

MINUTES

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

Wednesday 3 August 2022

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

**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 3 AUGUST 2022**

Table Of Contents

1 OPENING OF THE MEETING	3
2 ACKNOWLEDGEMENT OF COUNTRY	4
3 APOLOGIES.....	4
4 DECLARATIONS OF INTEREST	4
5 PLANNING PROPOSALS	5
5.1 Post Exhibition Report - Planning Proposal For Heritage Protection Affecting 2-6 Myrtle Street, Bowral, And 26 Elizabeth Street, Moss Vale	5
5.2 PP-2021-3571 Post Exhibition Welby Garden Centre	8
6 DEVELOPMENT APPLICATIONS.....	9
7 MEETING CLOSURE	9

**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 3 AUGUST 2022**

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN {MEETING-ROOM}, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY
3 AUGUST 2022 COMMENCING AT 3:30 PM**

Present:	Chairperson	Julie Walsh
	Expert	Alf Lester
	Expert	Heather Warton
	Community Representative	Anthony Geoffrey Neill

In Attendance:	Acting Director Communities and Place	John McFadden
	Executive Manager Strategic Outcomes	Michael Park
	Coordinator ICT Operations	Ian Vong
	Executive Assistant Director Communities and Place	Leesa Stratford

Note:

On the morning of the Panel Meeting, the Panel members attended an inspection from the street and nearby vantage points in relation to the properties subject to Planning Proposal item 5.1. The inspection was also attended by Council Officers Michael Park and Sarah Farnese.

Subsequently, the Panel members received a briefing in relation to items 5.1 and 5.2 by Council Officers Michael Park, Sarah Farnese and Susan Stannard.

In relation to item 5.1, the briefing covered the following matters:

'Karingal' 26 Elizabeth Street, Moss Vale

1. The history relating to the proposed heritage listing of 'Karingal' 26 Elizabeth Street, Moss Vale (the Site).
2. The heritage significance of the Site.
3. The relevant factors to be considered in a Planning Proposal for individual heritage listing.
4. Documentation in relation to the historical occupation and use of the Site.
5. Recent correspondence from the legal representatives of the Site owner.

2-6 Myrtle Street, Bowral

1. The recommendation not to list these properties as individual heritage items
2. The recommendation to include these properties within the Bowral Conservation Area.

In relation to item 5.2, the briefing covered the following:

1. The need to proceed with the Planning Proposal in the amended form following changes made by the Department of Planning relating to Employment Zones.

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

Julie Walsh declared a non-significant, non-pecuniary interest in item 5.1, Planning Proposal 2-6 Myrtle Street Bowral and 26 Elizabeth Street, Moss Vale, as she is an expert member on the Georges River Local Planning Panel on which Stephen Davies, the heritage consultant for the owner of 26 Elizabeth Street Moss Vale, one of the affected property owners, is an alternate chair. She has no personal or professional relationship with Mr Davies and has only sat on two panel meetings with him since being appointed to that panel twelve months ago. In those circumstances she does not regard the interest as significant or such as to preclude her from taking part in the discussion and voting on item 5.1.

5 PLANNING PROPOSALS

5.1 Post Exhibition Report - Planning Proposal for heritage protection affecting 2-6 Myrtle Street, Bowral, and 26 Elizabeth Street, Moss Vale

Report Author:	Strategic Land Use Planner (Heritage)
Authoriser:	Executive Manager Strategic Outcomes

PURPOSE

The purpose of this report is to detail the outcomes of the public exhibition of a Planning Proposal to include land at 2, 4 and 6 Myrtle Street, Bowral, within the Bowral Conservation Area and to include 26 Elizabeth Street, Moss Vale, as a heritage item in Schedule 5 of the Wingecarribee Local Environmental Plan 2010. The report recommends that the Planning Proposal be endorsed and sent to the Department of Planning and Environment for finalisation.

OFFICER'S RECOMMENDATION

1. THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to add a new heritage item called "‘Karingal’ Interwar bungalow and garden including brick and trachyte fence" at 26 Elizabeth Street, Moss Vale (Lot 1 DP 986025 & Lot 110 DP 877316) into Part 1 of Schedule 5 (Heritage items) and shown coloured brown on the Heritage Map; and include 2-6 Myrtle Street and the adjacent part of Myrtle Street within the Bowral Conservation Area as shown outlined and hatched in red on the Heritage Map be endorsed.
2. THAT the Planning Proposal be forwarded to the Department of Planning and Environment for completion.
3. THAT the following amendments be made to the heritage inventory sheet for 'Karingal' at 26 Elizabeth Street, Moss Vale:
 - a. The description be updated to indicate that the property comprises two lots.
 - b. The references to the "small lot" from 2009 Heritage Survey be deleted, amended or qualified.
 - c. The history be updated to include details of the separate acquisition of the two lots.

PANEL ADVICE

1. The Panel decided not to defer the provision of advice in respect of the planning proposal as requested by the Solicitor for the owner of 26 Elizabeth Street, Moss Vale.
2. The Panel supports the Council Officer's recommendations as noted in items 1,2 and 3 above.

REASONS:

Request for Deferral

1. The provision of 4.4 (1)(b) of the Local Planning Panels Direction - Operational Procedures dated 30 June 2020 direct the Local Planning Panel to provide its advice on the Planning Proposal within two weeks of the matter being referred to the Panel.
2. The Panel inspected Lot 1 DP 986025 & Lot 110 DP 877316, known as "Karingal" - 26 Elizabeth Street, Moss Vale (the Site) from the street and nearby vantage points, including the immediate adjoining property at the rear. In addition, the Panel had access to various visual aids including aerial photographs, Council records and real estate listings.
3. The Panel notes that the applicant's representatives were notified of the Local Planning meeting in accordance with the Council standard procedures.
4. The Panel considered the additional written material provided by the applicant's representatives and the Council Officer's advice provided in the meeting.
5. The Panel notes that its role in this matter is advisory and not determinative and that the owner of the property and its representatives will have an opportunity to address the Council meeting on 17 August 2022 at which the matter will be considered by the Administrator.

The Merits

1. In relation to the Planning Proposal, as it relates to 2-6 Myrtle Street, Bowral, the Panel generally agrees with the Council Officer's report and considers the Planning Proposal in respect of these properties to have site specific and strategic merit.
2. In relation to the Planning Proposal as it relates to 'Karingal' Lot 1 DP 986025 & Lot 110 DP 877316, known as 26 Elizabeth Street, Moss Vale (the Site)
 - a. The Panel generally agrees with the Council Officer's report and notes the following additional matters.
 - b. The Panel notes that the site has been identified as a potential heritage item for some time, dating back to the 2009 Heritage Survey, by Architectural Projects. Since that time further detailed investigation has been carried out by Council staff and Council's

**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 3 AUGUST 2022**

Heritage Advisory Committee which supports the listing of the Site as a heritage item under Wingecarribee LEP 2010.

- c. The Panel considers that the Planning Proposal in respect of the Site has site specific and strategic merit.
- d. Specifically, in relation to the argument that Lot 110 DP 877316 should not be included in a heritage listing together with Lot 1 DP 986025, the Panel notes that 'Karingal' comprises of a house and garden setting which has been integrated across both lots to provide for a dwelling house, tennis court/parterre garden and garage for a period of more than eighty years.

VOTING: Unanimous

5.2 PP-2021-3571 Post Exhibition Welby Garden Centre

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

PURPOSE

The purpose of this report is to seek to finalise the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Schedule 1 Item 28, being Lots 1,2, 3, 8, 9 & 10 Section 6 DP 75 9 070 Lot 1 DP 1006005 & Lot 2 DP 1019107 Nos. 10 & 12, 14 Old Hume Highway Welby. The intended outcomes of this Planning Proposal are to enable the ongoing operation and potential growth of the Welby Garden Centre.

OFFICER'S RECOMMENDATION

1. THAT the Planning Proposal to amend *Wingecarribee Local Environmental Plan 2010* to with regard to Schedule 1 Item 28, being Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, Nos. 10 & 12-14 Old Hume Highway, Welby be endorsed; and
2. THAT the Planning Proposal be finalised in accordance with s.3.36 of the *Environmental Planning & Assessment Act 1979*.

PANEL ADVICE

The Panel supports the Council Officer's recommendation to amend Wingecarribee Local Environmental Plan 2010 with regard to Schedule 1 Item 28, being Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, Nos. 10 & 12-14 Old Hume Highway, Welby ; and that the Planning Proposal be finalised in accordance with s.3.36 of the Environmental Planning & Assessment Act 1979.

REASONS:

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

VOTING: Unanimous

6 DEVELOPMENT APPLICATIONS

There were no Development Applications reported to the meeting

7 MEETING CLOSURE

Being no further business, meeting closed at 3.45pm