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BUSINESS PAPER

Additional Items

Ordinary Council Meeting

16 June 2020

Warwick Bennett
General Manager

We hereby give notice that an Ordinary Meeting of Council will be held on:
Tuesday, 16 June 2020 at 6pm
in the Council Chambers, Civic Centre
184 - 194 Bourke Street, Goulburn

Order Of Business

15 Reports to Council for Determination 4
15.22 Approval of Voluntary Management Proposal - Part Tarago Rail Corridor,
Tarago 4
15.23 DA/0277/1920 - Subdivision, 8-10 Combermere Street, Goulburn 19

Cr Bob Kirk
Mayor

Warwick Bennett
General Manager

15 REPORTS TO COUNCIL FOR DETERMINATION

15.22 APPROVAL OF VOLUNTARY MANAGEMENT PROPOSAL - PART TARAGO RAIL CORRIDOR, TARAGO

Author: Scott Martin, Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Cover Letter**  
 2. **Notice of Approval**  
 3. **EPA Notice of Approval**  

Link to Community Strategic Plan:	CL1 – Effect resourceful and respectful leadership and attentive representation of the community
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report of the Director Planning & Environment on the Approval of Voluntary Management Proposal - Part Tarago Rail Corridor, Tarago be received.
2. Council seeks community feedback through TADPAI and Tarago Times to relay any further community issues on the lead contamination that is effecting the Tarago community back to Transport NSW.

BACKGROUND

On 27 February 2020 Council became aware of a significant lead contamination issue that had arisen as a result of the rail siding upgrade work in Tarago. Council subsequently received notification from the NSW Environment Protection Authority that Transport for NSW had been served a Draft Notice of Significantly Contaminated Land. On 25 March 2020 the Environment Protection Authority formalised the Notice.

REPORT

Council has recently received correspondence from the NSW Environment Protection Authority advising their acceptance of a Voluntary Management Proposal to manage contamination of the Tarago Rail Corridor by Transport for NSW. This is in response to the Notice of Significantly Contaminated Land issued by the Environment Protection Authority to Transport for NSW on 25 March 2020.

A copy of the Environment Protection Authority’s Notice of Approval of Voluntary Management Proposal and the Voluntary Management Proposal have been attached. It is noted that the both the Notice and Voluntary Management Proposal relate to the rail siding only.

The Voluntary Management Proposal contains a number of commitments and deadlines as well as numerous reporting requirements that Transport for NSW must adhere to. Such commitments include the undertaking of a Detailed Site Investigation, an Action Plan for Offsite Impacts from Tarago Rail Corridor, a Remedial Action Plan, a Site Audit Statement and a series of Validation Reports.

This is a positive step forward, and whilst it may not correct the actions of the past, the acceptance of the Voluntary Management Proposal by the Environment Protection Authority will provide a clear framework for the Tarago community in terms of how the site will be managed and made safe into the future, and ensure that Transport for NSW's actions are transparent throughout the process.

As stated above this Management Plan/Action Plan covers the rail siding only. It is important that the Council continue to advocate on behalf of the community any concerns that the community may have in regard to the impact of the contamination on private property, citizens and across the community in general. This report recommends that Council seeks feedback from the community via TADPAI and the Tarago Times on any matters they would like Council to advocate to Transport for NSW on the contamination concerns.



Our reference: DOC20/409803 - 4

Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
Civic Centre, 184-194 Bourke Street
GOULBURN NSW 2580

Dear Mr Bennett,

**Approval of Voluntary Management Proposal (VMP)
Contaminated Land Management Act 1997
Part of the Tarago Rail Corridor, Tarago NSW 2580**

I write further to the NSW Environment Protection Authority (EPA) regulation of the Lot 22 DP1202608 (defined area of the Tarago Rail Corridor, Goulburn Street, Tarago, NSW 2580) (the site) under the *Contaminated Land Management Act 1997* (CLM Act).

Transport for NSW has recently provided the EPA with a Voluntary Management Proposal (VMP) to manage contamination at the site. We have reviewed the proposal and consider that the proposed works are an acceptable approach to managing contamination at the site, subject to certain conditions. Consequently, we have approved the proposal and will place a copy of the approved VMP on our public record of notices issued under the CLM Act. Our public record is available online at <http://www.epa.nsw.gov.au/prclmapp/searchregister.aspx>.

A copy of Notice of Approval of Voluntary Management Proposal is enclosed for your information, along with a copy of the approved VMP.

We draw your attention to section 59 of the CLM Act, which requires the notation of the approved VMP on the planning certificate for the site issued under section 10.7 of the *Environmental Planning and Assessment Act 1979*.

If you would like to discuss this matter please contact Sam Waskett on (02) 4908 6865 or via email at sam.waskett@epa.nsw.gov.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Nigel Sargent'.

28 May 2020

NIGEL SARGENT
Director Regulatory Operations – Regional South
Environment Protection Authority

Enclosures: (1) Notice of Approval of Voluntary Management Proposal, and (2) approved VMP

Phone 131 555	Fax +61 2 9995 5999	PO Box A290	59-61 Goulburn St
Phone +61 2 9995 5555 (from outside NSW)	TTY 133 677	Sydney South	Sydney NSW
	ABN 43 692 285 758	NSW 1232 Australia	2000 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

Notice of Approval of Voluntary Management Proposal



Section 17 of the *Contaminated Land Management Act 1997*

Notice Number 20201711
Area Number 3455
Proponent: Transport for NSW (ABN 18 804 239 602)

Land to which this notice applies

Description	Address
part of Lot 22 DP1202608	Part of the Tarago Rail Corridor, Tarago NSW 2580

Proposal date: June 2019

The approved proposal consists of this approval document and the attached proposal, which comprises three Parts:

- part 1 – Preliminary Details;
- part 2 – Undertakings; and
- part 3 – Performance Schedule.

BACKGROUND

The EPA is satisfied that the terms of the proposal, as modified by the conditions of this approval, are appropriate.

For the purposes of section 17(4) of the *Contaminated Land Management Act 1997* (CLM Act), the EPA is satisfied that the proponent has taken all reasonable steps to identify and find every owner and notional owner of the land and every person responsible for significant contamination of the land and given those parties identified an opportunity to participate in the formulation and carrying out of the proposal on reasonable terms.

The contents of Part 1, Part 2 and Part 3 of the attached proposal form part of the terms of the approved proposal.

For the purposes of section 9(1) of the CLM Act, the EPA has had regard to the principles of ecologically sustainable development in assessing and approving this Voluntary Management Proposal and has also sought the implementation of those principles in the management of the site under this approved proposal.

APPROVAL AND CONDITIONS

The EPA approves the proposal subject to the following conditions. These conditions form part of the terms of the approved proposal.

1. Each feature and milestone of the proposal is to be completed by the date specified in the proposal. Failure to satisfactorily complete any component by the due date for that feature or milestone may be taken as a failure to carry out the terms of the proposal for the purposes of section 17(6) of the CLM Act.
2. The proponent cannot recover contributions under Part 3 Division 6 of the CLM Act.

3. Make available for inspection by any person, free of charge, and provide a copy to any person for a reasonable fee, any document required to be prepared and submitted to the EPA under this voluntary management proposal. It is not necessary to disclose:
 - (i) any information contained in those documents that relates to any manufacturing or other industrial or commercial secrets or working processes; or
 - (ii) any personal information, within the meaning of the *Privacy and Personal Information Protection Act 1998* or *Privacy Act 1988* (Cth), contained in those documents.
4. Where this proposal requires the proponent or any other person to give a document to the EPA, that document may be given to the EPA:
 - (i) By delivering the document by hand to 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150.
 - (ii) By posting the document to Attn: Director Regulatory Operations – Regional South, NSW EPA, Locked Bag 5022, Parramatta NSW 2124
 - (iii) By faxing the document to Director Regulatory Operations – Regional South, NSW EPA, 02 9995 5999
 - (iv) By emailing the document to contaminated.sites@epa.nsw.gov.au

ADDITIONAL INFORMATION

5. The EPA may still exercise any powers it has under the CLM Act, or any other legislation, in relation to the site.
6. The EPA may require the proponent to pay all or any costs incurred by the EPA in connection with any one or more of the following:
 - a. Assessing and settling the terms of the approved voluntary management proposal;
 - b. Monitoring action under the approved voluntary management proposal;
 - c. Seeking the compliance of the proponent with the approved voluntary management proposal;
 - d. Any other matter associated with, or incidental to, the matters set out in paragraphs a. to c. above.



NIGEL SARGENT
Director Regulatory Operations – Regional South
Environment Protection Authority

(by delegation)

Date: 28 May 2020

NOTES:**Information recorded by the EPA**

Section 58 of the CLM Act requires the EPA to maintain a public record. A copy of this notice will be included in the public record.

Information recorded by councils

Section 59 of the CLM Act requires the EPA to give a copy of this notice to the relevant local council. The council may then make appropriate consequential modifications to the planning certificate issued in relation to the land to which this notice applies pursuant to s.10.7 of the *Environmental Planning and Assessment Act 1979*.

Relationship to other regulatory instrument

This repeal notice does not affect the provisions of any relevant environmental planning instruments which apply to the land or provisions of any other environmental protection legislation administered by the EPA.

Previous regulatory instrument

As of 1 July 2009, all current declarations of investigation area and declarations of remediation site are taken to be declarations of significantly contaminated land, all current investigation orders and remediation orders are taken to be management orders, and all current agreed voluntary investigation proposals and agreed voluntary remediation proposals are taken to be approved voluntary management proposals.

VOLUNTARY MANAGEMENT PROPOSAL UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Part 1

Preliminary Details

1. Proponent's Details

(a) Name and contact details

Trading as:	Transport for NSW
ABN:	18 804 239 602
Contact Name:	Terry Brady
Phone:	0408 487 421
Fax:	
Email:	Terrence.Brady@transport.nsw.gov.au
Postal address:	Level 3, 237 Wharf Rd, Newcastle NSW
Postcode:	2300
EPA licence number (if applicable):	

(b) Who the EPA should contact with technical enquiries about the proposal

Name:	Jonathan Tasker
Employer/Company:	Transport for NSW
Position title:	Senior Manager, Regional Infrastructure
Services,	
Type of business:	
Phone (business):	0428 448 473
Phone (after hours):	0428 448 473
Fax:	
Email:	Jonathan.TASKER@transport.nsw.gov.au

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

Page 1 of 8

2. Site to which proposal applies

The site to which the proposal applies ("the site") forms part of Lot 22 DP1202608 and falls within the Goulburn – Bombala rail corridor at Tarago. The Site is within the Goulburn Mulwaree LGA in New South Wales.

The land to which this declaration applies is shown on the attached map and is shaded blue.

3. The contamination

Soil and surface water (when present) at the site are contaminated with substances and the contamination is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*. The substance of concern ("the Contaminant") in soil is lead described as follows:

- lead concentrations in soil within the rail corridor (Lot 22 DP1202608) exceed national guideline values for the protection of human health and the environment
- lead contamination has impacted adjacent land at 106 Goulburn Street, Tarago (Lot 1 DP816626), with soil found to contain lead at concentrations exceeding national guideline values for the protection of human health and the environment
- there are complete exposure pathways to lead for occupants of 106 Goulburn Street, as well as potentially complete exposure pathways for persons working within the rail corridor and
- there are potentially complete exposure pathways for onsite and offsite ecological receptors

4. The management proposal

The management proposal ("the proposal") comprises:

- a) the information set out above;
- b) the undertakings set out in Part 2 of this document; and
- c) the performance schedule set out in Part 3 of this document.

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

Page 2 of 8

Part 2

Undertakings Included in Voluntary Management Proposal

THE PROPOSAL INCLUDES THE FOLLOWING UNDERTAKINGS:

General

1. All works or activities carried out in connection with the proposal, including sampling and preparation of associated reports ("the activities"), will be carried out in accordance with applicable provisions of *State Environmental Planning Policy 55 – Remediation of Land* and any requirements imposed under it in relation to the activities.
2. All matters listed as relevant to a remediation action plan by the EPA's *Guidelines for Consultants Reporting on Contaminated Sites (2020)* will be taken into account in the carrying out of the activities.
3. All the activities will be carried out consistently with guidelines made or approved under section 105 of the CLM Act.
(See www.epa.nsw.gov.au/clm/guidelines.htm)
4. All the activities will be carried out in compliance with applicable NSW environmental legislation, and in particular:
 - i) All the activities, including:
 - (1) the processing, handling, movement and storage of materials and substances used to carry out the activities; and
 - (2) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activitieswill be carried out in a competent manner;
 - ii) All plant and equipment installed at the site or used in connection with the activities:
 - (1) will be maintained in a proper and efficient condition; and
 - (2) will be operated in a proper and efficient manner.
5. All the activities at the site will be carried out in a manner that prevents or minimises the emission of dust, odour and noise from the site.
6. Waste generated or stored at the Site will be assessed and classified in accordance with the EPA's *Waste Classification Guidelines Part 1: Classifying Waste*.
(See www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
7. All waste transported from the Site that is required by the *Protection of the Environment (Waste) Regulation 2014* to be tracked must be tracked using the EPA's on-line tracking system or an alternative tracking system approved in writing by the EPA.
(See www.epa.nsw.gov.au/owt/aboutowt.htm)
8. The proponent will make this voluntary management proposal available to the public free of charge and consents to the EPA placing this proposal on its public website.
9. The proponent will make all documents referred to in, and required to be prepared under, this voluntary management proposal available to the public free of charge,

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

Page 3 of 8

unless the proponent identifies commercial-in-confidence or private/personal information (including information relating to a third party) within those documents. In these cases, the proponent will remove such information from the documents to make the documents suitable for public release.

10. The proponent will:
- i) prior to the implementation of the proposal provide for the EPA's approval a strategy for communicating about that implementation, particularly the actual management works, with members of the public who are likely to have a real interest in or be affected by that implementation; and
 - ii) implement the strategy as approved in writing by the EPA.

Monitoring, Record Keeping & Reporting

11. At least until the EPA has notified the proponent that the EPA no longer considers that the contamination is significant enough to warrant regulation under the *Contaminated Land Management Act 1997*, record and retain all monitoring data and information and provide this record to the EPA at any reasonable time if so requested by the EPA and as specifically provided under the proposal.
12. The EPA will be informed in writing within 7 days of the proponent becoming aware of information or data indicating a material change:
- a) in conditions at the site, or
 - b) in its surrounding environment,
- which could adversely affect the prospects of successful management of the site or result in harm to the environment.
13. The EPA will be informed in writing within 7 days of the proponent becoming aware of any failure, either by the proponent or any other person, to comply with any term of the proposal.
14. The EPA will be informed immediately of the proponent becoming aware of any information or data that indicates harm to the environment, as defined by the *Protection of the Environment Operations Act 1997*.
15. The EPA will be informed in writing as soon as practicable of any notification by the proponent, its employees or its agents to an appropriate regulatory authority other than the EPA of any pollution incident at the site within the meaning of the *Protection of the Environment Operations Act 1997*.

(See <http://www.epa.nsw.gov.au/licensing/dutytonotify.htm>)

Performance Schedule

16. The performance schedule which is in Part 3 of this document will be adhered to.

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

PERFORMANCE SCHEDULE

1. Objectives of the proposal

The objectives of this proposal are to achieve the following outcomes within the specified timeframes:

Stage 1

- O1 Assess the nature and extent of the Contaminant at the Site and the migration of the Contaminant from the Site
- O2 Develop an Action Plan for interim management of risks to off site receptors from the Contaminant originating from the Site

Stage 2

- O3 Develop remedial action plan(s) "RAP(s)" defining how risks associated with the Contaminant originating from the Site will be addressed

Stage 3

- O4 Implement the RAP(s)
- O5 Validate the implementation of the RAP(s)

This Schedule describes how each objective will be satisfied.

2. Principal features of the proposal

The principal features of proposal include, but are not limited to:

Stage 1 - Assessment of Contaminant at or originating from the Site

- P1. Appoint a NSW EPA auditor accredited under the *Contamination Land Management Act 1997*.
- P2. Collate and review data from third parties in relation to the Contaminant in soil and water in the Tarago area.
- P3. Undertake delineation of the Contaminant within the Site and at the former Ore Concentrate Load-Out Complex.
- P4. Install groundwater monitoring wells to assess impacts to groundwater from the Contaminant originating from the Site.
- P5. Assess the potential migration from the Site of the Contaminant in surface waters and sediments.
- P6. Prepare a Detailed Site Investigation report.
- P7. Develop an Action Plan to define responses to mitigate risks from the Contaminant originating from the Site to offsite receptors.

Stage 2 - Remediation Action Plan

- P8. Assess remedial options to address risks from the Contaminant on, or originating from, the Site.
- P9. Select a preferred remedial option integrating consultation with the community and other stakeholders.
- P10. Prepare a RAP(s) to define how the selected remedial option will be implemented and validated.

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

P11. Obtain Section B Site Audit Statement(s) from an Auditor accredited under the NSW EPA Site Auditor Scheme confirming:

- The assessment adequately characterises the degree and extent of the Contaminant at the Site and originating from the Site
- The RAP(s) is suitable to address risks associated with the Contaminant at the Site and originating from the Site.

Stage 3 Remediation and Validation

P12. Obtain planning permits and approvals and procurement necessary to implement remediation

P13. Implement the RAP(s)

P14. Compile a validation report(s) that describes and provides evidence of the activities taken to effect remediation and concludes on the success of remediation.

P15. Provision of a Site Audit Statement(s) from an Auditor accredited under the NSW EPA Site Auditor Scheme confirming remediation has occurred in accordance with the RAP(s) and objectives of this VMP are met, i.e. a Section B4 Site Audit(s).

3. Key milestones for investigation, remediation and other actions

All works set out in the proposal must be completed by the deadlines specified below:

Works	Deadline
T1. Investigation of Contaminant at or originating from the Site (P1-P6)	31 July 2020
T2. Development of an Action Plan to mitigate risks from the Contaminant originating from the Site to offsite receptors (P7)	31 July 2020
T3. Remediation action planning (P8-P11)	30 September 2020
T4. Preliminaries required to implement remediation (P12) including planning permits and approvals and procurement	Within 6 months of completing T3, subject to obtaining necessary approvals
T5. Implement Remediation (P13)	Within 6 months of completing T4
T6. Complete validation reporting and Auditor review of remediation (P14-P15)	Within 6 months of completing T5

4. Reporting requirements and timeframe for submission of reports

The EPA will be provided with the following reports:

- R1 Detailed Site Investigation – Tarago. This report will include:
- A description of all investigative works relevant to the Contaminant at the site that have been completed
 - Description of the degree and extent of the Contaminant:
 - o Within and/or from the site; and
 - o Otherwise within the area surrounding the site
 - A conceptual site model assessing risks associated with the site Contaminant through potential source, pathway, receptor linkages

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

- R2 Action Plan for Offsite Impacts from Tarago Rail Corridor. This report will include:
 - Detailed description of measures that will be implemented to mitigate risks associated with the Contaminant originating from the site
 - Confirmation of how the effectiveness of risk mitigation will be validated
- R3 Remedial Action Plan (s) – The RAP(s) will include:
 - Assessment of remedial options to address risks associated with the Contaminant at the site
 - Selection of a preferred remedial option integrating consultation with the community and other stakeholders
 - A Remedial Action Works Plan to define how the selected remedial option will be implemented
 - A validation plan to define how the success of remediation will be assessed.

More than one RAP may be prepared.
- R4 Section B Site Audit Statement. The appointed Site Auditor will prepare a Section B SAS to determine the adequacy of the Detailed Site Investigation (R1) in assessing risks associated with Contaminant at or originating from the site and the suitability of the Remedial Action Plan (R3) to mitigate these identified risks.
- R5 Validation Report (s). The validation report(s) will include:
 - A summary of contamination associated with the site identified in the Detailed Site Investigation (R1)
 - A summary of the RAP(s) (R3)
 - Assessment of remedial works completed against the preferred remedial strategy as described in the RAP(s) (R3)
 - Completion of confirmatory testing and other validation measures described within the validation plan as described in the RAP(s) (R3)
 - A clear statement assessing completion of the tasks required under the VMP.

More than one validation report may be prepared
- R6 Section B4 Site Audit Statement(s). The Auditor will provide a Section B4 Site Audit Statement(s) and Site Audit Report(s) to determine compliance with this Voluntary Management Proposal.

These reports will be provided by the deadlines specified below:

Report	Deadline
R1. Detailed Site Investigation – Tarago	14 August 2020
R2. Action Plan for Offsite Impacts from Tarago Rail Corridor	14 August 2020
R3. RAP(s)	18 September 2020
R4. Section B Site Audit Statement	16 October 2020
R5. Validation Report (s)	Within 3 months of completing T5
R6. Section B4 Site Audit Statement (s) and Site Audit Report (s)	Within 6 months of completing T5

Proponent: Transport for NSW

Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

Signature of proponent



This application for approval of this voluntary management proposal may only be signed by a person(s) with the legal authority to sign it. The various ways in which the application may be signed, and the people who may sign the application, are set out in the categories below.

Please tick (✓) the box next to the category that describes how this application is being signed.

If the proponent is:	The application must be signed and certified by one of the following:
an individual	<input type="checkbox"/> the individual.
a company	<input type="checkbox"/> the common seal being affixed in accordance with the <i>Corporations Act 2001</i> , or <input type="checkbox"/> two directors, or <input type="checkbox"/> a director and a company secretary, or <input type="checkbox"/> if a proprietary company that has a sole director who is also the sole company secretary – by that director.
a public authority other than a council	<input type="checkbox"/> the chief executive officer of the public authority, or <input checked="" type="checkbox"/> by a person delegated to sign on the public authority's behalf in accordance with its legislation (Please note: a copy of the relevant instrument of delegation must be attached to this application).
a local council	<input type="checkbox"/> the general manager in accordance with s.377 of the <i>Local Government Act 1993</i> ('LG Act'), or <input type="checkbox"/> the seal of the council being affixed in a manner authorised under the LG Act.

I/We (the proponent):

- ***apply for approval of the voluntary management proposal set out in this proposal and in any documents referred to in Part 1.4 of this proposal***
- ***declare that the information in this proposal form (including any attachment or document referred to in Part 1.4 of this proposal) is not false or misleading.***

Signature		Signature	
Name (printed)	Terry Brady	Name (printed)	Justin Perrott
Position	General Manager, Country Rail Contracts	Position	Assoc Director Environmental Management
Date	25/5/2020	Date	25 May 2020

Seal (if signing under seal):

Proponent: Transport for NSW





Site: Lot 22 DP 1202608

Proposal Date: 25 May 2020

15.23 DA/0277/1920 - SUBDIVISION, 8-10 COMBERMERE STREET, GOULBURN

Author: Scott Martin, Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Subdivision Plan  
 2. Detention Basin  

Link to Community Strategic Plan:	EN3 – Protect and rehabilitate waterways and catchments EN4 – Maintain a balance between growth, development and environmental protection through sensible planning
Cost to Council:	Nil. It is expected that any future costs to Council would be offset through the levying of developer contributions and/or the execution of a Planning Agreement
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report of the Director Planning & Environment be received.
2. The General Manager is authorised to enter into negotiations regarding the proposal for a stormwater detention basin on Council land.
3. Any draft planning agreement in relation to the use of Lot 74 DP35541 for stormwater detention purposes be subject to further consideration and determination by Council.

BACKGROUND

DA/0277/1920 was recently lodged with the intent of seeking consent for a 32 lot subdivision of the land currently occupied by the Gill Waminda Aged Care Facility located on the corner of Combermere and Eldon Streets, and surrounded by Mary Street, Lisgar Street, Hovell Street and Hollis Avenue. The majority of lots are intended to be residential, with the residual lot and several proposed lots to remain associated with the provision of aged care. The proposed plan of subdivision has been attached (**Attachment 1**).

This report seeks to formalise Council’s consent to have the application assessed, given that part of the development relates to Council land.

A further report will be forthcoming at a later date in relation to a Planning Agreement, in which preliminary negotiations with the developer are currently taking place.

REPORT

The Goulburn Mulwaree Council Local Government Area is located within the Sydney Drinking Water Catchment. Any development that is proposed must therefore demonstrate a Neutral or Beneficial Effect on Water Quality (NorBE) in accordance with the provisions of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

In order to meet the requirements of NorBE, the applicant has proposed to locate their stormwater treatment device on Council land (Lot 74 DP35541) opposite the development site, specifically the Ardgowan Park reserve between the intersection of Mary & Lisgar Streets and the existing creek bed/drainage path. This is depicted in **Attachment 2**.

At this stage, Council's consent as a landowner will be required in order to progress the assessment. It's noted that this will not imply any guaranteed consent to the applicant, nor will it lock Council into any future arrangements or agreements. These will be subject to further consideration as the application progresses, and as a result will allow further consideration as to the pros and cons of the proposal in terms of its role as a landowner.

Accordingly, it is recommended that:

- The General Manager is authorised to enter into negotiations regarding the proposal for a stormwater detention basin on Council land.
- Any draft planning agreement in relation to the use of Lot 74 DP35541 for stormwater detention purposes be subject to further consideration and determination by Council.

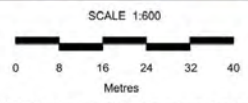
If Council is in agreement with the direction this recommendation is advocating then the voluntary planning agreement that the General Manager would negotiate would include the cost of the land and other improvements to this reserve to benefit the general environment in this area. There is no doubt that including the detention basin on Council land is a significant benefit to the developer. Without this approval on Council land the applicant could lose at least two lots as part of this development. There is benefit to the community to having this reserve upgraded and as the water from this land naturally flows to this reserve having the detention basin on Council land will also benefit the storm water flow in this neighbourhood.

The process would be that the General Manager obtain a valuation for the cost of two residential lots in this area and use that valuation as a basis for the monetary payment to Council for the use of the Council land and the upgrade of the reserve.



NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY
 Liability limited by a scheme approved under Professional Standards Legislation.

ISSUE	AMENDMENT	DRAWN	DATE
E	BOUNDARY ADJUSTMENTS	SH	20/1/2020
F	BOUNDARY ADJUSTMENTS	SH	28/1/2020
G	DA SUBMISSION	SH	20/02/2020
H	PROPOSED ROC ADJUSTMENT	SH	10/03/2020
I	PROPOSED SEWER EASEMENT & LOT RENUMBERING	SH	16/03/2020
J	BOUNDARY/EASEMENTS ADJUSTMENT	SH	19/03/2020
K	EASEMENTS ADJUSTMENT	SH	26/03/2020



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 e: goulburn@landteam.com.au
 www.landteam.com.au



A1 SHEET	THE SALVATION ARMY		SURVEY DATE: 20/09/2019 SURVEYED: SHLW DRAWN: SH CHECKED: JK DRAWING No: 212805-DA01-01	ISSUE K	
	GOULBURN MULWAREE COUNCIL				
PLAN OF PROPOSED SUBDIVISION OF LOT 1 DP 1115448 & LOT E DP 161389					
DATUM	AHD	CONTOUR INTERVAL	1m	DATE	17/10/2019

