

MINUTES

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

Wednesday 23 August 2023

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

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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
WEDNESDAY 23 AUGUST 2023 COMMENCING AT 2:00 PM**

Present:	Chairperson	Julie Walsh
	Expert	Scott Barwick
	Expert	Linda Kelly
	Community Representative	Chris McCann
In Attendance:	Director Communities and Place	Adan Davis
	Planning Consultant	Jeremy Swan
	Coordinator Planning Assessment	Chris Young
	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

Nil at time of print.

4 DECLARATIONS OF INTEREST

There were no declarations of interest declared for the meeting.

5 PLANNING PROPOSALS

There were no Planning Proposals listed for the meeting.

6 DEVELOPMENT APPLICATIONS

6.1 DA23/0017 for Demolition and Construction of a Two Storey Retail & Commercial Building – at 277- 293 Bong Bong Street, Bowral

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

Barry Anstee addressed the Panel to speak against the Council Officer's recommendation

Angus Campbell-Jones, representing the owner addressed the Panel

Kirk Bolte and Brad Delapierre, representing the applicant addressed the Panel

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines DA23/0017 – Proposed Demolition & Construction of a Two Storey Retail & Commercial Development at 277-293 Bong Bong Street, Bowral, by way of REFUSAL, subject to the reasons specified in the recommendation to this report.

PANEL DETERMINATION

The Panel determines DA23/0017 – Proposed Demolition & Construction of a Two Storey Retail & Commercial Development at 277-293 Bong Bong Street, Bowral, 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 and parking impacts on the surrounding area.*
- (2) The proposed development does not comply with the objectives and controls of the Bowral Township Development Control Plan in relation to Loading Facilities and Waste and Collection. Insufficient information has been lodged with the application to demonstrate vehicles will be able to enter and exit the site in a forward direction nor that adequate sight distances will be available for rigid vehicles.*
- (3) (a) The applicant's written request under clause 4.6 of Wingecarribee LEP 2010 seeking to justify a contravention of clause 4.4 Floor Space Ratio has not adequately addressed and demonstrated that:
 - i. compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and*
 - ii. there are sufficient environmental planning grounds to justify the contravention.**

- (b) The proposed development will not be in the public interest because it is inconsistent with the objectives of the development standard and the objectives of the B2 Local Centre Zone under Wingecarribee LEP 2010.*
- (4) The proposed development is inconsistent with Section A7.10 of the Bowral DCP in that the proposed awning is not compatible with architectural elements of Heritage Items within the vicinity of the site.*
- (5) The proposed development is inconsistent with the aims listed under of the Wingecarribee LEP 2010 in that the proposed shortfall in carparking does not promote or support the efficient development of urban land, strengthening the viability of Wingecarribee's business centres or support employment growth and enterprise that that is better accessed by public and private transport.*
- (6) The proposed development is inconsistent with the objectives of the B2 zone under the WLEP 2010 as result of the shortfall in parking spaces. The development is likely to reduce availability of public infrastructure such as car parking.*
- (7) The proposed development is inconsistent with Section A9.3 of the Bowral DCP in that insufficient information has been lodged with the application to ensure that any such development over Council sewerage assets will be undertaken in accordance with Council technical guidelines in the Engineering Design and Construction Specifications, as well as Council's set of standard drawings.*
- (8) Approval of the proposal would set an undesirable precedent for developing/redeveloping sites within the Bowral Town Centre.*
- (9) The proposed development is not in the public interest.*

REASONS:

- 1. The Panel generally agrees with the Council report.**
- 2. The Panel does not agree with the applicant's request for deferral, given the amount of time that would be required to progress any proposed Voluntary Planning Agreement and/or any necessary amendments to the Bowral Township Development Control Plan relating to car parking.**
- 3. The Panel is generally supportive of the design approach to the site. However, it is important to establish a clear policy framework for car parking provision in the Bowral town centre. It is important that this be resolved at a policy level rather than by individual applications.**

VOTING: UNANIMOUS

6.2 DA23/0357 Use of Casburn Park for Community Events, 57-61 Railway Parade, Wingello

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

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel determines development application DA-23/0357 for 57-61 Railway Parade, Wingello by APPROVAL of consent for the reasons specified in Attachment 1 to this report.

PANEL DETERMINATION

Wingecarribee Local Planning Panel determines development application DA23/0357 for 57-61 Railway Parade, Wingello by APPROVAL of consent subject to the condition amendments to the reasons specified in Attachment 1 of the Council report as follows:

- 1. Amend the hours of operation in condition 4 to read 8am – 8pm*
- 2. Amend condition 12 as follows:*

A suitable entry point shall be nominated on site and utilised by delivery vehicles. The entry point shall be located and treated so that the possibility of damage to Councils property is minimised during use.

REASONS: The Panel generally agrees with the Council report.

VOTING: UNANIMOUS

6.3 DA23/1154 2 Lot Subdivision, Lot 81 DP 1272440, 11 Clarke Street, Bowral

Report Author: Development Officer - Planning (Contractor)

Authoriser: Director Communities and Place

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel determines development application 23/1154 for subdivision of the land into 2 Torrens Titled lots at Part Lot 81 DP 1272440 No. 11 Clarke Street, Bowral NSW 2576 by REFUSAL of consent for the reasons specified in Attachment 1 to this report.

PANEL DETERMINATION

The Wingecarribee Local Planning Panel determines development application 23/1154 for subdivision of the land into 2 Torrens Titled lots at Part Lot 81 DP 1272440 No. 11 Clarke Street, Bowral NSW 2576 by REFUSAL of consent for the following reasons:

1. (a) *The applicant's written request under clause 4.6 of Wingecarribee LEP 2010 seeking to justify a contravention of clause 4.1 Minimum Subdivision Lot Size has not adequately addressed and demonstrated that:*
 - i. *compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and*
 - ii. *there are sufficient environmental planning grounds to justify the contravention.*

- (b) *The proposed development will not be in the public interest because it is inconsistent with the objectives of the development standard and the objectives of the R3 Medium Density Residential Zone under Wingecarribee LEP 2010.*

2. *Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Wingecarribee Local Environmental Plan 2010 as follows:*

The application fails to satisfy the aims of the Wingecarribee Local Environmental Plan 2010, as stated in Clause 1.2, in the following ways:

 - i. *The proposed development fails to satisfy aim (c) as the development proposes a low-density subdivision and dwelling type within a medium density zone that would not encourage the efficient use and development of urban land, minimise the spread of urban areas into rural and native vegetation environments, and increase the accessibility of the population to urban facilities and services; and*
 - ii. *The proposed development fails to satisfy aim (e) as the development provides limited opportunity for housing in an accessible and well serviced location; and*
 - iii. *The proposed development fails to satisfy aim (g) as the development will not assist in strengthening the viability of the Bowral business centre by limiting the ability for future housing opportunities to be located in close proximity to the centre.*

3. *Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the application fails to satisfy the requirements of the Wingecarribee Bowral Township Development Control Plan in the following ways:*
 - i. *The application fails to satisfy the objectives of the controls in Control C3.2, Section 3, Part C of the Wingecarribee Bowral Township Development Control Plan as the development would not encourage the efficient use of the existing residential land and would erode the ability for the land to provide a medium density housing type within the zone.*
 - ii. *The application fails to satisfy the following provisions of the Wingecarribee Bowral Township Development Control Plan, in that insufficient information has been submitted with the application demonstrating how the subdivision would ensure that the retained multi-dwelling housing development would satisfy the development controls in the following sections of the DCP:*
 - i. *C3.4 Density and Site Coverage*
 - ii. *C3.7 Side Setbacks*
 - iii. *C3.8 Rear Setbacks*
 - iv. *C3.15 Landscaped Open Space*
4. *Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application is likely to have adverse impacts on the natural and built environment and social and economic impacts in the locality for the following reasons:*
 - i. *The proposed development is incompatible with the existing context and desired future character of the locality; and*
 - ii. *There will be negative cumulative impacts as a result of the proposed development given that the proposed subdivision would create a lot of insufficient size to be capable of being developed for medium density residential development in a medium density residential zone; and*
 - iii. *There are no environmental planning grounds justifying the contravention to the minimum subdivision lot size development standard and compliance with the standard is considered reasonable and necessary in the circumstances.*
5. *Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the subject site is not suitable for the proposed development as the application does not adequately demonstrate that the development is capable of achieving compliance with the requirements of the heritage conservation area, requirements of Wingecarribee Local Environmental Plan 2010, and the Wingecarribee Bowral Township Development Control Plan that apply to the site.*
6. *Pursuant to the provisions of s.4.15(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the proposed development is not in the public interest.*

VOTING: UNANIMOUS

7 MEETING CLOSURE

Being no further business, the meeting closed at 3.17pm
