

MINUTES

of the

Local Planning Panel

held in

Council Chambers,

Wingecarribee Shire Council Civic Centre,

68 Elizabeth Street, Moss Vale

on

Wednesday 23 October 2024

The meeting commenced at **2:07pm**

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**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY
23 OCTOBER 2024 COMMENCING AT 2:07 PM**

Present:	Chairperson	Steven Layman
	Expert	Scott Barwick
	Expert	Graham Brown
	Community Representative	Anthony (Tony) Neill
In Attendance:	Director Communities and Place	Michael McCabe
	Manager Planning, Assessment & Regulation	Jon Shillito
	Executive Manager Strategic Outcomes	Deniz Kilic
	Executive Assistant Director Communities and Place	Leesa Stratford

1 OPENING OF THE MEETING

The Chairperson opened the meeting and welcomed members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.”

3 APOLOGIES

There were no apologies for the meeting

4 DECLARATIONS OF INTEREST

There were no Declaration of Interest declared at the meeting

5 PLANNING PROPOSALS

5.1 Planning Agreement for land at Yarrowa Road Moss Vale – Post-exhibition

Report Author: Coordinator Strategic Policy
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT the Panel support the draft Planning Agreement to be finalised and registered on the Property Titles of Lot 4 DP706194 (121 Yarrowa Road Moss Vale), Lot 5 DP706194 (131 Yarrowa Road Moss Vale) and Lot 2 DP610352 (153 Yarrowa Road Moss Vale).

PANEL'S ADVICE

NOTE: *The report was withdrawn from the agenda by staff.*

5.2 Planning Proposal to amend Schedule 1 of WLEP 2010 to list Business Premises as an Additional Permitted Use on land at 1 Bowman Road Moss Vale (Lot 2 DP1249526) - post exhibition

Report Author: Coordinator Strategic Policy
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT the attached Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be finalised in accordance with s3.36 of the *Environmental Planning & Assessment Act 1979*.

PANEL'S ADVICE

The Panel support the finalisation of the Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, in accordance with s3.36 of the Environmental Planning & Assessment Act 1979.

REASONS:

As per the advice provided above

VOTING:

Unanimous

6 DEVELOPMENT APPLICATIONS

6.1 24/1319 - Use of the existing dwelling house as a Group Home (transitional)- 2 Manor Rise, Bowral

Report Author: Senior Development Assessment Planner – Parin Kolbadi
Authoriser: Michael McCabe

The following residents addressed the Panel, against the proposal and in favour of the Officer's recommendation.

Phillip Altman	Yvonne Springett	Gordon Towell	Anne Ryan
Susan Pritchard	Mark Walters	Brian Haydon	

OFFICER'S RECOMMENDATION

1. THAT the Local Planning Panel determines development application 24/1319 for Use of the Existing Dwelling House as a Group Home (Transitional) on Lot 12 DP 746488 known as 2 Manor Rise, Bowral by REFUSAL for the reasons specified in Attachment 1 to this report.
2. THAT Council advise those who made written submissions of the Panel's decision.

PANEL'S DETERMINATION

1. *The Local Planning Panel determines development application 24/1319 for Use of the Existing Dwelling House as a Group Home (Transitional) on Lot 12 DP 746488 known as 2 Manor Rise, Bowral by REFUSAL per the Officer's recommendations and as amended by the Panel.*
2. *Council advises those who made written submissions of the Panel's decision.*

REASONS:

- Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the Environmental Planning Policy (Biodiversity and Conservation) 2021, chapter 6. Insufficient information has been submitted with the development application, to determine the probable impact of the development on water quality.
- Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the Environmental Planning Policy State Environmental Planning Policy (Housing) 2021 - Chapter 3 Diverse housing - Part 2 group homes. Insufficient information has been submitted with the development application, to demonstrate how the proposed development meets the definition of transitional group home and a need for the transitional group home within the community in the proposed location.

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WEDNESDAY 23 OCTOBER 2024**

- Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the provisions under Wingecarribee Local Environmental Plan 2010. The development application lacks sufficient information to demonstrate how the proposed development aligns with the objectives of the RU4 Primary Production Small Lots zone under the WLEP 2010. Additionally, the application does not address how potential land use conflicts will be managed or the impact of existing primary production activities on future occupants. Furthermore, there is inadequate information in relation to Clause 7.3 to confirm the suitability of the existing building and infrastructure for the proposed use. As a result, it is not possible to accurately assess whether earthworks will be required.
- Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of Section B2.8(b) of the Rural Living Development Control Plan. Insufficient information has been submitted with the development application to assess the impact on adjoining neighbours regarding the siting of group homes.
- Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and the Environmental Planning and Assessment Regulation 2021. Insufficient information has been submitted with the development application, to determine compliance with the necessary provisions. Specifically, the application lacks a BCA compliance report, an Accessibility Report and fire safety design. Furthermore, the plans submitted do not conform to the approved form requirements outlined in Schedule 7 of the EP&A Regulation 2021.
- Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal would have unacceptable impacts on the natural and built environment. Insufficient information, including but not limited to an Operational Plan of Management and an ongoing Waste Management Plan, has been submitted with the development application, to determine the potential impacts of the development on both the natural and built environments, and social and economic impacts in the locality.
- Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application lacks sufficient information regarding potential impacts on water quality, 24/1319, Lot 12 DP 746488

VOTING:
Unanimous

6.2 24/1487 - 40 lot Torrens Title subdivision and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping - 159 Railway Avenue, Bundanoon

Report Author: Senior Development Assessment Planner

Authoriser: Michael McCabe

Anthony Abrahams and Dennis McManus addressed the Panel, against the proposal and in favour of the Officer's recommendation.

Graham McKee - McKee Legal Services, addressed the Panel on behalf of the owner and against the Officer's recommendation.

Brent Morrison – owner, addressed the Panel.

OFFICER'S RECOMMENDATION

1. THAT the Local Planning Panel refuse Development Application No. 24/1487 for a 40 Lot Torrens Title Subdivision comprising 38 Residential Lots and Two (2) Lots for public infrastructure, and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping, at 159 Railway Avenue, Bundanoon, subject to the reasons detailed in Attachment 1 of this report.
2. THAT Council advise those who made written submissions of the Panel's decision.

PANEL'S DETERMINATION

1. *The Local Planning Panel determines development application 24/1487 for a 40 lot Torrens Title subdivision and associated works including earthworks, construction of two roads and a stormwater detention basin and landscaping - 159 Railway Avenue, Bundanoon by REFUSAL per the Officer's recommendations and as amended by the Panel.*
2. *Council to advise those who made written submissions of the Panel's decision.*

REASONS:

1. The consent authority is not satisfied that the subject land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, in accordance with the provisions of section 4.6, State Environmental Planning Policy (Resilience and Hazards) 2021 (s4.15(1)(a)(i) of the EPA Act).
2. The consent authority is not satisfied that the carrying out of the development would have a neutral or beneficial effect on water quality and has not obtained the concurrence of the Regulatory Authority (Water NSW), in accordance with the provisions of sections 6.61 and 6.64, State Environmental Planning Policy (Biodiversity and Conservation) 2021 (s4.15(1)(a)(i) of the EPA Act).
3. The consent authority is not satisfied that appropriate measures would be taken to ensure that the relevant LAeq levels are not exceeded for development on the subject land, in accordance with the provisions of section 2.100, State Environmental Planning Policy (Transport and Infrastructure) 2021 (s4.15(1)(a)(i) of the EPA Act).
4. The consent authority is not satisfied that the development would minimise potential land use conflict between existing uses and approved uses of land in the vicinity of the development, in accordance with the provisions of section 5.16, Wingecarribee Local Environmental Plan 2010 (s4.15(1)(a)(i) of the EPA Act).
5. The consent authority is not satisfied that the development:
 - a. is compatible with the flood function and behaviour on the land, and
 - b. will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - c. will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - d. incorporates appropriate measures to manage risk to life in the event of a flood, and
 - e. will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

in accordance with the provisions of section 5.21, Wingecarribee Local Environmental Plan 2010 (s4.15(1)(a)(i) of the EPA Act).
6. The consent authority is not satisfied that the development is designed, sited and managed to avoid or minimise any potential adverse environmental impact, or if not possible, that the development would be managed to mitigate that impact, in accordance with the provisions of section 7.5, Wingecarribee Local Environmental Plan 2010 (s4.15(1)(a)(i) of the EPA Act).
7. Council is not satisfied that adequate arrangements have been made to make public utility infrastructure (sewer and water), essential for the proposed development, available when it is required, in accordance with the provisions of section 7.10, Wingecarribee Local Environmental Plan 2010 (s4.15(1)(a)(i) of the EPA Act).

8. The proposed development is inconsistent with the Objectives and Controls as they relate to the following provisions of the Bundanoon Township Development Control Plan (s4.15(1)(a)(iii) of the EPA Act):
- a. A3.2 Flora & Fauna Assessment.
 - b. A4.3 Development in Sydney's Drinking Water Catchments.
 - c. A4.5 Stormwater Management Plan.
 - d. A4.6 Erosion and Sediment Control Plans.
 - e. A5.3 Flood Liable Land.
 - f. A7.3 Site Analysis.
 - g. A7.4 Cut & Fill.
 - h. A9.2 Sites Requiring Geotechnical Reports.
 - i. A9.8 Stormwater Disposal.
9. The proposed development is inconsistent with the Objectives and Controls as they relate to the following provisions of the Rural Living Development Control Plan (s4.15(1)(a)(iii) of the EPA Act):
- a. A3.7 Cut and Fill.
 - b. A5.2 Development in Sydney's Drinking Water Catchments.
 - c. A5.5 Stormwater Management Plans.
 - d. A5.6 Erosion and Sediment Control Plans.
 - e. A5.9 Flood Liable Land.
 - f. A6.2 Bushfire Prone Land.
 - g. A6.3 Contaminated or Potentially Contaminated Land.
 - h. A9.8 Stormwater Disposal.
10. The design of the development is likely to have adverse impact on the natural and built environments in the locality (s4.15(1)(b) of the EPA Act).
11. The site is not suitable for the development as proposed (s4.15(1)(c) of the EPA Act).
12. The development is not in the public interest (s4.15(1)(e) of the EPA Act).
13. The subdivision for proposed lot 102, containing the potential Heritage item does not justify the extent of the retained setting and curtilage for the dwelling.

VOTING:
Unanimous

6.3 Development Applications Greater Than 180 Days to be reported to the WLPP

Report Author: Manager Development Assessment and Regulation
Authoriser: Michael McCabe

Barry Anstee addressed the Panel in relation to this matter

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel note the Development Applications that are currently being assessed which have exceeded 180 days since lodgement.

PANEL'S DETERMINATION

The Panel notes the Development Applications that are currently being assessed which have exceeded 180 days since lodgement.

REASONS:

The Panel agrees with the Officer's recommendation

VOTING:

Unanimous

6.4 Development Applications greater than 180 Days not required to be reported to the WLPP

Report Author: Director Communities and Place

Authoriser: Michael McCabe

Barry Anstee addressed the Panel in relation to this matter

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel give in-principle support to the continued progression of Resolutions 1 and 2 of item 10.21 made by Council at the meeting dated 7 August 2024, being that:

1. Performance against the timeframe expectations for development assessments as contained in the Environmental Planning and Assessment (Statement of Expectations) Order 2024 be reported to Council as part of the Operational Plan 2024/25 - Service Performance Measures reporting requirements.
2. A further report on Development Assessment Performance be provided to the newly elected Council in the first quarter of 2025.

PANEL'S DETERMINATION

The Panel acknowledges the continued progression of Resolutions 1 and 2 of item 10.21 made by Council at the meeting dated 7 August 2024, being that:

1. *Performance against the timeframe expectations for development assessments as contained in the Environmental Planning and Assessment (Statement of Expectations) Order 2024 be reported to Council as part of the Operational Plan 2024/25 - Service Performance Measures reporting requirements.*
2. *Note that staff will provide a report on Development Assessment Performance to the newly elected Council in the first quarter of 2025.*

REASONS:

The Panel noted the contents of the Officer's report.

VOTING:

Unanimous

7 MEETING CLOSURE

There being no further business, the meeting closed at 3.56pm
