

MINUTES

of the
Local Planning Panel
held in
Council Chambers,
Wingecarribee Shire Council Civic Centre,
68 Elizabeth Street, Moss Vale
on

Wednesday 28 June 2023

The meeting commenced at **1:00 pm**

Table Of Contents

1 OPENING OF THE MEETING	3
2 ACKNOWLEDGEMENT OF COUNTRY	3
3 APOLOGIES.....	3
4 DECLARATIONS OF INTEREST	3
5 PLANNING PROPOSALS	4
6 DEVELOPMENT APPLICATIONS.....	5
6.1 DA22/1512 - Refurbishment Of Building - Structural Repairs, New Roof, Plant And Internal Renovation Of Mittagong Memorial Hall At Lot 1 & 2, Sec 5 DP 128 114-116 Main Street, Mittagong (Mittagong Playhouse) & Lot 2	5
6.2 DA23/0516 Extension To Existing Shed, Lot 2 DP 777479 & Lot 1 DP 1246504 7-11 Burgess Street, Bundanoon	6
6.3 DA 23/0891 - Detached Dual Occupancy And Torrens Title Subdivision At Lot 2 DP 1244618, 11 Oxley Street, Berrima	7
6.4 DA 21/0571 - Alterations And Additions To The Tourist Road Oval Tennis Club, Lot 208 DP41441, 620 Tourist Road, Glenquarry	11
6.5 DA 21/0513 Change Of Use Of Existing Boarding House To Services Apartments At Lot 2 DP 1140855, 19 Funston Street, Bowral.....	12
6.6 DA21/1043 -22 Lot Community Title Residential Subdivision, Lot 11 & 18 DP 1219744, 1& 7 Reg Grundy Drive, Bundanoon	14
7 MEETING CLOSURE	15

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 28 JUNE 2023
COMMENCING AT 1:00 PM**

Present:	Chairperson	Julie Walsh
	Expert	Heather Warton
	Expert	Linda Kelly
	Community Representative	Richard Colley
In Attendance:	Director Communities and Place	Adan Davis
	Acting Manager Planning, Development and Regulation	John McFadden
	Consultant Planner	Jeremy Swan
	Consultant Planner	Gannon Cuneo
	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 at the meeting.

4 DECLARATIONS OF INTEREST

Julie Walsh declared a non-pecuniary interest in item 6.3 - 11 Oxley Street Berrima as she chairs the Wingecarribee Local Planning Panel on which one of the objectors, Dennis McManus, sits as a community member. She has not actually Chaired a meeting on which Mr McManus has sat and has no personal or professional relationship with him. In those circumstances she considers the interest to be non-significant and will participate in the determination of that item.

Heather Warton declared a non-pecuniary interest in item 6.3 - 11 Oxley Street Berrima as she is an expert member of the Wingecarribee Local Planning Panel on which one of the objectors, Dennis McManus, sits as a community member. She has no personal or professional relationship with him. In those circumstances she considers the interest to be non-significant and will participate in the determination of that item.

Linda Kelly declared a non-pecuniary interest in item 6.3 - 11 Oxley Street Berrima as she is an expert member of the Wingecarribee Local Planning Panel on which one of the objectors, Dennis McManus, sits as a community member. She has no personal or professional relationship with him. In those circumstances she considers the interest to be non-significant and will participate in the determination of that item.

Richard Colley declared a non-pecuniary interest in item 6.3 - 11 Oxley Street Berrima as he is a community member of the Wingecarribee Local Planning Panel on which one of the objectors, Dennis McManus, sits as a community member. He has no personal or professional relationship with him. In those circumstances he considers the interest to be non-significant and will participate in the determination of that item.

5 PLANNING PROPOSALS

There were no Planning Proposals listed for the meeting.

6 DEVELOPMENT APPLICATIONS

6.1 DA22/1512 - Refurbishment of building - Structural Repairs, New Roof, Plant and Internal Renovation of Mittagong Memorial Hall at Lot 1 & 2, Sec 5 DP 128 114-116 Main Street, Mittagong (Mittagong Playhouse) & Lot 2

There were no registered speakers.

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines DA22/1512 – Proposed refurbishment of building - structural repairs, new roof, plant and internal renovation of Mittagong Memorial Hall/Playhouse Theatre at 114-116 Main Street, Mittagong, by way of APPROVAL, subject to the conditions specified in Attachment 1 to the report.

PANEL DETERMINATION

The Panel determines DA22/1512 – Proposed refurbishment of building - structural repairs, new roof, plant and internal renovation of Mittagong Memorial Hall/Playhouse Theatre at 114-116 Main Street, Mittagong, by way of APPROVAL, subject to the conditions specified in Attachment 1 to the Council report.

REASONS:

The panel generally agrees with the Council report.

VOTING:

Unanimous.

6.2 DA23/0516 Extension to Existing Shed, Lot 2 DP 777479 & Lot 1 DP 1246504 7-11 Burgess Street, Bundanoon

Report Author: Consultant Planner
Authoriser: Director Communities and Place

There were no registered speakers

OFFICER'S RECOMMENDATION

THAT the Local planning Panel determines development application 23/0516 for extension to existing shed at 7-11 Burgess Street, Bundanoon by APPROVAL, subject to the conditions specified in Attachment 1 to the Officer's report.

PANEL DETERMINATION

The Panel determines development application 23/0516 for extension to existing shed at 7-11 Burgess Street, Bundanoon by APPROVAL, subject to the conditions specified in Attachment 1 to the Council report with amendments as noted below:

Removal of condition 7.

~~7. Parking~~

~~The approved development is not to reduce the provision of on-site parking for the development. All parking associated with the construction and ongoing use of the development is to be wholly contained within the subject site.~~

REASONS:

The panel generally agrees with the Council report. The Panel noted an objection regarding parking in the street and considers that,

- In terms of the impacts during construction, given the size and scale of the structure, limited adverse parking generation will be likely.
- In terms of the use, this is for storage only and the panel understands that it will be used infrequently by the community group.

VOTING:

Unanimous

6.3 DA 23/0891 - Detached Dual Occupancy and Torrens Title Subdivision at Lot 2 DP 1244618, 11 Oxley Street, Berrima

Report Author: Consultant Planner
Authoriser: Director Communities and Place

OFFICER'S RECOMMENDATION

There were no registered speakers

THAT the Panel determines development application DA23/0891 for development of a detached dual occupancy and Torres title subdivision on land at 11 Oxley Street, Berrima by REFUSAL of consent for the reasons specified in this Report.

PANEL DETERMINATION

The Panel determines development application DA23/0891 for development of a detached dual occupancy and Torres title subdivision on land at 11 Oxley Street, Berrima by REFUSAL of consent for the following reasons:

1. The development does not provide for an appropriate built form which responds to the Berrima Conservation Area.
2. The proposal results in amenity impacts upon adjoining properties and has not been supported by sufficient information demonstrating the resultant impacts associated with the development.
3. The development does not promote the orderly development of land.
4. The site is located within the Berrima Conservation Area and the proposed subdivision is contrary to the desired future character and heritage significance of the area.
5. The development has not demonstrated consistency with the provisions of Clause 5.10 Heritage Conservation of WLEP. The development results in unacceptable impacts upon the character of the Berrima Conservation Area.
6. Insufficient information has been provided to quantify the development's impacts on significant vegetation. Irrespective, the tree removal that is proposed is unacceptable when having regard to the landscape impacts on the HCA.
7. Insufficient landscape design details have been submitted to enable assessment of the proposed development.
8. The proposal has not demonstrated that it does not result in any adverse impacts upon existing vegetation on the site.
9. The development is inconsistent with the provisions of *Wingecarribee Local Environmental Plan 2010*:
 - a) The development does not satisfy Clause 5.10 Heritage Conservation in that:

- The proposed subdivision does not protect the heritage significance of the historic village of Berrima.
 - The development is inconsistent with the suite of built form controls and has adverse impacts upon the Berrima Conservation Area.
 - The development does not achieve the required landscaping which is a significant characteristic of the Berrima Conservation Area.
 - The development has not been supported by a Heritage Impact Assessment.
- b) The development does not achieve the objectives of Clause 4.2F and Clause 4.2E.
- c) The development is contrary to Clause 7.3 Earthworks in that:
- The proposal does not provide sufficient information regarding the fill and cut within the northwestern and eastern corner respectively.
 - No specifications of the retaining wall have been provided and the earthworks are proposed in vicinity of existing significant vegetation.
- d) The development has not been supported by an arboricultural impact assessment to determine the resultant impacts upon existing trees to be retained.
- e) The fill immediately adjoining the western side boundary, and the consequential impact upon the amenity of the adjoining property has not been demonstrated.
- f) The development is inconsistent with objectives of the R2 Low Density Zone as the housing will not sufficiently respond to the character of the low density residential environment.
10. The development is inconsistent with *State Environmental Planning Policy (Biodiversity and Conservation) 2021* – Chapter 2 in that the development results in unacceptable tree impacts and has not been supported by a satisfactory arboriculture impact assessment .
11. The development is inconsistent with provisions of the Berrima Village Development Control Plan 2010 (DCP), specifically:
- (1) Part A Berrima DCP including the following provisions –
- a. Section 2 Part A2.2 in that the development does not preserve the character of Berrima Village.
 - b. Part A2.2.3 Residential Amenity in that:
 - i. The redevelopment of the site is not appropriate given the lack of spacing between nearby dwellings and the removal of vegetation.
 - ii. The dual occupancy (detached) does not conserve the existing characteristics of the existing residential areas of the Berrima Village.
 - iii. The proposal results in a loss of mature vegetation.
 - iv. The rhythm of the existing development will be interrupted as the dwelling and carport are only setback 900mm from the eastern side boundary.
 - v. The development is not sympathetic to existing and desired future streetscapes. The development relies upon reduced setbacks which are not consistent with the established pattern of development.
 - vi. The development does not conserve the unique characteristics of Berrima Conservation Area.

- c. Section A2.3 Heritage Conservation as the development will not preserve the existing characteristics of the Berrima Conservation Area.
 - d. Section 4 Water Management, as the stormwater plans do not adequately demonstrate that the development can discharge onto Oxley Street as this goes against the contour of the land.
 - e. Section 7 Vegetation Management and Landscaping in that:
 - i. The works are likely to affect more existing trees within the site, adjoining properties and within the streetscape.
 - ii. No replacement plantings for the removal of three trees.
 - iii. The proposal includes cut in excess of 600mm. The extent of earthworks due to insufficient information is considered unreasonable.
 - f. The development does not comply with Section 8 Subdivision, Demolition, Siting, and design for the following reasons:
 - i. The pattern of subdivision is generally intact within the village of Berrima. The development would result in the current pattern of subdivision being fragmented.
- (2) Part A Section 8 Development is contrary to the controls and objectives of a Heritage Context relating to the Berrima Village Conservation Area in that:
- a. The subdivision is contrary to the desired future character and inconsistent with the existing subdivision pattern.
 - b. The site is not identified as a site that has potential for future residential development (or redevelopment).
 - c. The subdivision will fragment this pocket of Berrima and does not have regard for the with historic subdivision pattern.
 - d. Lack of a Heritage Impact Statement.
 - e. The proposal does not have regard for existing landscape values and will be detrimental to the character of the Berrima Conservation Area.
 - f. The front setback is inconsistent with the established pattern of development.
 - g. The architectural styling does not complement the Georgian style cottages within the Conservation Area.
 - h. The proposed driveway size and provision of turning bay reduces the extent of landscaping on site. The development does not retain the large garden of the existing site.
 - i. The proposed dual occupancy will be visually prominent.
 - j. The absence of a survey with spot levels and nominated finished floor levels means this cannot be determined. The plans include approximate heights only.
 - k. The side setback from the eastern boundary contrary the existing spacing of buildings.
- (3) The development is inconsistent with the suite of controls and objectives within Part C – Residential Zoned Land for the following reasons:
- a. The proposed height of 8.74m does not maintain the low scale domestic residential character in Berrima Village.
 - b. The front setback is not within the range of the adjoining dwellings and therefore the development will interrupt the rhythm of the street.

- c. The proposal does not have regard for the landscape values of the Berrima Conservation Area or the heritage items nearby.**

- 12. Having regard to the reasons noted above, approval of the development application is not in the public interest.**

REASONS:

The panel generally agrees with the Council report.

VOTING:

Unanimous

Note: Julie Walsh, Heather Warton, Linda Kelly and Richard Colley declared a non-significant, non-pecuniary interest in this item as referred to above.

6.4 DA 21/0571 - Alterations and Additions to the Tourist Road Oval Tennis Club, Lot 208 DP41441, 620 Tourist Road, Glenquarry

Report Author: Development Officer - Planning (Contractor)

Authoriser: Director Communities and Place

There were no registered speakers.

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 21/0571 for alterations and additions at Lot 208 DP 41441 No. 620 Tourist Road, Glenquarry by REFUSAL for the for reasons: specified in the council report.

PANEL DETERMINATION

The Panel determines development application 21/0571 for alterations and additions at Lot 208 DP 41441 No. 620 Tourist Road, Glenquarry by REFUSAL for the following reasons:

1. Pursuant to Section 4.14 of the Environmental Planning & Assessment Act 1979 insufficient information has been submitted with the application to demonstrate that the development complies with Planning for Bushfire Protection. NSW Rural Fire Service advised that they cannot support the development due to a lack of information addressing the bushfire hazard of the site.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposal does not satisfy the objectives of the C2 Environmental Conservation Zone under the Wingecarribee Local environmental Plan 2010 as insufficient information has been submitted to demonstrate that the development will appropriately protect and manage areas of high ecological and aesthetic values.

REASONS:

The panel generally agrees with the Council report.

VOTING:

Unanimous

6.5 DA 21/0513 Change of Use of Existing Boarding House to Services Apartments at Lot 2 DP 1140855, 19 Funston Street, Bowral

Report Author: Development Officer - Planning (Contractor)
Authoriser: Director Communities and Place

Mrs Jan Wilson addressed the panel in favour of the Officer's recommendation and as an objector to the application.

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 21/0513 for Change of Use of Existing Boarding House to Serviced Apartments at 19 Funston Street, Bowral (Lot 2 DP 1140855) by REFUSAL subject to the reasons specified in the recommendation to this report.

PANEL DETERMINATION

The Local Planning Panel determines development application 21/0513 for Change of Use of Existing Boarding House to Serviced Apartments at 19 Funston Street, Bowral (Lot 2 DP 1140855) by way of REFUSAL for the following reasons:

- (1) The proposed development does not comply with the objectives and controls of the Bowral Township Development Control Plan in relation to car parking. The shortfall of parking will result in adverse traffic, parking and amenity impacts on the surrounding area.
- (2) The proposed change of use will result in a significant intensification of use of the site.
- (3) The proposed change of use will result in the loss of much needed affordable rental housing with no proper justification for its loss.
- (4) The proposed development is inconsistent with the objectives of the R3 Medium Density Zone under the WLEP 2010 as it does not provide for the housing needs or day to day needs of residents.
- (5) The proposed development is inconsistent with objectives and controls of Section 3 of Part C of the Bowral Township Development Control Plan relating to medium density development. The proposed land use is inconsistent with the desired future character of the R3 Medium Density Zone in that increased activity associated with short term accommodation will result in adverse amenity impacts on adjoining properties.
- (6) Approval of the proposal would set an undesirable precedent.

(7) The proposed development is not in the public interest.

REASONS:

The Panel generally agrees with the Council report.

VOTING:

Unanimous.

6.6 DA21/1043 - 22 Lot Community Title Residential Subdivision, Lot 11 & 18 DP 1219744, 1 & 7 Reg Grundy Drive, Bundanoon

Report Author: Consultant Planner
Authoriser: Director Communities and Place

Mr Andrew Rumsey addressed the panel as a resident in support of the application.
Ms Samantha Tanner addressed the panel (on behalf of herself and husband) as an objector to the application.

Ms Vanessa Reipler addressed the panel (on behalf of Mr & Mrs McGaw) as an objector to the application.

Ms Vanessa Reipler addressed the panel as an objector to the application.

Mr Colin Tyson addressed the panel as an objector to the application.

Mr Colin Tyson addressed the panel (on behalf of Ms Lynda Philpott) as an objector to the application.

Mr Gerard Hughes (RG Capital) addressed the panel on behalf of the applicant.

Mr Jonathon Coy (Narla Environmental) addressed the panel on behalf of the applicant.

OFFICER'S RECOMMENDATION

THAT the Local planning Panel determines development application 21/1043 for subdivision of land and carrying out of works to create 22 community title residential lots, 1 community title lot and carrying out of works for the purpose of roads by APPROVAL, subject to the conditions specified in Attachment 1 to the staff assessment report.

PANEL DETERMINATION

The Local Planning Panel determines development application by REFUSAL for the following reasons:

- 1. The site has a number of constraints including bushfire, threatened species, endangered ecological communities, biodiversity, water management and drainage.**
- 2. The proposed development is also complex in that the lot layout and future management needs to be considered in light of these constraints.**
- 3. The application and supporting documentation fail to reconcile the impacts arising from each constraint and in those circumstances the panel cannot be confident that the development can be carried out in a manner that has acceptable environmental impacts and complies with the relevant planning controls.**
- 4. Approval of the application is not in the public interest.**

REASONS:

1. The reasons for the decision are as above.
2. The panel notes that the application was deferred in December 2022 to enable the applicant to address deficiencies in the application, including the conflict between bushfire management and vegetation management and these deficiencies have not been sufficiently addressed.
3. The panel also notes the applicant and its consultants were unable to satisfactorily respond to issues raised by objectors in the public meeting.

VOTING: Unanimous.

7 MEETING CLOSURE

There being no further business, the meeting closed at 3.08pm.
