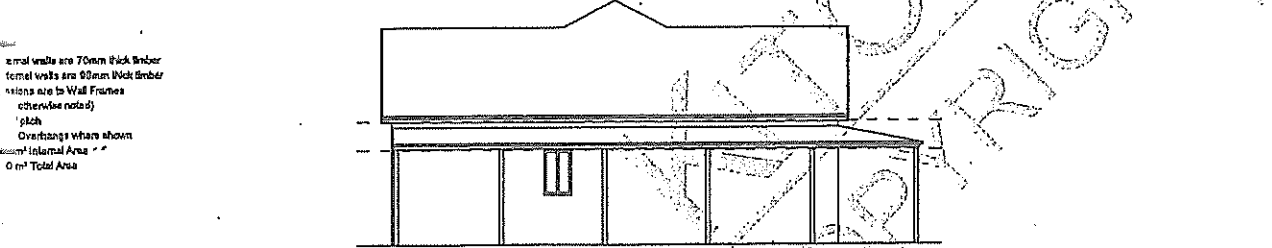
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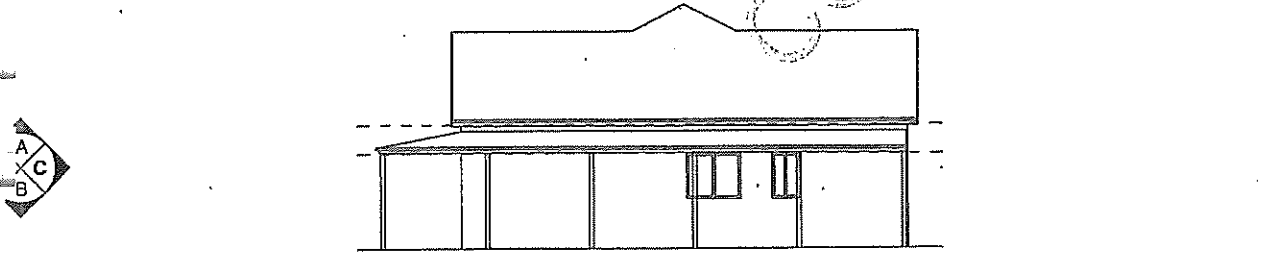
Viewpoint A



Viewpoint B



Viewpoint C



Viewpoint D

Small walls are 70mm thick timber  
 formal walls are 60mm thick timber  
 sections are to Wall Frames  
 (otherwise noted)  
 pitch  
 Overhangs where shown  
 m<sup>2</sup> Internal Area  
 0 m<sup>2</sup> Total Area





Attachment 'B' DCP Compliance Tables



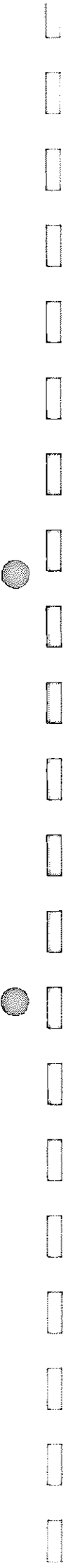
Table 1 – GHDCP Compliance table for Chapter 2 Residential Development (adapted from the GHDCP 2013)

| Standard  | Compliance            | Comment   |
|---|-----------------------|---|
| <b>2.1 Neighbourhood character</b>  |                       | <b>No controls for rural dwellings.</b>   |
| <b>2.2 Streetscape</b>  |                       | <b>No controls for rural dwellings.</b>   |
| <b>2.3 Site requirements</b>  |                       |   |
| <b>Rural</b>  |                       |   |
| 5. As per Part 3A, Division 3, Subdivision 2 of the <i>Rural Housing Code</i> in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . | <b>Complies</b>       | The proposed dwelling complies with the requirements of the Rural Housing Code because: <ul style="list-style-type: none"> <li>▪ the property will only contain one dwelling at the completion of the development;</li> <li>▪ the property is not contained within the R5 zone and does not exceed the maximum site coverage and floor area requirements;</li> <li>▪ the property has lawful direct road frontage;</li> <li>▪ there is no relevant building envelope applicable to the land; and</li> <li>▪ the proposed attached verandah complies with the requirements of control 3A.13 in terms of maximum floor area and building height.</li> </ul> |
| <b>2.4 Building heights</b>   |                       |   |
| <b>Rural</b>  |                       |   |
| 3. As per Part 3A, Division 3, Subdivision 3 of the <i>Rural Housing Code</i> in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>   | <b>Complies</b>       | The proposed dwelling complies with this requirement as it is single storey and does not have a building height greater than 10 metres.   |
| <b>2.5 Building setbacks</b>  |                       |   |
| <b>Rural</b>  |                       |   |
| 11. As per Part 3A, Division 3, Subdivision 3 of the <i>Rural Housing Code</i> in the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>  | <b>Complies</b>       | The proposed dwelling complies with the setback requirements of the Rural Housing Code as it is located at least 50 metres from the primary street frontage and 10 metres from the secondary street frontage.<br>The dwelling will also be setback more than 10 metres from the side boundary and 15 metres from the rear boundary as the building will be located at least 150 metres from all allotment boundaries.   |
| 12. A minimum 40 metres from the top of the bank of a watercourse other than the Murray River   | <b>Not applicable</b> |   |

| Standard   | Compliance      | Comment   |
|--|-----------------|---|
| 13. A minimum 100 metres from the top of the bank of the Murray River.   | Not applicable. |   |
| 14. A minimum 100 metres from the full supply level of Lake Hume.  | Not applicable. |   |
| <b>2.6 Privacy &amp; amenity</b>   |                 | <b>No controls for rural dwellings.</b>   |
| <b>2.7 Landscaping</b>   |                 |   |
| <b>Rural</b>   |                 |   |
| 10. As per Part 3A, Division 3, Subdivision 4 of the <i>Rural Housing Code in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .  | Complies        | The proposed dwelling will be located a minimum of 3 metres from the base of the trunk of any protected tree on the lot.<br>It is also noted that the property is not zoned RU5 and the minimum landscaping and private open space requirements do not apply. |
| <b>2.8 Private open space</b>  |                 | <b>No controls for rural dwellings.</b>   |
| <b>2.9 Car parking &amp; access</b>  |                 |   |
| <b>Rural</b>   |                 |   |
| 14. As per Part 3A, Division 3, Subdivision 5 of the <i>Rural Housing Code in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>  | Complies        |   |
| 15. The main access point for the property should be from a sealed local road where practical and possible.  | Complies        | The lot has direct access from the Walla Walla-Jindera Road.  |
| 16. All-weather access roads and driveways within the property should follow the contours of the land as much as possible so as to avoid excessive cut and fill and potential erosion problems.  | Complies        | Noted. Compliance can be achieved via a condition of consent.   |
| 17. Long dead-end sealed roads such as cul-de-sacs will be considered as inconsistent with the objectives for this control.  | Complies        | The lot is not accessed from a cul-de-sac.  |
| 18. Roads and driveways crossing gullies and streams, both within and external to the site, should be constructed using a culvert to Council's requirements. Applicants should check with Council to ascertain whether any other approvals are required to undertake works such as a vehicle crossing within a road reserve or waterway. | Complies        | No watercourses require crossing to access the dwelling site.   |



| Standard  | Compliance     | Comment   |
|---|----------------|---|
| <b>2.10 Earthworks &amp; drainage</b>   |                |   |
| Rural   |                |   |
| 2. As per in Part 3A, Division 3, Subdivision 6 of the <i>Rural Housing Code in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . | Complies       | The proposed development does not involve the excavation of land more than 3 metres in depth or the filling of land of more than 1 metre. The development also does not propose any retaining walls or other structural supports. |
| <b>2.11 Ancillary development</b>   |                |   |
| Rural   |                |   |
| 3. As per Part 3A, Division 3, Subdivision 7 of the <i>Rural Housing Code in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .    | Not applicable | The development does not propose a swimming pool or detached studio.  |
| <b>2.12 Outbuildings</b>  |                | <b>No controls for rural dwellings.</b>   |
| <b>2.13 Development standards for particular land</b>   |                |   |
| Rural   |                |   |
| 2. As per Part 3A, Division 3, Subdivision 9 of the <i>Rural Housing Code in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>      | Not applicable | The lot is not mapped as a bush fire risk. Furthermore, it is confirmed that the subject land is not classified as flood prone and is also not located near the Siding Spring Observatory.  |
| <b>2.14 Site facilities</b>   |                | <b>No controls for rural dwellings.</b>   |
| <b>2.15 Security</b>  |                | <b>No controls for rural dwellings.</b>   |
| <b>2.16 Energy efficiency</b>   |                | <b>No controls for rural dwellings.</b>   |



Attachment 'C' Statement of Environmental Effects



| How the environmental impacts of the development have been identified | The potential environmental impacts of the development   | The steps taken to protect the environment or to lessen the expected harm to the environment  |
|---|--|---|
| <p><b>Context &amp; setting</b></p> <p>Anticipated.</p>               | <p>Potential negative impact and creation of land use conflicts with adjoining rural properties.</p> <p>Potential negative visual impact from the construction of a new dwelling within a rural setting.</p> | <p>The proposal has been carefully considered to integrate appropriately with the existing conditions and rural character of the land.</p> <p>The subject land is located within a rural setting that features other rural dwellings.</p> <p>The dwelling will be located and positioned to be more than 150 metres from all property boundaries which will ensure that there won't be any potential land use conflicts.</p> <p>The dwelling has been designed to be consistent with the rural nature of the area as it is single storey in height and will have an attached verandah on three sides.</p> <p>As a consequence, the proposed replacement dwelling is considered to be consistent with the context and setting of the area.</p> |
| <p><b>Access &amp; traffic</b></p> <p>Anticipated.</p>                | <p>Potential for additional traffic being a detriment the function of the local road network.</p>  | <p>The proposed development will not adversely affect the function of Walla Walla-Jindera Road.</p> <p>The amount of traffic to be generated will not accelerate the deterioration of the road surface.</p> <p>The entry point to the lot has excellent sight lines in both directions.</p> <p>The property boundary is setback from the road pavement, which provides the opportunity for larger vehicles to safely pause before accessing the site (e.g. to open a gate).</p>   |

| How the environmental impacts of the development have been identified  | The potential environmental impacts of the development  | The steps taken to protect the environment or to lessen the expected harm to the environment  |
|--|---|---|
| <p><b>Infrastructure</b> Anticipated.</p> <p>Potential negative impact as the dwelling will not be connected to reticulated water or sewerage.</p> <p>Potential negative impact on the capacity of existing service lines.</p> | <p>Wastewater will be treated and disposed in accordance with Council requirements. The size of the lot will enable such a system to function without any off-site impacts. The dwelling site is sufficient distance from the two drainage lines traversing the property so as not to impact on water quality.</p> <p>Potable water will be sourced from roof collection and storage in a tank.</p> <p>Raw water will be accessed from one or both of the two dams on the lot.</p> <p>The dwelling will be connected to an overhead power supply from the road reserve. This network has the capacity to accommodate the demands of the dwelling.</p> <p>Mobile phone reception in the area is very good.</p> <p>Gas (if preferred) can be provided from a bottle supply.</p> | <p>Wastewater will be treated and disposed in accordance with Council requirements. The size of the lot will enable such a system to function without any off-site impacts. The dwelling site is sufficient distance from the two drainage lines traversing the property so as not to impact on water quality.</p> <p>Potable water will be sourced from roof collection and storage in a tank.</p> <p>Raw water will be accessed from one or both of the two dams on the lot.</p> <p>The dwelling will be connected to an overhead power supply from the road reserve. This network has the capacity to accommodate the demands of the dwelling.</p> <p>Mobile phone reception in the area is very good.</p> <p>Gas (if preferred) can be provided from a bottle supply.</p> |
| <p><b>Heritage</b> Schedule 5 of the ALEP for list of heritage items.</p>  | <p>None, as the subject site does not adjoin any heritage items or heritage conservation areas.</p>   | <p>None required.</p>   |
| <p><b>Archaeology</b> Anticipated.<br/>Due diligence assessment<br/>AHIMS search</p>   | <p>Potential detrimental impact by potentially disturbing items of Aboriginal Cultural Heritage during construction.</p>  | <p>Following the completion of a due diligence assessment and site inspection, the property is not expected to contain any items or areas of Aboriginal Cultural significance as the property does not comprise any 'landscape features' such as waterways, elevated ridgelines or any scarred trees.</p> <p>Therefore, the likelihood of Aboriginal objects being present on site is considered low.</p>   |

How the environmental impacts of the development have been identified

The potential environmental impacts of the development

The steps taken to protect the environment or to lessen the expected harm to the environment

| How the environmental impacts of the development have been identified | The potential environmental impacts of the development  | The steps taken to protect the environment or to lessen the expected harm to the environment   |
|---|---|--|
| <b>Flora &amp; fauna</b>  | Anticipated.  | -  |
| <b>Waste</b>  | Anticipated.<br>Potential detrimental impact through an increase in litter and waste generated by a new dwelling.<br>Potential negative impact upon amenity through construction waste and the like.<br>Potential increased load on domestic waste collection services. | Construction works will include provision of on-site waste receptacles, including separate collection points for waste bricks/tiles/concrete, plaster and general rubbish. This waste will be removed and disposed of off-site, or reused within the development wherever possible.<br>All waste generated by the construction and subsequent occupation of the development will be removed in accordance with Council requirements.<br>Council's existing waste collection service has ample capacity to accommodate the construction of one additional dwelling.                               |
| <b>Noise</b>  | Anticipated.<br>Potential negative impact on adjoining neighbours as a result of construction works.  | The closest residence to the dwelling site is more than 900 metres, which is more than an ample buffer for any noise impacts.<br>The impacts of construction noise will be only for a short period of time and will be limited to appropriate hours. It is considered that some level of construction noise is acceptable given that it will only occur for a finite period and will be controlled by relevant conditions of development consent.<br>The anticipated noise generated from the proposed dwelling, when occupied, is considered appropriate given the rural character of the area. |

| How the environmental impacts of the development have been identified                                      | The potential environmental impacts of the development  | The steps taken to protect the environment or to lessen the expected harm to the environment   |
|--|---|--|
| <p><b>Natural hazards</b></p> <p>Council Bush Fire Prone Land Map.<br/>Anecdotal evidence for flooding</p> | <p>The subject site is not mapped as being bushfire prone land.<br/>The site for the proposed dwelling is not considered flood prone.</p>   | -  |
| <p><b>Social impact</b></p> <p>Anticipated.</p>  | <p>Potential positive impact through the construction of a new dwelling within the confines of the Walla Walla community.<br/>Potential negative impact resulting from the construction of a new dwelling that may create land use conflicts with adjoining rural properties.</p> | <p>The proposed dwelling is considered to have a generally positive social impact as it will result in the construction of a new dwelling that will bring additional people to Walla Walla.<br/>As a means of addressing potential land use conflict issues the dwelling has been centrally located and is setback a minimum of 150 metres from all property boundaries.</p>                           |
| <p><b>Economic development</b></p> <p>Anticipated.</p>   | <p>Positive economic impact, as the proposed construction activities will help support the construction industry.</p>   | None required.   |
| <p><b>Construction</b></p> <p>Anticipated.</p>   | <p>Potential for noise and dust associated with the construction phase to impact on the amenity of surrounding owners.<br/>Potential to present a risk to safety of surrounding residents during the construction phase.</p>  | <p>The minimum distance of 900 metres to the nearest residence is more than adequate to buffer any noise and dust impacts on neighbours.<br/>Works will be undertaken for a short period of time and will be localised to a small area of the site. Surrounding dwellings are spaced at greater distances given the rural context and consequently the likelihood of impacts on amenity are lower.</p> |