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COUNCIL WEEKLY CIRCULAR

ITEM NO: 1

SUBJECT: LIST OF 355 MANAGEMENT COMMITTEE MEETINGS

CONTACT NAME: Lynne Morrison, 355 Management Committee Coordinator

FILE NUMBER: Various

Councillors are invited to attend the Annual General Meetings of the Management Committees are Highlighted in Bold

<table>
<thead>
<tr>
<th>Management Committee</th>
<th>Date and Time</th>
<th>Location</th>
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<tbody>
<tr>
<td>Bong Bong Common Management Committee AGM</td>
<td>Tuesday 14 August 2018 10.30am</td>
<td>Gibraltar Room Civic Centre Moss Vale</td>
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<tr>
<td>Hill Top Community Centre Management Committee AGM</td>
<td>Thursday 16 August 2018 7.00pm</td>
<td>Hill Top Community Centre</td>
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<tr>
<td>Moss Vale Community Centre Management Committee AGM</td>
<td>Monday 20 August 2018 1.00pm</td>
<td>Moss Vale community Centre</td>
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<tr>
<td>Hampden Park Management Committee AGM</td>
<td>Tuesday 21 August 2018 5.00pm</td>
<td>Robertson Bowling Club</td>
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<tr>
<td>Bundanoon Oval &amp; Ferndale Reserve Management Committee AGM</td>
<td>Tuesday 21 August 2018 7.00pm</td>
<td>Bundanoon Hotel</td>
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<tr>
<td>Burrawang Park Management Committee AGM</td>
<td>Thursday 23 August 2018 7.00pm</td>
<td>Burrawang Hotel</td>
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<tr>
<td>Penrose Hall Management Committee AGM</td>
<td>Monday 27 August 2018 7.00pm</td>
<td>Penrose Hall</td>
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<tr>
<td>Aboriginal Community &amp; Cultural Centre Management Committee</td>
<td>Tuesday 28 August 2018 7.00pm</td>
<td>Aboriginal Community &amp; Cultural Centre</td>
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<tr>
<td>Jurd Park Management Committee AGM</td>
<td>Tuesday 4 September 2018 6.30pm</td>
<td>Jurd Park</td>
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<tr>
<td>Mittagong Memorial Hall Management Committee AGM</td>
<td>Thursday 6 September 2018 7.00pm</td>
<td>Mittagong Memorial Hall</td>
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<tr>
<td>Robertson Community Centre Management Committee AGM</td>
<td>Tuesday 11 September 2018 6.00pm</td>
<td>Robertson Community Centre</td>
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<tr>
<td>Wingello Mechanics Institute Management Committee</td>
<td>Monday 8 October 2018 7.00pm</td>
<td>Wingello Mechanics Institute</td>
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<tr>
<td>East Bowral Community Centre Management Committee</td>
<td>Tuesday 23 October 2018 4.30pm</td>
<td>East Bowral Community Centre</td>
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<tr>
<td>Yerrinbool Hall Management Committee</td>
<td>Tuesday 23 October 2018 7.00pm</td>
<td>Yerrinbool Hall</td>
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<tr>
<td>Loseby Park Hall Management Committee</td>
<td>Friday 26 October 2018 9.30am</td>
<td>Loseby Park Hall</td>
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<tr>
<td>Exeter Hall Management Committee</td>
<td>Monday 5 November 2018</td>
<td>5.00pm</td>
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<tr>
<td>Exeter Hall Management Committee</td>
<td>Monday 4 February 2019</td>
<td>5.00pm</td>
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<tr>
<td>Exeter Hall Management Committee</td>
<td>Monday 3 June 2019</td>
<td>5.00pm</td>
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At its meeting held on 22 March 2017, Council considered a report to enter into a Lease with Bowral Bowling Club Limited for the continued occupation of Council property, being part of Venables Park, Merrigang Street, Bowral. It was resolved:

MN 90/17

1. THAT the General Manager be delegated authority to negotiate the terms and conditions of a lease to Bowral Bowling Club Limited for the property known as part Venables Park, Merrigang Street, Bowral, being part of the land comprised in Lot B Deposited Plan 160166 and Lot 1 Deposited Plan 160497, for a maximum term of 21 years.

2. THAT it is noted that the proposed Lease of part of Venables Park to Bowral Bowling Club Limited is authorised in the adopted Plan of Management for Mittagong Rivulet (which incorporates Venables Park, Bowral).

3. THAT the draft Lease referred to in Resolution 1 above be publicly exhibited for a minimum 28 day period AND THAT following public exhibition, a further report be forwarded to a future Ordinary Meeting of Council for approval.

No objections were received during the period of public exhibition of the proposed lease to Bowral Bowling Club Limited for the occupation of part Venables Park, Merrigang Street, Bowral. The matter was reported back to Council to obtain approval of the General Manager and Mayor to execute the lease and associated documents.

The Registrar General has since directed Council that the Lease requires a plan to be completed by a registered surveyor to create a lot for the Lease registration. A plan of subdivision has been prepared and lodged under DA18/0756. Neighbour Notifications were sent out by Development Assessment with submissions being accepted up to 27 July 2018.

Council as property owner is currently awaiting the outcome of the DA application.
At its meeting 11 October 2017 Council was formally advised that no objections had been received to the public notice to enter into a lease with Scouts Australia for the occupation of the Scout Hall at Moss Vale. It was subsequently resolved:

MN 202/17

1. **THAT** it be noted that no objections were received during the public exhibition period for the Lease to Scouts Australia for occupation of the Scout Hall, Donkin Avenue, Moss Vale.

2. **THAT** the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents (if required).

The Lease was executed by both Council and Scouts Australia and has now been registered on the title to Council's property.
At its meeting 14 July 2017, Council was formally advised of the outcome of the public exhibition of a proposed Lease to Bowral Rugby Club Inc. The Lease is for the occupation of the upper level of the ‘Rugby Clubhouse’ located within the Council owned property known as part Eridge Park, 576 Moss Vale Road Burradoo. It was resolved:

**MN 305/17**

1. **THAT** it be noted that no objections were received during the period of public exhibition for the Lease to Bowral Rugby Club Inc. for occupation of the upper level of the ‘Rugby Clubhouse’ located within Eridge Park, 576 Moss Vale Road, Burradoo.

2. **THAT** the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents (if required).

Following the above resolution, the Lease was executed by Council and the Lessee. The Lease has now been registered on the title to the property.
At its meeting held on 24 April 2018 Council considered a request from the NSW Trustee and Guardian, on behalf of a deceased estate, to accept the transfer of vacant land in lieu of unpaid rates. It was resolved as follows:

**MN 152/18:**

*THAT Council resolve to accept a transfer to Council of 2 Mylora Street, Hill Top (being Lots 1 to 5 Section 2 DP1262) in lieu of unpaid rates.*

Following the above resolution of Council, the NSW Trustee and Guardian was informed of Council's decision. The NSW Trustee and Guardian has now advised Council that it will attempt to sell the property to a private purchaser on the open market.

This matter is complete.
<table>
<thead>
<tr>
<th>ITEM NO:</th>
<th>6</th>
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<tbody>
<tr>
<td>SUBJECT:</td>
<td>DEVELOPMENT APPLICATION FOR HEALTH SERVICES FACILITY (HOSPICE) AND MEDICAL CENTRE AND DEMOLITION OF TWO DWELLINGS, 104 – 106 BOWRAL STREET, BOWRAL</td>
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<tr>
<td>CONTACT NAME:</td>
<td>Nick Wilton, Group Manager Planning Development and Regulatory Services</td>
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<tr>
<td>FILE NUMBER:</td>
<td>17/1365</td>
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The purpose of this Weekly Circular is to inform Councillors that the assessment of the development application which seeks consent to Health Services Facility (Hospice) and Medical centre and demolition of two dwellings at 104 -106 Bowral Street, Bowral, is nearing completion, and that the application is anticipated to be determined under delegated authority.

**Site Description**

The site is known as Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104 – 106 Bowral Street, Bowral. The site is located on the northern side of Bowral Street, to the west of St Jude Street, opposite Bowral Private Hospital. Immediately to the east of the property is an existing medical centre, located on the corner of St Jude Street and Bowral Street. The 3449 square metre site is currently developed with two dwelling houses within an established landscaped setting.

**Proposed Development**

Development Application 17/1365 was lodged with Council seeking consent for a Health Services Facility (Hospice) and Medical Centre, and demolition of two dwellings. The proposed building includes a hospice component comprising 10 private patient rooms in the eastern and northern portions of the site, and medical centre containing 4 consulting rooms in the western portion of the site. The proposed buildings are a combination of single storey and two storeys, with a basement car park providing on site parking for 39 cars.

**Permissibility**

The site is zoned R2 Low Density Residential under the Wingecarribee Local Environmental Plan 2010. The proposed development comprises a Health Services Facility, and in the R2 Low Density Residential zone, a Health Services Facility was a prohibited land use, until amendments to the Infrastructure SEPP which came into force on 15 December 2017 which included R2 Low Density Residential in the list of prescribed zones in which development for the purposes of a health services facility may be carried out with consent.

**Assessment Timeline**

The application has been notified to adjoining and adjacent landowners, and advertised in the local newspaper. Four submissions from three properties have been received, raising concerns including impacts upon the Bowral Conservation Area, proposed setbacks, lighting, traffic impacts, and amenity impacts.
Assessment of the development application is nearing completion. The development application will be determined under delegated authority, unless the application is requested to be determined by full Council meeting within 7 days (17 August 2018). Any request will be required to be completed in accordance with Council’s adopted Interim Call Up Policy.


Should you require any further information, please contact Councillor.Request@wsc.nsw.gov.au
The purpose of this Weekly Circular is to provide an update to Councillors on Development Application 17/1409 which seeks consent to construct a 30,576m² Greenhouse at Tennessee Orchard, 184 Old Hume Highway, Yerrinbool.

The DA was the subject of a Weekly Circular report in October 2017, shortly after it was lodged. All additional information requirements have now been met and the application is ready to determine.

On 8 August 2018, Councillors participated in a visit to the site and this Weekly Circular report is a result of that site visit.

Site Description

The site is known as Lot 2 DP 246178, being Tennessee Orchard, 184 Old Hume Highway, Yerrinbool (Attachment 1). This lot is approximately 21.1ha and is located between the Old Hume Highway (Remembrance Drive) and the Hume Motorway. The site's historical and current land use is primary production, specifically horticultural and vegetable and seedling production.

Land to the north, east and west is dense bushland. The nearest neighbouring residence not associated with the development is approximately 650m to the south of the proposed greenhouse location. The Hume Motorway passes through a cutting to the west of the site. The village of Yerrinbool is 1 km to the south.

Background

The site has recently been granted consent by Council for development of a solar farm on the north-western extent of the site (DA 16/0224, approved 12 May 2016). The solar farm is shown (with the greenhouse the subject of this DA) on the Site Plan at Attachment 2.

Proposed Development

On 9 October 2017, DA 17/1409 was lodged with Council seeking consent to construct a 30,576m² Greenhouse at Tennessee Orchard, 184 Old Hume Highway, Yerrinbool.

The project proposes the development of a 117.6-metre-wide by 260-metre-long (30,576 square metre) freestanding greenhouse for the purposes of producing commercial quantities of seedlings for wholesale sale. The greenhouse is constructed of seven, 16.8 metre wide bays. The roof has an overall height of 7 metres above finished ground level.
The greenhouse structure will consist of galvanised steel frames, guttering and PVC drainage pipes. The greenhouse walls and roof will be covered with Rovero Netfim, a proprietary greenhouse film product.

Roofwater discharge from the greenhouse will be captured via gutters and directed to the existing dam on site for re-use. The site has an existing water licence that provide for the off-take of 75 megalitres (ML) of water per year. Water demand for the development is estimated at between 50,000 – 100,000 litres per irrigation cycle.

The greenhouse’s energy needs will be supported by a thermal energy storage system to be housed in a small building to the west of the proposed greenhouses. The TESS will store energy generated from the approved but as yet unconstructed solar farm to the west of the proposed greenhouse. Because of the operational needs of the seedling enterprise, the greenhouse floor is to be constructed at one level, necessitating about 2 metres of cut at the north eastern end of the building footprint and 5 metres of fill at its south western corner.

Due to the size of the greenhouse, the application seeks variations to Development Control guidelines with respect to the maximum building size and to the minimum setback to Old Hume Highway.

More information pertaining to the development can be found in the Statement of Environmental Effects. Elevations and site plan of the proposal can be found at Attachment 2.

Permissibility

The site is zoned E3 Environmental Management under the Wingecarribee Local Environmental Plan 201. In this zone, horticulture is permissible with development consent.

Assessment Timeline

The application was notified to adjoining and adjacent landowners and no submissions were received. The application has been internally referred to Council’s Development Engineers, Accredited Certifiers and Tree and Vegetation Assessment Officer.

Assessment of the application was extended by two matters: the applicant’s proposal to connect to Council’s reticulated water supply at Yerrinbool, and by the need for a Traffic Study to be submitted and assessed. These issues have now been resolved. The applicant has decided not to proceed with a water connection at this time, and a satisfactory Traffic Study has now been submitted and assessed.

The application was externally referred to Water NSW which has provided concurrence conditions. The application will be determined under delegated authority, unless it is requested by Councillors that the application be referred to Council for determination within 7 days (17 August 2018). Any request will be required to be completed in accordance with Council’s adopted Interim Call Up Policy.


Should you require any further information, please contact Councillor.Request@wsc.nsw.gov.au.
Site Plan

Perspective drawing of building
Proposed greenhouse appearance
On 27 July 2018 The Standard Instrument was amended to include a land use and definition for Artisan Food and Drink Industry. As a result, Wingecarribee Local Environmental Plan 2010 is also amended accordingly. The definition of Artisan Food and Drink Industry is provided below.

*artisan food and drink industry* means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

(a) a retail area for the sale of the products.
(b) a restaurant or cafe,
(c) facilities for holding tastings, tours or workshops.

*Note.* See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

It is noted that Clause 5.4 of WLEP 2010 limits the area of the retail component to 67% of the gross floor area, or 400m2, or whichever is the lesser. This is the same as the standard for Industrial Retail Outlets under WLEP 2010.

There are several features about this new land use term which are significant to where such development can be considered.

a) The land use *artisan food and drink industry* must contain a ‘retail’ component where produce may be tasted, served with food and/or purchased.

b) The land use is a form of *light industry*, which is, in turn, a form of *industry* under the Standard Instrument.

*Industries* are mandated prohibited in the E3 Environmental Management zone. Therefore, *artisan food and drink industry* is also mandated prohibited and can't be considered for inclusion in the E3 zone under Wingecarribee LEP 2010 under the Standard Template LEP.

The basis for this conclusion is contained in the Department of Planning & Environment’s Practice Note PN11-003 issued 10 March 2011 (page 3) which states (over):
Applying the same principle in reverse, an LEP cannot list any component of a group term as permitted development in a zone if the group term is prohibited in that zone.

c) Similarly, Agricultural Produce Industry is automatically permitted with consent where Industries are permitted.

d) It is noted that Agricultural Produce Industry is permitted with consent in the E3 zone because it is a form of Rural Industry which is not included under the group term Industry. It is further noted that Agricultural Produce Industry does not contain any retail component.

A Councillor briefing will be arranged to consider permitting artisan food and drink industry in other zones in WLEP 2010 and a report will subsequently be prepared for Council to progress a Planning Proposal in this regard should any amendments to the LEP be required.

For any further information please contact Councillor.Request@wsc.nsw.gov.au
Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018
under the
Environmental Planning and Assessment Act 1979

DAVID HURLEY, Governor

I, General The Honourable David Hurley AC DSC (Ret’d), Governor of New South Wales, with the advice of the Executive Council, and in pursuance of section 3.20 of the Environmental Planning and Assessment Act 1979, make the following Order.

Dated, this 25th day of July 2018.

By His Excellency’s Command,

ANTHONY ROBERTS, MP
Minister for Planning

Published LW 27 July 2018 (2018 No 404)
Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018 (NSW)

Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018
under the
Environmental Planning and Assessment Act 1979

1 Name of Order
   This Order is the Standard Instrument (Local Environmental Plans) Amendment (Artisan Food and Drink Industries) Order 2018.

2 Commencement
   This Order commences on the day it is published on the NSW legislation website.
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]
   Insert after clause 5.4 (9):
   (10) Artisan food and drink industry exclusion
       If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed:
       (a) [insert number not more than 67%] of the gross floor area of the industry, or
       (b) [insert number not more than 400] square metres, whichever is the lesser.

   Insert in alphabetical order:
   *artisan food and drink industry* means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:
   (a) a retail area for the sale of the products,
   (b) a restaurant or cafe,
   (c) facilities for holding tastings, tours or workshops.
   Note. See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

   Insert “(other than an artisan food and drink industry)” after “industry” where firstly occurring in paragraph (a).

   Insert after paragraph (b):
   (c) artisan food and drink industry.