



MINUTES

of the
Independent Advisory Planning
Assessment Panel Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 5 May 2021

The meeting commenced at 3.30pm

**MINUTES OF THE INDEPENDENT ADVISORY PLANNING
ASSESSMENT PANEL MEETING**

Wednesday 5 May 2021



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**MINUTES OF THE INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL
MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN CIVIC CENTRE, ELIZABETH
STREET, MOSS VALE ON WEDNESDAY 5 MAY 2021 COMMENCING AT 3.30PM**

Present:	Chairperson	Ms Julie Walsh
	Expert	Mr Alf Lester
	Expert	Mr Scott Barwick
	Community Representative	Mr Carl Peterson
In Attendance:	Deputy General Manager Corporate Strategy and Development Services	Ms Danielle Lidgard (in part)
	Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
	Manager Development Assessment Accredited Certifier	Ms Nancy Sample (in part)
	Development Assessment Planner	Mr Andrew Morrison (in part)
	Coordinator ICT Operations	Mr Ross Jauncey (in part)
	Administration Officer	Mr Ian Vong
		Ms Michelle Richardson

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

That where necessary any interest now be disclosed and the reason for declaring such interest in the matters under consideration by the Panel at this Meeting and to complete the appropriate form to be handed up at the Meeting.

Scott Barwick declared a less than significant non-pecuniary interest in Item 5.2 Development Application 21/0781 - Proposed Dual Occupancy (Detached) and Subdivision - 37 Sir James Fairfax Circuit Bowral and Item 5.4 - Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards - Modification to Attendance Numbers and Frequency of Events as he is a Director of a planning consultancy which had utilised Scott Lee, (the applicants' planning consultant for both those items) for overload planning assistance approximately 3 years ago. He has no professional or personal relationship with Mr Lee. In those circumstances the Chair determined he could participate in the determination of those items.

Carl Peterson declared a less than significant non-pecuniary interest in Item 5.2 Development Application 21/0781 - Proposed Dual Occupancy (Detached) and Subdivision - 37 Sir James Fairfax Circuit Bowral and Item 5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards - Modification to Attendance Numbers and Frequency of Events and as he lives in the same street as Scott Lee (the applicants' planning consultant for those items). He has no professional or personal relationship with Mr Lee. In those circumstances the Chair determined that he could participate in the determination of those items.

5. DEVELOPMENT APPLICATIONS

5.1 Development Application 21/0208 - 14 Louisa Street Mittagong Proposed Demolition Of An Existing Dwelling And Erection Of A Boarding House

Report Author: Development Assessment Planner
Authoriser: Manager Development Assessment
Applicant: George Azzi
Owner: Nimish Patel

OFFICERS' RECOMMENDATION

Mr Andrew Matthews addressed the Panel against the development
Ms Carole McCormick addressed the Panel against the development

THAT Development Application DA 21/0208 – Demolition of existing dwelling and erection of Boarding House containing nine (9) individual one (1) bedroom units, five (5) off-street car parking spaces, one motor bike space and 4 bicycle racks with a detached store room at Lot 1 DP 1251538, 14 Louisa Street Mittagong, be APPROVED subject to conditions as described in Draft Conditions of Consent (Attachment 1) to the report.

PANEL DECISION

THAT Development Application DA 21/0208 – Demolition of existing dwelling and erection of Boarding House containing nine (9) individual one (1) bedroom units, five (5) off-street car parking spaces, two motor bike spaces and 4 bicycle racks with a detached store room at Lot 1 DP 1251538, 14 Louisa Street Mittagong, be REFUSED for the following reasons:

- 1. The proposal will have an adverse impact on the heritage significance of the heritage conservation area and adjacent heritage item (clause 5.10 Wingecarribee LEP 2010);***
- 2. The proposed design of the development does not demonstrate compatibility with the character of the local area (Clause 30A SEPP) Affordable Rental Housing) 2009);***
- 3. The heritage statement is inadequate;***
- 4. The proposed built form is poor quality design and the plans contain multiple inconsistencies;***
- 5. The communal living room is inadequate for the number of living units and the communal living room does not address solar access requirements of the SEPP;***
- 6. The pattern of materials and colour palette are not defined on the plans;***
- 7. Both road frontages need to be defined by appropriate fencing and detailed landscape documentation;***
- 8. Hard surface carparking areas with nil setback to adjoining properties is an unsatisfactory outcome.***

REASONS – as above

VOTING - UNANIMOUS

5.2 Development Application 21/0781 - Proposed Dual Occupancy (Detached) and Subdivision - 37 Sir James Fairfax Circuit Bowral.

Reference: 21/0781
Report Author: Development Assessment Planner
Authoriser: Acting Deputy General Manager Corporate Strategy and Development
Applicant: New Tradition Design
Owner: Jacquelyn Collins

OFFICERS' RECOMMENDATION

Mr Gi Kim addressed the Panel opposed to the development
Mr Allen Robinson addressed the Panel opposed to the development
Mr Scott Lee (on behalf of the applicant) addressed the Panel in support of the development

THAT Development Application DA21/0781 for erection of buildings and carrying out of works for the purpose of a Dual Occupancy (Detached) and subdivision of land at Lot 232 DP 1239600, No 37 Sir James Fairfax Circuit, Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.

PANEL DECISION

THAT Development Application DA21/0781 for erection of buildings and carrying out of works for the purpose of a Dual Occupancy (Detached) and subdivision of land at Lot 232 DP 1239600, No 37 Sir James Fairfax Circuit, Bowral be APPROVED in accordance with the conditions in the Council officer's report amended as follows:

Condition 59 be amended to read as follows:

59. Occupation Certificate

No subdivision Certificate shall be granted for the development unless a final occupation certificate has been granted for both dual occupancy dwellings in the development.

Insert new condition

7A Landscaping Plan

Prior to the issue of a construction certificate a landscape plan is to be prepared and approved by Council's Manager of Development and Assessment providing for tree planting on proposed Lots 1 and 2 showing:

- *At least two trees achieving a minimum mature height of 5 metres within lot 2;*
- *At least one tree achieving a minimum mature height of 5 metres within lot 1; and*
- *The trees when planted shall be a minimum 20 litre pot size.*

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REASONS

The Panel notes the proposal is permissible under the Wingecarribee LEP 2010 and generally complies with the Wingecarribee Development Control Plan.

The Panel is of the opinion that the proposal has acceptable amenity impacts on the neighbours and the neighbourhood.

The Panel notes that clause 1.9A of the LEP has the effect that the design guidelines applying to purchasers under the contract for purchase of land in the estate are not matters to be taken into account in the determination of this development application.

VOTING - UNANIMOUS

5.3 Development Application 21/1138 - Proposed Dwelling House at 41 Hoddle Street, Robertson.

Reference: DA21/1138
Report Author: Accredited Certifier Fire Safety and Pools
Authoriser: Acting Deputy General Manager Corporate Strategy and Development

OFFICERS' RECOMMENDATION

Ms Josette Cauchi addressed the panel in support of the recommendation.
Mr Rick Smith addressed the panel in support of the recommendation

THAT Development Application 21/1138 for the proposed dwelling house and detached garage at Lot 1 DP 121172 No 41 Hoddle Street, Robertson be APPROVED subject to draft conditions as described in Attachment 2 to the report.

PANEL DECISION

THAT Development Application 21/1138 for the proposed dwelling house and detached garage at Lot 1 DP 121172 No 41 Hoddle Street, Robertson be APPROVED subject to the conditions in the Council report subject to the following amendments:

Addition of the following condition:

1A Deletion of Elements at North End of the Site –

The visitor parking, driveway crossing and other proposed works and structures on the northern end of the site fronting Hoddle Street shall be deleted; any proposed development on that part of the site shall be subject to a separate application

Amend Condition 15 as follows:

15. Tree Protection Measures

Prior to any work commencing all tree protection measures must be installed and implemented in accordance with the approved Arboricultural Impact Assessment Report provided by Green Earth Tree Consultancy. This must be supervised by a Level 5 accredited arborist.

Addition of Condition 26A

26A Tree Protection During Construction

During works all tree protection measures in the approved Arboricultural Impact Assessment Report by Green Earth Tree Consulting shall be implemented.

All excavation and trenching within the tree protection zone must be supervised by a Level 5 accredited arborist.

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REASONS

The Panel generally agrees with the Council officers' report. The Panel has imposed additional conditions to protect the significant tree on the adjoining site to the west and to ensure an appropriate assessment of any new work on the northern portion of the site.

VOTING: UNANIMOUS

5.4 Section 4.55 Modification Application 16/0491.02 - Centennial Vineyards - Modification to Attendance Numbers and Frequency of Events

Reference: 16/0491.02
Report Author: Development Assessment Planner
Authoriser: Manager Development Assessment

OFFICERS' RECOMMENDATION

Ms Natalie Dare (on behalf of the applicant) addressed the Panel in support of the development

Mr Jean-Marie Simart (on behalf of the applicant) addressed the Panel in support of the development

Mr Scott Lee (on behalf of the applicant) addressed the Panel in support of the development

THAT Modification Application 16/0491.02 under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 to:

- 1. Increase attendance from 10,000 to 14,000 persons;
at Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196, Miranda Park, 254 Centennial Road Bowral be REFUSED for the reasons as detailed in the report.*
- 2. The holding of concerts on consecutive weekends provided no more than two (2) concert events are held in any one (1) month period, except if necessary to cater for a washed out concert that was deferred and requires rescheduling at Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196, Miranda Park, 254 Centennial Road Bowral be APPROVED as per draft conditions as described in attachment 1 to the report.*

PANEL DECISION

THAT Modification Application 16/0491.02 under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be REFUSED for the following reasons:

- 1. The Panel is not satisfied that the development as proposed to be modified, is substantially the same development as the development for which consent was originally granted (section 4.55(2)(a) Environmental Planning and Assessment Act 1979 (EP&A Act)***
- 2. The Panel has taken into account the following matters under section 4.15 (1) of the EP&A Act of relevance to the development the subject of the modification application and is not satisfied it is appropriate to grant approval to the application for the following reasons:***
 - a. The proposed use is prohibited in the E3 Zone under Wingecarribee Local Environmental Plan 2010 (the LEP)***
 - b. The proposed use is subject to the provisions of clause 2.8 of the LEP, of which sub clause (3)(b) and (6) are of particular relevance and the Panel is not satisfied that the temporary use will not adversely impact upon adjoining land and the amenity of the neighbourhood, most particularly in terms of parking, traffic and noise***
 - c. The additional impacts the development as modified will have on the adjoining land and the amenity of the neighbourhood (section 4.55(3) EP&A Act).***

REASONS – AS ABOVE

VOTING - UNANIMOUS

5. PLANNING PROPOSALS

Nil

The panel moved into closed session at 5.10pm.

The meeting reopened at 6.50pm when the Chair announced the Panel's decisions.

6. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.55 PM