

In Reply
Please Quote: 93.5135.S



EUROBODALLA SHIRE COUNCIL

Good Government, better living

26 June 2008

Department of Planning
GPO Box 39
SYDNEY NSW 2001

PO Box 99 Moruya NSW 2537
email: council@eurocoast.nsw.gov.au
website: www.esc.nsw.gov.au
DX 4873

Attention: Heather Warton

Dear Heather

**MP 05_0199 – PROPOSED CONCEPT PLAN FOR RESIDENTIAL SUBDIVISION
LOTS 11, 29, 32, 72, 102, 118, 119 AND 213 DP 755902 AND LOT 2 DP627034 AND LOT 2
DP 623340 GEORGE BASS DRIVE, ROSEDALE,
PREFERRED SOUTHERN ACCESS TO GEORGE BASS DRIVE**

I refer to the above mentioned development and specifically to the preferred southern access to George Bass Drive.

I wish to confirm that at the Council meeting held on the 24 June 2008, Council resolved in regard to access across the STP land that:

1. In relation to the request for Council to dedicate part of Lot 5 DP 264630, being the site of the Tomakin Sewage Treatment Plant, as public road, Council delegate authority to the General Manager to determine the matter. This delegation arises as a result of amendments to the Code of Conduct gazetted on 20 June 2008.
2. If the General Manager so consents, approval be given to affix the Common Seal of Council to all necessary documents associated with the dedication of the land for public road.


In accordance with such resolution, the General Manager has determined to dedicate the required land a public road. A copy of the report to Council and signed determination are attached for your information.

I trust that this meets the Department's requirements in regard to this matter.

Council has been contacted by the proponent expressing concern in relation to the Department's proposal to exclude the lots located between the agreed extent of the buffer and the STP. In regard to this matter I wish to confirm that it is not Council's intent that these lots be excluded, but rather that the Concept Plan be appropriately conditioned so as the subject allotments can not proceed unless any potential odour impacts have or are able to be appropriately emolliated by the developer in accordance with any relevant standard and to the satisfaction of the Council and the Minister.

Should you have any further questions in regard to this matter please do not hesitate to contact me.

Yours faithfully



LINDSAY USHER
GROUP MANAGER
DEVELOPMENT & NATURAL RESOURCES

Enc

G 08/60 DEDICATION OF COUNCIL LAND FOR ROAD
TOMAKIN SEWAGE TREATMENT PLANT

03.7375.D

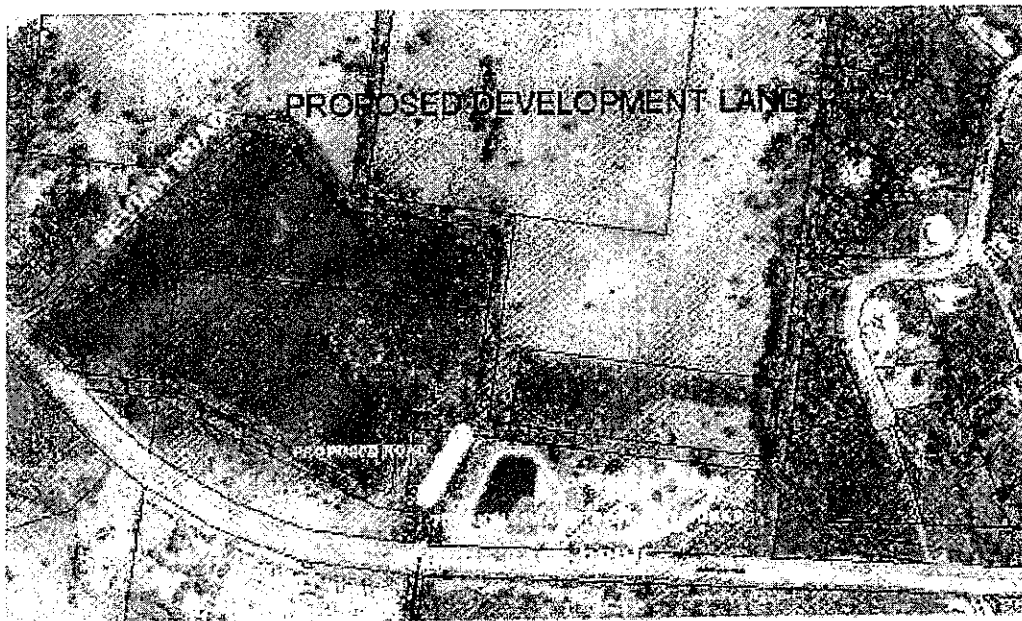
SYNOPSIS

The proponents of the development of the land north of the Tomakin Sewage Treatment Plant have approached Council seeking an alternate access to their property off George Bass Drive, Tomakin. This report recommends council dedicate part of Lot 5 DP 264630, being the site of the Tomakin Sewage Treatment Plant, as road subject to conditions.

BACKGROUND

The proponents of the development of the land north of the Tomakin Sewage Treatment plant originally considered access to their property via Bevan Road. The name of the proponents is set-out in the Councillors' attachment.

A more appropriate access would be off George Bass Drive adjacent to the Tomakin Sewage Treatment Plant via an existing unformed Council road reserve. From the plan below however, it can be seen that construction of a road within that road reserve would not be practical and that a more direct route, as indicated, would be desirable.



ISSUES

The establishment of this direct route will require the dedication of part Lot 5 DP 264630 as public road. The exact position of the proposed road will be subject to survey but will be a 20 metre wide parcel through Lot 5.

Legal

Lot 5 is Council owned land classified as operational land and therefore able to be dedicated as public road.

G 08/60 DEDICATION OF COUNCIL LAND FOR ROAD
TOMAKIN SEWAGE TREATMENT PLANT

03.7375.D

Asset

Given the land is a Council asset, dedication of the same for a road benefiting a private development should be subject to payment of compensation by the proponents.

They have in fact offered to enter into a planning agreement to expend the equivalent amount determined as market value of the dedicated land on local public infrastructure.

To ensure the treatment works are suitably screened from the proposed road, the dedication should also be subject to provision of vegetative screening of the treatment plant by the proponents.

If any existing water or sewer infrastructure within the proposed new road reserve is required to be relocated, costs should be borne by the proponents.

Financial

All costs associated with the dedication of the land for public road should be borne by the proponents including survey, plan registration, legal, (including Council's reasonable legal costs) and valuation fees.

The market value of the land dedicated should be determined by a registered valuer.

CONCLUSION

The dedication of part Lot 5 for public road can be achieved without adversely affecting the operation of the treatment plant. Providing all costs of the dedication are met by the proponents and funds equivalent to the market value of the land are expended by the proponents on public infrastructure there will be a net gain to the ratepayers.

Additionally the development by the proponents will result in more revenue to Council through an increased rate base.

G 08/60 DEDICATION OF COUNCIL LAND FOR ROAD
TOMAKIN SEWAGE TREATMENT PLANT

03.7375.D

RECOMMENDED

THAT:

1. A 20 metre wide strip within Lot 5 DP 264630 be dedicated as public road subject to:
 - (a) All costs associated with the dedication including Council's reasonable legal costs being borne by the proponents of the development of land to the north of the Tomakin Sewage Treatment Plant.
 - (b) The proponents entering into a planning agreement to expend an amount equivalent to the market value of the land proposed to be dedicated as public road on local public infrastructure.
 - (c) Market value of the land being determined by a registered valuer.
 - (d) In addition to (b) the proponent be responsible for all costs associated with the provision of suitable vegetative screening of the treatment plant along the proposed road if required and any necessary relocation of existing water and sewer infrastructure within the proposed road.
2. Consent be given to affix the Common Seal of Council to all necessary documents associated with the dedication of the land for public road.

ROB ADDISON
PROPERTY MANAGER
COMMERCIAL AND CORPORATE SERVICES

In Reply Please
Quote Reference: 94.6611
03.7375.D



EUROBODALLA SHIRE COUNCIL

Good Government, better living

25 June 2008

PO Box 99 Moruya NSW 2537
email: council@eurocoast.nsw.gov.au
website: www.esc.nsw.gov.au
DX 4873

In accordance with Section 377 of the Local Government Act 1993, Council at its meeting held on Tuesday, 24 June 2008, in consideration of Report G08/60 – Dedication of Council Land for Road Tomakin Sewage Treatment Plant, resolved to delegate authority, to the General Manager, to determine the matter relating to the dedication of Council land (part of Lot 5 DP 264630) as a public road within the Tomakin Sewage Treatment Plant site.

In accordance with Council's delegated authority I hereby determine :

THAT:

1. A 20 metre wide strip within Lot 5 DP 264630 be dedicated as public road subject to:
 - (a) All costs associated with the dedication including Council's reasonable legal costs being borne by the proponents of the development of land to the north of the Tomakin Sewage Treatment Plant.
 - (b) The proponents entering into a planning agreement to expend an amount equivalent to the market value of the land proposed to be dedicated as public road on local public infrastructure.
 - (c) Market value of the land being determined by a registered valuer.
 - (d) In addition to (b) the proponent be responsible for all costs associated with the provision of suitable vegetative screening of the treatment plant along the proposed road if required and any necessary relocation of existing water and sewer infrastructure within the proposed road.

It is to be noted that Council has resolved to affix the Common Seal of Council to all necessary documents associated with the dedication of the land for public road should the General Manager so consent to the dedication of the subject land as public road.

J F LEVY
GENERAL MANAGER

John Kass

From: Lara Mulligan [laram@marsim.com]
Sent: Wednesday, 9 July 2008 12:02 PM
To: John Kass
Subject: FW: Marsim Part 3A Application Rosedale Enhanced Plan



BRCA Rev
h Access_B.pdf

Forward - consent from Department of Lands to lodge our application over the crown road reserve at the new southern accesss where it meets George Bass Drive adjacent to the Sewer Treatment Plant.

Helen Mucahyat the Department of Planning has confirmed verbally to me that this is satisfactory as consent.

As you can see, the original e-mail was sent to Helen Mulcahy on the 25th June 2008.

-----Original Message-----

From: Grant Merinuk [mailto:Grant.Merinuk@lands.nsw.gov.au]
Sent: Wednesday, 25 June 2008 3:18 PM
To: helen.mulcahy@planning.nsw.gov.au
Cc: thebest@naturecoastproperty.com.au
Subject: FW: Marsim Part 3A Application Rosedale Enhanced Plan

Hi Helen, the Department doesn't have any issues with the lodgement of Marsim's Part 3a application over lands at Rosedale.

Grant Merinuk
Team Leader Land Management
Crown Lands Division

-----Original Message-----

From: John Flarrety
Sent: Friday, 20 June 2008 10:36 AM
To: Grant Merinuk
Subject: FW: Marsim Part 3A Application Rosedale Enhanced Plan

For follow up action

John Flarrety
Program Manager
Land Administration (East)
South Region
Department of Lands
P.O. Box 748,
Goulburn NSW 2580
Phone: (02) 4824-3714
Mobile: 0427-108717
Email: John.Flarrety@lands.nsw.gov.au

-----Original Message-----

From: Pete Best [mailto:thebest@naturecoastproperty.com.au]
Sent: Wednesday, 18 June 2008 5:17 PM
To: John Flarrety
Cc: 'Lara Mulligan'; 'John Wilkin'; 'John Kass'; sgeha@egproperty.com
Subject: Marsim Part 3A Application Rosedale Enhanced Plan

Hi John

Please find attached an addition plan to those sent earlier today which may clarify the areas of crown road reserve which we are requesting your consent to lodge our application over. If you need further info please give me a call.

Regards

Pete Best

Nature Coast Property

thebest@naturecoastproperty.com.au

+612 4471 1621 Mobile 0403 599 255

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