

MINUTES

of the

Local Planning Panel

held in

Council Chambers,

Wingecarribee Shire Council Civic Centre,

68 Elizabeth Street, Moss Vale

on

Friday 5 July 2024

The meeting commenced at **2:03 pm**

**AGENDA OF THE WINGECARRIBEE LOCAL PLANNING PANEL
FRIDAY 5 JULY 2024**

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Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

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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 5
JULY 2024 COMMENCING AT 2:00 PM**

Present:	Chairperson	Steven Layman
	Expert	Judith Clark
	Expert	John McFadden
	Community Representative	Richard Colley

In Attendance:	Director Communities and Place	Michael McCabe
	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 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 declarations of interest for the meeting.

5 PLANNING PROPOSALS

5.1 Draft Bowral Town Centre Master Plan

Report Author: Cadet Strategic Planner
Authoriser: Executive Manager, Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT:

1. The revised Draft Bowral Town Centre Master Plan be adopted.
2. The Supporting Evidence Report and Engagement Outcomes Report be endorsed.
3. Council write to all persons who made a submission through the public exhibition period and advise them of the resolution.

PANEL'S ADVICE

- 1. The Panel support the Council adoption of the revised Draft Bowral Town Centre Master Plan.*
- 2. The Panel endorse the Supporting Evidence Report and Engagement Outcomes Report.*
- 3. That Council write to all persons who made a submission through the public exhibition period and advise them of the resolution.*

REASONS:

1. The Panel is of the view that the Bowral Town Centre Masterplan (BTCM) is a sound evidence-based plan which requires further development particularly with regard to integrated transport policy and place activation.
2. The BTCM demonstrates opportunities for readily implementable positive outcomes such as street furniture and landscaping.
3. The Panel suggests that Council investigate a comprehensive Developer Contributions framework in order to support future development and associated public amenities and services.

VOTING:

Unanimous

5.2 Draft Review of Low-Density Residential Development Controls

Report Author: Senior Strategic Planner
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT:

1. The Draft Low-Density Residential Development Control Review be adopted.
2. The Compliance Checklist and Development Application Submission Checklist for Low-Density Residential Development be endorsed.
3. Following the adoption of the Draft Low-Density Residential Development Control Review, Council makes the relevant amendments to the Low-Density chapter of the existing Development Control Plans.

PANEL'S ADVICE

1. *The Panel supports the adoption of the Draft Low-Density Residential Development Control Review.*
2. *The Panel endorse the Compliance Checklist and Development Application Submission Checklist for Low- Density Residential Development.*
3. *The Panel recommend following the adoption of the Draft Low-Density Residential Development Control Review, Council makes the relevant amendments to the Low-Density chapter of the existing Development Control Plans.*

REASONS:

1. The Panel generally supports the adoption of the Draft Low-density Residential Development Controls as the low-density residential controls will support the objectives of the *Wingecarribee Local Environmental Plan 2010*.
2. The Panel notes that the Draft Low-Density Residential Development Control Review does not apply to Urban Release Areas, which have their own specific Development Control Plans.
3. The Panel notes that Council's strategic planners have consulted with Council's statutory planners as part of this review and considered input from staff assessing development applications in which to improve the rigour and integrity of Council's low-density residential controls.
4. The Panel acknowledges that the updated low-density controls and checklists will assist applicants in preparing development applications for submission Council.
5. The Panel also notes the public submissions on the draft review and it is noted that this review pertains to low density residential controls, not medium density controls – hence, seniors housing is not subject to this policy review.

VOTING: Unanimous

5.3 Draft Voluntary Planning Agreements Policy

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

OFFICER'S RECOMMENDATION

THAT:

1. The Panel endorse the *Draft Voluntary Planning Agreements Policy* for public exhibition for a period 28 days.
2. The Panel consider a further report at the conclusion of the exhibition period.

PANEL'S ADVICE

1. *The Panel endorses the Draft Voluntary Planning Agreements Policy for public exhibition for a period 28 days.*
2. *The Panel is to consider a further report at the conclusion of the exhibition period.*

REASONS:

1. The Draft Voluntary Planning Agreements Policy is suitable for public exhibition to facilitate public input for further consideration prior to consideration of endorsement.
2. Submissions in writing are encouraged from members of the community, providing comments such as those made today to the panel, on the Draft Voluntary Planning Agreements Policy, so that these comments can inform proper consideration of the policy.

VOTING: Unanimous

6 DEVELOPMENT APPLICATIONS

6.1 24/0673 - Demolition of Existing Dwelling and Associated Structures and Construction of Centre-based Child Care Facility (96 Place) - 22 Rosemary Crescent, Bowral

Report Author: Senior Development Assessment Planner
Authoriser: Manager Development Assessment and Regulation

OFFICER'S RECOMMENDATION

1. THAT the Local Planning Panel approve Development Application No. 24/0673 for Demolition of Existing Dwelling and Associated Structures and Construction of Centre-based Child Care Facility (96 Children / Places) and Associated Landscaping, Stormwater and Car Parking Works, at 22 Rosemary Crescent, Bowral, subject to the conditions 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. ***THAT Development Application No. 24/0673 for Demolition of Existing Dwelling and Associated Structures and Construction of Centre-based Child Care Facility (96 Children / Places) and Associated Landscaping, Stormwater and Car Parking Works, at 22 Rosemary Crescent, Bowral be REFUSED for the reasons listed below:***
 - (a) ***The matters for consideration under Part 3.3 Clause 3.23 of State Environmental Planning Policy (Transport and Infrastructure) 2021 being the applicable provisions of the Child Care Planning Guideline 2021 have not been satisfactorily addressed. In particular the proposal does not:***
 - i. achieve a design that is compatible with the established residential character of the street by virtue of its excessive bulk and scale, and provision of excessive carparking and hard surface area within the front setback.***
 - ii. provide sufficient landscaping in the front and side setbacks. In particular, a dominance of boundary-to-boundary hard surface area and compromised landscaping due to proposed drainage infrastructure is not indicative of the existing residential character within the visual catchment of the site, or the desired future residential character as prescribed by the objectives of the R2 Low Density Residential zone under Wingecarribee Local Environmental Plan 2010.***
 - iii. address traffic safety and access based on the available width of Rosemary Crescent.***
 - iv. demonstrate safe internal circulation within the site to manage conflict between pedestrians and vehicles***
 - v. provide safe pedestrian access from the street frontage***

- vi. properly consider and justify the proposed number of staff required under the National Quality Framework (ACECQA) ratios and provide sufficient on-site parking based on accurate numbers of staff to comply with Council's DCP parking rates.*
- vii. address the impact on all vegetation on the site (and within a distance of 3m from each site boundary) that is likely to be impacted by the proposed development.*
- viii. provide a current preliminary site investigation (PSI) in order to confirm that the site does not contain any contamination and therefore the application is unsatisfactory having regard to clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021.*

2. THAT Council advise those who made written submissions of the Panel's decision.

REASONS:

- 1. The development application is unacceptable having regard to the relevant matters for consideration under s.4.15 of the *Environmental Planning and Assessment Act 1979*, including, adverse impacts on the built environment, suitability of the site for the excessive scale of the development and approval of the application is not in the public interest.
- 2. The application does not satisfy the matters for consideration under the *NSW Child Care Planning Guideline*, namely Considerations 3.2 local character, streetscape and public, 3.4 landscaping and 3.8 traffic, parking and pedestrian circulation.
- 3. Reliance upon a 1999 investigation of contamination for the original subdivision is inadequate and does not address the statutory requirements of clause 4.6(1) of *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- 4. The Panel is not satisfied that it has sufficient information under s.24 of the *Environmental Planning and Assessment Regulation 2021* to determine the application favourably and impose appropriate conditions.

VOTING: Unanimous

6.2 22/1747 - Construction of Retail / Commercial Building - 51 Renwick Drive, Renwick

Report Author: Coordinator Development Assessment
Authoriser: Manager Development Assessment and Regulation

OFFICER'S RECOMMENDATION

1. THAT the Local Planning Panel approve Development Application No. 22/1747 for Construction of Retail / Commercial Building at 51 Renwick Drive, Renwick, subject to the conditions 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. ***THAT the Panel REFUSE Development Application No. 22/1747 for Construction of a Retail Commercial Building at 51 Renwick Drive, Renwick for the following reasons:***
 - (a) the building is excessive in bulk and scale and will be visually dominant particularly when viewed from Mirren Nunguna Gulla Park and Renwick Drive (due to the nil front boundary setback which is inconsistent with existing development on either side of the site that is within the same E1 Local Centre zone) and in the north eastern corner when viewed on approach from the north on Renwick Drive due to the curvature/arc of the road and bulky roof design in that corner. Whilst vertical blade elements are not an unacceptable urban design element, their overhanging of the front boundary of the site is unsatisfactory.***
 - (b) unresolved maintenance access associated with the nil boundary setback from the northeastern side boundary due to the proposed painted finish.***
 - (c) unsatisfactory design response and street façade treatment around the sewer manhole which creates a concealment opportunity that is inconsistent with Crime Prevention Through Environmental Design (CPTED) principles.***
 - (d) practical and adequate internal access to waste storage facilities adjacent to the loading dock for all tenancies has not been demonstrated and the submitted Waste Management Plan is unacceptable as it does not adequately address how ongoing waste storage and collection will be successfully managed by private contractors and tenants.***
 - (e) insufficient landscaping has been provided within and around the proposed carpark.***
2. ***THAT Council advise those who made written submissions of the Panel's decision.***

REASONS:

1. The Panel is not satisfied that it has sufficient information to favourably determine the application and impose appropriate conditions.

VOTING: Unanimous

7 MEETING CLOSURE

Being no further Public Forum address, the meeting adjourned at 3:12pm for Panel deliberation.

Meeting resumed at 5:10pm.

Being no further business, the meeting closed at 5:18pm.
