## CONTENTS

1. **LIST OF 355 MANAGEMENT COMMITTEE MEETINGS**  
   Page 3

2. **ACQUISITION OF EASEMENT, 18 SOUTHWOOD PLACE, MITTAGONG**  
   Page 4

3. **DEVELOPMENT APPLICATION FOR AN 11 LOT SUBDIVISION, DOUGLAS ROAD, MOSS VALE**  
   Page 5

4. **MODIFICATION APPLICATION TO REINSTATE A 6M EASEMENT AND SUBSEQUENT ALTERATIONS TO BLOCKS A-C AND E-G, 18 KANGALOON ROAD, BOWRAL**  
   Page 8

*****

Wingecarribee Shire Council Weekly Circular, 24 October 2016
COUNCIL WEEKLY CIRCULAR

<table>
<thead>
<tr>
<th>ITEM NO:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJECT:</td>
<td>LIST OF 355 MANAGEMENT COMMITTEE MEETINGS</td>
</tr>
<tr>
<td>CONTACT NAME:</td>
<td>Lynne Morrison, 355 Committee Coordinator</td>
</tr>
<tr>
<td>FILE NUMBER:</td>
<td>Various</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Management Committee</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mittagong Memorial Hall Management Committee</td>
<td>Thursday 3 November 2016</td>
<td>7.00pm</td>
<td>Mittagong Memorial Hall</td>
</tr>
<tr>
<td>Loseby Park Management Committee</td>
<td>Friday 4 November 2016</td>
<td>9.30am</td>
<td>Loseby Park Hall</td>
</tr>
<tr>
<td>Exeter Park Management Committee</td>
<td>Monday 7 November 2016</td>
<td>6.30pm</td>
<td>Exeter Hall</td>
</tr>
<tr>
<td>Yerrinbool Community Hall Management Committee</td>
<td>Monday 7 November 2016</td>
<td>7.30pm</td>
<td>Yerrinbool Hall</td>
</tr>
<tr>
<td>Aboriginal Community &amp; Cultural Centre Management Committee</td>
<td>Tuesday 8 November 2016</td>
<td>1.00pm</td>
<td>Aboriginal Community Centre</td>
</tr>
<tr>
<td>Robertson Community Centre Management Committee</td>
<td>Friday 11 November 2016</td>
<td>10.00am</td>
<td>Robertson Community Centre</td>
</tr>
<tr>
<td>Mittagong Memorial Hall Management Committee</td>
<td>Tuesday 6 December 2016</td>
<td>7.00pm</td>
<td>Mittagong Memorial Hall</td>
</tr>
<tr>
<td>Moss Vale Community Centre Management Committee</td>
<td>Monday 19 December 2016</td>
<td>12.00pm</td>
<td>Foccarios</td>
</tr>
<tr>
<td>Mittagong Memorial Hall Management Committee</td>
<td>Thursday 5 January 2017</td>
<td>7.00pm</td>
<td>Mittagong Memorial Hall</td>
</tr>
<tr>
<td>Moss Vale Community Centre Management Committee</td>
<td>Monday 20 February 2017</td>
<td>1.00pm</td>
<td>Moss Vale Community Centre</td>
</tr>
<tr>
<td>Moss Vale Community Centre Management Committee</td>
<td>Monday 17 April 2017</td>
<td>1.00pm</td>
<td>Moss Vale Community Centre</td>
</tr>
<tr>
<td>Moss Vale Community Centre Management Committee</td>
<td>Monday 19 June 2017</td>
<td>1.00pm</td>
<td>Moss Vale Community Centre</td>
</tr>
<tr>
<td><strong>Moss Vale Community Centre Management Committee AGM</strong></td>
<td>Monday 21 August 2017</td>
<td>1.00pm</td>
<td>Moss Vale Community Centre</td>
</tr>
</tbody>
</table>
On Wednesday 25 March 2015, Council resolved to acquire an Easement for Drainage over 18 Southwood Place, Mittagong.

**MN 152/15**

1. THAT Council formally acquire the Drainage Easement over 18 Southwood Place, Mittagong being Lot 18 in Deposited Plan 252479 AND THAT it be noted that the compensation payable for the acquisition of easement is in accordance with the formal valuation obtained.

2. THAT the General Manager and Mayor be delegated authority to sign Plans, Section 88B Instrument and any other documentation associated with the creation of the Easement for Drainage of Water over 18 Southwood Place, Mittagong.

3. THAT the costs associated with the acquisition of the Easement for Drainage of Water over 18 Southwood Place, Mittagong be funded from the Bong Bong Road upgrade project.

4. THAT if an agreement cannot be made between Council and the property owner, the General Manager be delegated authority to negotiate the compensation payable, up to the value as detailed in the report.

The plan of Easement for the above was registered on 13 October 2016, with agreed compensation paid to the owner on 18 October 2016.
COUNCIL WEEKLY CIRCULAR

ITEM NO: 3

SUBJECT: DEVELOPMENT APPLICATION FOR AN 11 LOT SUBDIVISION, DOUGLAS ROAD, MOSS VALE

CONTACT NAME: Nick Wilton, Group Manager Planning, Development and Regulatory Services

FILE NUMBER: 16/0720

The purpose of this weekly circular is to inform Councillors of a development application for the subdivision of land creating eleven new lots at “Tacoola Park’ Douglas Road, Moss Vale.

Proposed Development

On 12 August 2016, a development application for an eleven lot subdivision at ‘Tacoola Park’ Douglas Road Moss Vale, was lodged with Council. The site (Lot 10 DP1189246) has an area of 66.83 hectares with an existing dwelling and ancillary structures situated thereon. Attachment 1 provides a site location and aerial image, whilst Attachment 2 is the proposed subdivision plan.

Permissibility

The site is zoned IN1 General Industrial under the Wingecarribee Local Environmental Plan 2010 and subdivision is permissible with the development consent of the Council pursuant to clause 2.6. The proposal is also consistent with the aims and objectives of the zone.

The application is supported by a Statement of Environmental Effect outlining the general nature of the proposed subdivision and addressing the planning instrument and prevailing development control plan.

Assessment Timeline

The application has been notified to adjoining and adjacent landowners and internal referral to Council’s Development Engineer has been completed. The notification period concluded on 9 September 2016. There were no submissions received during the notification period.

Referral of the application to Water NSW was made and subsequent response with comment and required conditioning was received on 2 September 2016.

The applicant has requested a minor amendment to the layout design on 22 September 2016 which resulted in a need to re refer the matter internally to the Development Engineers and also to Water NSW. Subsequent response form Water NSW was received 22 September 2016. Response form the Development Engineer is still outstanding.

The application is expected to be determined under delegated authority as soon as the engineering comments and requirements are received, unless it is requested by a Councillor that the application be determined by full Council.

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

ATTACHMENT 1 – SITE LOCATION AND AERIAL IMAGE
COUNCIL WEEKLY CIRCULAR

<table>
<thead>
<tr>
<th>ITEM NO:</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJECT:</td>
<td>MODIFICATION APPLICATION TO REINSTATE A 6M EASEMENT AND SUBSEQUENT ALTERATIONS TO BLOCKS A-C AND E-G, 18 KANGALOON ROAD, BOWRAL</td>
</tr>
<tr>
<td>CONTACT NAME:</td>
<td>Nicholas Wilton, Group Manager Planning, Development and Regulatory Services</td>
</tr>
<tr>
<td>FILE NUMBER:</td>
<td>15/0081.02</td>
</tr>
</tbody>
</table>

The purpose of this Weekly Circular is to inform Councillors of a modification application that has been lodged seeking consent to reinstate a 6m easement and subsequent alterations to Blocks A-C and E-G at 18 Kangaloon Road, Bowral.

Site Description
The site is known as proposed Lot 842 in DA14/0393, 18 Kangaloon Road, Bowral (currently part of Lot 84 DP1163241) and sits approximately 400m south of the Bowral business district. Attachment 1 shows a site location plan, and Attachment 2 shows the approved subdivision of DA14/0393. The proposed lot is 5,195sqm in size fronting Martha Street and abuts the eastern boundary of the site. Proposed Lot 841 in DA14/0393 contains the existing restaurant and accommodation use, currently tenanted by Biota Dining.

Surrounding land uses are predominantly residential with a mix of low density to the east and north east and medium density to the west and south west. The site generally falls towards Kangaloon Road with the south eastern corner of the site at a height of 684m (using Australian Height Datum) falling to 673m at Kangaloon Road. A collection dam currently sits in the north western corner of the site, however as part of the approval of DA14/0393, this shall be drained and compacted (filled in). Vegetation onsite is generally introduced species with sporadic stands of established and mature trees around the site.

Background
Development Application 14/0393 approved a two lot subdivision of the site (Attachment 2). Subsequent modifications to DA14/0393 include:

- 14/0393.02 – to reduce the width (from 6m to 4.6m) and length (from 71.1m to approximately 20m) of the right of carriageway, approved 23 July 2015;
- 14/0393.03 – modification to timing of Condition 12 Demolition, Conditions 19-21 Dam Works and Condition 34(b)(i) Construction of the right of carriageway, approved 5 November 2015;
- A Subdivision Certificate, DA14/0393.04 has now been lodged with Council, however it has come to light that the approved right of carriageway (currently 4.6m and 71.1 long) is inconsistent with a commercial lease agreement held by the current tenants on Proposed Lot 841;
- Subsequently, 14/0393.05 was lodged with Council to reinstate the original width (6m) and length (71.1m) of the right of carriageway over Lot 842, with its determination pending. Attachment 3 shows the proposed subdivision plan currently applied for.

On 11 February 2015, DA15/0081 was lodged with Council seeking consent for a 25 multi dwelling housing development on proposed Lot 842 of DA14/0393, being 18 Kangaloon Road, Bowral.
On 27 August 2015, Council was provided with documentation advising that Class 1 proceedings in the Land and Environment Court had been submitted pursuant to section 97(1) of the *Environmental Planning and Assessment Act 1979*, being for a deemed refusal. Notwithstanding, DA15/0081 was refused by Council on 15 October 2015 at its Ordinary Meeting on 14 October 2015 for the following reasons:

(a) The impact on the residential amenity on the community including inadequate setbacks and the lack of endeavour to maximise integration of higher density forms into existing neighbourhood character.

(b) The 6m setback as advised by Council’s Heritage Adviser.

(c) The height along the eastern boundary being excessive and the constriction of parking and delivery arrangements to Biota not achieving the objectives of the R3 zone.

(d) The unbroken wall mass being excessive leading to severe amenity impacts to the neighbours.

(e) The bulk and scale to Martha Street not being reflective of the general character of the precinct.

(f) The conflict that would exist between the commercial premises adjacent to this development and its relation to the residential neighbours.

(g) The reduction of the easement to 4.6 metres instead of 6 metres.

(h) The privacy and noise issues associated with the Biota outdoor dining areas that would affect the amenity of any proposed development.

(i) That generally the non-compliances have material impacts that reflect poorly on the suitability of the site, the built form and the relationship that the development will have with its neighbours.

(j) That the overlooking into the rear yards of low density neighbours is not an acceptable outcome.

(k) That the resolution of individual garbage pick-up is unsatisfactory.

The Class 1 proceedings were approved by the NSW Land and Environment Court as a 21 multi dwelling housing development on 4 March 2016.

**Proposed Development**

The subject modification, 15/0081.02, has been lodged in recognising that the approved form of the 21 multi dwelling housing development is inconsistent with the need for a 6m wide and 71.1m long easement, as discussed previously. Council has the ability to determine a court approved development application, pursuant to section 96AA of the *Environmental Planning and Assessment Act 1979*. 
Modification to the right of carriageway dimensions would result in alterations to the built form including:

- Blocks A-C reduced dwelling width by 250mm to accommodate 6m easement.
  - Removal of splashback windows to kitchens and modification to basement to suit dwelling reduction
- Blocks E & F modified to suit 6m easement.
  - Block E moved north 600mm to allow for on grade parking.
  - Removed basement to dwellings, hardstand parking provided.
  - Removal of balconies, lift and stair from basement - Additional space used as a W/C and study.
  - Relocation of entry and modification to Laundry/rear entry.
  - Minor modifications to windows and doors to suit internal changes and modifications to private open space to suit easement.
- Block G - modification to basement entry

Some plans of the proposed amendments to the approved development are at Attachment 4. It is noted that more plans are available on Council’s DA Tracker to view, with physical copies for better viewing being made available upon request at Council’s Customer Service Centre.

**Permissibility**

The site is zoned R3 Medium Density Development under the Wingecarribee Local Environmental Plan 2010 and in this zone, multi dwelling development is permissible with development consent. The proposed modification is consistent with the aims and objectives of the zone.

**Assessment Timeline**

The application has been notified to adjoining and adjacent landowners, as well as previous submitters, with internal referral to Council’s Development Engineer. The notification period concluded on 12 October 2016. There were a total of four submissions received during the notification period. The issues raised in the submissions are related to traffic generation and noise (from both vehicles and pedestrians), visual and acoustic impacts on surrounding residential development, character of the development, car parking and garbage collection impacts.

The application is expected to be determined under delegated authority, unless it is requested by a Councillor that the application be determined by full Council.


Should you require any further information, please contact Councillor.Request@wsc.nsw.gov.au
ATTACHMENT 2 – CURRENT APPROVED SUBDIVISION PLAN 14/0393.02
NOTE: Other plans can be made available upon request