

MINUTES

of the

Local Planning Panel

held in

Council Chambers,

Wingecarribee Shire Council Civic Centre,

68 Elizabeth Street, Moss Vale

on

Friday 28 June 2024

The meeting commenced at **2:00 pm**

**MINUTES OF THE LOCAL PLANNING PANEL
FRIDAY 28 JUNE 2024**

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**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY
28 JUNE 2024 COMMENCING AT 2:00 PM**

Present:	Chairperson	Julie Walsh
	Expert	Scott Barwick
	Expert	Larissa Ozog
	Community Representative	Anthony Geoffrey Neill
In Attendance:	Executive Manager, Strategic Outcomes	Deniz Kilic
	Coordinator Development Assessment	Bryce Koop
	Executive Assistant Director Communities and Place	Leesa Stratford

1 OPENING OF THE MEETING

The Chairperson will open the meeting and welcome members of the public and the press.

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson will acknowledge 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 declarations of interest declared at the meeting

5 PLANNING PROPOSALS

5.1 Bowral South New Living Area

Report Author: Senior Strategic Planner

Authoriser: Executive Manager Strategic Outcomes

The following persons were provided 3 minutes to address the panel at the meeting in relation to this matter:

Fiona Hanrahan

Barry Anstee

Peter Cunningham

Bob Morgan

OFFICER'S RECOMMENDATION

1. The Draft Bowral South New Living Area Master Plan and Servicing Strategy package proceed to Public Exhibition for a period of eight (8) weeks.
2. All supporting due diligence and technical reports also be placed on Public Exhibition for a period of eight (8) weeks.
3. A further briefing report be provided, and advice sought from the newly appointed Local Planning Panel from July 2024.
4. The Draft Bowral South New Living Area Master Plan and Servicing Strategy be reported to the Panel and then Council at the conclusion of the public exhibition period, outlining a summary of the outcomes of the public exhibition and any changes made to the draft Master Plan and Servicing Strategy.

PANEL'S ADVICE

1. The Draft Bowral South New Living Area Master Plan and Servicing Strategy package proceed to Public Exhibition for a period of eight (8) weeks.
2. All supporting due diligence and technical reports also be placed on Public Exhibition for the above period of eight (8) weeks.
3. A further briefing report be provided, and advice sought from the newly appointed Local Planning Panel from July 2024.
4. The Draft Bowral South New Living Area Master Plan and Servicing Strategy be reported to the Panel and then Council at the conclusion of the public exhibition period, outlining a summary of the outcomes of the public exhibition and any changes made to the draft Master Plan and Servicing Strategy.

The panel was in receipt of correspondence prior to the meeting from a number of residents seeking that the panel defer consideration of this matter for reasons including;

- a) The consultation period to date was not six weeks as required by the initial funding agreement between Council and the Department of Planning
- b) The draft Master Plan has not adequately considered the issue of flooding.

The Panel does not propose to defer the provision of advice on this matter for the following reasons;

- a) The consultation period will be eight weeks and will commence following the consideration of this matter by the Council at a forth coming meeting.
- b) Further work will be done in relation to flooding, in particular a Flood Impact Risk Assessment and to comply with the planning circular PS 24-001 dated 1 March 2024 "update on addressing flood risk in planning decisions".
- c) The Panel notes that the process of rezoning this land is in the early stages and a Council request for a pre gateway determination is likely to be at least twelve months away.
- d) Should a gateway determination be granted there will be further public consultation and an opportunity to lodge submissions.

The Panel notes the oral submission from Bob Morgan. The Panel is advised that the draft Master Plan has been informed by a Strategic Heritage Assessment addressing both Aboriginal and European heritage. The various consultation periods will provide an opportunity for further engagement in respect of Aboriginal and European heritage in the study area.

REASONS:

Council has adopted a Housing Strategy to meet the needs of a growing population. The Strategy identified the Bowral South New Living Area as one of six new green field sites for additional dwellings.

This process continues those investigations and engagement with the Community and relevant Stakeholders.

VOTING: Unanimous

5.2 Southern Highlands Innovation Park

Report Author: Strategic Land Use Planner
Authoriser: Executive Manager Strategic Outcomes

Barry Anstee addressed the panel in relation to this matter:

OFFICER'S RECOMMENDATION

1. The Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study be endorsed for public exhibition.
2. The Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study be placed on Public Exhibition for a period of eight (8) weeks commencing 29 July 2024 and concluding on 23 September 2024.
3. The Panel receives and notes the Engagement Outcomes Report.
4. The Draft Southern Highlands Innovation Park Master Plan and Governance Strategy be reported back to the Panel and then Council at the conclusion of the exhibition period, outlining a summary of the outcomes of the public exhibition.

PANEL ADVICE

1. **The Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study be endorsed for public exhibition.**
2. **The Draft Southern Highlands Innovation Park Master Plan, Governance Strategy and Strategic Positioning Study be placed on Public Exhibition for a period of eight (8) weeks commencing 29 July 2024 and concluding on 23 September 2024.**
3. **The Panel receives and notes the Engagement Outcomes Report.**
4. **The Draft Southern Highlands Innovation Park Master Plan and Governance Strategy be reported back to the Panel and then Council at the conclusion of the exhibition period, outlining a summary of the outcomes of the public exhibition.**

REASONS:

The Panel generally agrees with the Council Officer's report.

VOTING: Unanimous

5.3 Post Exhibition Planning Proposal 35 Elizabeth Street Burradoo Boundary Adjustment

Report Author: Coordinator Strategic Policy

Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

1. The Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots be supported, and
2. The Planning Proposal be finalised under s.3.36 of the Environmental Planning & Assessment Act 1979.

PANEL'S ADVICE

1. The Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots be supported, and
2. The Planning Proposal be finalised under s.3.36 of the Environmental Planning & Assessment Act 1979.

REASONS:

The Panel generally agrees with the Council Officer's report.

VOTING: Unanimous

6 DEVELOPMENT APPLICATIONS

6.1 Legal Matters

Report Author: Manager Development Assessment and Regulation
Authoriser: Acting Director Communities and Place

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel provide advice to Council on how to manage appeals on Council's planning decisions.

PANEL ADVICE

The Panel recommends that a report be submitted to the new Local Planning Panel seeking a resolution to delegate authority to Council Officers to manage appeals against panel determinations based on the Randwick Council model.

The Panel also recommends that in respect of appeals against Deemed Refusals of matters which would have come to the Panel, these also be dealt with in accordance with the Randwick model. It would also be best practice, if practicable to report such appeals to the Panel.

The Panel notes that the Operational Guidelines issued by the Minister for Local Planning Panels require the Council to report to the Panel all Development Applications which have been lodged for a period of 180 days which would have come to the Panel.

The Panel does not consider it feasible to direct and control / manage appeals against Deemed Refusals or actual Refusals in respect of matters which would not have come to the Panel. The Panel notes however, that Council will be represented by specialist Local Government Planning Lawyers who will provide advice on prospects in respect to such appeals. Further Council will be under an obligation to participate in good faith in Section 34 Conciliation Conferences with a view to narrowing any issues and potentially settling such appeals.

The Panel recommends that a further report be submitted to the Local Planning Panel following a period of at least twelve months to review the operation of delegations and make any necessary refinements.

REASONS:

The Panel Expert members have experience on other Local Planning Panels which have delegated the power of the Panel to direct and control the conduct of appeals against Panel decisions. Some Panels have not delegated this power but deal with each appeal on a case by case bases.

The Panel has been provided with delegations by the Randwick Local Planning Panel and considers these to represent a good model.

VOTING: Unanimous

6.2 DA24/0539 - Installation of a relocatable building to provide dry food storage for Wingecarribee Aboriginal Community Cultural Centre, Lot 33 DP 9299, 1A Rainbow Road, Mittagong NSW 2575

Report Author: Coordinator Planning Assessment

Authoriser: Acting Director Communities and Place

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel determines development application DA-24/0539 for the installation of a relocatable building to provide dry food storage for Wingecarribee Aboriginal Community Cultural Centre on land at 1A Rainbow Road, Mittagong by APPROVAL subject to the conditions outlined in Attachment 1 of this report.

PANEL'S DETERMINATION

The Wingecarribee Local Planning Panel determines development application DA-24/0539 for the installation of a relocatable building to provide dry food storage only for Wingecarribee Aboriginal Community Cultural Centre on land at 1A Rainbow Road, Mittagong by APPROVAL subject to the conditions in the Council Officer's report, subject to the amendment of condition 22 to read as follows:

22. Use of the Storage Building

The storage building is to be used for dry food storage only and as an ancillary to the Wingecarribee Aboriginal Community Cultural Centre. In this regard shall adhere to all operating parameters of the subject lease.

REASONS:

The Panel generally agrees with the Council Officer's report.

VOTING:

Unanimous

7 MEETING CLOSE

Being no further business, the meeting closed at 4.14pm
