



Greater Hume Shire

simply greater

Our Ref: CK:SG

Mr Will Mayes
Planning Officer
Queanbeyan
Southern Region

By email: will.mayes@planning.nsw.gov.au

Dear Mr Mayes

RECLASSIFICATION FROM COMMUNITY LAND TO OPERATIONAL LAND - LOT 42 DP1132425 - BRITTON COURT, LOT 61 DP1194500 - 33 PECH AVENUE, LOT 89 DP1228879 - 9 KLEIN COURT, LOT 67 DP1195450 - PIONEER DRIVE JINDERA

Please find attached a Planning Proposal seeking the reclassification of the abovementioned allotments from Community Land to Operational Land in accordance with the provision of Section 30 of the Local Government Act 1993.

The titles for the subject allotment are also attached, it is noted that the titles Lot 42 DP1132425, 61 DP 1194500, 89 DP 1228879 are described as public reserve and contains a restrictive covenant. Council will require the amending Local Environmental Plan to cease the description as a public reserve and discharge the restrictive covenants from all of the allotments.

In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979 Council is seeking a Gateway Determination to enable the exhibition of this planning proposal.

Should you require additional information in relation to this matter please do not hesitate to contact the undersigned on 6044 8928 during normal office hours or via ckane@greaterhume.nsw.gov.au.

Yours faithfully

Colin Kane
Director Environment & Planning
GREATER HUME SHIRE COUNCIL

14 December 2018

Enc

Greater Hume Shire
ABN 44 970 341 154
39 Young Street (PO Box 99)
Holbrook NSW 2644
P: 02 6036 0100 or 1300 653 538
F: 02 6036 2683

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

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

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



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 61/1194500

SEARCH DATE	TIME	EDITION NO	DATE
20/8/2018	4:57 PM	1	24/4/2015

LAND

LOT 61 IN DEPOSITED PLAN 1194500
AT JINDERA
LOCAL GOVERNMENT AREA GREATER HUME SHIRE
PARISH OF JINDERA COUNTY OF GOULBURN
TITLE DIAGRAM DP1194500

FIRST SCHEDULE

GREATER HUME SHIRE COUNCIL

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- 3 DP247292 RESTRICTION(S) ON THE USE OF LAND SEE N879563
- 4 DP1194500 EASEMENT TO DRAIN SEWAGE 2.5 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1194500 EASEMENT TO DRAIN WATER AND EASEMENT TO DRAIN SEWAGE 3 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 6 DP1194500 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

H Standley

PRINTED ON 20/8/2018

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**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFIT A PRENDRE
 INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF
 LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
 SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 1 of 4 Sheets)

PLAN: **DP1194500**

Plan of Subdivision of Lot 51 DP1184048
 covered by Subdivision Certificate No. 15.2004.56

Full name and address of
 proprietor of the land

JOHN WILLIAM LANFRANCHI AND
 BEVERLEY JUNE CARROLL
 ABN 90 102 197 739
 5 Heavenly Ridge
 Port Macquarie NSW 2444

PART 1 (Creation)

Number of Item shown in the intention panel on the plan	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan	Burdened lot(s)	Benefited Lot(s)/Authority
1.	Easement to Drain Sewage 2.5 wide	51 52 54 55 56 57 61 62	Greater Hume Shire Council
2.	Easement to Drain Water and Easement to Drain Sewage 3 wide	58 59 60 61	Greater Hume Shire Council
3.	Restrictions on the Use of Land	Each of Lots 51 to 61 inclusive	Every other lot of Lots 51 to 61 inclusive

PART 2 (Terms)

**Terms of conditions for easement to drain water and easement to drain sewage
 3 wide:**

Easement to drain water and easement to drain sewage the terms of which are set out in schedule 4a of the
 Conveyancing Act 1919

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFIT A PRENDRE
INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF
LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 2 of 4 Sheets)

PLAN: **DP1194500**

Plan of Subdivision of Lot 51 DP1184048
covered by Subdivision Certificate No. 15.2004.56

Terms of restrictions on the use of land fifthly referred to in the plan:

- (a) No main building shall be erected or be permitted to remain erected on each lot burdened, having a total floor area of less than 120 square metres (excluding the floor area of any attached garage, carport, patio or verandah). This restriction, however, does not apply to dual occupancy development which has been approved in writing by the Council of the Greater Hume Shire.
- (b) That no building (including a garage or carport) shall be erected or permitted to remain between the rear of any dwelling on a lot and any street frontage to the lot unless the building is of similar design and constructed of similar materials to the dwelling.
- (c) No building shall be erected or be permitted to remain erected on any burdened lot other than with external walls constructed of brick, rendered blocks or panels, glass or other natural materials. Materials other than brick, rendered panels or glass shall not be used in external walls where the proportion exceeds twenty five (25) percent of the total area of the external walls.
- (d) No main building on any burdened lot shall be occupied or allowed to continue to be occupied after the expiration of six months after the date of practical completion of the main building unless the front area of the lot between the main building and the street is landscaped utilising garden beds, driveway, landscaped materials.
- (e) No temporary, partial or relocated building or structure shall be erected or be permitted to remain on each burdened lot unless for use in connection with the building of the residence.
- (f) No building shall be erected or permitted to remain erected on the burdened lot having what is commonly known as a "flat roof" or a roof constructed of any material other than:
 - i. Terra-cotta roof tiles;
 - ii. concrete roof tiles;
 - iii. colourbond;
 - iv. slate.
- (g) No metal or similar type of prefabricated "lawn locker" shall be erected or placed or be permitted to remain upon any burdened lot unless it is located behind the main building.
- (h) No fence shall be erected on or adjacent to the boundaries of the lot hereby burdened unless such fence is lapped and capped timber fence or fence constructed of brick or colourbond steel provided that this restriction shall not apply to swimming pool fencing.
- (i) That no side or front fence (which term shall include a wall not being a wall of the building) shall be erected or permitted to remain between the face(s) of any dwelling on a lot and the street frontage(s) of the lot except that the fence may be erected to create a private courtyard which fence shall:

**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFIT A PRENDRE
INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF
LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B CONVEYANCING ACT, 1919**

Lengths are in metres

(Sheet 3 of 4 Sheets)

PLAN: **DP1194500**

Plan of Subdivision of Lot 51 DP1184048
covered by Subdivision Certificate No. 15.2004.56

- i. Not be less than 1.5 metres or more than 1.8 metres in height.
 - ii. Not be constructed of any materials other than timber, brick or masonry.
 - iii. Not extend in length along any more than 50% of any frontage of the lot to any street.
 - iv. Not be erected or permitted to remain within 1 metre of any boundary having a street frontage.
 - v. Not have posts, rails, struts or supports facing the street.
- (j) No fence shall be erected or be permitted to remain erected on any side of rear boundary of any burdened lot unless it is at least 1.5 metres high and it is approved by the Council of the Greater Hume Shire.
- (k) No fence shall be erected or permitted to remain erected on any burdened lot to divide it from any adjoining land owned by the Proprietor without prior written consent of the Proprietor but such consent shall not be withheld if the fence is erected without expense to the Proprietor provided that this restriction shall remain in force only during such times as the Proprietor is the Registered Proprietor of any land in the Plan or any land immediately adjoining the land in the said Plan.
- (l) No trucks or commercial vehicles weighing over 5 tonnes shall be garaged or stored or permitted to remain on any burdened lot.
- (m) No excavation material, trees, builder's waste or other substances shall be deposited on lots adjacent to the lots burdened.
- (n) The body having the right to release vary or modify these restrictions are the Proprietors for such a period as they are the Registered Proprietors of any land in the plan.

"The Proprietors" shall mean John William Lanfranchi and Beverley June Carroll, their successors nominees or assigns other than purchasers on sale.

Any release variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person or persons requesting the same.

INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFIT A PRENDRE
INTENDED TO BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF
LAND OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO
SECTION 88B CONVEYANCING ACT, 1919

Lengths are in metres

(Sheet 4 of 4 Sheets)

PLAN: **DP1194500**

Plan of Subdivision of Lot 51 DP1184048
covered by Subdivision Certificate No. 15-2004, 36

SIGNATURES AND SEALS

SIGNED in my presence by the said JOHN WILLIAM)

LANFRANCHI and BEVERLEY JUNE CARROLL)

who are personally known to me:

Signature of Witness

Name of Witness: ROBERT BARBOUR

Address of Witness: 7 ELM AVENUE
WANGARATTA 3677

Executed by GREATER HUME SHIRE
COUNCIL by it's authorised officer named
below in the presence of:

Signature of witness

Name of Witness: Sharon Godde
Address of Witness: 518 Jennings Rd
Culcairn 2660

Signature of Authorised Officer

Name of Authorised Officer: COLIN KANE

REGISTERED



24.4.2015



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 42/1132425

SEARCH DATE	TIME	EDITION NO	DATE
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20/8/2018	4:57 PM	1	7/1/2009

LAND

LOT 42 IN DEPOSITED PLAN 1132425
AT JINDERA
LOCAL GOVERNMENT AREA GREATER HUME SHIRE
PARISH OF JINDERA COUNTY OF GOULBURN
TITLE DIAGRAM DP1132425

FIRST SCHEDULE

GREATER HUME SHIRE COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- 3 DP247292 RESTRICTION(S) ON THE USE OF LAND SEE N879563
- 4 DP1132425 EASEMENT TO DRAIN WATER & EASEMENT TO DRAIN SEWAGE 5
METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED
IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

H Standley

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ePlan

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

(Sheet 1 of 5 sheets)

Plan: **DP1132425**

Plan of Subdivision of Lot 121 DP 700383
covered by Council's Certificate No. 10-08/09

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

Reynaldo Ibarrosa Lagado and
Laura Bolasco Lagado of
74 Linden Way
Bella Vista NSW 2153

PART 1

- 1. Identity of easement to be created
and firstly referred to in the plan:** Easement to Drain Water 3 Wide.

Schedule of Lots affected.

Lots Burdened.
16, 17, & 18

Lots Benefited.
Greater Hume Shire Council

- 2. Identity of easement to be created
and secondly referred to in the plan:** Easement to Drain Sewage 3 Wide.

Schedule of Lots affected.

Lots Burdened.
9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 24, 25,
26, 39, 40 & 41

Lots Benefited.
Greater Hume Shire Council

- 3. Identity of easement to be created
and thirdly referred to in the plan:** Easement to Drain Sewage 4 Wide.

Schedule of Lots affected.

Lots Burdened.
4

Lots Benefited.
Greater Hume Shire Council

- 4. Identity of easement to be created
and fourthly referred to in the plan:** Easement to Drain Sewage 5 Wide.

Schedule of Lots affected.

Lots Burdened.
41

Lots Benefited.
Greater Hume Shire Council

- 5. Identity of easement to be created
and fifthly referred to in the plan:** Easement to Drain Water 2 Wide.

Schedule of Lots affected.

Lots Burdened.
3, 36, 40 & 41

Lots Benefited.
Greater Hume Shire Council

ePlan

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

(Sheet 2 of 5 sheets)

Plan: **DP1132425**

Plan of Subdivision of Lot 121 DP 700383
covered by Council's Certificate No. 10-08/09

- 6. Identity of easement to be created
and sixthly referred to in the plan:** Easement to Drain Water & Easement
to Drain Sewage 5 Wide.

Schedule of Lots affected.

Lots Burdened.
28, 29, 30, 31, 32, 33, 34, 35,
36, 37, 38 & 42

Lots Benefited.
Greater Hume Shire Council

- 7. Identity of easement to be created
and seventhly referred to in the plan:** Easement to Drain Water & Easement
to Drain Sewage 7 Wide.

Schedule of Lots affected.

Lots Burdened.
26, 27 & 28

Lots Benefited.
Greater Hume Shire Council

- 8. Identity of easement to be created
and eighthly referred to in the plan:** Easement to Drain Sewage Over
Existing Line of Pipes.

Schedule of Lots affected.

Lots Burdened.
41

Lots Benefited.
Greater Hume Shire Council

- 9. Identity of easement to be created
and ninthly referred to in the plan:** Easement for Electricity Purposes
1 Wide.

Schedule of Lots affected.

Lots Burdened.
26 & 44

Lots Benefited.
Country Energy

- 10. Identity of restriction to be created
and tenthly referred to in the plan:** Restriction on the Use of Land.

Schedule of Lots affected.

Lots Burdened.
Lots 1 to 41

Lots Benefited.
Every other lot except Lots 42 to 44

ePlan

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

(Sheet 3 of 5 sheets)

Plan: DP1132425

Plan of Subdivision of Lot 121 DP 700383
covered by Council's Certificate No. 10-08/09

PART 2

1. Terms of easement sixthly referred to in the plan.

Easement to Drain Water and Easement to Drain Sewage as defined in
Conveyancing Act Schedule 4A.

2. Terms of easement seventhly referred to in the plan.

Easement to Drain Water and Easement to Drain Sewage as defined in
Conveyancing Act Schedule 4A.

3. Terms of restriction tenthly referred to in the plan.

- (a) No main building shall be erected or be permitted to remain erected on each lot burdened, having a total floor area of less than 120 square metres (excluding the floor area of any attached garage, carport, patio or verandah). This restriction, however, does not apply to dual occupancy development which has been approved in writing by the Council of the Greater Hume Shire.
- (b) That no building (including a garage or carport) shall be erected or permitted to remain between the rear of any dwelling on a lot and any street frontage to the lot unless the building is of similar design and constructed of similar materials to the dwelling.
- (c) No building shall be erected or be permitted to remain erected on any burdened lot other than with external walls constructed of brick, rendered blocks or panels, glass or other natural materials. Materials other than brick, rendered blocks or panels or glass shall not be used in external walls where the proportion of same exceeds twenty five (25) percent of the total area of the external walls.
- (d) No main building on any burdened lot shall be occupied or allowed to continue to be occupied after the expiration of six months after the date of practical completion of the main building unless the front area of the lot between the main building and the street is landscaped utilising garden beds, driveway, landscaped materials.
- (e) No temporary, partial or relocated building or structure shall be erected or be permitted to remain on each burdened lot unless for use in connection with the building of the residence.
- (f) No building shall be erected or permitted to remain erected on the burdened lot having what is commonly known as a "flat roof" or a roof constructed of any material other than:
 - (i) Terra-cotta roof tiles;
 - (ii) concrete roof tiles;
 - (iii) colourbond

ePlan

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

(Sheet 4 of 5 sheets)

Plan: **DP1132425**

Plan of Subdivision of Lot 121 DP 700383
covered by Council's Certificate No. 10-08/09

- (iv) slate.
- (g) No metal or similar type of prefabricated "lawn locker" shall be erected or placed or be permitted to remain upon any burdened lot unless it is located behind the main building.
- (h) No fence shall be erected on or adjacent to the boundaries of the lot hereby burdened unless such fence is lapped and capped timber fence or fence constructed of brick or colourbond steel provided that this restriction shall not apply to swimming pool fencing.
- (i) That no side or front fence (which term shall include a wall not being a wall of a building) shall be erected or permitted to remain between the face(s) of any dwelling on a lot and the street frontage(s) of the lot except that the fence may be erected to create a private courtyard which fence shall:
 - (i) not be less than 1.5 metres or more than 1.8 metres in height.
 - (ii) not be constructed of any materials other than timber, brick or masonry.
 - (iii) not extend in length along any more than 50% of any frontage of the lot to any street.
 - (iv) not be erected or permitted to remain within 1 metre of any boundary having a street frontage.
 - (v) not have posts, rails, struts or supports facing the street
- (j) No fence shall be erected or be permitted to remain erected on any side or rear boundary of any burdened lot unless it is at least 1.5 metres high and it is approved by the Council of the Greater Hume Shire.
- (k) No fence shall be erected or permitted to remain erected on any burdened lot to divide it from any adjoining land owned by the Proprietor without prior written consent of the Proprietor but such consent shall not be withheld if the fence is erected without expense to the Proprietor provided that this restriction shall remain in force only during such times as the Proprietor is the Registered Proprietor of any land in the Plan or any land immediately adjoining the land in the said Plan.
- (l) No trucks or commercial vehicles weighing over 5 tonnes shall be garaged or stored or permitted to remain on any burdened lot.
- (m) No excavation material, trees, builders waste or other substances shall be deposited on lots adjacent to the lots burdened.
- (n) The body having the right to release vary or modify these restrictions are the Proprietors for such a period as they are the Registered Proprietors of any land in the plan.

ePlan

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

(Sheet 5 of 5 sheets)

Plan: **DP1132425**

Plan of Subdivision of Lot 121 DP 700383
covered by Council's Certificate No. 10-08/09

"The Proprietors" shall mean Reynaldo Ibarrosa Lagado and Laura Bolasco Lagado, their successors nominees or assigns other than purchasers on sale.

Any release variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person or persons requesting the same.

Signed in my presence by Reynaldo Ibarrosa Lagado and Laura Bolasco Lagado who are personally known to me.

Proprietors Reynaldo Ibarrosa Lagado Laura Bolasco Lagado
Signature of witness ANIL KAL

ANIL KAL, Level 2, 51 PHILLIPS PARADISE NSW 2150
Name and address of witness (BLOCK LETTERS)

Signed Sealed and Delivered for and on
behalf of Bank of Western Australia
Limited
by its duly constituted Attorney who is
personally known to me:

Witness

EXECUTED by BANK OF
WESTERN AUSTRALIA LTD.
A.B.N. 22 050 404 454 by its Attorneys:

and

its duly constituted Attorneys
under Power of Attorney
No. 4305 959 dated 10th
April 2001 who at the date
hereof had no notice of revocation
of such Power of Attorney
in the presence of:

[Signature]
An Officer of the Bank

BANK OF WESTERN AUSTRALIA LTD
by its Attorneys:

WILSON GERARD

Signature

WILSON GERARD

SENIOR BUSINESS DEVELOPMENT MANAGER

Name and Title (please print)

REGISTERED



7-1-2009



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 89/1228879

SEARCH DATE	TIME	EDITION NO	DATE
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20/8/2018	4:57 PM	1	18/10/2017

LAND

LOT 89 IN DEPOSITED PLAN 1228879
AT JINDERA
LOCAL GOVERNMENT AREA GREATER HUME SHIRE
PARISH OF JINDERA COUNTY OF GOULBURN
TITLE DIAGRAM DP1228879

FIRST SCHEDULE

GREATER HUME SHIRE COUNCIL

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 THE LAND WITHIN DESCRIBED IS PUBLIC RESERVE
- 3 DP247292 RESTRICTION(S) ON THE USE OF LAND - SEE N879563
- 4 DP1228879 RESTRICTION(S) ON THE USE OF LAND

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

H Standley

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Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

ePlan

Lengths are in meters

(Sheet 1 of 4 Sheets)

Plan: **DP1228879**

Plan of Subdivision of Lot 82 DP 1224019
covered by Subdivision Certificate No. 15, 2004.56.4

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

JOHN WILLIAM LANFRANCHI and
BEVERLEY JUNE CARROLL
ABN 90 102 197 739
5 Heavenly Ridge, Port Macquarie, NSW
2444

PART 1 (Creation)

Number of item shown in the intention panel on the plan	Identity of easement, profit à prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lot(s) or parcel(s):	Benefited lot(s), road(s), bodies or Prescribed Authorities:
1.	Restrictions on the Use of Land	Lot 89	Every other lot of Lots 88 and 89 inclusive

PART 2 (Terms)

Handwritten signature

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

ePlan

Lengths are in meters

(Sheet 2 of 4 Sheets)

Plan: **DP1228879**

Plan of Subdivision of Lot 82 DP 1224019
covered by Subdivision Certificate No.

15.2004.56.4

Terms of restrictions on the use of land secondly referred to in the plan:

- (a) No main building shall be erected or be permitted to remain erected on each lot burdened, having a total floor area of less than 120 square metres (excluding the floor area of any attached garage, carport, patio or verandah). This restriction, however, does not apply to dual occupancy development which has been approved in writing by the Council of the Greater Hume Shire.
- (b) That no building (including a garage or carport) shall be erected or permitted to remain between the rear of any dwelling on a lot and any street frontage to the lot unless the building is of similar design and constructed of similar materials to the dwelling.
- (c) No building shall be erected or be permitted to remain erected on any burdened lot other than with external walls constructed of brick, rendered blocks or panels, glass or other natural materials. Materials other than brick, rendered panels or glass shall not be used in external walls where the proportion exceeds twenty five (25) percent of the total area of the external walls.
- (d) No main building on any burdened lot shall be occupied or allowed to continue to be occupied after the expiration of six months after the due date of practical completion of the main building unless the front area of the lot between the main building and the street is landscaped utilising garden beds, driveway, landscaped materials.
- (e) No temporary, partial or relocated building or structure shall be erected or be permitted to remain on each burdened lot unless for use in connection with the building of the residence.
- (f) No building shall be erected or permitted to remain erected on the burdened lot having what is commonly known as a "flat roof" or a roof constructed of a material other than:
 - i. Terra-cotta roof tiles;
 - ii. Concrete roof tiles;
 - iii. Colourbond;
 - iv. Slate.
- (g) No metal or similar type of prefabricated "lawn locker" shall be erected or placed or be permitted to remain upon any burdened lot unless it is located behind the main building.
- (h) No fence shall be erected on or adjacent to the boundaries of the lot hereby burdened unless such fence is lapped and capped timber fence or fence constructed of brick or colourbond steel provided that this restriction shall not apply to swimming pool fencing.
- (i) That no side or front fence (which term shall include a wall not being a wall of the building) shall be erected or permitted to remain between the face(s) of any dwelling on a lot and the street frontage(s) of the lot except that the fence may be erected to create a private courtyard which the fence shall:

A 56

Instrument setting out terms of Easements or Profits à Prendre intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

ePlan

Lengths are in meters

(Sheet 3 of 4 Sheets)

Plan: **DP1228879**

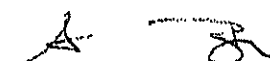
Plan of Subdivision of Lot 82 DP 11224019
covered by Subdivision Certificate No.

15.2.004.56.4

- i. Not be less than 1.5 metres or more than 1.8 metres in height.
 - ii. Not to be constructed of any materials other than timber, brick or masonry.
 - iii. Not extend in length along any more than 50% of any frontage of the lot to any street.
 - iv. Not be erected or permitted to remain within 1 metre of any boundary having a street frontage.
 - v. Not have posts, rails, struts or supports facing the street.
- (j) No fence shall be erected or permitted to remain erected on any side of rear boundary of any burdened lot unless it is at least 1.5 metres high and it is approved by the Council of the Greater Hume Shire.
- (k) No fence shall be erected or permitted to remain erected on any burdened lot to divide it from any adjoining land owned by the Proprietor without prior written consent of the Proprietor but such consent shall not be withheld if the fence is erected without expense to the Proprietor provided that this restriction shall remain in force only during such times as the Proprietor is the Registered Proprietor of any land in the Plan or any land immediately adjoining the land in the said Plan.
- (l) No trucks or commercial vehicles weighing over 5 tonnes shall be garaged or stored or permitted to remain on any burdened lot.
- (m) No excavation material, trees, builder's waste or other substances shall be deposited on lots adjacent to the lots burdened.
- (n) The body having the right to release vary or modify these restrictions are the Proprietors for such a period as they are the Registered Proprietors of any land in the plan.

"The Proprietors" shall mean John William Lanfranchi and Beverley June Carroll, their successors nominees or assigns other than purchasers on sale.

Any release variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person or persons requesting the same.



Instrument setting out terms of Easements or Profits à Prendre Intended to be created or released and of Restrictions on the Use of Land or Positive Covenants intended to be created pursuant to Section 88B Conveyancing Act 1919

ePlan

Lengths are in meters

(Sheet 4 of 4 Sheets)

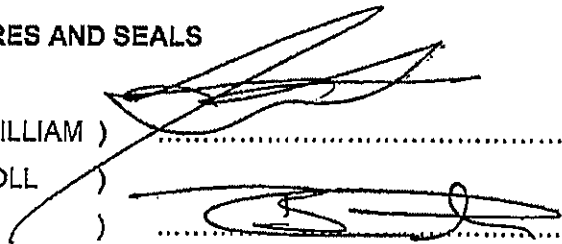
Plan: **DP1228879**

Plan of Subdivision of Lot 82 DP 1224019
covered by Subdivision Certificate No.

15-2004-564

SIGNATURES AND SEALS

SIGNED in my presence by the said JOHN WILLIAM)
LANFRANCHI and BEVERLEY JUNE CARROLL)
who are personally known to me:



Signature of witness

Name of Witness: LEE FRANKS .

Address of Witness: 38 BUSINESS CIRCUIT, WAUCHOPE, NSW 2446

Executed by GREATER HUME SHIRE
COUNCIL by it's authorised officer named
below in the presence of:



Signature of witness:

Name of Witness: SHARON GODDE

Address of Witness: 40 BALFOUR ST
CULCAIRN



Signature of Authorised Officer

Name of Authorised Officer:

COLIN KANE

Director Environment & Planning
Greater Hume Shire Council

REGISTERED



18.10.2017

A - 22



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 67/1195450

SEARCH DATE	TIME	EDITION NO	DATE
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20/8/2018	4:57 PM	2	6/6/2014

LAND

LOT 67 IN DEPOSITED PLAN 1195450
AT JINDERA
LOCAL GOVERNMENT AREA GREATER HUME SHIRE
PARISH OF JINDERA COUNTY OF GOULBURN
TITLE DIAGRAM DP1195450

FIRST SCHEDULE

GREATER HUME SHIRE COUNCIL

(T AI639220)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

H Standley

PRINTED ON 20/8/2018

* 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. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
ON WEDNESDAY, 18 JULY 2018**

3. RECLASSIFICATION OF COUNCIL OWNED LAND IN JINDERA

Report prepared by Habitat Planning - Warwick Horsfall

REASON FOR REPORT

For Council to consider reclassifying four lots in Jindera from 'community' to 'operational' under the *Local Government Act 1993* (LG Act) so as they may be sold and the proceeds reinvested in community facilities within the Jindera Recreation Reserve. The lots are no longer required for the purpose in which they were dedicated to Council as part of residential subdivisions.

REFERENCE TO DELIVERY PLAN ACTIONS

Outcome 4.1	Infrastructure and facilities meet the needs of our communities
Action 4.1.2.1	Master plan developed for sporting grounds at Culcairn, Henty, Holbrook, Jindera and Walla Walla

DISCUSSION

The four lots proposed for reclassification are:

- Lot 42 DP1132425 - Britton Court Jindera.
- Lot 61 DP1194500 - 33 Pech Avenue Jindera.
- Lot 89 DP1228879 – 9 Klein Court Jindera.
- Lot 67 DP1195450 – corner Pioneer Drive and Jindera Street Jindera.

With the exception of the Pioneer Drive lot, the lots are part of older residential subdivisions in Jindera when the requirements for public open space were generally met by a developer dedicating a lot or lots within a residential estate to Council. The Pioneer Drive lot was created for drainage purposes as part of a residential subdivision along the western side of Pioneer Drive. None of the lots have been developed for their intended purpose.

Upon review, the lots are now considered surplus to Council's needs for open space and drainage in Jindera. The three lots east of Jindera Street are poorly located for open space purposes and 'pocket parks' are no longer considered an efficient means of meeting the needs of a community for passive or active recreation. The lot on the corner of Jindera Street and Pioneer Drive was intended for drainage purposes but this function has now been reduced due to drainage works further west of the intersection.

It is intended that the proceeds from the sale of the four lots will go to further embellishment of community facilities within the nearby Jindera Recreation Reserve.

Public land is managed under the LG Act and is classified as either 'community land' or 'operational land'. Having passed into Council's hands, by default the lots are classified as 'community land'.

'Community land' must not be sold, exchanged or otherwise disposed of by Council. There are no special restrictions on Council's powers to manage, develop, dispose or change the nature and use of 'operational land'.

Clause 5.2 of the *Greater Hume Local Environmental Plan 2012* provides Council with the opportunity to classify or reclassify public land for the purposes of the LG Act. The mechanism for changing the classification of public land is a Local Environmental Plan (LEP). The process for preparing an LEP is a Planning Proposal.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
ON WEDNESDAY, 18 JULY 2018**

RECLASSIFICATION OF COUNCIL OWNED LAND IN JINDERA [CONT'D]

A Planning Proposal has been prepared (ANNEXURE 3) in accordance with the Department of Planning and Environment's (DPE) *A Guide to Preparing Planning Proposals*. Consideration has also been given to the requirements of DPE's LEP Practice note (PN 16-001) relating to the *Classification and Reclassification of Public Land Through a Local Environmental Plan*.

The Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A) Act and the Guide. At a minimum, the consultation process is expected to include:

- Written notification to landowners adjoining the subject land;
- Consultation with relevant government departments and agencies, service providers and other key stakeholders, as determined in the Gateway Determination;
- Public notices to be provided in local media, including in a local newspaper and on Council's website;
- Static displays of the Planning Proposal and supporting material in Council's public buildings; and
- Electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

Further, as the Planning Proposal relates to the reclassification on land, the LG Act requires that a Public Hearing must be held in accordance with Clause 57 of the EP&A Act.

BUDGET IMPLICATION

Costs associated with the preparation and processing of a Planning Proposal, notification and advertising of the Planning Proposal and subsequently the sale of the land.

There will be a net positive impact on the budget through offsetting the costs of future improvements to the Jindera Recreation Reserve with the sale of the lots.

CONCLUSION

In conclusion, the reclassification and subsequent sale of the land is considered to have merit because:

- The four lots are surplus to open space and drainage needs in Jindera;
- The location of the three lots intended for open space is poor for accessibility;
- The open space needs of residents in proximity of the three lots east of Jindera Street can be met by the nearby Recreation Reserve;
- Small 'pocket parks' perform poorly in a cost/benefit analysis;
- Having regard for the 'highest and best' use of the four lots, residential is now preferred to open space or drainage;
- The function of the lot intended for drainage has been met elsewhere;
- There will be a net social benefit for the Jindera community through the embellishment of facilities within the Recreation Reserve resulting from the sale of the lots;
- It will assist Council in the management of public land; and
- It is generally consistent with the broader strategic planning framework for Jindera.

**ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
ON WEDNESDAY, 18 JULY 2018**

RECLASSIFICATION OF COUNCIL OWNED LAND IN JINDERA [CONT'D]

RECOMMENDATION

1. In accordance with Section 30(1) of the *Local Government Act 1993* Council resolve to reclassify Lot 42 DP1132425, Lot 61 DP1194500, Lot 89 DP1228879 and Lot 67 DP1195450 in Jindera from 'community' to 'operational'.
2. In accordance with Section 3.34(1) of the *Environmental Planning and Assessment Act 1979* Council request a Gateway Determination from the Minister for Planning.
3. Council advise the Department of Planning and Infrastructure that it will utilise its delegations under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to make or not make the plan.
4. Upon receipt of a Gateway Determination, Council place the Planning Proposal on public exhibition and hold a public hearing pursuant to any requirements of the determination and Section 3.34(2) of the *Environmental Planning and Assessment Act 1979*.
5. Should no objections be received, take the necessary steps to complete the reclassification process.

**MINUTES OF THE ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT THE COUNCIL CHAMBERS, BALFOUR STREET, CULCAIRN
ON WEDNESDAY, 18 JULY 2018**

**DRAFT GREATER HUME COUNCIL S7.12 FIXED DEVELOPMENT CONSENT LEVY
DEVELOPMENT CONTRIBUTIONS PLAN 2018**

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

3. RECLASSIFICATION OF COUNCIL OWNED LAND IN JINDERA

AT THIS JUNCTURE, COUNCILLOR DENISE OSBORNE MADE A DECLARATION OF NON-PECUNIARY INTEREST IN THE MATTER NOW BEFORE THE COUNCIL AND LEFT THE CHAMBER AT 6.46PM PURSUANT TO SECTION 45(1) OF THE LOCAL GOVERNMENT ACT 1993 AND TOOK NO PART IN THE VOTING ON THE MATTER. THE REASON BEING IS THAT ONE OF THE PARCELS OF LAND UNDER DISCUSSION SHARES A BOUNDARY WITH COUNCILLOR OSBORNE'S PROPERTY.

5020 RESOLVED [O'Neill/Hicks]

1. In accordance with Section 30(1) of the *Local Government Act 1993* Council resolve to reclassify Lot 42 DP1132425, Lot 61 DP1194500, Lot 89 DP1228879 and Lot 67 DP1195450 in Jindera from 'community' to 'operational'.
2. In accordance with Section 3.34(1) of the *Environmental Planning and Assessment Act 1979* Council request a Gateway Determination from the Minister for Planning.
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**MINUTES OF THE ORDINARY MEETING OF GREATER HUME COUNCIL
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RECLASSIFICATION OF COUNCIL OWNED LAND IN JINDERA

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

Cr Osborne returned to the chamber at 6.52pm.

4. POLICY DEVELOPMENT – LOCAL ORDERS POLICY FOR KEEPING OF BIRDS/ANIMALS

5021 RESOLVED [Osborne/Stewart]

That:

1. the draft Local Orders Policy for Keeping of Animals/Birds be placed on public exhibition for a period of 28 days in accordance with Clause 160 of the Local Government Act 1993 No 30.
2. the public notice must also specify a period of not less than 42 days after the date on which the draft local policy is placed on public exhibition during which submissions may be made to the Council.

GOVERNANCE

1. MURRAY DARLING ASSOCIATION CONFERENCE – 29 - 31 AUGUST 2018

5022 RESOLVED [Osborne/Meyer]

That Council approve the attendance of Cr Tony Quinn and Cr Terry Weston at the 74th Annual General Meeting and National Conference of the Murray Darling Association to be held at Leeton from 29 - 31 August 2018.