



MINUTES

of the
**Independent Advisory Planning
Assessment Panel Meeting**

held remotely using audio visual link and open to members of the
community via webcast

on

Wednesday 1 September 2021

The meeting commenced at 3.30pm

MINUTES OF THE LOCAL PLANNING PANEL MEETING

Wednesday 1 September 2021



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MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK AND IS OPEN TO MEMBERS OF THE COMMUNITY VIA WEBCAST ON WEDNESDAY 1 SEPTEMBER 2021 COMMENCING AT 3.30PM

Present:	Chairperson	Michael Mantei
	Expert	Heather Warton
	Expert	Scott Barwick
	Community Representative	Anthony Neill
In Attendance:	Interim Deputy General Manager	Malcolm Ryan
	Manager Development Assessment	Nancy Sample (in part)
	Development Assessment Planner	Roland Wong (in part)
	Coordinator ICT Operations	Ian Vong
	Corporate Strategy and Governance Officer	Ivana Vidovich

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, Panel Members and staff attended the meeting remotely via zoom audio visual link.

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 Straight Islanders present here today.”

3. APOLOGY

There were no apologies at this Meeting.

4. DECLARATIONS OF INTEREST

There were no interests disclosed by any panel member in the matter listed for determination on the agenda for this Meeting.

5. DEVELOPMENT APPLICATIONS

5.1 Development Application 21/0583 - Subdivision of Land and Carrying Out of Works to Create Two Lots, Lots 1 and 2 SP76930, 21 Ascot Road, Bowral

Report Author: Senior Development Assessment Planner

Mr Michael Baker addressed the meeting.

OFFICERS RECOMMENDATION

THAT the Independent Advisory Planning Assessment Panel determines development application 21/0583 for subdivision of land and carrying out of works to create two lots at Lots 1 & 2 SP76930, 21 Ascot Road, Bowral by APPROVAL, subject to the recommended conditions of consent specified in Attachment 1 to the report

WLPP 1/21

PANEL DETERMINATION

1. ***THAT determination of development application DA21/0583 for subdivision of land and carrying out of works to create two lots at Lots 1 & 2 SP76930, 21 Ascot Road, Bowral be deferred to enable the applicant to submit to Council a written request to vary the development standard in clause 4.2F of Wingecarribee LEP 2010 that satisfies the requirements of clauses 4.6(3) and 4.6(4)(a)(ii) of Wingecarribee LEP 2010.***

2. ***THAT the Council officers' assessment report to be submitted to the Panel for the future determination of DA21/0583 address, among other matters for consideration in section 4.15(1) of the EP&A Act, whether:***
 - a. ***the applicant's written request has adequately demonstrated that compliance with the development standard in clause 4.2F of Wingecarribee LEP 2010 is unreasonable or unnecessary in the circumstances of the case;***
 - b. ***the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the standard in clause 4.2F of Wingecarribee LEP 2010;***
 - c. ***the proposed development will be in the public interest because it is consistent with the objectives of clause 4.2F of Wingecarribee LEP 2010 and the objectives for development within the R3 zone under Wingecarribee LEP 2010; and***
 - d. ***the proposed variation to the minimum lot size in clause 4.2F of Wingecarribee LEP 2010 will create an undesirable precedent for the subdivision of dual occupation in the Wingecarribee LGA.***

3. ***THAT the applicant for DA21/0583 be advised of the reasons for the Panel's decision as set out below.***

4. ***THAT following submission and assessment of the written request, DA21/0583 be submitted to the Panel for future determination by electronic means.***

PASSED

REASONS:

The Panel has considered the Council officers' assessment report and its attachments. The Panel also received a briefing from Council officers.

The applicant attended the Panel meeting and answered questions from Panel members.

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The Panel considers that the written request sent to Council by the applicant in the form of an email dated 16 March 2021 is not a written request under clause 4.6(3) of Wingecarribee LEP 2010 because it does not identify:

- the reasons why compliance with the standard in clause 4.2F of LEP 2010 is unreasonable or unnecessary in the circumstances of the case (as required by LEP 2010 cl 4.6(3)(a)).
- the circumstances that justify the non-compliance.
- the environmental planning grounds justifying contravention of the standard in clause 4.2F of LEP 2010 (as required by LEP 2010 cl 4.6(3)(b)).
- the reasons why the proposed development will be in the public interest because it is consistent with the objectives of clause 4.2F of LEP 2010 and the objectives for development within the B4 zone (required to be considered by Council under LEP 2010 cl 4.6(4)(a)(ii)).

As a consequence of the shortcomings outlined above, the Panel cannot determine whether it is appropriate on the merits of the case to vary the development standard in 4.2F of LEP 2010. However the Panel can potentially see merit in the proposal if the applicant is able to address the legal requirements in clause 4.6(3) and 4.6(4)(a)(ii) of the LEP 2010.

VOTING : UNANIMOUS

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6. PLANNING PROPOSALS

Nil

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE PUBLIC PART OF THE MEETING
CLOSED AT 4:00 pm.