

Lynley Gardner

From: Governance
Sent: Tuesday, 1 March 2022 3:46 PM
To: [REDACTED]
Subject: GIPA22/170449 (Nelson) - Notice of Decision
Attachments: GIPA22_170449 (Nelson) Notice of Decision.pdf; GIPA Fact Sheet - Your review rights under the GIPA Act.pdf

Categories: Captured in ECM

Dear Mr Nelson,

Please find attached the Notice of Decision for your access application under the *Government Information (Public Access) Act 2009*. Also attached is a fact sheet referenced in the Notice.

In sum, subject to payment of the processing charge as detailed in the Notice, I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the requested information; and
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

Please contact me if you have any questions in relation to the decision on your application, and thank you for your patience while the application was finalised.

Kind regards,

Lynley Gardner Corporate Strategy and Governance Officer
(Monday, Tuesday & Thursday)

Wingecarribee Shire Council

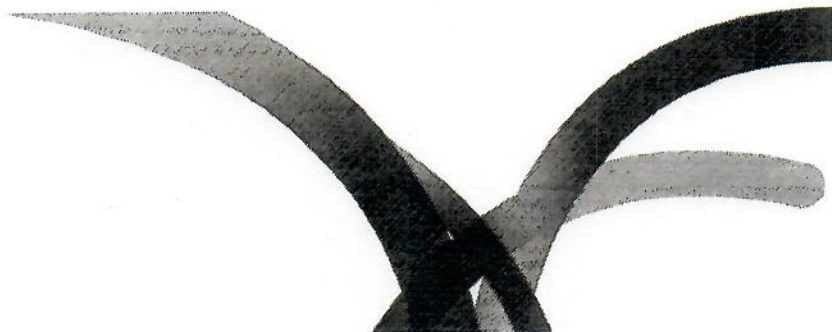
e. governance@wsc.nsw.gov.au

t. **(02) 4868 0888**

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information
and privacy
commission
new south wales



Fact Sheet

November 2019

Your review rights under the GIPA Act

You can apply for access to information and NSW government agencies will make a decision under the *Government Information (Public Access) Act 2009* (GIPA). If you are dissatisfied with the decision you can request a review.

What decisions can be reviewed?

You have the right to request a review of certain decisions¹ made by government agencies about the release of information under the GIPA Act:

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit,
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to

pay an advance deposit within the time required for payment

- m) a decision to include information in a disclosure log despite an objection by the authorised objector (or a decision that the authorised objector was not entitled to object).

You generally have three review options.

1. Internal review

You have **20 working days**² after the notice of a decision has been given to you, to ask for an internal review by the agency that made the decision. An agency may accept an application for internal review out of time, but is not obliged to do so.³

If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review⁴, but you can ask for an external review (see below).

Similarly, if the access applicant or one of any number of third parties has sought an internal review of the decision that you are not satisfied with, you are not entitled to seek an internal review of the decision.⁵ You are however able to seek an external review.

The review must be carried out by an officer who is no less senior than the person who made the original decision.⁶ The review decision must be made as if it was a fresh application.⁷

There is a \$40 fee for an internal review application.⁸ An agency may choose to waive the internal review fee.⁹ No fee applies for an internal review if the decision is a 'deemed refusal' because the agency did not process your application in time¹⁰ or the internal review is conducted because the Information Commissioner has recommended the agency reconsider its decision under

¹ Section 80 GIPA Act

² Section 83(1) GIPA Act

³ Section 83(2) GIPA Act

⁴ Section 82(2) GIPA Act

⁵ Section 88 GIPA Act

⁶ Section 84(2) GIPA Act

⁷ Section 84(1) GIPA Act

⁸ Section 85(1) GIPA Act

⁹ Section 127 GIPA Act

¹⁰ Section 85(2) GIPA Act

section 93 of the GIPA Act.¹¹ In this case, you cannot be charged a review fee.

The agency must acknowledge your internal review application within five working days of receiving it.¹² The agency must decide the internal review within 15 working days¹³ (this can be extended by 10 working days if the agency has to consult with a third party not previously consulted¹⁴, or by agreement with you¹⁵).

Note: You cannot ask for internal review of a decision that is being or has already been reviewed by the Information Commissioner¹⁶ or the NSW Civil and Administrative Tribunal (NCAT)¹⁷. This does not apply if the internal review was recommended by the Information Commissioner under section 93.

What is a working day?

A working day is defined as any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier as the Christmas closedown period.¹⁸

What does notice 'given to' mean?

In the decision of *Choi v University of Technology Sydney* [2017] NSWCATAD 198, the NCAT considered when notice of a decision could be considered to have been 'given to' an access applicant, for the purposes of calculating the time period to seek a review.

NCAT gave the following guidance, in the circumstances where the applicant was emailed a notice of decision as an attachment:

- the words 'given to' have their ordinary meaning of 'delivered' or 'handed over' (at [23], citing *Melville v Townsville City Council* [2004] 1 Qd R 530 at [27])
- in the case of notification by email, notice was given when the decision was emailed to an applicant (at [23])

In the case of notification by post, notice is given at the time when the notice is posted by the Agency.¹⁹ Once the posting of the notice to the postal address is completed, notice is considered to have been given by the agency.

¹¹ Section 93(6) GIPA Act

¹² Section 83(3) GIPA Act

¹³ Section 86(1) GIPA Act

¹⁴ Section 86(2) GIPA Act; IPC Fact Sheet Why consult third parties: Guideline 5 Consultation on the public interest considerations

¹⁵ Section 86(4) GIPA Act

¹⁶ Section 82(4) GIPA Act

¹⁷ Section 82(5) GIPA Act

¹⁸ Clause 1, Schedule 4 to the GIPA Act

¹⁹ Section 126 (2) GIPA Act

Calculating time then commences on the first working day after the notice is posted.²⁰

- it was not necessary for the applicant to have read or been aware of the contents of a decision for it to have been 'given to' them (at [23]).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for an external review by the Information Commissioner.

If you are the person applying for access to information, you do not have to have an internal review of the decision before asking the Information Commissioner to review it.²¹

However, if you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner, unless an internal review is not available to you²² (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by NCAT).

You have 40 working days²³ from being given the decision to ask for a review by the Information Commissioner.

There is no provision in the GIPA Act that permits the Information Commissioner to accept applications out of time.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency. This may include a recommendation that the agency reconsider and make a new decision on the access application.²⁴ This enables the agency to make a new decision, whether or not the decision has already been the subject of internal review by the agency.²⁵

The Information Commissioner has 40 working days from the day on which all necessary information relating to a review application has been received to complete the review of a decision and make any recommendations.²⁶

²⁰ *ANQ v Department of Attorney General and Justice, Corrective Services* ([2012] NSWADT 271 at [8]-[11])

²¹ Section 89(2)(a) GIPA Act

²² Section 89(2)(b) GIPA Act

²³ Section 90 GIPA Act

²⁴ Section 93(1) GIPA Act

²⁵ Section 93(2) GIPA Act

²⁶ Section 92A(1) GIPA Act

The Information Commissioner and applicant can agree to an extension of the timeframe. The Information Commissioner will notify the agency of any extension.²⁷

If the Information Commissioner does not complete the review within the 40 working day period, the Information Commissioner is deemed to have made no recommendations to the agency.²⁸ The effect of this is that the original decision stands and the only option available to the applicant is to seek a review by NCAT. The applicant must be notified when the review is completed and advised of any recommendations made by the Information Commissioner.²⁹

Note: You cannot ask the Information Commissioner to review a decision that is being or has already been reviewed by NCAT³⁰.

3. External review by the NSW Civil and Administrative Tribunal (NCAT)

If you disagree with any of the decisions listed above, you can ask for a review by NCAT.

If you are the person applying for access to information, you do not have to have an internal review of the decision before asking the NCAT to review it. However, if you are not the original access applicant (i.e. you are a third party), you must seek an internal review before applying for review by NCAT, unless an internal review is not available to you³¹ (see Option 1 above; internal review is not available if a Minister or their personal staff, or the principal officer of an agency made the decision, if the decision has already been internally reviewed by the agency or if the decision is being or has been reviewed by the Information Commissioner).

You do not have to have the decision reviewed by the Information Commissioner before applying for review by NCAT.³²

You have **40 working days**³³ from being given the decision to apply to NCAT for review. However, if you have applied for review by the Information Commissioner, you have **20 working days**³⁴ from being notified of the Information Commission's review outcome to apply to NCAT.

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

²⁷ Section 92A(2) GIPA Act

²⁸ Section 92A(3) GIPA Act

²⁹ Section 92A(4) GIPA Act

³⁰ Section 98 GIPA Act

³¹ Section 100(2) GIPA Act

³² Section 100 GIPA Act

³³ Section 101(1) GIPA Act

³⁴ Section 101(2) GIPA Act

Notice of Decision

Government Information (Public Access) Act 2009

Applicant	Mr Peter Nelson
File Reference	GIPA22/170449; WIN-000279
Decision Maker	Lynley Gardner Corporate Strategy and Governance Officer
Date of Decision	1 March 2022

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1. Summary of Access Application

On 1 February 2022, Wingecarribee Shire Council (Council) received your access application under the *Government Information (Public Access) Act 2009* (GIPA Act). You applied for access to the following information:

Please provide me Council e-mails received and sent by me from 20th June 2020 to 30 June 2020 – I need to see the correspondence surrounding the Station Street project.

2. Decision

I am authorised by the General Manager of Wingecarribee Shire Council, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

I have decided, under sections 58(1)(a) and (d) of the GIPA Act:

- to provide access to some of the information;
- to refuse to provide access to some of the information because there is an overriding public interest against disclosure of the information.

In this Notice of Decision, I will explain the reasons for my decision. To meet the requirements of section 61 of the GIPA Act, I am required to state:

- (a) the reasons for my decision;
- (b) the findings on any material questions of fact underlying my reasons; and
- (c) the general nature and format of the records containing the information you applied for (see the attached Schedule of Documents).

These decisions are reviewable decisions under section 80 of the GIPA Act. See Part 8 of this Notice of Decision for further information regarding your review rights.

3. Searches for information

Under the GIPA Act, Council is required to conduct reasonable searches for the government information you applied for. I have searched Council's records to find any information that falls within the scope of your application.

Quest Archive Manager

Council's email archive manager, Quest Archive Manager, keeps a record of all emails sent to and from a Council-managed email account. This system allows for emails to be retrieved even if a Council official's email account has been deactivated or if the original email is deleted from the sender or recipients sent items or inbox. A search of all emails sent or received by you from 20 June 2020 to 30 June 2020 was conducted.

Each of the records retrieved was reviewed to determine whether the records contained information that fell within the scope of your application. Relevant information was retrieved.

A list of records that were found is provided in the attached Schedule of Documents.

4. The public interest test

Under section 9(1) of the GIPA Act, a person who makes an access application has a legally enforceable right to access the information applied for unless there is an overriding public interest against disclosure of the information.

Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against disclosure of the information.

In order to determine whether or not there is an overriding public interest against disclosure of the information you applied for, I have applied the public interest test. Section 13 of the GIPA Act sets out the public interest test, stating:

There is an **overriding public interest against disclosure** of government information for the purposes of [the GIPA Act] if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

I applied the public interest test in the way required by section 15 of the GIPA Act, that is, I applied the public interest test:

- (a) in a way that promotes the objects of the GIPA Act, set out at section 3 of the Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);
- (d) without taking into account the fact that disclosure of the information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

4.1 Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. The Note to section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure, however I am not limited to those considerations in deciding your application.

I found the following example public interest considerations set out in the Note to section 12(2) of the GIPA Act to be relevant to your application:

- (a) Disclosure of the information could reasonably be expected to...enhance Government accountability ...
- (b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies...

4.2 Personal factors of the application

Section 55 of the GIPA Act entitles me to take into account the following matters (referred to in that section as the **personal factors of the application**) in determining whether there is an overriding public interest against disclosure of the information:

- (a) the applicant's identity and their relationship with any other person;
- (b) the applicant's motives for making the access application; and

- (c) any other factors particular to the applicant.

In deciding your application, I have considered your interest in the matter about which you are seeking information. You advised that the information relates to your personal affairs, and you need to see the correspondence surrounding the Station Street project. I have considered your interest to be a factor in favour of disclosure.

4.3 Public interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I am able to take into account are those set out in the Table to section 14 of the GIPA Act or described in Schedule 1 to the GIPA Act.

To demonstrate that a public interest consideration against disclosure contained in the Table to section 14 of the GIPA Act is relevant to the information you applied for, I must consider whether the disclosure of the information could reasonably be expected to have the effect outlined in the Table.

I have identified the consideration set out at clause 3(a) of the Table to section 14 of the GIPA Act as being relevant to your application. That clause provides:

3 Individual rights, judicial processes and natural justice

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to...

- (a) reveal an individual's personal information...

In order to find that the public interest consideration against disclosure set out by clause 3(a) of the Table to section 14 of the GIPA Act (referred to as 'clause 3(a)') is relevant to the information that you have applied for, I must find that:

- (a) the information is **personal information** for the purposes of the GIPA Act; and
(b) the information, if it is personal information, could reasonably be expected to be **revealed** if it were disclosed to you.

In determining whether this consideration was relevant to information contained in the records to which you requested access, I considered the definitions set out in Table 2, below.

Table 2: Definitions relevant to clause 3(a) of the Table to section 14 of the GIPA Act

Term	Definition	Source of definition
personal information	'...information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion.'	Schedule 4(4)(1) of the GIPA Act
reveal	'...to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure).'	Schedule 4(1) of the GIPA Act

Schedule 4(4)(3)(b) of the GIPA Act provides that the above definition of personal information does not include:

information about an individual (comprising the individual's name and non-personal contact details, including the individual's position title, public functions and the agency in which the individual works) that reveals nothing more than the fact that the person was engaged in the exercise of public functions...

On the basis of the above exception, I found that the names of Council officials, including their position titles, were not personal information within the meaning provided by the GIPA Act as that information revealed nothing more than the fact that those individuals were exercising public functions. As such, clause 3(a) does not apply to so much of the information as consisted of the name and position titles of Council officials and I did not take clause 3(a) into account with respect to that information.

Where the information consisted of the mobile phone number of a Council official, and the names, position title, qualifications, contact details and signature of individuals who were not Council officials, I found that clause 3(a) did apply. I had regard to the Information Commissioner's *Guideline 4: Personal Information as a public interest consideration under the GIPA Act* (Guideline 4) in determining whether the information was personal information for the purposes of the GIPA Act.

Following searches of information available online, I was unable to ascertain with any reasonable certainty that this personal information had already been publicly disclosed in a lawful manner.

Similarly, I found that the signature of an individual was personal information and would be revealed if I disclosed that information. I am of the view that signatures are a highly unique form of personal information that can be used to ascertain the authenticity of documents and therefore identify individuals.

I gave substantial weight to this consideration in the overall application of the public interest test, as outlined further at Part 4.4 of this Notice of Decision.

4.4 Applying the public interest test

In applying the public interest test I have referred to the case of *Mannix v Department of Education and Communities* [2014] NSWCATAD 35, which provides a useful outline of the approach to the public interest test under the GIPA Act. At paragraphs 5-10, the following outline of the provisions is provided:

5. The objects of the GIPA Act as set out in s 3(1) are to advance the system of responsible and representative democratic government by authorising and encouraging public release of government information by agencies, giving the public an enforceable right to access to government information and providing that such access is restricted only when there is an overriding public interest against disclosure.
6. The term "government information" is given a wide meaning by s 4, being defined as "information contained in a record held by an agency". "Agency" is also defined in s 4 ...
7. The Act establishes a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure: s 5. Applicants for access to government information have a legally enforceable right to be provided with access to it, unless there is an overriding public interest against disclosure: s 9. The GIPA Act overrides other statutory provisions that prohibit

disclosure, apart from the "overriding secrecy laws" set out in schedule 1. In the case of those laws it is conclusively presumed that there is an overriding public interest against disclosure: ss 11 and 14.

8. With respect to government information not covered by overriding secrecy laws, the Act establishes a principle that there is a public interest in favour of disclosure: s 12(1). The category of public interest considerations in favour of disclosure is not limited: s 12(2). That subsection then sets out several examples of public interest considerations in favour of disclosure.
9. There can be an overriding public interest against disclosure only when the public interest test in s 13 is satisfied. It provides that "There is an overriding public interest against disclosure of the government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure".
10. In considering whether there is an overriding public interest against disclosure, the tribunal is to be guided by s 15, which provides, relevantly for present purposes, that agencies must exercise their functions so as to promote the objects of the GIPA Act and must have regard to any relevant guidelines issued by the Information Commissioner.

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested as follows.

With respect to information to which no public interest considerations against disclosure were applicable, the general public interest in favour of disclosure was applied and I decided to release the information to you.

Where clause 3(a) applied, I gave substantial weight to this clause in the overall application of the public interest test, as follows.

I did not find the personal factors of your application to be relevant to this personal information as there was no information available to me that indicated that these factors were relevant to the information in question. As such, these factors were not considered in the context of that information.

I took into account the public interest considerations in favour of disclosure identified above at Part 4.1 of this Notice of Decision and found that they had limited application to the personal information in question. Noting that the majority of the information you have requested relates to the correspondence between Council and third parties, I find that generally the disclosure of information relating to such matters could reasonably be expected to:

- enhance Council's accountability with respect to its key functions, namely its decision-making functions; and
- inform the public about Council's operations with respect to the way in which Council deals with development applications and other applications.

I am not equally satisfied that the personal information in question has any of the above effects, having regard to the fact that the information does nothing more than reveal personal information about individuals.

As such, I found it was warranted in the circumstances to apply substantial weight to clause 3(a). I find that personal information is highly sensitive in nature and should only be disclosed in circumstances where it is abundantly clear that the public interest is in favour of disclosure.

Further, specifically with respect to signatures, in addition to the above, I considered the highly unique nature of signatures and the fact that the disclosure of signatures could place an individual at risk of

identity theft or other criminal acts. This is reiterated by the Information Commissioner's *Guideline 3: Personal information in development applications* (at paragraph 63).

Given the limited application of the relevant considerations in favour of disclosure to the information in question, I am of the view that there is an overriding public interest against the disclosure of this information and I have decided to refuse to provide access to the information.

The attached Schedule of Documents provides further information.

5. Access

5.1 Form of access

Under section 72(2) of the GIPA Act, Council must provide access to information in response to an access application in the manner requested by the applicant except in certain specific circumstances, including where providing access in the requested way would involve an infringement of copyright.

I have decided that you will be provided with access to paper copies of records containing the information to which you requested access as requested in your application.

5.2 Deletion of information

Section 74 of the GIPA Act provides that Council may delete information from a copy of a record to which access is to be provided in response to an access application for either of the following reasons:

- (a) the information is not relevant to the information applied for; or
- (b) access to the information has been refused.

I have redacted (deleted) information from the records either because you did not apply for the information or because I have decided to refuse to provide access to that information on the grounds that there is an overriding public interest against disclosure of the information.

The Schedule of Documents attached to this Notice of Decision provides further information.

5.3 Access period

As stated by section 77(1) of the GIPA Act, you must exercise your right to access the information to which you have been granted access within six months of the date of this Notice of Decision. Therefore, you must access the information before **1 September 2022**.

If you need further time to access the information, please contact me using the details provided at Part 9 of this Notice of Decision.

6. Processing charges

Under sections 64(1) and (2) of the GIPA Act, Council may require the payment of processing charges at a rate of \$30 per hour for the time spent dealing with your access application. The application fee of \$30 already paid counts as payment towards any processing charges imposed.

You are requested to pay processing charges of **\$40.00**. Attached to this Notice of Decision is a Table of Processing Charges which shows how time was spent processing your application and the charges

that are applicable.

Please contact Council's Customer Service team on (02) 4868 0888 or alternatively attend Council's Civic Centre during business hours to make this payment. Please also quote reference GIPA22/170449 to Council staff when making the payment.

As permitted by section 64(4) of the GIPA Act, access to the information is conditional on payment of the imposed processing charge.

A decision to impose processing charges is a reviewable decision under section 80(j) of the GIPA Act. For further information regarding your review rights, please see Part 8 of this Notice of Decision.

7. Disclosure log

If Council considers that information released in response to an access application would be of interest to other members of the public, Council must record certain details about the application in its disclosure log, pursuant to the requirements of sections 25 and 26 of the GIPA Act.

In the letter acknowledging receipt of your valid access application dated **7 February 2022**, you were informed about the disclosure log and advised of your right to object to the inclusion of details about your access application in the disclosure log in certain circumstances.

You did not object to details about your application being included in the disclosure log.

I have decided that the information would be of interest to other members of the public and will therefore record the following details in Council's disclosure log:

- the date on which your access application was decided (that is, the date of this Notice of Decision);
- a description of the information that will be released to you;
- whether that information is or will be available to other members of the public; and
- if so, how it can be accessed.


The reason for my decision is that Council's position is that all information released in response to an access application will be made available on its disclosure log unless there are specific public interest reasons for not making it available in this way (for example, if disclosure of the information via the disclosure log would reveal an individual's personal information). This is consistent with the general presumption in favour of the disclosure of information under the GIPA Act.

Council's disclosure log is available on Council's website at [Proactive Release of Information Register](#).

8. Review rights

If you are aggrieved by any decisions set out in this Notice of Decision that are reviewable decisions under section 80 of the GIPA Act, you may seek a review under Part 5 of the GIPA Act. Before seeking a review, I encourage you to contact me using the contact details set out at Part 9 of this Notice of Decision to discuss your concerns.

The GIPA Act provides three review options:

- 
- internal review by another Council officer who is no less senior than me;
 - external review by the Information Commissioner; and
 - external administrative review by the New South Wales Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice of Decision to apply for an internal review, that is, until **29 March 2022**. If you would prefer to seek an external review, you have 40 working days from the date of this Notice of Decision to apply to the Information Commissioner or the NCAT, that is, until **29 April 2022**.

In order to assist you, enclosed with this Notice of Decision is a fact sheet published by the New South Wales Information and Privacy Commission (IPC) titled *Your review rights under the GIPA Act*. You will also find other useful information and frequently asked questions on the IPC's website at www.ipc.nsw.gov.au.

9. Further information

If you have any questions regarding this Notice of Decision or require any further information, please contact me on 02 4868 0888 or by email at governance@wsc.nsw.gov.au.



Lynley Gardner
Corporate Strategy and Governance Officer

Encl/s:

IPC Fact Sheet: *Your review rights under the GIPA Act*

Schedule of Documents

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
1	21.6.20 Email re Station Street Bowral Upgrade	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
2	22.6.20 Email re Station Street	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
3	22.6.20 Email chain re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
4	22.6.20 Email chain (2) re Station Street project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
5	Attachment to 22.6.20 Email chain (2) re Station Street project	Hard copy	Released in full	Nil
6	25.6.20 Email chain re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
7	25.6.20 Email chain (2) re Response please	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
8	26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
9	Attachment to 26.6.20 Email chain re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
10	26.6.20 Email chain (2) re Review of Environmental Factors Station street realignment	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

No.	Description of record that contains the information	Format of Records	Released or Withheld	Notes
11	28.6.20 Email re Station Street Upgrade Response	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>
12	29.6.20 Email re Letter re Station Street Project	Hard copy	Released in part	Partly redacted on the basis of Clause 3(a) – <i>Reveal an individual's personal information</i>

Table of Processing Charges

Date	Action	Time spent	Cost
10/02/2022	Locating relevant electronic information from search of Archive Manager Review of information for applicable public interest considerations and redaction of records Drafting of Notice of Decision including Schedule of Documents	2 hours and 10 minutes	\$65.00
1/03/2022	Finalising Notice of Decision and redaction of records	10 minutes	\$5.00
Subtotal			\$70.00
Payments already made <i>First hour of processing time covered by application fee</i>			-\$30.00
TOTAL			\$40.00

Archive Manager

Export

From: Peter Nelson
To: [REDACTED]
CC: Duncan Gair
Subject: Re: Station Street Bowral Upgrade

Sent: Sun, 21 Jun 2020 03:17:18 GMT

Dear [REDACTED]
Please see comments below.

Sent from my iPad

On 19 Jun 2020, at 8:35 pm, [REDACTED] > wrote:

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Councillors

I have been living in the shire for over 30 years.

I have voiced my voice a number of times in regards to the Proposed Station St Bowral Upgrade and other matters, **ONLY WHEN IT REQUIRED.**

The Upgrade is a total waste of **our, ratepayers,** money. It will achieve **NOTHING.** Traffic will come into Bowral, as normal, be good for a hundred or two metres then bottle neck again.

I do not agree with you. This project has been 30 years in the making and as a result of a NSW state govt grant of \$7.5M some 5 years ago which has allowed this project to go ahead. If council does not go ahead with the project it will have to return the \$7.5m govt grant back to the govt. there is no guarantee that council will ever get that grant again.
I will listen to the engineering staff that have been with council for over 20 years and if nothing is done then you will have bottle neck to contend with in station street.

Why not spend it on the deplorable condition of our roads - generally. Smooth out the roads and fill in the pot holes. I can always see the difference between WSC roads and RTA roads. It's appalling.

Council has an extensive program in the 20/21 budget and is always seeking grant funding to fix the roads. Wingecarribee Shire is the same size as Metropolitan Sydney and has many dirt roads, wooden bridges to fix not like Sydney councils. And the Federal govt has been reducing funding over the years to all councils.

The budget for this upgrade keeps going up and up, from \$9.5 million to over \$18 million and when it is constructed the actual costs will be double that I am sure of that. Why don't we finish one project efficiently and effectively before we start another. The latest one is the Berrima Road Deviation and there are heaps of others.

Please have a look at the 20/21 budget so that you get an idea of what projects council has on its books. It's extensive. Councillors and now pushing projects onto staff by way of Notice of Motions without any regard to the extensive programme.

WSC have been talking about bypass around Bowral & Moss Vale for the last 30 years and probably a lot more. Talking, Talking and asking for submissions

and still NOTHING.

At the last state election the NSW Liberal Party offered council \$20M to do the bypass for Moss Vale. But an estimate of the costs range from \$25M to what ever you guess.

Council has asked the state govt for \$2M to undertake an extensive detailed assessment of the bypass so that all the underground costs are known before council commences work otherwise you end up with a blown budget.

WSC have not considered the consequences of the additional population flowing into the area. More houses and more houses. When will it stop?

Council will be considering its Housing strategy on Wednesday night and this is required by the State Govt which is dictating to all councils to have a plan. The state govt is also dictating what increase in housing it should have. If council does not have a housing strategy it leaves itself open to developers moving in and going above council to the state govt and getting approval for housing development re the 800 housing development at Moss Vale.

And the tourists. We need their money to keep the locals employed. All they will see is traffic jam upon traffic jam and endless traffic lights.

Talk to the Welcome Centre as council has a detailed plan to bring tourists to the shire. Covid -19 has had a huge effect on that program. But it is up and running again. Do you not know about "Pie Time" ? That project brought 1,000 of people to the shire as does Tulip Time.

Can not the Council think of the consequences of what they are doing and consider what the residents want. I can not see how the WSC can honestly say "Working with you" with all honesty.

Council does listen to the people but then you have to differentiate between the pressure groups versus the total population. When I vote at a council meeting I am voting for all the residence not just one pressure group that is making representation to council.

The upgrade will achieve NOTHING, beside the disruption, destroying Bowrals northern entrance, destroying those iconic trees and be money, again, down the drain. May I remind the Council of the mismanagement of the Lehman Brothers investments. Have we finally received all the money back? Even if we have, the purchasing power of the money retrieved and the opportunity costs of what we could have achieved is woeful.

Good I am glad you raised Lehman Brothers. As the Manager of Governance / Administration I sat through all the closed council meeting when that issue was going on. The only person that saved the day for council was the current Deputy General Manager Mr Barry Paul and thankfully council resolve to follow his advice through that period. The end result is that council "GOT ALL THE MONEY BACK AND MORE"

What you don't know is that some councillors stood on a ticket to remove senior staff having regard to the Lehman Brothers matter. And the council did remove the General Manager and 3 Directors. End result was a loss of \$500,000 dollars in redundancies to the staff and that is ratepayer money. Now that should get you angry.

So please spread the message that council got all the Lehman money back and did not have to pay solicitors.

Other facts.

- **Public consultation - nothing since 2017 - and that was minimal, not extensive as stated in the Fact Sheet. At a public meeting a number of well qualified residents spoke and presented relevant material to Council. NONE of these suggestions were even considered - and, in fact, the Mayor at the time was instructed to make a public and written apology for his aggressive and bullying behaviour.**

Public consultation was NOT minimal as you suggest. It was most extensive opening up a shop staffed by council members allowing the community to ask questions. You obviously did not make use of the consultation.

- **The changes since the public exhibition in 2017 are NOT MINOR as stated in the Fact Sheet.**

Guess we disagree. I take it you have read the Fact Sheet so we agree to disagree.

- State Government is INCREASING community parking and accessibility at Railway Stations - this proposed project DECREASES our commuter parking. Parking in a car park in Wattle Lane, on street parking on Station Street, Kirkham Road and "in the direct vicinity of Bowral Station" cannot be considered to be commuter parking. They are NOT new spaces as they are already (with the exception of Wattle Lane) in existence.

Now you are just being silly and I guess no matter what I say will not change your mind.

- To say that "fundamentally the design has not changed" is, at the very least, misrepresentation, and is certainly misleading. There are, contrary to the Fact Sheet, further options for consideration but Council has chosen to completely ignore other scenarios that have been presented to them.

Again you are misrepresenting what is going on. Those other scenarios that you suggest will cost more than the current project.

- "Additional consultation would not have been conducive to obtaining a different outcome". As there was NO additional consultation how can it be stated that there would be no different outcome?

Again I do not agree with you.

- The fact that this project has been on Council's agenda for over 40 years - and when it was devised Council did not, and still does not, own all the land necessary to complete the project - has to beg the question "Why this sudden and unseemly urgency to have this done?"

Again I do not agree with you. It will be sorted with State Rail soon. The sooner the better. Any delay was not the result of council staff doing their best but to work with State Govt Agencies has become an nightmare..

PARKING directly outside Bowral Station will be halved to 73 spaces. If you miss a spot you will need to park at a new Council financed parking area at Mittagong Station to catch your train.

Council did a survey on the parking at Bowral. You would think that it is for commuters. However, it was found that there is a majority of local people who work in Bowral using the free all day car park. The Mittagong Station parking is what you call negotiation. On the one hand it will help both Mittagong and Bowral residence with parking but as State Rail is constructing a LIFT at Mittagong Station council, was able to get the Station street project over the line.

- **TREES:** Council's 2018 plan removed only 2 pin oaks – on 25th March this year Council approved a new plan to remove all 8 pin oaks from the western side of Station Street. Council has already cleared most trees from the south end of Station Street which will, coincidentally, facilitate its realignment.

I can show you a council resolution some years back where it resolved to remove 7 Pin Oak trees. The latest Arborists report said that the 8 trees to be removed have a life span of 15 to 20 years and then they will have to be replaced. Another cost coming the ratepayers way. And which you have not mentioned is that Council will be replacing those trees with 5 mature Pin Oak trees. I have found that when you explain what the real facts are the person or persons walk away with a different view.

- **THE COST:** The Station Street Upgrade has risen from \$9.5 million in 2017 to \$18.262 million in 2020.

Council regards ratepayers and businesses as "cash cows" as we will now finance the unrestrained cost increases of this project.

If the Government State Agencies could get their act together the project would be completed by now. When you have State Rail fighting with state infrastructure council becomes the victim and delays occur.

Please please please, consider the wishes of the people, the environment and our lifestyle.

We don't want traffic in the towns, traffic can be bypassed , then please can we do it first. Get the by passes FIRST

If council can present a gold roll station street to the State Govt it can then negotiate to take over Bong Bong street for Station Street and maybe other streets could be closed off for pedestrians. There is a long term plan also associated with the Station street project.

Please think of our future.

I am doing my best to think of the future by listening to the qualified engineers not being like other councillors that are using the project as a VOTE GRABBER for the next election.

As I said before I put my hand up for what I believe is the best decision for ALL ratepayers in the shire not just one small group that doesn't want 8 trees cut down and will do and say anything to muddy the waters.

Regards
Peter Nelson

Concerned resident

Regards



Archive Manager

Export

From: [REDACTED] Sent: Mon, 22 Jun 2020 06:29:02 GMT
 To: Duncan Gair ; Gordon Markwart ; Larry Whipper ; Graham McLaughlin ; Peter Nelson ; Grahame Andrews ; Ann Prendergast ; Barry Paull ; Mark Pepping
 CC: friendsofbowral@gmail.com
 Subject: Station Street

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

All

As a resident and ratepayer of the Wingecarribee Shire I take this opportunity to record my concerns regarding the proposed Station Street Upgrade. I have tried "Have Your Say" without success.

By way of background my credentials include a [REDACTED] years working in the construction industry; predominantly road and bridge projects. My clients include NSW RMS, various NSW and Qld Councils, and several civil contractors. I have managed several bypass and street beautification/upgrade projects from concept to construction in recent years.

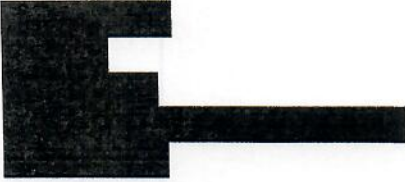
As I understand matters the principal ultimate objective of the project is to provide a traffic bypass of the Bowral main street; the current proposal being the first of at least two stages.

In brief my main (Engineering) concerns are:-

- The Cost. I note the current budget is of the order of \$18.3M. Whilst I have not seen how this figure was determined it seems to me that, assuming the scope includes the adjustment/upgrade of services, the required pavement upgrades and improvements in vertical alignment, the cost is more than likely to exceed this budget provision.
- There does not appear a published estimate for the construction of Stage 2.
- Construction of the work as detailed is likely to take twelve months or more. Disruption to traffic, pedestrians and businesses will be unavoidable and extreme. There will also be the nuisances of dust and noise to contend with; particularly for local residents and businesses.
- During construction through traffic will be diverted through Bowral mainly via the already congested Bong Bong Street.
- Replacement of the northern traffic signals with a roundabout will result in congestion in peak hours; traffic trying to exit Bong Bong Street north bound will be severely impacted.
- Congestion at the Futon/Bong Bong / Kangaloon/Moss Vale roundabout will not be improved until, presumably, Stage 2 is constructed.
- A far better solution to provide for bypass traffic is in my view to extend Kirkham Road to the south, construct a bridge over the railway corridor and join with Moss Vale Road in the vicinity of the Oxley motel. This could also be achieved at a lower overall cost and leave Station Street for local users. I understand that the brickworks in Kirkham Road will shortly be shut down.
- I would be interested to know if Benefit/Cost Analyses (BCA's) have been done for both the current proposal and the Kirkham Road options. I am confident that the Kirkham Road option BCA would well outscore the Station Street proposal. The "Cost" element of the Station Street BCA would have to include the additional ongoing costs to motorists in respect of the round trip to Mittagong for parking.
- The loss of already limited car parking at Bowral Station.

Additionally there are other aspects of Council's proposal that I find concerning, including:-

- It appears that Council has several related documents which are not being made available to the public; particularly as to cost and scope.
- The removal of eight National Trust listed mature Pin Oak Trees at the northern end of Station Street.
- The likely damage to other trees and shrubs due to the construction activities, mainly to the root systems.
- There are reports that Council is about to go to tender for the work. Until the concerns I have raised here and other "loose ends" any move to go to tender now would be premature in the extreme.



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Active Manager

Export

From: Peter Nelson
To: [REDACTED]
CC: Leesa Stratford
Subject: Re: Bowral Station Street project

Sent: Mon, 22 Jun 2020 03:52:21 GMT

Dear [REDACTED]

Thanks for your e-mail. The mayor will send you some information for you to consider which may change your mind.

There is only one group complaining about the project and they are connected to Bowral Matters and the Bowral Garden Club. When i make a decision on any issue at council i am making it on behalf of all ratepayers and i haven't received any complaints from the people of Hill Top, Colo Vale, Robertson, Exeter etc etc.

The 8 Pin Oaks will be replace by 5 mature Pin Oak trees. The trees to remove have approximately 20 years of life left and would have to be removed at some time. And that is according to a qualified Arborists.

The blow out is related to Govt Agencies not council so your complaint on costs should be forwarded to your local minister and the Premier. The information about carparking is wrong. Also council did a survey of those using the carpark at Bowral and most of them work in Bowral not commuters going to Sydney. Have you seen that truck that parks there every day all week?

If the project doesn't go ahead council will have to hand back \$7.5M in government grant funding and you wont ever get that again.

This project has been on the books for 30 years and i can show you a council resolution some 8 years ago that resolved to remove 7 Pin Oak trees.

It is a couple of councillors that are Vote Seekers for the next election that are causing a fuss. I make my decisions on the facts not whether i get elected next year or not.

Regards

Peter Nelson

Sent from my iPad

On 22 Jun 2020, at 1:05 pm, [REDACTED] > wrote:

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

We would like to add our strong disapproval for the Bowral Station Street changes to the many objections you have already received. The entire project cannot be called an 'upgrade' as it is so obviously a downgrade.

The idea of cutting down 8 mature pin oaks in Station Street to make way for part of the new road through the current carpark, thereby reducing parking spaces at the station from 144 to 71, beggars belief. It is utter idiocy to tell Bowral residents that if the Bowral station carpark is full, they'll have to drive to Mittagong to park and catch their train. What a giant step backwards!

Cutting down these 8 mature pin oaks, which are National Trust listed, is sheer vandalism.

The blow out of costs of this project from \$9.5 million in 2017 to \$18,262 million in 2020 is unbelievable, with ratepayers and local businesses having to finance these increases. All for an ill-thought out project that the vast majority of the community is against.

[REDACTED]

Archive Manager

Export

From: Duncan Gair
To: [REDACTED]; Ann Prendergast; Larry Whipper; Peter Nelson
CC: Wingecarribee Shire Council
Subject: RE: Bowral Station Street project

Sent: Mon, 22 Jun 2020 04:47:05 GMT

Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.



WSC - Fact Sheet - April 2020 (002).pdf (560Kb)

Hello [REDACTED]

Thank you for your email regarding the Station Street Upgrade Project and I note the points you have raised.

Please see attached Fact Sheet and below is a link to Council's website to obtain the factual information surrounding this project. <https://www.yoursaywingecarribee.com.au/ssu/widgets/288661/documents>

I would highlight that there is now a YouTube clip up on the Wingecarribee Your Say website which provides a more detailed discussion around the Pin Oaks and the Avenue Succession Plan. <https://www.yoursaywingecarribee.com.au/ssu/widgets/288657/videos/21742>

The Station Street Upgrade Project was listed as agenda item 9.1 at the 25 March 2020 Ordinary Meeting of Council, this was a visitor item and discussed in open Council where it was endorsed by the majority of Councillors. With seven Councillors in favour, including two Councillors who expressed a wish to have the project delayed and the funds diverted elsewhere during the COVID-19 pandemic, also noting that there was one Councillor absent from the meeting but is in support of this project. As such this project has the support of Council and a copy of the report is available to the public via the link below. <https://www.wsc.nsw.gov.au/council-meetings/2020-council-meeting-agendas-and-minutes>

The resolution from Council is listed below:

1. *THAT Council endorses the modified design layout for the roundabout at the Northern end of the Station Street Project.*
2. *THAT Council proceeds with the removal of eight (8) existing Pin Oak trees from the western alignment of Station Street with the adoption of the "Pin Oak Avenue Succession Plan" and replanting of five (5) Super Advanced Pin Oak trees within the new median strip AND THAT Council prepares a replacement strategy in the event that the trees on the eastern side of Station Street deteriorate.*
3. *THAT Council confirms the inclusion of the construction of a 70-space public carpark on land owned by Transport for NSW, adjacent to Mittagong Railway Station to provide alternative parking spaces for rail commuters and the general public.*
4. *THAT the funds required for the construction of the 70-space public carpark adjacent to Mittagong Railway Station be included in the Draft 2020/21 Operational Plan and Budget.*

Regrettably (3) Councillors submitted rescission motions on all matters determined at this meeting. With the escalating COVID-19 health concerns meaning that Council meetings are to be suspended for the time being, it was determined to hold an Emergency Extraordinary Meeting of Council on the 27 March to address the rescission motions as soon as possible. As a result, the rescission motions were defeated and the status of matters determined at the Council Meeting on the 25 March 2020 remain unchanged.

The proposal has been in discussion for over 35 years and the current design is supported by Sydney Trains and is now subject to a resolution of Council. As such Council staff will continue to move the project forward. It is emphasised that the funding from the State Government (can only be utilised for this project), the project has been validated by the independent Deep Dive review and there is no other design possible that will meet Sydney Trains required outcome. Opposing this project would result in worsening traffic over future years. The eight (8) pin-oaks would continue to deteriorate further. Their

life span was estimated at between 20 and 40 years, but closer to 20. By planting new already super advanced 6-7m Pin Oaks Council has established a succession plan for this avenue of trees.

It is with disappointment that the 8 Pin Oaks must be removed and of particular personal interest to myself. As a lifelong resident of the Southern Highlands these trees were planted only a decade or so before I was born, and I have watch them mature over many years. It should also be noted that these trees have been inspected by a highly qualified and experienced arborist who has identified that they are suffering from dieback and have a limited life span. Over the coming years they will pose a danger to pedestrians and passing traffic if they were to fall. I can assure you that as part of the upgrade, the avenue will be replanted with advanced Pin Oaks that have already purchased by Council. This important decision was not made lightly and was made for a better future for Bowral and is supported by many within the Shire.

I ask that you visualise Bowral in say five years, where instead of eight (8) failing Pin Oaks we have five (5) replacement healthy Pin Oaks which are well - spaced to permit a broad canopy, of probably more than 10 meters high forming a vibrant half of an avenue of trees. The current 20,000 daily vehicle traffic flow will be much improved from the congestion which has been experienced in recent years. Hopefully in 5 years with Council rolling out a new project to further upgrade the Moss Vale end of Station Street, subject to State Government funding support.

I thank you for your interest in our Shire and wish you and your family safe health during these current times.

Kind regards
Duncan

Duncan Gair Mayor

Wingecarribee Shire Council

e. Duncan.gair@wsc.nsw.gov.au

t. (02) 4868 0719 m. [REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: [REDACTED]

Sent: Monday, 22 June 2020 1:05 PM

To: Duncan Gair <Duncan.Gair@wsc.nsw.gov.au>; Ann Prendergast <Ann.Prendergast@wsc.nsw.gov.au>; Larry Whipper <Larry.Whipper@wsc.nsw.gov.au>; Peter Nelson <Peter.Nelson@wsc.nsw.gov.au>

Cc: friendsofbowral@gmail.com

Subject: Bowral Station Street project

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

We would like to add our strong disapproval for the Bowral Station Street changes to the many objections you have already received. The entire project cannot be called an 'upgrade' as it is so obviously a downgrade.

The idea of cutting down 8 mature pin oaks in Station Street to make way for part of the new road through the current carpark, thereby reducing parking spaces at the station from 144 to 71, beggars belief. It is utter idiocy to tell Bowral residents that if the Bowral station carpark is full, they'll have to drive to Mittagong to park and catch their train. What a giant step backwards!

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10/02/2022

Archive Manager

majority of the community is against.



Station Street Upgrade

What you need to know

Save travel time



Improve road Intersections



Improve Parking



Reduce gridlock



New pedestrian Access



Improve Streetscape



Increase road capacity



Improve Safety




The Station Street upgrade project has been on the drawing board for decades. As the township of Bowral has grown and changed so have the needs of the traffic infrastructure. To cope with the exponential growth of road users, businesses, and road safety requirements, Council have adopted a solution utilizing staff, consultants, experts and engaged with the public to formulate a traffic easing proposal for Bowral. Although everyone has different views on the requirements and outcomes within the township, expert advice from traffic engineers, Roads and Maritime Services (RMS) and the independent Deep Dive report from Infrastructure NSW have all confirmed the merit of the current proposal. National standard traffic modelling software also used by the RMS has demonstrated the proposed upgrade will significantly reduce congestion and free up the roads for commuters, visitors, residents and businesses well into the future. The traffic modelling has confirmed that the upgrade as proposed will see traffic meeting current standards now and well into the future.

The design adopted in 2017 has seen minor changes ensuing from Bowral's changing needs, and more specifically because of the requirements imposed by Sydney Trains. Negotiations with Sydney Trains commenced in 2014 with a commitment from Sydney Trains to assist in the development of a workable solution. This commitment, although with the best intentions of all parties was unsuccessful in reaching a compromise. In late 2019 Council executives made representation to the Minister for Regional Transport and Roads office for assistance in progressing the matter. Subsequently a senior member of staff from Transport for NSW (TfNSW) was appointed to be the single point of contact for Wingecarribee Shire Council, Sydney Trains and RMS to resolve the issues preventing the progress of the project. Common ground and rational approaches were undertaken, guided by the focus of TfNSW single point of contact to establish a positive outcome for all parties, and one that will ultimately benefit Bowral.

Working with you

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In respect to the currently proposed design, the main factors that were under consideration were the commuter parking requirements of Sydney Trains, safe and compliant road designs, township parking and accessibility whilst considering the third party imperatives and site constraints.

Since the extensive consultation undertaken in late 2017, the adopted design has faced several changes because of the abovementioned challenges. The design has currently gained Approval in Principle from all relevant authorities and is in the process of finalization via a Heads of Agreement document. It is now very apparent that after years of design and negotiation there are no other viable alternatives available.

The updated design is now presented to the community to demonstrate the necessary changes, and show that fundamentally the design has not changed. As a consequence of there being no further options for consideration or review to address Bowral's ever-increasing congestion, the design has had to evolve due to third party requirements. Thus, additional consultation would not have been conducive to obtaining a different outcome. Mandated adjustments such as moving the roundabout, eliminating the slip lane and providing a dedicated dual lane northern carriageway, and fine-tuning intersection geometry are the essential changes that have been made. These changes were necessary to accommodate the requirements of Sydney Trains and RMS, whilst still providing for vastly improved traffic conditions and considerable commuter and town center parking.

Because of all the constraints surrounding the station precinct it is unavoidable that the western row of Pin Oaks is impacted. Council has not taken this lightly as the significance of these trees is understood and appreciated. Council staff and relevant experts have considered all possible alternatives to preserve the western Pin Oaks, but the final alignment and mandatory construction

methodology eliminate the sustainability of the already distressed and declining trees.

Council have engaged with *Arterra Design* during the consideration of the tree removal to obtain their expert advice and guidance for succession planning for the Pin Oak Avenue.



For further information watch the video at www.yoursaywingecarribee.com.au/SSU.

It is acknowledged that the congregation of Pin Oaks on Station Street adjacent to Bowral train station are highly valued and have been listed on the National Trust Register. But they are NOT heritage listed. The large substantial Pin Oaks located along Station Street form part of the towns historic character and frame the entrance to the town. It has been advised that where retention of plantings is not possible then revegetation following the *Wingecarribee Street Tree Masterplan 2016* should be followed to ensure the character of the streetscape and Bowral is retained. The proposed Avenue succession plan will ensure that this significant feature is retained, remaining trees to be protected and attention to future proofing the avenue is provided considering the age of the remaining trees in the Avenue.



Timing

It was the direction from Council and Infrastructure NSW to progress the approval of the project as expediently as possible. Following a briefing update to Councilors on 11 September and 11 December 2019 staff were directed by Council to progress a compliant design addressing the project merits as described in the *Deep Dive Review Report* and focusing on third party requirements to gain endorsement by these relevant authorities (including Sydney Trains, RMS, TfNSW).

Councilors requested an accurate timeline for the delivery of this directive and the Ordinary meeting

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scheduled for 25 March 2020 was committed to. Staff met this obligation and could not foresee the subsequent Covid 19 pandemic. As such staff have worked to meet the objectives set by Council with the presented proposal being approved in principle by all parties and report presented to Council as agreed.

Any further delays will simply add cost to the project and in the current climate a project of this value and importance would only benefit the economic situation we are presented with.



Current budget sources

Grant Funding	\$7.5M
S94 contribution	\$2M
Loan borrowings	\$3.884M
Other sources	\$2.949M



Parking

As indicated in the Council report, parking has been an important criterion in the design process.

As part of the requirement from Sydney Trains, Council is required to develop an additional 14 off-street car parking spaces attributable to the forecourt commuter car park, making the total number of off street "commuter parking spaces – 71. Note: The 70 space Mittagong station carpark is NOT a replacement for Bowral station parking.

The Parking Strategy within Bowral consists of the following:


- 71 dedicated off-street commuter car parking spaces at Bowral Station
- 39 off street car parking spaces in the carpark south of the old milk factory
- 50 off-street car parking spaces in the Wattle Lane carpark extension
- 38 on street car parking spaces on Station Street between Boolwey and Bowral Streets

- 137 on street car parking spaces on Kirkham Road between Oxley Hill Rd and Wingecarribee Street
- 34 on street car parking spaces on Kirkham Road between Wingecarribee Street and Sherwood Lane
- 12 on street spaces in direct vicinity of Bowral station

Current parking spaces

 **347**

Proposed parking spaces

 **380**

An additional 70 space off street carpark is to be developed at Mittagong Station.

The newly proposed Mittagong Station parking was a requirement by Sydney Trains to achieve support for the project. Land controlled by Transport for NSW will be leased to Council under a "peppercorn lease" bound in the heads of agreement document. This will provide a dedicated 70 space carpark for the commuter and travelling publics demands within the Southern Highlands

In Summary the Project has been developed to both increase traffic network capacity in the Bowral Town Centre and facilitate traffic distribution. Improved traffic distribution is seen as a key factor in promoting and sustaining development throughout the Bowral. The Project will also improve access to public transport and provides for long term parking needs of the Bowral Town Centre and Bowral Railway Station which will operate efficiently and safely.

Supported by robust survey and traffic modelling (strategic and micro-simulation) it is concluded that Bowral, a significant economic and cultural entity in the Region, is primarily a destination and not a location that people wish to by-pass. Improving the efficiency of the road network in the Town Centre provides for improved access and reduces travel time. The upgraded Station Street will meet the Town Centre requirements of traffic movement and access now and into the future.

Archive Manager

Export

From: [REDACTED]
To: Peter Nelson
Subject: RE: Response please

Sent: Thu, 25 Jun 2020 01:44:40 GMT

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

That's called DEMOCRACY.

From: Peter Nelson [mailto:Peter.Nelson@wsc.nsw.gov.au]
Sent: Thursday, 25 June 2020 11:11 AM
To: [REDACTED]
Cc: Jan Wilson; Councillors; Barry Paul
Subject: Re: Response please

I will reply to him. And your right I am not changing my mind on Station Street.
Maybe I should not have received your e-mail but it shows how you are all working together to attack councillors that do not agree with your wishes.

Regards

Peter Nelson

PS by all means send this reply to all your members. Have a laugh, coordinate your next move.

Sent from my iPad

On 25 Jun 2020, at 10:46 am, [REDACTED] > wrote:

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Good work, [REDACTED]! Let's see what he says in reply. His recent letter to [REDACTED] didn't convey that he has any idea of shelving the project.

I'm inspired that you have put pen to paper, or fingers to keyboard.

Best wishes,

[REDACTED]

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: [REDACTED] >
Date: 25/06/2020 10:25 am (GMT+10:00)
To: peter.nelson@wsc.nsw.gov.au
Subject: Response please

Dear Councillor Nelson,

30

I would appreciate a response to my attached correspondence. I do not want to receive the standard response that many people have recently received. I do have copies of all the relevant Fact Sheets et cetera relating to this matter.

I look forward to hearing from you.



Disclaimer: This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please notify the sender and delete the message. Views expressed in this message are those of the individual sender and are not necessarily the views of Wingecarribee Shire Council. This email may be made available to third parties in accordance with the Government Information (Public Access) Act 2009.

Archive Manager

Export

From: Peter Nelson
To: [REDACTED]
Subject: Re: Response please
No worse that what u are doing
Sent from my iPhone

Sent: Thu, 25 Jun 2020 03:09:42 GMT

On 25 Jun 2020, at 1:09 pm, Peter Nelson <Peter.Nelson@wsc.nsw.gov.au> wrote:

And I am the one with the VOTE so u don't count

Sent from my iPhone

On 25 Jun 2020, at 11:57 am, [REDACTED] > wrote:

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

What an appalling e-mail! It just gets worse and worse. You were the only one I bcc'd but I'll certainly convey his message to the others!

On Thu, 25 Jun 2020 at 11:11, Peter Nelson <Peter.Nelson@wsc.nsw.gov.au> wrote:

I will reply to him. And your right I am not changing my mind on Station Street. Maybe I should not have received your e-mail but it shows how you are all working together to attack councillors that do not agree with your wishes.

Regards

Peter Nelson

PS by all means send this reply to all your members. Have a laugh, coordinate your next move.

Sent from my iPad

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I'm inspired that you have put pen to paper, or fingers to keyboard.

Best wishes,

[REDACTED]

Sent from my Samsung Galaxy smartphone.

----- Original message -----

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Date: 25/06/2020 10:25 am (GMT+10:00)
To: peter.nelson@wsc.nsw.gov.au
Subject: Response please

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I would appreciate a response to my attached correspondence. I do not want to receive the standard

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I look forward to hearing from you.



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Archive Manager

Export

From: Duncan Gair
To: [REDACTED]
CC: Peter McLaughlin (wollondilly@parliament.nsw.gov.au) ; Peter McLaughlin (Peter.McLaughlin@parliament.nsw.gov.au) ; Wendy Tuckerman - NSW Parliament (ElectorateOffice.Goulburn@parliament.nsw.gov.au) ; Councillors ; [REDACTED]
Subject: RE: Review of Environmental Factors- Station street realignment

Sent: Fri, 26 Jun 2020 06:27:14 GMT

Attachments may contain viruses that are harmful to your computer. Attachments may not display correctly.

 D20_0084 - Dep Sec Correspondence - Letter to [REDACTED].pdf (62Kb)

Hello Mr [REDACTED],

Thank you for your email and I provide the following response is provided to the matters raised.

Council continues to provide comprehensive information to the community on the Station Street Project via the <https://www.yoursaywingecarribee.com.au/ssu>.

Specifically Council has confirmed its intention to implement a "Pin Oak Succession Plan" as part of the Project to ensure that the entrance to Bowral has a canopy of Pin Oaks for another 80 years plus going forward.

<https://www.yoursaywingecarribee.com.au/56105/widgets/288661/documents/163742>
<https://www.yoursaywingecarribee.com.au/ssu/widgets/288657/videos/21742>

Council has also committed to planting (95) advanced trees as part of a comprehensive landscaping Upgrade for Station Street ,with the trees already purchased and being maintained at a local nursery.

Council continues to meet all its responsibilities under the Environmental Planning & Assessment Act 1979 with a comprehensive REF being undertaken as part of the project development to make it shovel ready.

Council completes many REF's on a wide range of works and projects on a regular basis and does so in a professional and competent manner, Council is not required to undertake community consultation specifically on REF's as this is only one element of the many technical components required to deliver capital projects. Council does not therefore propose any consultation specifically on the REF for Station Street or indeed for any other projects.

Council continues to consult and provide information on a broad range of projects where it is appropriate and has conducted extensive consultation in 2018 on the Station Street Upgrade Project.

Comprehensive up to date information continues to be made available on the your say Wingecarribee site to keep the public fully informed.

In conclusion, the current design and alignment for the Northern End of the Station Street Upgrade Project is the "only" viable option for the project to proceed, as it is the "only" option that will be accepted by Sydney Trains.

The project is essential for the future prosperity and growth of Bowral and surrounds and will when complete provide greatly improved transport link for Bowral, provide an avenue of trees from Bowral Street Roundabout to Victoria Street, with the declining Pin Oaks on the western entrance to Bowral replace with "Super Advanced trees" that will ensure that the canopy of pin oaks at the entrance to Bowral will be enjoyed by future generations.

It is very apparent that you do not accept this vision for the future of Bowral and Station Street, and I can only say that we will have to agree to disagree on this issue and as I have mentioned in a previously, I feel that further dialogue between us would be fruitless.

Kind regards
Duncan

Duncan Gair Mayor

Wingecarribee Shire Council

e. Duncan.gair@wsc.nsw.gov.au

t. (02) 4868 0719 m. [REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

From: [REDACTED]

Sent: Thursday, 25 June 2020 9:56 AM

To: Duncan Gair <Duncan.Gair@wsc.nsw.gov.au>; Councillors <Councillors@wsc.nsw.gov.au>; Peter McLaughlin <peter.mclaughlin@parliament.nsw.gov.au>; ElectorateOffice Wollondilly <ElectorateOffice.Wollondilly@parliament.nsw.gov.au>; ElectorateOffice Goulburn <ElectorateOffice.Goulburn@parliament.nsw.gov.au>; [REDACTED]

Cc: Garry Turland <[REDACTED]>; Ian Scandrett <[REDACTED]>

Subject: Review of Environmental Factors- Station street realignment

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

Dear Duncan,

Please see attached a letter from the Deputy Secretary Regional & Outer Metropolitan Transport for NSW which advises that Council "will consult with stakeholders and the community" as part of the process of developing a Review of Environmental Factors (REF) for the Station Street project.

I would appreciate it if you would confirm that Council will in fact consult with the Community as well as other stakeholders in the preparation of the REF and that such consultation be conducted in accordance with Council's Community Consultation Policy.

Given the importance of a properly drafted REF it would seem inappropriate that a Memorandum of Understanding with Government on this project should be signed prior to proper community consultation and completion of a comprehensive REF.

10/02/2022

Archive Manager

Whilst Council has approved the destruction of eight National Trust listed Oak trees I also request your commitment that NO trees affected by the proposed Station Street realignment will be destroyed prior to community consultation and a comprehensive REF is complete.

As you are no doubt aware Friends of Bowral Inc have made formal complaints to the Dept of Local Government and the NSW Ombudsman regarding Council's approval to remove the eight Oak trees effectively destroying the iconic entrance to Bowral without the benefit of an REF. The responses to our complaints will be posted on the FoB Facebook page which now has over 700 followers and growing.

I look forward to your response.

Kind Regards



Friends of Bowral Inc



23 June 2020

[REDACTED]

Dear [REDACTED]

I refer to your two letters, one dated 12 May 2020, the second undated, about the Wingecarribee Shire Council (Council) Station Street upgrade project. I thank you for bringing your concerns to my attention.

As you know, Station Street is a local road under the authority of Wingecarribee Shire Council and as such is responsible for the project. Transport for NSW's (TfNSW) interest in the project is due to its interaction with TfNSW's services and its impact on our assets.

I acknowledge your concerns about the consultation undertaken by Council, however, as this is a local road project, TfNSW is not able to direct Council to undertake further consultation. I understand Council is developing a Review of Environmental Factors and will consult with stakeholders and the community as a part of this process. Infrastructure NSW has extended the project timeframe through to 31 December 2021 to facilitate this.

TfNSW will continue to provide feedback to Council as an impacted stakeholder, and I encourage you to engage with Council as the project develops and further opportunities for community consultation are provided.

If you would like to know more about TfNSW's role in this project please call [REDACTED], Senior Manager Infrastructure Services at Transport for NSW on [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]
Deputy Secretary
Regional & Outer Metropolitan

Archive Manager

Export

From: Peter Nelson
 To: Duncan Gair ; Graham McLaughlin ; Grahame Andrews
 Subject: Station Street Upgrade - [REDACTED] Response.

Sent: Sun, 28 Jun 2020 04:20:20 GMT

Station Street Upgrade - [REDACTED]

Dear [REDACTED]

Thank you for your letter dated 25 June which was apparently sent to other people in your network.

If you stated that you have received the e-mail from the Mayor with all the details and facts associated with Station Street then I can't understand why you don't believe that the project should be approved. I think you should also view the council meeting of 25 March 2020 where the Station Street project was discussed and also the Extraordinary meeting held on 27 March 2020 to listen to the facts and the debate. I think you may have taken my comments out of context at the council meeting of 14 February 2018 when the upgrade was approved but I will have to go back to that meeting to review the debate. However, I believed we have moved on since then.

I take it that you are an elderly gentleman and I would like to give you the analogy of a war time issue.

If the Army wishes to cross a river and has to build a bridge then would they call in the infantry to build the bridge or would that call in the specialist engineers to build the bridge. Of course they would call in the specialists engineers to build the bridge.

When I was making a determination on how to vote on the Station Street Project I listened to the Engineering Specialists on council staff that have been employed by council for over 20 years. These staff members have many years of experience and have lived and breathed traffic management in that time.

Argyle Street Moss Vale

Your comment about traffic issues in Moss Vale are not supported by me. I had a complaint from a friend about the time it takes to get through Argyle street. I actually timed myself to drive from McDonalds to the traffic lights and it took me 5 minutes. So you can't get through in 2 minutes and you can't park outside the shop that you want to shop at. Sorry sir, everyone has moved on since those days.

Station Street.

The purpose of Station Street is to get traffic into Bowral more efficiently and as I stated previously I listen to the Engineering experts.

Watergate Project

The Watergate Project was approved by the JRPP not Council. That project is Seniors Living and there is provision for a bus to transport people into Bowral and the footpath will be upgraded and build wider to cater for pedestrians walking into town. Also the purpose of Station Street project is to get traffic from that area into Bowral more efficiently.

Bowral Traffic Study

Councillors would have been aware of the Bowral Traffic Study and councillors would have also had an Information Session on the issues of Station Street prior to going into a Council meeting. Both Councillors Turland and Halstead supported the Station Street project until recently. I have my personal reasons as to why they have changed their mind but unfortunately the next council election will not be held now until September next year. Also 6 other councillors support the project so that is Democracy and the project moves on.

The \$7.5 Million Grant Fund

As you mentioned the \$7.5 Million grant funding for Station Street I will advise you that if the project does not go ahead the grant money will have to be returned to the NSW State Government. The grant was given to council some 5 years ago so you could imagine how that funding has diminished since that time. And the delays are not due to council they are due to Government Agencies that are so slow in responding to council that the head of the both department working with council should be sacked.

How could you justify giving \$7.5 million back to the government, particularly as the money cannot be reallocated to any other council project. Abandoned the Project re Recession

I do not agree that the current Station Street project should be abandoned due to the current recession. Both the Federal Government and State Government are putting millions of dollars into the economy for Jobs, Jobs, Jobs and I believe that Council will be able to assist by pushing forward with the Station Street project. In fact council has one of the largest spending planned for various projects in the 2020/2021 Operational Budget.

1929 Depression

I believe that the world and Wingecarribee Shire Council has moved on since the Depression and I certainly hope we don't have another World War.

Land Required for Station Street

The problem with this situation was that council required 2 Square meters of land from State Rail at Bowral but because council was 2 carparking spaces short of what State Rail required and that they wanted the carparking in a different location they would not sell the land to council. And I am still amazed at that decision otherwise the project would be well underway by now.

Don't spend dollars until we see how the economy is affected by the worldwide recession.

I am sorry but I do not agree with your assessment. Every country in the world is spending money to assist with the recession. Australia and Wingecarribee Shire Council can assist by spending funds and keeping people in work.

Act on behalf of all residence in the shire.

That is exactly what I mean when I make a decision on any issue at Council. And in this regard that is exactly what I have done with the Station Street project. A majority of councillors that represent all residence in the Shire agree with me. Your letter suggests otherwise and you have the right to question the decision. However, with all the facts presented the Council has decided to approve the Station Street project.

I have worked 32 years in Local Government and 15 years at Wingecarribee Shire Council in the position of Manager of Governance and Administration. So I could say that I have seen it all.

I have worked with the Engineering Staff and know that they would not be making the decision to recommend the Station Street proposal if they did not believe in it and as I believe in them, I am supporting the project.

Once again thank you for your representation. We will agree to disagree. The proof will be in the construction of the project.

Regards

Peter Nelson
 Councillor

Sent from my iPad

Archive Manager

Export

From: Peter Nelson
To: Duncan Gair ; Graham McLaughlin ; Grahame Andrews
Subject: Letter to [REDACTED] re Station Street Project

Sent: Mon, 29 Jun 2020 12:03:50 GMT

The letter I wrote to [REDACTED] will be the last letter that i write to anyone complaining about Station Street as they are coordinating responses from councillors to one another and getting other people to write and slanting the questions to us.
I think we should just rely on the letter from the Mayor to anyone else that complains about Station Street.

Regards

Peter

Comment like "lets see what he says now" etc etc

Sent from my iPad

Achive Manager Export

From: [REDACTED] Sent: Fri, 26 Jun 2020 07:54:59 GMT
 To: [REDACTED]
 CC: [REDACTED]; Peter McLaughlin (wollondilly@parliament.nsw.gov.au); Peter McLaughlin (Peter.McLaughlin@parliament.nsw.gov.au); Wendy Tuckerman - NSW Parliament (ElectorateOffice.Goulburn@parliament.nsw.gov.au); Councillors; [REDACTED]
 Subject: Re: Review of Environmental Factors- Station street realignment

External Email: This email was sent from outside the organisation, please be cautious with links and attachments in the email.

[REDACTED]
 I wonder who at Council told Transport for NSW or Infrastructure NSW that the community would be consulted on the draft REF?

On 26 Jun 2020, at 4:42 pm, [REDACTED] > wrote:

Hi [REDACTED],

He certainly has slammed the door in your/our face. No consultation took place in 2018. Providing information is only the starting point of consultation, not the conclusion of it.

His reply will generate anger when it is widely known.

I suggest we meet with Ian next week.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Duncan Gair <Duncan.Gair@wsc.nsw.gov.au>

Date: 26/06/2020 4:27 pm (GMT+10:00)

To: [REDACTED]

Cc: Peter McLaughlin (wollondilly@parliament.nsw.gov.au) <wollondilly@parliament.nsw.gov.au>, "Peter McLaughlin (Peter.McLaughlin@parliament.nsw.gov.au)" <Peter.McLaughlin@parliament.nsw.gov.au>, "Wendy Tuckerman - NSW Parliament (ElectorateOffice.Goulburn@parliament.nsw.gov.au)" <ElectorateOffice.Goulburn@parliament.nsw.gov.au>, Councillors <Councillors@wsc.nsw.gov.au>, [REDACTED]

Subject: RE: Review of Environmental Factors- Station street realignment

Hello [REDACTED],

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Specifically Council has confirmed its intention to implement a "Pin Oak Succession Plan" as part of the Project to ensure that the entrance to Bowral has a canopy of Pin Oaks for another 80 years plus going forward.

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10/02/2022

Archive Manager

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It is very apparent that you do not accept this vision for the future of Bowral and Station Street, and I can only say that we will have to agree to disagree on this issue and as I have mentioned in a previously, I feel that further dialogue between us would be fruitless.

Kind regards

Duncan

Duncan Gair Mayor

Wingecarribee Shire Council

e. Duncan.gair@wsc.nsw.gov.au

t. (02) 4868 0719 m. [REDACTED]

Civic Centre, 68 Elizabeth St. Moss Vale, NSW 2577 | PO Box 141 Moss Vale NSW 2577

www.wsc.nsw.gov.au

From: [REDACTED] >
Sent: Thursday, 25 June 2020 9:56 AM

10/02/2022

Archive Manager

To: Duncan Gair <Duncan.Gair@wsc.nsw.gov.au>; Councillors <Councillors@wsc.nsw.gov.au>; Peter McLaughlin <peter.mclaughlin@parliament.nsw.gov.au>; ElectorateOffice Wollondilly <ElectorateOffice.Wollondilly@parliament.nsw.gov.au>; ElectorateOffice Goulburn <ElectorateOffice.Goulburn@parliament.nsw.gov.au>; [REDACTED]

Cc: Garry Iurland [REDACTED]; Ian Scandrett [REDACTED]
Subject: Review of Environmental Factors- Station street realignment

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I look forward to your response.

Kind Regards

[REDACTED]

[REDACTED] Friends of Bowral Inc

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