

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

cc-GM1 RE 1 Public Recreation zoned Land Valuations for Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2013 to 2036

Reference: 5702/2, PN652400, PN1765300, PN1449900, PN548800, PN610700, PN1345900, PN1346400, PN1110900, PN332300, PN1132700, PN1132400, PN166100 and PN1345800

Responsible Officer: Group Manager Strategic and Assets

PURPOSE

The purpose of this report is for Council to examine thirteen (13) properties listed in Wingecarribee Local Environmental Plan 2010 (WLEP 2010) for property acquisition; and to consider whether or not to continue pursuing those properties for acquisition.

Individual valuations have been sought for eleven (11) of the properties. This report presents to Council the social (community/cultural), environmental (biodiversity etc) and economic factors for each of the properties.

It is recommended that all but two (2) of the currently listed properties continue to be pursued for acquisition and included in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*; and that a Planning Proposal be prepared to remove the two (2) properties not recommended to be pursued for acquisition from WLEP 2010.

REPORT

BACKGROUND

With the making of WLEP 2010 on 16 June 2010, several privately owned properties or part of properties zoned RE1 Public Recreation were included on property acquisition maps.

This report discusses the possible inclusion of those properties in the *Draft Section 94 Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*; and whether or not those properties should continue to be pursued for acquisition.

REPORT

Each of the properties are grouped via their respective town and location (reserve), however are discussed individually:

CLOSED REPORTS

Bowral Mt Gibraltar – The following part properties are listed to be acquired for inclusion into the Mt Gibraltar Reserve:

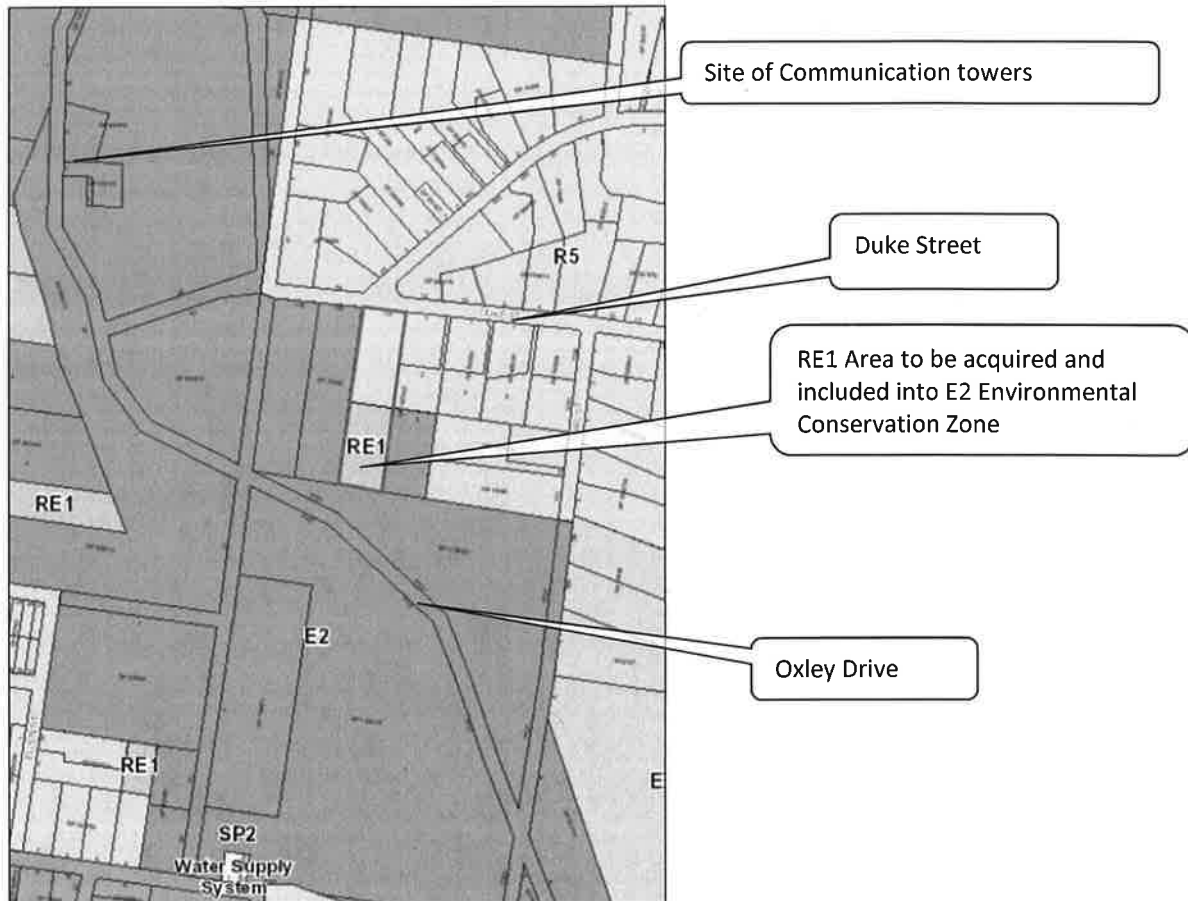
Summary:

- Part of 1 Duke Street, Bowral – Lot 137 DP15496 Valuation: \$259,000.00
- Part of 7 Ellen Street, Bowral – Lot 10 DP597322 Valuation: [REDACTED]
- Part of 3 Soma Ave, Bowral – Lot 21 DP11372 Valuation: \$260,000.00
- Part of 15-17 Soma Ave, Bowral – Lot 18 DP11372 Valuation: \$210,000.00
- Part of 19 Soma Ave, Bowral – Lot 17 DP11372 Valuation: Not Valued¹

TOTAL: [REDACTED]

Part of 1 Duke Street, Bowral – Lot 137 DP15496

Figure 1 - Extract of Zoning Map - 1 Duke Street, Bowral



The compensation for acquisition is assessed at \$259,000.00 for the rear section of this property which is approximately 6,970m² in area, subject to survey.

A separate report has been brought to Council on this property as the owner has requested that Council acquire this land. The report recommends that Council not agree to acquire the land at this point in time and that the owner show due cause for hardship under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

¹ Note this property was not valued. Refer to discussion on property for details.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

Should the owner demonstrate just cause under the provisions of the Just Terms Compensation Act, it is likely Council will be compelled to acquire the property in the near future. However, if the owner cannot demonstrate just cause, then Council will be able to schedule the timing of the acquisition to an appropriate financial year in the future, which can be listed in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*.

Council's Natural Resource Project Coordinator provided the following assessment:

Vegetation: Mt Gibraltar Forest (EEC) / Upland Basalt Eucalypt Forest (EEC) integrating into Southern Highland Shale Woodland (EEC).

Condition: Moderate – Good

Management: Majority of the parcel is in good condition, with the structural components of the EEC still intact. Towards the interface with the cleared residential section of the parcel (adjoining Duke Street), exotic plant species (garden escapees) begin to dominate the site.

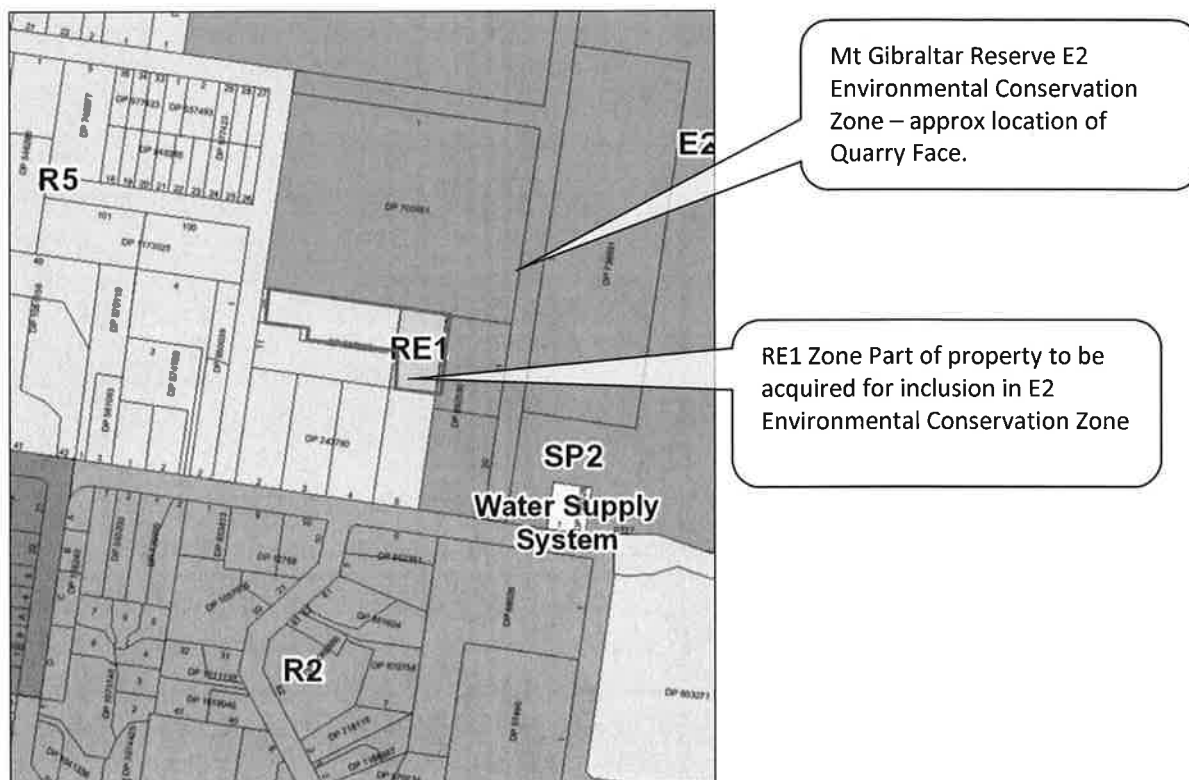
Recommendation: Council continue to pursue acquisition of RE1 Part of Property.

It is recommended that Council continue to list this part property in WLEP 2010 as RE1 Public Recreation and include it on the Property Acquisition Maps, however it be placed in the draft s94 Plan as a lower priority than the other properties for Mt Gibraltar Reserve.

The Valuation Report is included as **Attachment 1**.

Part of 7 Ellen Street – Lot 10 DP597322

Figure 2 - Extract of Zoning Map - 7 Ellen Street, Bowral



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

The compensation for acquisition is assessed at [REDACTED] for the rear section of this property which is approximately 2,933m² in area, subject to survey.

Council's Natural Resource Project Coordinator provided the following assessment:

Vegetation: Mt Gibraltar Forest (EEC) / Upland Basalt Eucalypt Forest (EEC) integrating into Southern Highland Shale Woodland (EEC).

Condition: Low-Moderate

Management: Understorey has been cleared by owners and is maintained as mown lawn. Native grass and herb species dominate the groundcover.

Recommendation: The property has the least benefit relative to all other properties proposed to be acquired for inclusion into the Mt Gibraltar Reserve. Should Council not acquire this parcel, it is recommended that the zoning be modified from existing RE1 to a zone which precludes the development of the parcel in manner which could compromise or degrade the value remnant EEC present. E2 Environmental Conservation zone is recommended.

It is recommended that Council no longer continue to list this property for acquisition under WLEP 2010 as RE1 Public Recreation and on the Land Acquisition Maps. The land has limited benefit for inclusion into the Mt Gibraltar reserve due to its degraded biodiversity condition and has relatively high acquisition cost compared to the other properties listed.

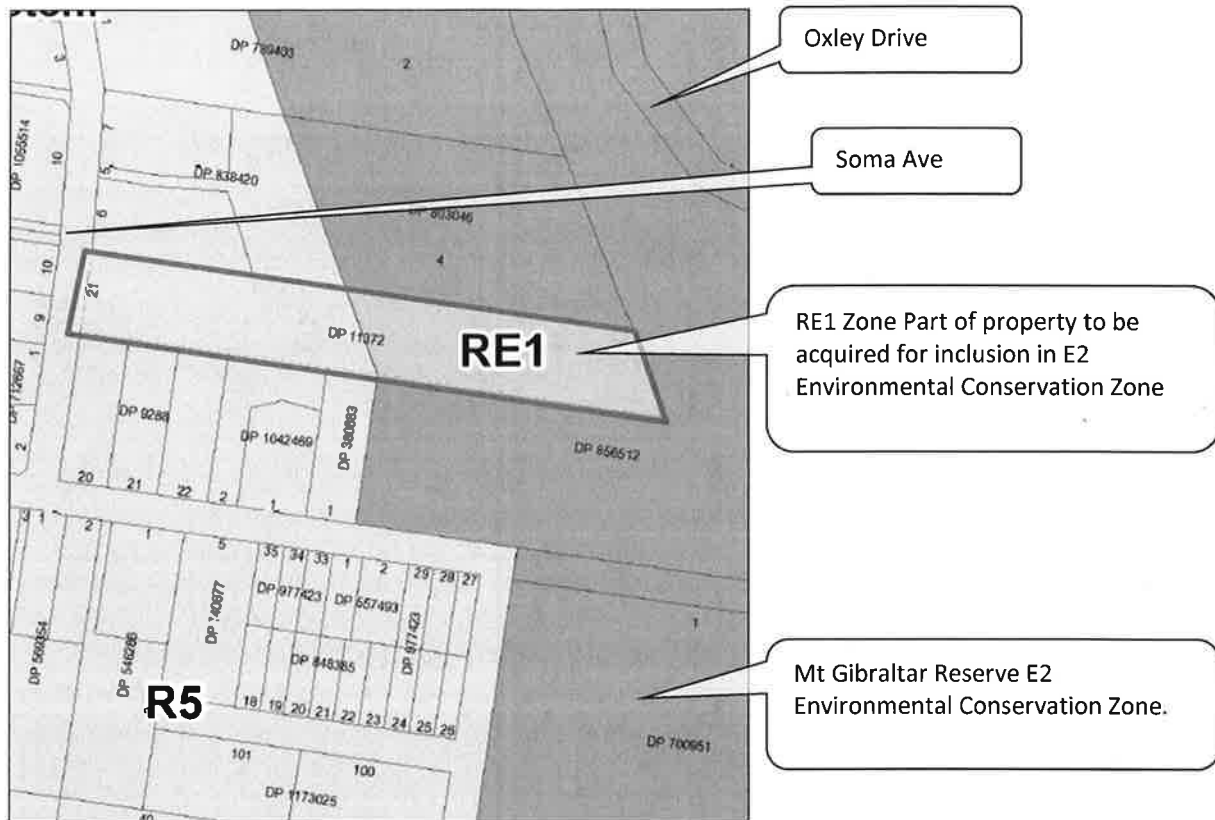
Therefore, Council should prepare a Planning Proposal to remove the property from the Land Acquisition Maps and rezone the rear section of the property to another appropriate zone such as E2 Environmental Conservation, which will prohibit any further development of the area other than for the following – emergency service facilities, environmental facilities, flood mitigation works and roads, which are the only developments permissible with consent.

The Valuation Report is included as **Attachment 2**.

CLOSED REPORTS

Part of 3 Soma Avenue – Lot 21 DP11372

Figure 3 - Extract of Zoning Map - 3 Soma Avenue, Bowral



The compensation for acquisition is assessed at \$260,000.00 for the rear section of this property which is approximately 8,762m² in area, subject to survey.

Council's Natural Resource Project Coordinator provided the following assessment:

Vegetation: Mt Gibraltar Forest (EEC) / Upland Basalt Eucalypt Forest (EEC)
Condition: Very High

Management: Parcels have been subject to ecological restoration treatments (assisted natural regeneration) by Mt Gibraltar Landcare and Bushcare Group, with permission of the owners.

Recommendation: Council continue to pursue acquisition of RE1 Part of Property.

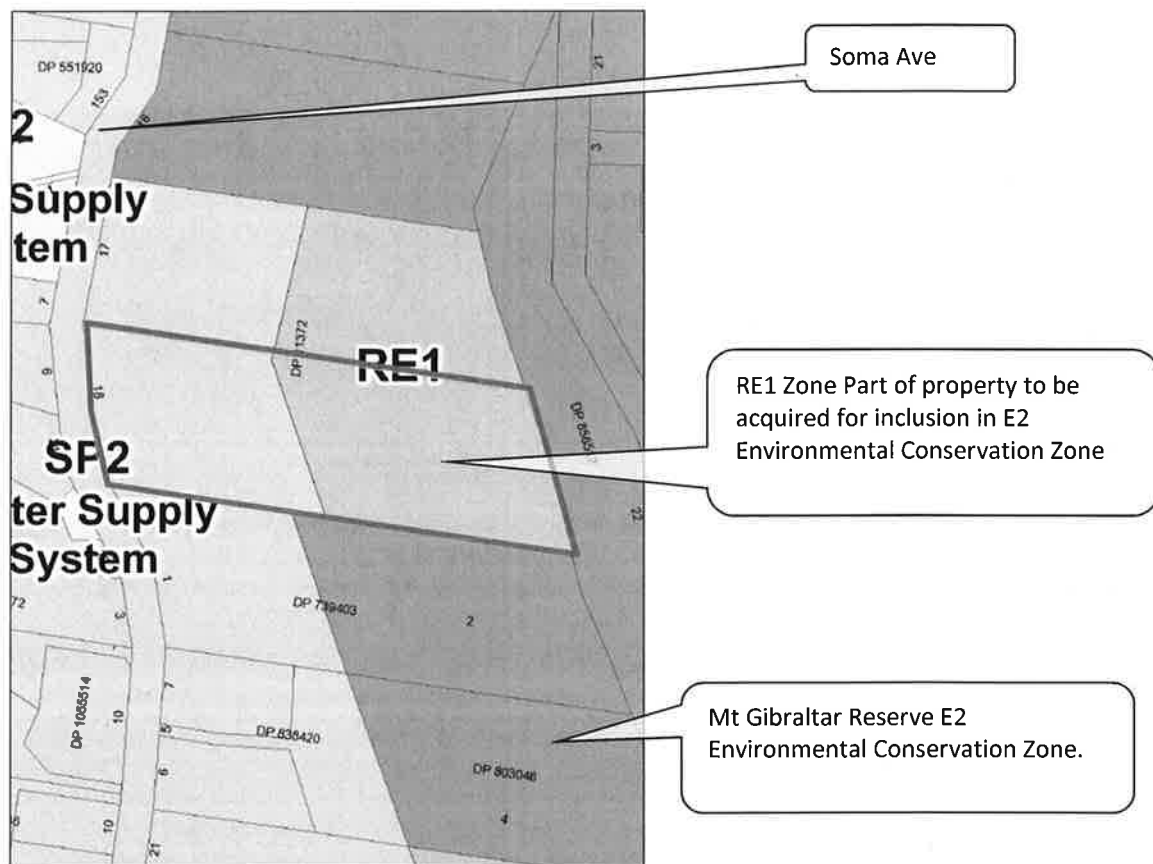
It is recommended that Council continue to pursue the acquisition of the RE1 zoned part of this property as it has a very high biodiversity value and edge:area ratio with the reserve.

The Valuation Report is included as **Attachment 3**.

CLOSED REPORTS

Part of 15-17 Soma Avenue – Lot 18 DP11372

Figure 4 - Extract of Zoning Map 15-17 Soma Avenue, Bowral



The compensation for acquisition is assessed at \$210,000.00 for the rear section of this property which is approximately 13,944m² in area, subject to survey.

Council's Natural Resource Project Coordinator provided the following assessment:

Vegetation: Mt Gibraltar Forest (EEC) / Upland Basalt Eucalypt Forest (EEC)

Condition: Very High

Management: Parcels have been subject to ecological restoration treatments (assisted natural regeneration) by Mt Gibraltar Landcare and Bushcare Group, with permission of the owners.

Recommendation: Council continue to pursue acquisition of RE1 Part of Property.

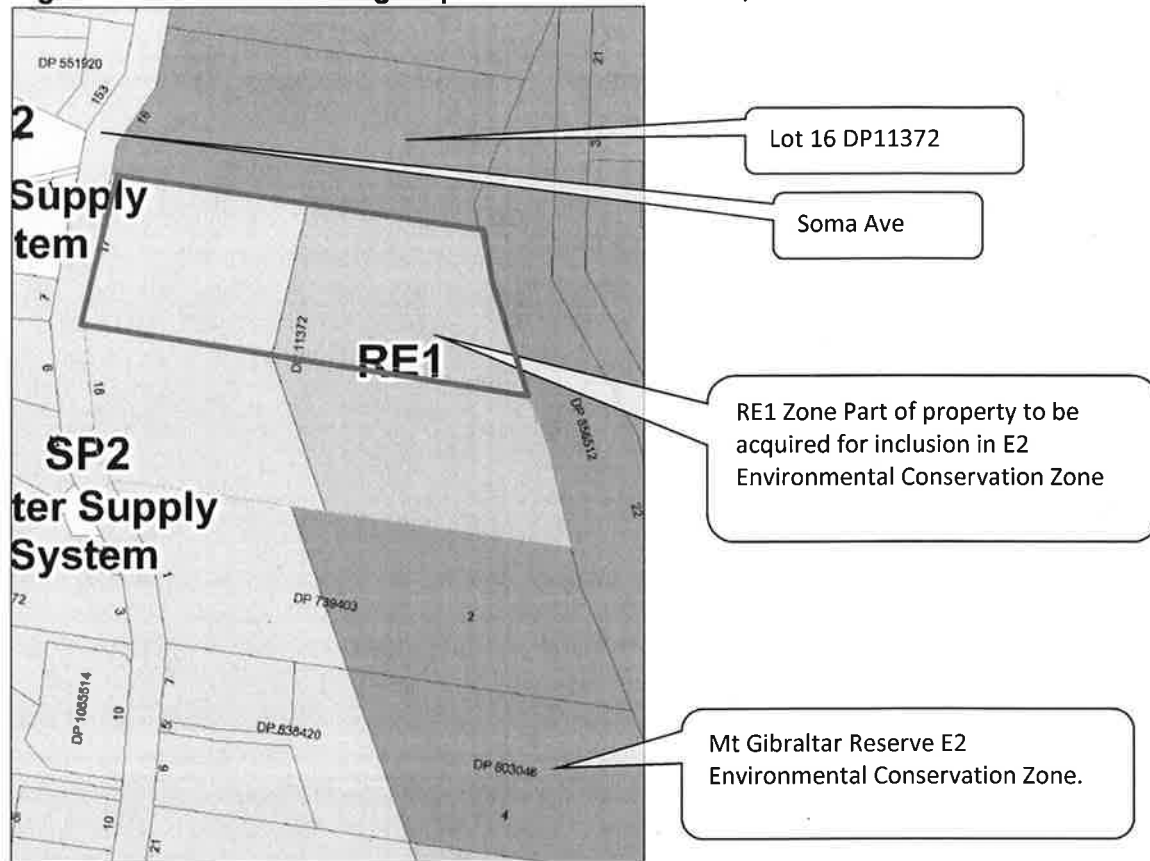
It is recommended that Council continue to pursue the acquisition of the RE1 zoned part of this property as it has a very high biodiversity value and edge:area ratio with the reserve.

The Valuation Report is included as **Attachment 4**.

CLOSED REPORTS

Part of 19-21 Soma Avenue – Lot 17 DP11372

Figure 5 - Extract of Zoning Map 19-21 Soma Avenue, Bowral



The compensation for this particular property has not been assessed. However it is likely to be similar to the neighbouring property to the south, approximately \$200,000. The valuation was not undertaken as the land owner objected to Council's Valuer entering the property. The land owner has expressed in the past that they do not wish for Council to purchase the property, as Council resolved (Minute Number 127/08, Extraordinary Meeting 16 April 2008) not to enter into a land swap between Lot 17 DP11372 and Lot 16 DP11372, which the land owner of Lot 17 had instigated

As the owner does not wish for Council to pursue the acquisition of the land, it is unlikely they would make a claim for hardship under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, which could force Council to acquire the land in the near future.

Notwithstanding, the property has significant biodiversity value and has, with permission of the owner, had vegetation restoration works carried out by the Mt Gibraltar Bush Care Group in the recent past.

Council's Natural Resource Project Coordinator provided the following assessment:

Vegetation: Mt Gibraltar Forest (EEC) / Upland Basalt Eucalypt Forest (EEC)

Condition: Very High

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

Management: Parcels have been subject to ecological restoration treatments (assisted natural regeneration) by Mt Gibraltar Landcare and Bushcare Group, with permission of the owners.

Recommendation: Council continue to pursue acquisition of RE1 Part of Property.

It is recommended that Council continue to pursue the acquisition of the RE1 zoned part of this property as it has a very high biodiversity value and edge:area ratio with the reserve. Thus Council should keep the property in the WLEP 2010 for future acquisition and place it in the later years of the works program of the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*, due to the current owners reluctance to allow Council to acquire the land via negotiation.

Bowral Mittagong Creek – The following properties/part properties are listed to be acquired for inclusion into the Mittagong Creek Reserve:

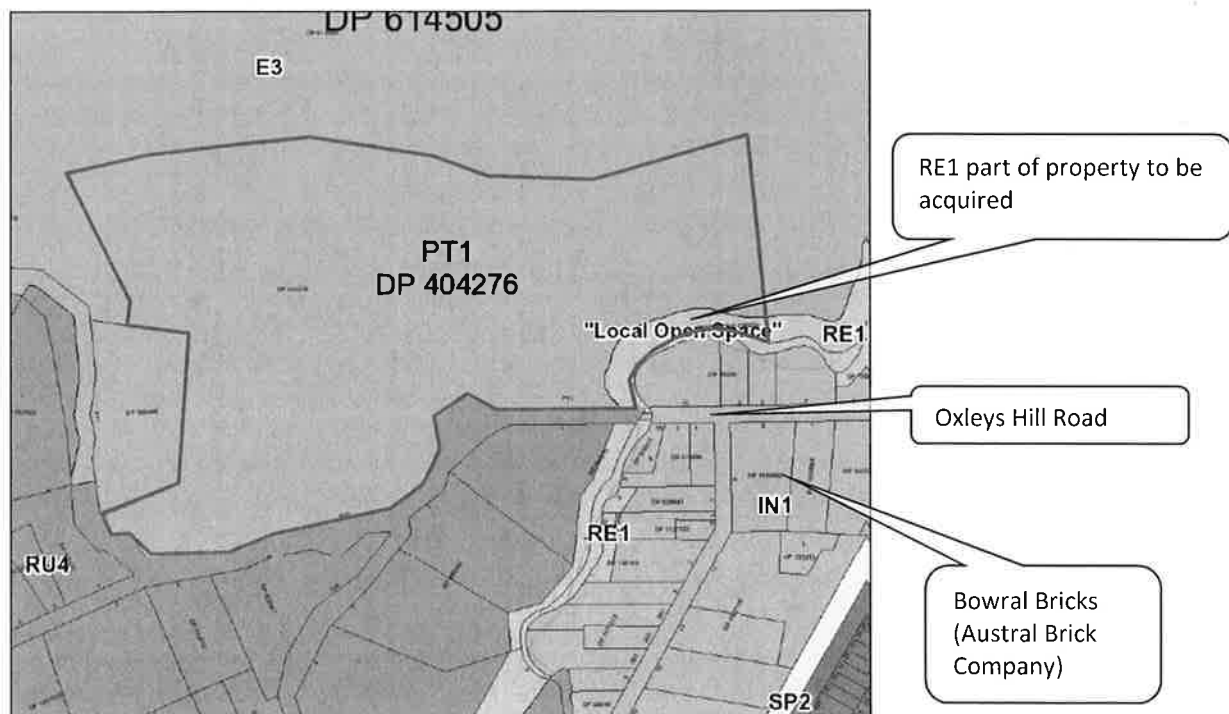
Summary:

- Part of 40 Oxleys Hill Road, Bowral – PT Lot 1 DP404276 Valuation \$060,000.00
- Part of 8 Willow Road, Bowral – Lot 4 DP614505 Valuation \$200,000.00
- Part of 18 Centennial Road, Bowral – Lot 1 DP1101892 Not Valued due to sale of land

TOTAL: \$260,000.00

Part of Oxleys Hill Road

Figure 6 - Extract of Zoning Map 40 Oxleys Hill Road, Bowral



The compensation for acquisition is assessed at \$60,000.00 for the rear section of this property which is approximately 7,348m² in area, subject to survey.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



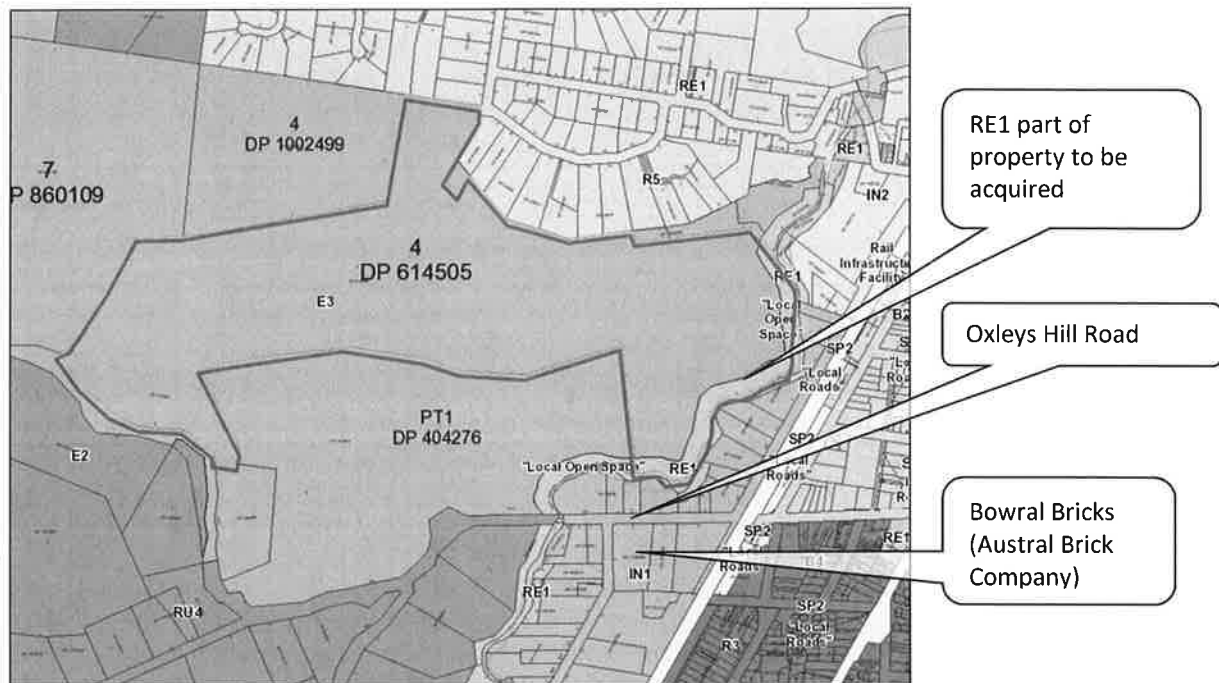
CLOSED REPORTS

Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE 1 zoned section of the property would make a positive contribution to the community, as it is part of a missing link (with 8 Willow Drive) on the riparian corridor between two sections Council owns to the north and south. Therefore in the long term the acquisition of the land would enable Council to manage the full length of the riparian corridor and provide a shared pathway from Burradoo through to Bowral within the corridor.

The Valuation Report is included as **Attachment 5**.

Part of 8 Willow Road

Figure 7 - Extract of Zoning Map 8 Willow Road, Bowral



The compensation for acquisition is assessed at \$200,000.00 for the rear section of this property which is approximately 21,098m² in area, subject to survey.

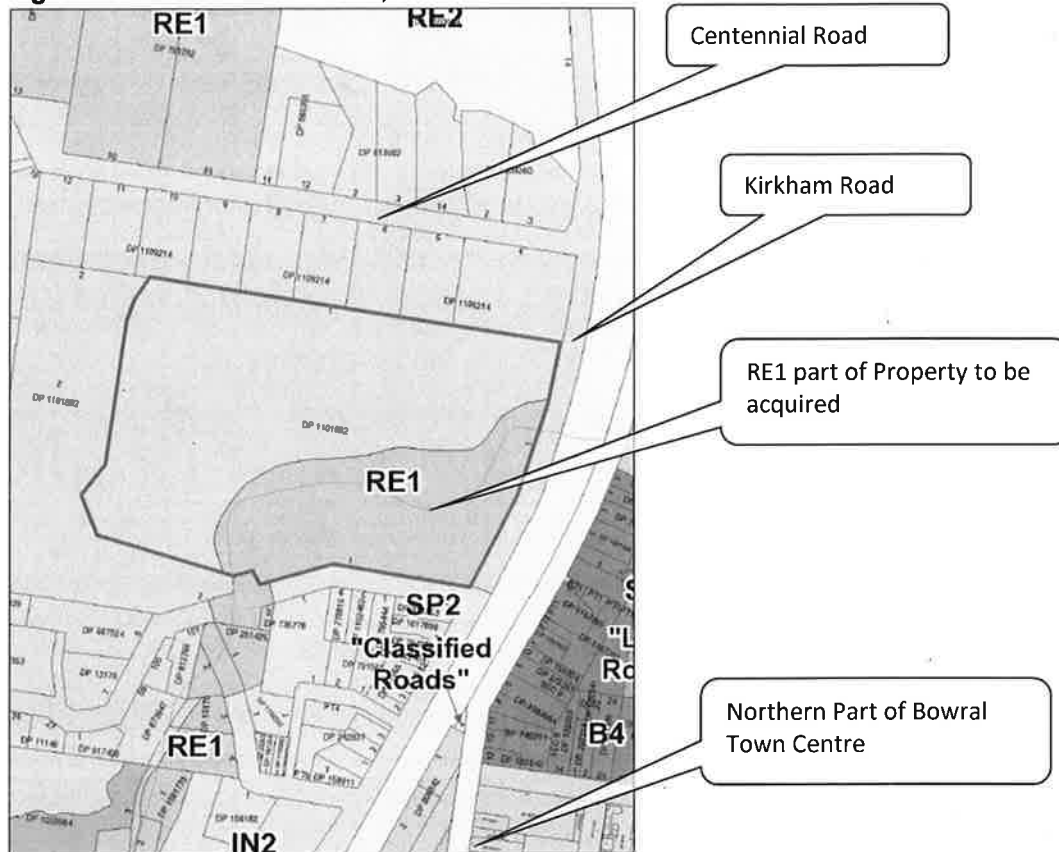
Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE 1 zoned section of the property would make a positive contribution to the community, as it is part of a missing link (with 40 Oxleys Hill Road) on the riparian corridor between two sections Council owns to the north and south. Therefore in the long term the acquisition of the land would enable Council to manage the full length of the riparian corridor and provide a shared pathway from Burradoo through to Bowral within the corridor.

The Valuation Report is included as **Attachment 6**.

CLOSED REPORTS

18 Centennial Road

Figure 8 - 18 Centennial Road, Bowral



A valuation has not been carried out on the property, as it is currently under contract for purchase. Once the contract of sale has been finalised the most recent market value will be available, enabling an accurate valuation of the RE1 zoned part of the land listed under WLEP 2010 for acquisition. It is expected the contract of sale may be finalised following the exhibition of the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*. The valuation can then be considered by Council prior to adopting the draft S94 Plan.

Moss Vale Whites Creek – The following properties/part properties are listed to be acquired for inclusion into the Whites Creek Reserve:

Summary:

- Part of 7000 Illawarra Highway, Moss Vale – Lot 4 DP10658 Valuation \$036,650.00
- Part of 4 Berrima Road, Moss Vale – Lot 1 DP329230 Valuation \$080,000.00
- Part of 10 Berrima Road, Moss Vale – Lot 11 DP1178993 Valuation \$315,000.00

TOTAL: \$431,650.00

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

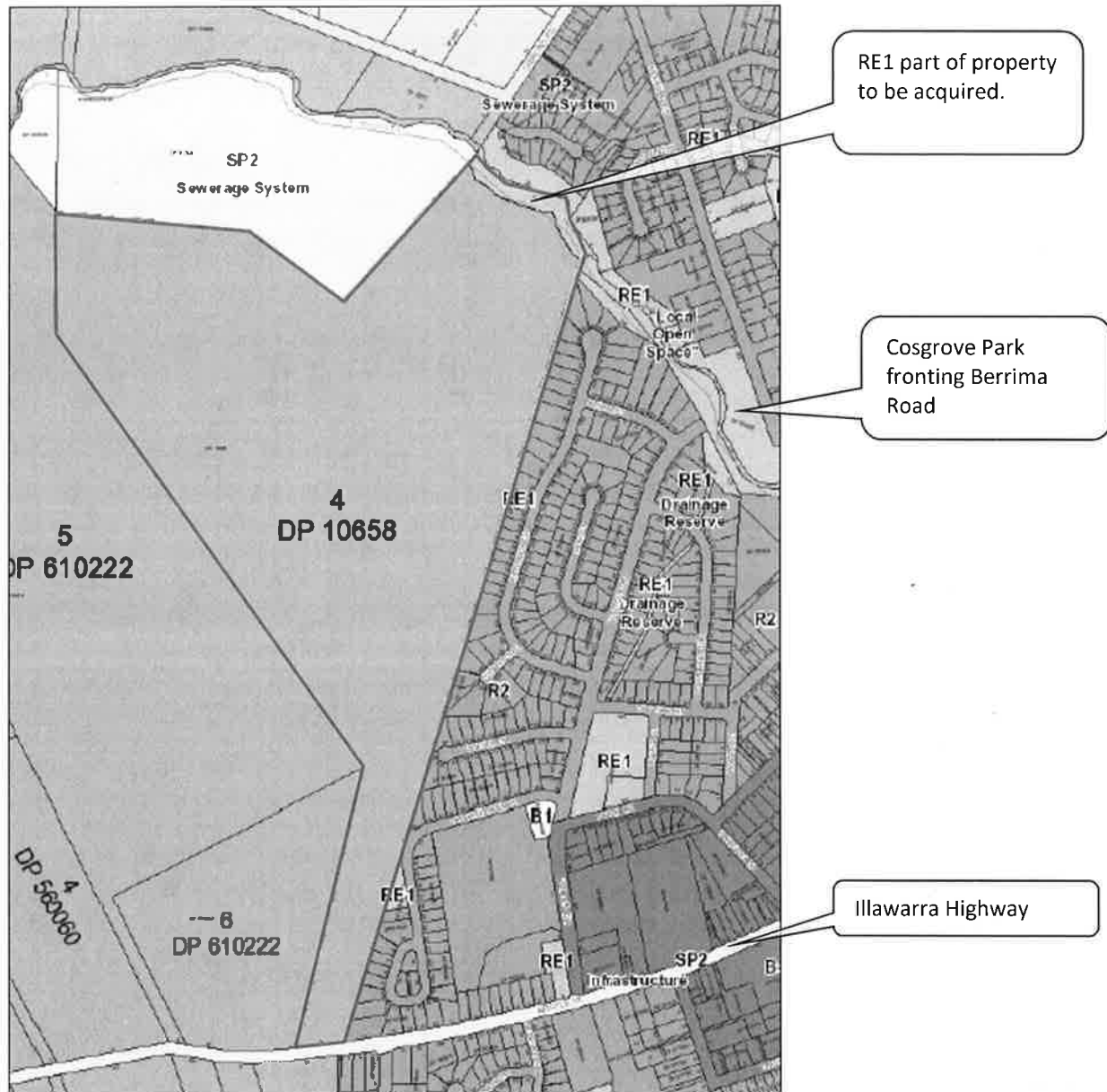
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013

CLOSED REPORTS



7000 Illawarra Highway

Figure 9 - Extract of Zoning Map 700 Illawarra Highway, Moss Vale



The compensation for acquisition is assessed at \$36,650 for the rear section of this property which is approximately 6,108m² in area, subject to survey.

Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE 1 zoned section of the property would make a positive contribution to the community, as it is part of a missing link (with Nos. 10 and 4 Berrima Road) on the Whites Creek riparian corridor between Cosgrove Park and the Moss Vale Sewerage Treatment Plant. Council also owns the RE1 land directly opposite on the northern bank. Therefore in the long term the acquisition of the land would enable Council to manage the full length of the riparian corridor between Cosgrove Park and Moss Vale Sewerage Treatment Plant.

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013

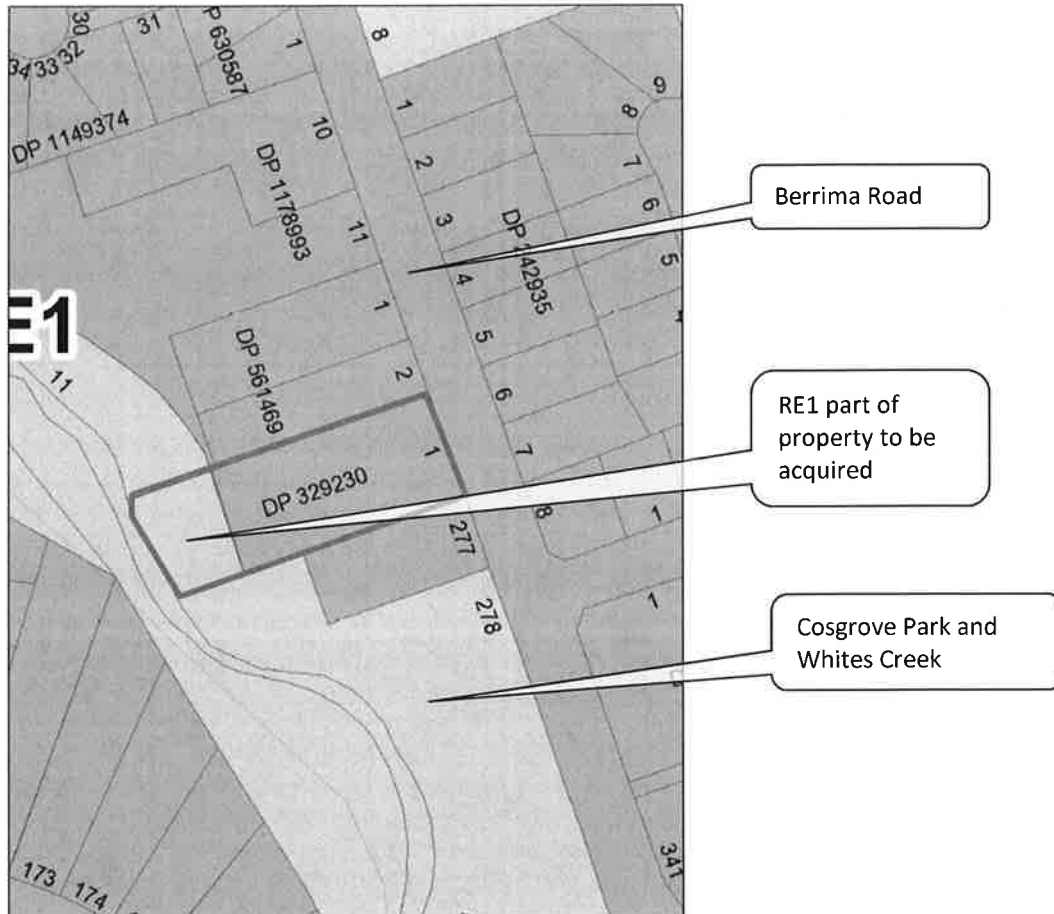


CLOSED REPORTS

The Valuation Report is included as **Attachment 7**.

4 Berrima Road

Figure 10 - Extract of Zoning Map 4 Berrima Road, Moss Vale



The compensation for acquisition is assessed at \$80,000 for the rear section of this property which is approximately 1,023m² in area, subject to survey.

Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE 1 zoned section of the property would make a positive contribution to the community, as it is part of a missing link (with 10 Berrima Road and 7000 Illawarra Hwy) on the Whites Creek riparian corridor between Cosgrove Park and the Moss Vale Sewerage Treatment Plant. Council also owns the RE1 land adjoining the site, as Cosgrove Park and opposite western bank of Whites Creek. Therefore in the long term the acquisition of the land would enable Council to manage the full length of the riparian corridor between Cosgrove Park and Moss Vale Sewerage Treatment Plant.

The Valuation Report is included as **Attachment 8**.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

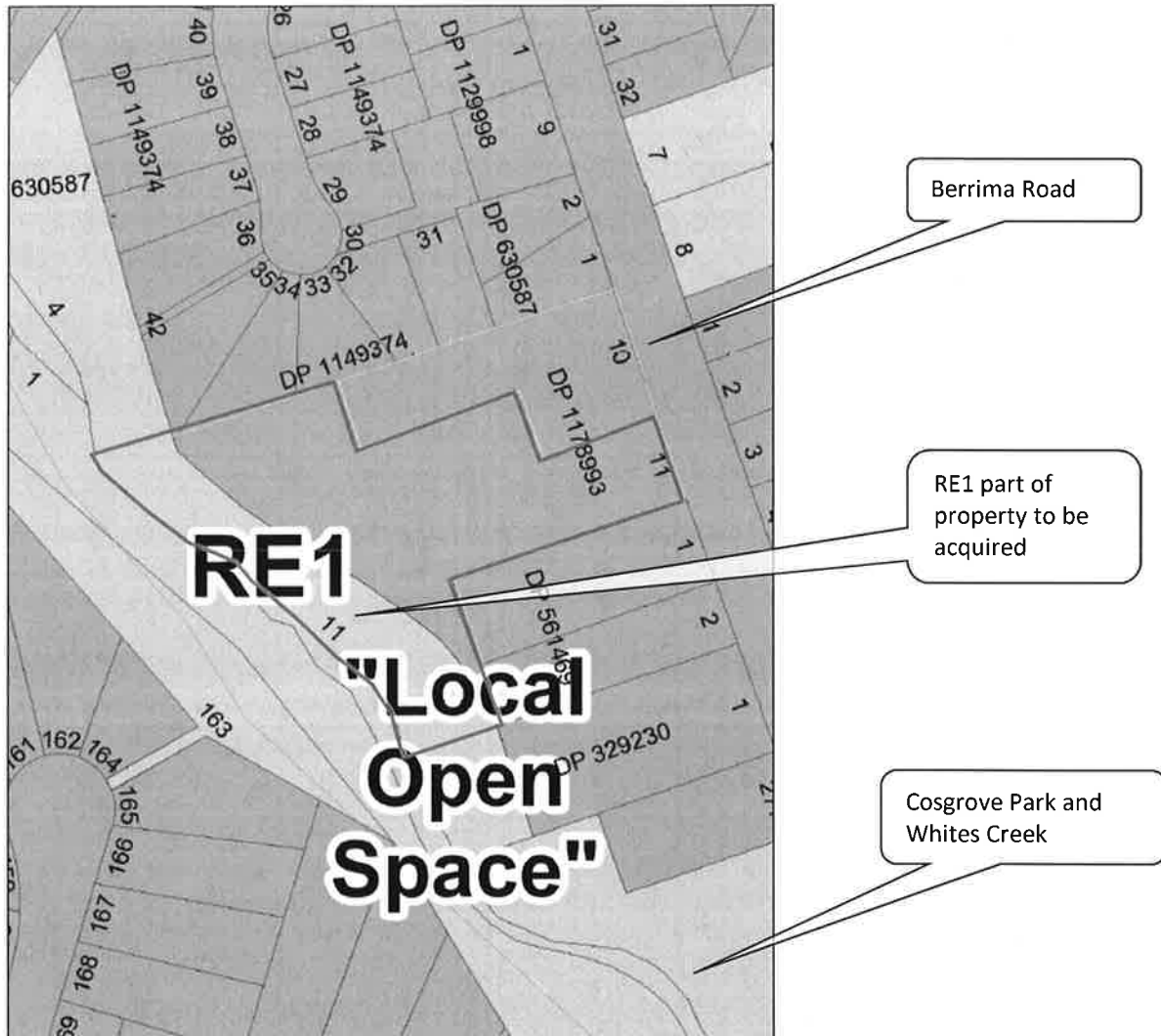
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

10 Berrima Road

Figure 11 - Extract of Zone Map 10 Berrima Road, Moss Vale



The compensation for acquisition is assessed at \$315,000 for the rear section of this property which is approximately 4,187m² in area, subject to survey.

Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE1 zoned section of the property would make a positive contribution to the community, as it is part of a missing link (with 4 Berrima Road and 7000 Illawarra Hwy) on the Whites Creek riparian corridor between Cosgrove Park and the Moss Vale Sewerage Treatment Plant. Council also owns the RE1 land adjoining the site to the north and opposite western bank of Whites Creek. Therefore in the long term the acquisition of the land would enable Council to manage the full length of the riparian corridor between Cosgrove Park and Moss Vale Sewerage Treatment Plant.

It should be noted that Council is currently involved in a boundary dispute with the owner of Lot 11 in respect of the rear boundary adjoining Whites Creek. The boundary dispute has come about as the Deposited Plan notates the boundary as being "top of bank". As water courses are invariably dynamic and subject to change, especially after high rainfall events.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

Significant land regeneration works have been undertaken on the banks of Whites Creek behind Lot 11, however the owner of Lot 11 claims the regeneration works have been carried out on the land owned by him and zoned RE1 Public Recreation. The works have been carried out over a period of eight (8) years now by Council jointly with the following volunteer organisations Moss Vale Land Care Group Inc, school children from Moss Vale Public School and Frensham; and Conservation Volunteers Australia.

Further, funds have been contributed from a wide variety of public and private sources including individual donations, work in kind from Boral and grants from the Federal Government such as EnviroFund and from State bodies such as Sydney Catchment Authority and Hawkesbury-Nepean Catchment Management Authority. In addition funds have come through the Wingecarribee Shire Council's Environment Levy in the form of physical assistance by the Bush Regeneration Team and the plants that are propagated by volunteers at the Wingecarribee Shire Volunteer Bushcare Nursery.

The current owner of Lot 11 has now denied access to the land and it is currently not being maintained, hence the regeneration works could be lost to invasive species if land cannot be accessed in the immediate future.

It is recommended that Council carry out the following activities to secure the land in the near future:

- Authorise a boundary determination to be undertaken, that also determines the area of RE1 Land that needs to be acquired.
- Authorise a re-valuation of the property and the amount of compensation payable to the owner of Lot 11 for acquisition of the RE1 land.
- Commence negotiations with the owner of Lot 11 for Council to purchase the land.
- That the compensation be funded from the monies to be rolled over from the *Section 94 Open Space and Recreation Contributions Plan 2007*, when it is repealed by the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*, should Alexandra Square restoration works not be required.

The Valuation Report is included as **Attachment 9**.

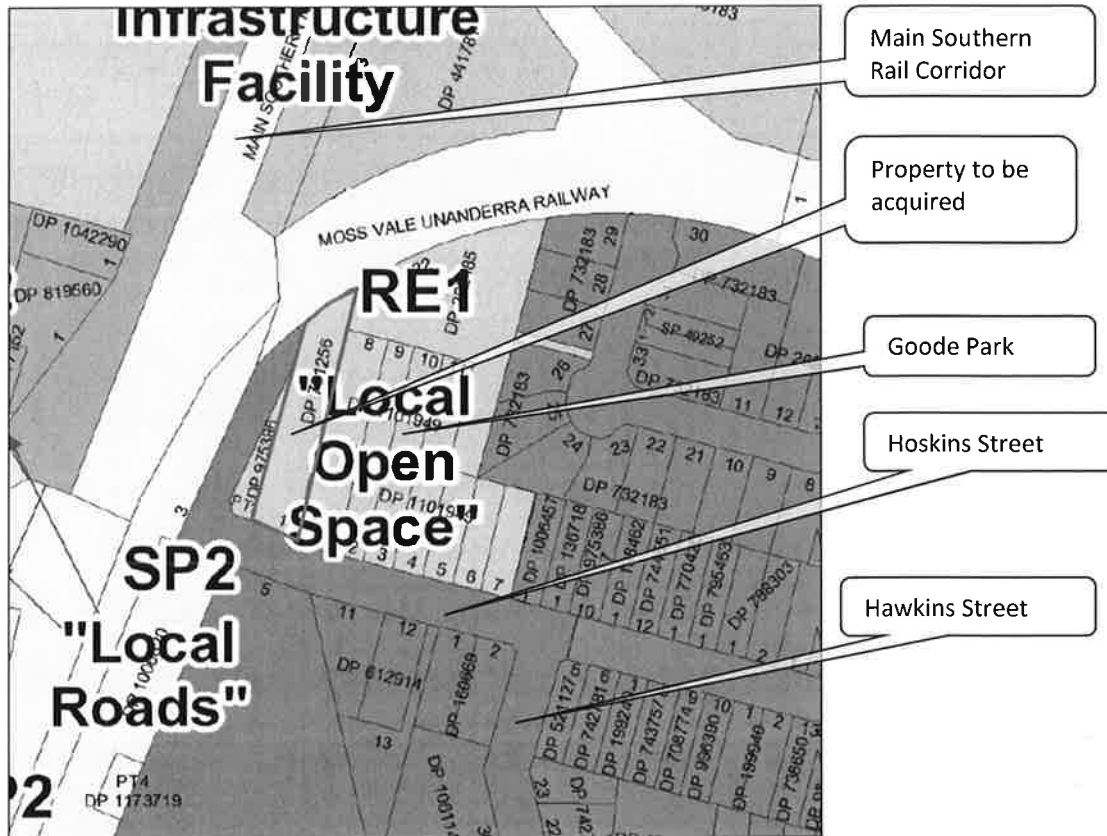
Moss Vale Goode Park – The following property is listed to be acquired for inclusion into the Goode Park Reserve, Hoskins Street, Moss Vale:

- | | | |
|---|--------------|------------|
| • 45 Hoskins Street, Moss Vale – Lot 1 DP781256 | Valuation | ██████████ |
| | TOTAL | ██████████ |

CLOSED REPORTS

45 Hoskins Street

Figure 12 - Extract of Zoning Map 45 Hoskins Street, Moss Vale



The compensation for acquisition is assessed at [REDACTED] for the entire property which is 2,049m² in area according to the deposited plan.

Council's Park's Asset Coordinator has reviewed the property and recommends that it is no longer pursued by Council for acquisition. Goode Park is considered large enough in area to cater for surrounding residents and screen planting has been carried out by Council along the western boundary of the park adjoining the property listed for acquisition. Further, the cost of compensation payable for property is [REDACTED] for a relatively small gain in park area. The property (Lot 1) is well maintained, and the dwelling has recently undergone some renovations. The owner of the property also happens to run a successful home business from the site entailing dog grooming and welfare.

The valuation report recognises that the business operations attract a 'special value' as follows:

"...I am of the opinion the property may attract "special value" in addition to market value arising from actual economic "value to the owner" but which would not be of economic value to any other owner. The Courts have accepted an example of "special" value where the resumed (acquired) property is used for a business which cannot be carried on to equal advantage on another site or at all. If a business is caused to be relocated the determination of value is, in effect, how much a prudent person in the position of the owner would themselves have been prepared to give for the land rather than lose it."

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

As the acquisition of this property has a significantly large cost for a relatively small gain to the community; and would significantly impact on the property owner's business and sole income, it is recommended that the acquisition of this property no longer be pursued by Council. Thus it is also recommended that Council prepare a Planning Proposal to amend WLEP 2010 to remove the property from the acquisition maps and change the property to an appropriate residential zone.

The Valuation Report is included as **Attachment 10**.

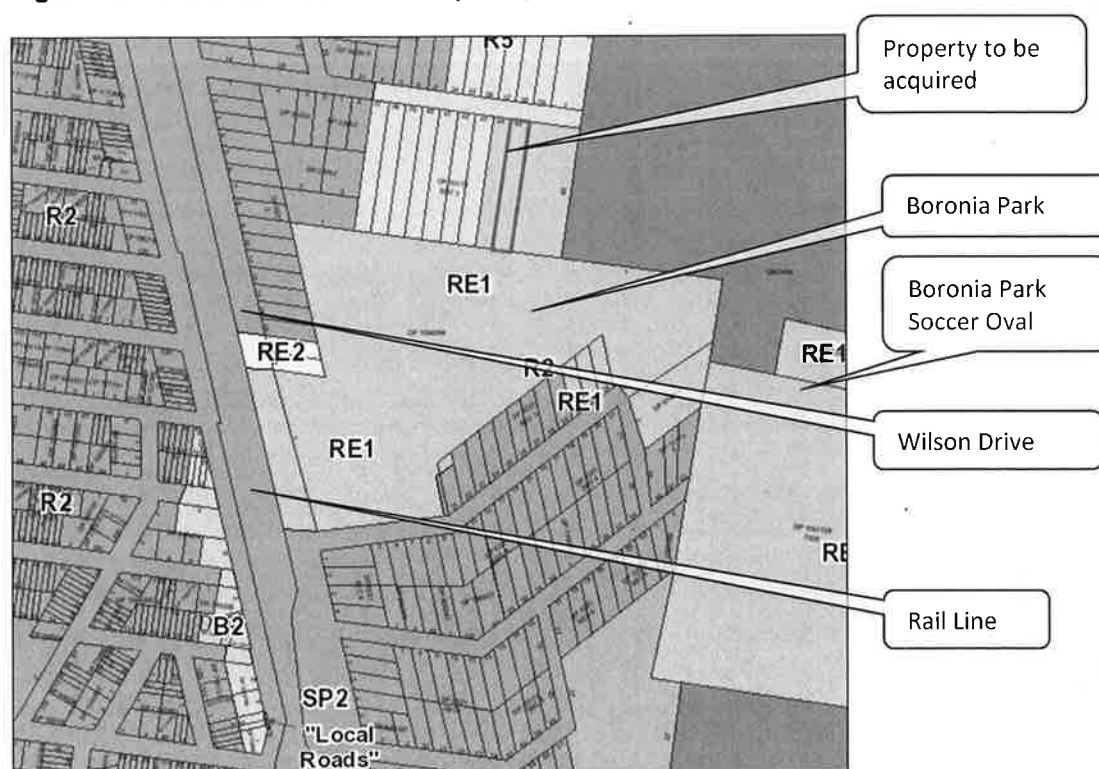
Hilltop Open Space Properties – The following properties are listed to be acquired for inclusion into open Space Reserves in Hill Top:

- 31 Harold Street, Hill Top – Lot 45 Sec 3 DP10173 Valuation \$120,000.00
- Lots 70 & 71 Fitzroy Street, Hill Top – Lots 70 & 71 Sec 66 DP1717
Valuation \$8,500.00

TOTAL: \$128,500.00

31 Harold Street

Figure 13 - 31 Harold Street, Hill Top



The compensation for acquisition is assessed at \$120,000 for the entire property which is 3,023m² in area according to the deposited plan.

Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE1 zoned section of the property would make a positive contribution to the community, as it

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013

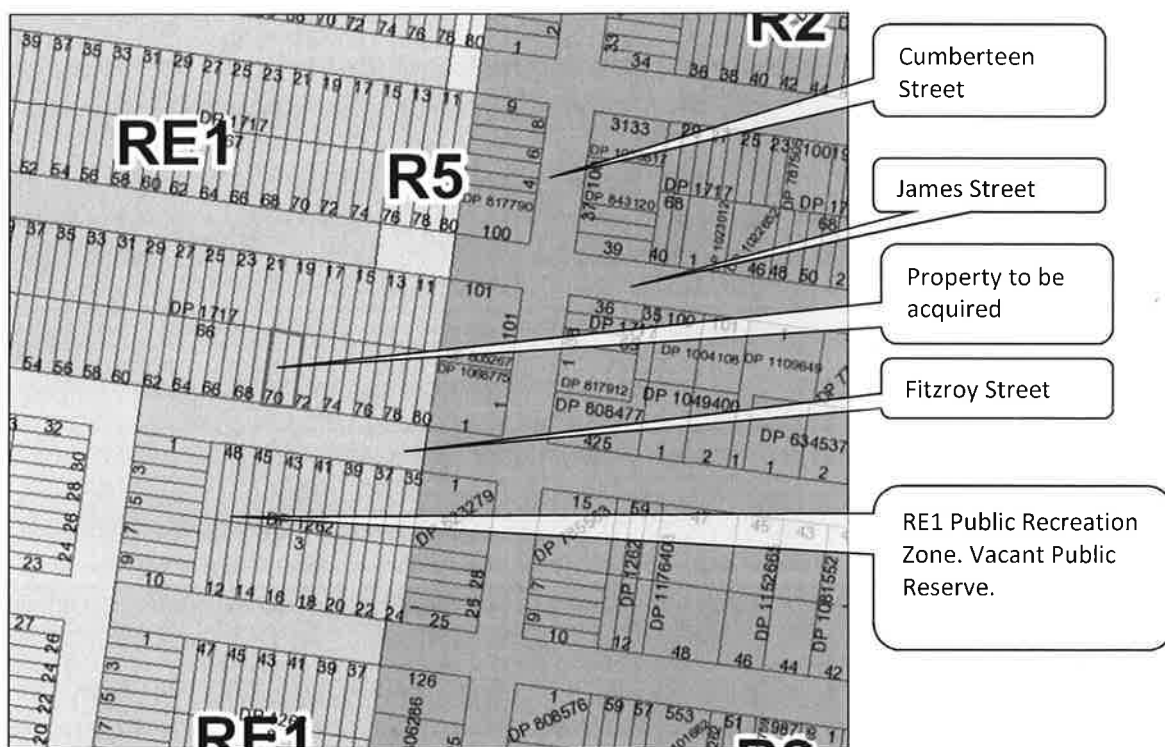


CLOSED REPORTS

currently bounded on all sides by Boronia Reserve, is currently unimproved and covered in native bushland. The property is not suitable for dwellings due to the bushfire risk. By purchasing the property Council will be able to maintain the site in respect of biodiversity management and bushfire protection to neighbouring properties in Harold Street, Hill Top.

It is therefore recommended that Council pursue the acquisition of this property.

The Valuation report is included as **Attachment 11**.



Lots 70 & 71 Fitzroy Street

Figure 14 - Lots 70 & 71 Fitzroy Street, Hill Top

The compensation for acquisition is assessed at \$8,500 for the entire property which is 469m² in area.

Council's Natural Resource Project Coordinator and Park's Asset Coordinator agree that the RE1 zoned section of the property would make a positive contribution to the community, as it currently bounded on all sides by Public Reserve, is currently unimproved and covered in native bushland. The property is not suitable for dwellings due to the bushfire risk and lack of service facilities. By purchasing the property Council will be able to maintain the site in respect of biodiversity management and bushfire protection to neighbouring properties.

It is therefore recommended that Council pursue the acquisition of this property.

The Valuation report is included as **Attachment 12**.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

CONSULTATION

Community Engagement

Community consultation will occur through the exhibition of the *Draft Section 94 Developer Contributions Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*. The draft S94 Plan will include all properties Council resolves to continue acquiring in the future, including the valuation reports as supporting documents. All affected land owners will be informed in writing as well as community, bush care and sporting groups.

The draft S94 Plan will be exhibited for 42 days.

Internal Consultation

Consultation has occurred with Council's Park's Asset Coordinator and Natural Resource Project Coordinator and Legal Officer. Their comments are included in the commentary on each of the properties in the body of the report.

External Consultation

The Mt Gibraltar Bush Care Group were consulted on the matter by a meeting on 10 October 2010. Representing the Bush Care Group were Jane Leeman and Geoff Allen and Council David Matthews, Contributions/Land Use Planner and Ian Perkins, Natural Resource Project Coordinator. The Mt Gibraltar Bush Care Group were supportive of Council continuing to pursue the acquisition of RE 1 Public Recreation zoned lands adjoining Mt Gibraltar Reserve.

SUSTAINABILITY ASSESSMENT

- **Environment**

The main reason the properties/part properties are zoned RE1 Public Recreation zone and identified or acquisition, is to incorporate those properties into surrounding reserves (Mt Gibraltar) and/or create well managed riparian corridors/reserves through Moss Vale and Bowral.

Many of the properties once acquired will be maintained by local Bush Care Groups that receive grant funding and community donations from time to time to ensure they are not taken over by exotic species, or in some cases to remove the exotic/invasive species and rehabilitate the natural species.

- **Social**

There are several positive social outcomes in Council pursuing the acquisition of lands for the purpose of regenerating bushland and riparian zones. Many volunteers, including schools join the bush care groups to help clear invasive species or partake in tree planting events. Further, in some cases shared pathways can be developed that follow riparian corridors providing excellent facilities for walking and cycling for families and individuals alike.

- **Broader Economic Implications**

The cost of pursuing the acquisition of properties/part properties needs to be weighed against the social, cultural and environmental effects. Some properties have greater monetary values and lower conservation values, whilst others have low monetary values and high conservation values, whilst others lie somewhere in between. Council also needs to be mindful of the fact that at some stage in the future it needs to budget for the acquisition of these properties. For many of the properties it is unlikely the land will be dedicated during

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

development, as many of the properties are already being used for their highest and best use.

- **Culture**

The addition of further land to Council's reserves, where appropriately justified should have positive impacts on European and Aboriginal heritage alike, especially in respect of Mt Gibraltar, which has recently been considered for a State Heritage listing.

- **Governance**

Council currently does not have funding commitments towards the acquisition of properties zoned RE1 and listed for acquisition under WLEP 2010. Division 3 of the Land Acquisition (Just Terms Compensation) Act 1991 No. 22 enables owner-initiated acquisition in cases of hardship. In genuine cases, Council can be forced to acquire the land, even if Council has not planned for the acquisition within its budget. Therefore, by placing these properties into the draft S94 Plan, Council will be able to plan and budget for the acquisition of these properties in future years and include them in the rolling works programs. This can provide some certainty to both Council and the owners of the affected properties as to when the acquisitions are to take place.

RELATIONSHIP TO CORPORATE PLANS

The properties the subject of this report are identified under Council WLEP 2010 for acquisition. It is proposed that they be included in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*, which has been prepared in accordance with Council's Delivery and Operational Capital Works Programs; and which have been developed to meet the needs and actions identified in the Wingecarribee 2031+ Community Strategic Plan.

The Community Strategic Plan contains five main themes:

- Leadership
- People
- Places
- Environment
- Economy

The *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036* is a proposed part funding mechanism for a works program consisting of open space, recreation, community and cultural facilities that help meet the goals and objectives outlined under the five main themes contained in the Community Strategic Plan.

COUNCIL BUDGET IMPLICATIONS

Council currently does not have any policy or plan of action as to when it should acquire these properties. By including the properties in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*, Council will be committing to part fund the acquisition of these properties, as well as adopting a method of part funding the acquisition of the properties through development. Therefore, Council will need to make adjustments to forward works programs to include the acquisition of these properties at an appropriate time in the future.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

RELATED COUNCIL POLICY

No other policies relate to the matters raised in this report other than those that have already been discussed.

OPTIONS

The options available to Council are:

Option 1

Council continues to pursue the acquisition of the following properties/part properties and includes them in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*:

- Part of 1 Duke Street, Bowral – Lot 137 DP15496
- Part of 3 Soma Avenue, Bowral – Lot 21 DP11372
- Part of 15-17 Soma Avenue, Bowral – Lot 18 DP11372
- Part of 19-21 Soma Avenue – Lot 17 DP11372
- Part of 18 Centennial Road, Bowral – Lot 1 DP1101892
- Part of 40 Oxleys Hill Road, Bowral – PT Lot 1 DP404276
- Part of 8 Willow Drive, Bowral – Lot 4 DP614505
- Part of 7000 Ilawarra Hwy, Moss Vale – Lot 4 DP10658
- Part of 4 Berrima Road, Moss Vale – Lot 1 DP329230
- 31 Harold Street, Hill Top – Lot 45 Sec 3 DP10173
- Lots 70 & 71 Fitzroy Street, Hill Top – Lots 70 & 71 Sec 66 DP1717
- Part of 10 Berrima Road, Moss Vale – Lot 11 DP1178993

And that Council no longer pursue the acquisition of the following properties/part properties and undertakes a Planning Proposal to remove them from the WLEP 2010 Acquisition Maps and change the RE1 Public Recreation zones to a more appropriate zone:

- 45 Hoskins Street, Moss Vale – Lot 1 DP781256
- Part of 7 Ellen Street, Bowral – Lot 10 DP597322

Option 2

Council continues to pursue the acquisition of **all** RE1 Public Recreation zoned properties included on the WLEP 2010 acquisition maps and includes them in *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036*:

Option 3

Do nothing – Council does not include the RE1 Public Recreation zoned properties listed for acquisition under WLEP 2010 in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036* and does not propose any amendments to WLEP 2010.

Option 1 is the recommended option to this report. The reasons being are discussed below in the conclusion to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

CONCLUSION

Option 1 above is recommended as properties/part properties recommended for acquisition will provide good to high value public benefit to the community through the preservation of Riparian Corridors, preservation of Endangered Ecological Communities (Mt Gibraltar) and future expansion of nature walks/bike trails within these areas. The properties not recommended to be pursued have low benefits to the community and high compensation values.

The alternative options will result in higher costs to Council, with lower community benefits (Options 2) and unfunded future costs in excess of [REDACTED] (Option 3).

ATTACHMENTS

There are twelve (12) confidential attachments to this report, which will be circulated under separate cover:

1. Valuation Report 1 Duke Street, Bowral
2. Valuation Report 7 Ellen Street, Bowral
3. Valuation Report 3 Soma Avenue, Bowral
4. Valuation Report 15-17 Soma Avenue, Bowral
5. Valuation Report 40 Oxleys Hill Road, Bowral
6. Valuation Report 8 Willow Road, Bowral
7. Valuation Report 7000 Illawarra Highway, Moss Vale
8. Valuation Report 4 Berrima Road, Moss Vale
9. Valuation Report 10 Berrima Road, Moss Vale
10. Valuation Report 45 Hoskins Street, Moss Vale
11. Valuation Report 31 Harold Street, Hill Top
12. Valuation Report Lots 70 to 71 Fitzroy Street, Hill Top

RECOMMENDATION

1. ***THAT*** the following properties be included in the *Draft Section 94 Plan for Open Space, Recreation, Community and Cultural Facilities 2012 to 2036* for future acquisition by Council:

- Part of 1 Duke Street, Bowral – Lot 137 DP15496
- Part of 3 Soma Avenue, Bowral – Lot 21 DP11372
- Part of 15-17 Soma Avenue, Bowral – Lot 18 DP11372
- Part of 19-21 Soma Avenue – Lot 17 DP11372
- Part of 18 Centennial Road, Bowral – Lot 1 DP1101892
- Part of 40 Oxleys Hill Road, Bowral – PT Lot 1 DP404276
- Part of 8 Willow Drive, Bowral – Lot 4 DP614505
- Part of 7000 Illawarra Hwy, Moss Vale – Lot 4 DP10658
- Part of 4 Berrima Road, Moss Vale – Lot 1 DP329230

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 13 November 2013



CLOSED REPORTS

- 31 Harold Street, Hill Top – Lot 45 Sec 3 DP10173
 - Lots 70 & 71 Fitzroy Street, Hill Top – Lots 70 & 71 Sec 66 DP1717
 - Part of 10 Berrima Road, Moss Vale – Lot 11 DP1178993
2. **THAT** the owners of the above properties in Item 1 be informed of Council's decision and provided with a copy of the Valuation Report for their property/part property.
3. **THAT** the a Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to remove 45 Hoskins Street, Moss Vale (Lot 1 DP781256) and Part of 7 Ellen Street, Bowral (Lot 10 DP597322) from the Land Reservation Acquisition Maps and be rezoned from RE1 Public recreation to an appropriate zone, be prepared and forwarded to the NSW Department of Planning and Infrastructure for a Gateway Determination under Section 55 of the Environmental Planning and Assessment Act 1979.
4. **THAT** the owners of properties in Item 3 above be informed in writing of Council's decision.
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