

MINUTES

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

Wednesday 26 July 2023

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

Table Of Contents

1 OPENING OF THE MEETING	3
2 ACKNOWLEDGEMENT OF COUNTRY	3
3 APOLOGIES.....	3
4 DECLARATIONS OF INTEREST	3
5 PLANNING PROPOSALS	4
5.1 Proposed Amendment To Schedule 1 To Enable A Boundary Adjustment To Land At Elizabeth Street & Old Bong Bong Way Burradoo.....	4
5.2 Planning Proposal To Create A Boundary Adjustment On Land At Mittagong Airfield.....	5
5.3 Planning Proposal To Include Land At Yarrowa Road Moss Vale Within The Chelsea Gardens Coomungie Urban Release Area	6
5.4 Robertson Village Place Plan.....	7
6 DEVELOPMENT APPLICATIONS.....	8
6.1 DA23/0607 Dwelling, Secondary Dwelling, Farm Stay Accommodation And Shed At Lot 102 DP 775843, 64 Clemens Road, Woodlands.....	8
7 MEETING CLOSURE	9

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON
WEDNESDAY 26 JULY 2023 COMMENCING AT 2:00 PM**

Present:	Chairperson	Julie Walsh
	Expert	Scott Barwick
	Expert	Linda Kelly
	Community Representative	Denis McManus PSM
In Attendance:	Director Communities and Place	Adan Davis
	Acting Manager Development Assessment and Regulation	John McFadden
	Manager Strategic Outcomes	Michael Park
	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 Proposed amendment to Schedule 1 to enable a boundary adjustment to land at Elizabeth Street & Old Bong Bong Way Burradoo

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

Applicant, Scott Lee (LEP Consultant) addressed the panel.

PURPOSE

The purpose of this report is to consider a Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010 enable consideration of a boundary adjustment by means of subdivision with no further subdivision potential.

OFFICER'S RECOMMENDATION

THAT:

1. The Planning Proposal to include land at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots (with no further subdivision), be supported, and
2. The Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination under s.3.34 of the Environmental Planning & Assessment Act 1979.

PANEL ADVICE

The Panel supports the Planning Proposal at 35 Elizabeth Street and 4 Old Bong Bong Way Burradoo within Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan (WLEP) 2010, to facilitate a boundary adjustment between two (2) lots (with no further subdivision), be submitted to the Department of Planning and Environment for a Gateway Determination under s.3.34 of the Environmental Planning & Assessment Act 1979 subject to proposed Lot A having a minimum lot size of at least 9,300 sqm to ensure that the land continues as two lots.

REASONS:

The Panel generally agrees with the Council report.

VOTING: Unanimous

5.2 Planning Proposal to create a boundary adjustment on land at Mittagong Airfield

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

Scott Lee (LEP Planning) addressed the Panel as the applicant.

2.35pm – temporary adjournment to allow for the arrival of objector to attend meeting.

2.40pm - meeting reconvened.

Pharam Gill (on behalf of Elizabeth Butterfield) addressed the panel as an objector to the Planning Proposal.

PURPOSE

The purpose of this report is to finalise a Planning Proposal to include land identified as Mittagong Airfield in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 to enable a boundary adjustment through subdivision to create one lot which would contain all of the existing airfield and associated buildings and a second lot which retains the existing dwelling entitlement on Lot 11 DP1226788.

OFFICER'S RECOMMENDATION

THAT:

1. The Planning Proposal to include Lot 841 DP1253894 and Lot 11 DP1226788 in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 be supported, and
2. The Planning Proposal be finalised under s.3.36 of the *Environmental Planning & Assessment Act 1979*.

PANEL ADVICE

The Panel supports the finalisation of the Planning Proposal for Lot 841 DP1253894 and Lot 11 DP1226788 in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 under s.3.36 of the Environmental Planning & Assessment Act 1979

REASONS:

The Panel generally agrees with the Council report.

VOTING: Unanimous

5.3 Planning Proposal to include land at Yarrawa Road Moss Vale within the Chelsea Gardens Coomungie Urban Release Area

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

PURPOSE

The purpose of this report is to seek support to finalise a Planning Proposal to include land at 121, 131 and 153 Yarrawa Road Moss Vale within the adjoining Chelsea Gardens Coomungie Urban Release Area.

OFFICER'S RECOMMENDATION

THAT the Planning Proposal be supported for finalisation under s.3.36 of the Environmental Planning & Assessment Act 1979.

PANEL ADVICE

The Panel supports the finalisation of the Planning Proposal under s.3.36 of the *Environmental Planning & Assessment Act 1979*.

REASONS:

The Panel generally agrees with the Council report.

VOTING: Unanimous

5.4 Robertson Village Place Plan – Public Exhibition

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

PURPOSE

The purpose of this report is to seek the endorsement of the Draft Robertson Village Place Plan to proceed to public exhibition for a period of six (6) weeks.

OFFICER'S RECOMMENDATION

THAT:

1. The Draft Robertson Village Place Plan be endorsed for public exhibition
2. The Draft Robertson Village Place Plan be placed on Public Exhibition for a period of six (6) weeks
3. The Draft Robertson Village Place Plan be reported back to Council at the completion of the exhibition period.

PANEL ADVICE

1. **The Panel supports the endorsement of the Draft Robertson Village Place Plan for public exhibition.**
2. **The Draft Robertson Village Place Plan be placed on Public Exhibition for a period of six (6) weeks.**
3. **The Draft Robertson Village Place Plan be reported back to Council at the completion of the exhibition period.**
4. **Consideration be given to the relationship between the draft community based heritage study and the Robertson Place Plan.**

REASONS:

The Panel generally agrees with the Council report.

VOTING: Unanimous

6 DEVELOPMENT APPLICATIONS

6.1 DA23/0607 Dwelling, Secondary Dwelling, Farm Stay Accommodation and Shed at Lot 102 DP 775843, 64 Clemens Road, Woodlands

Report Author: Consultant Planner - Mark Swain

Authoriser: Director Communities and Place

Malcolm McComas addressed the panel as an objector to the application.

Hamish Blanche addressed the panel as an objector to the application.

Scott Lee, Applicant addressed the panel on behalf of the owner.

PURPOSE

The purpose of this report is to consider Development Application 23/0607 for the Panel's consideration, the recommendation of the report is that the application be determined for REFUSAL for the reasons specified in **Attachment 1**.

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel determines development application 23/0607 for a Concept Development for a Principal Dwelling, Secondary Dwelling, Farm Stay Accommodation and a Shed at Lot 102 DP 775843 No. 64 Clemens Road, Woodlands NSW 2575 by REFUSAL for the reasons specified in the Officer's report.

PANEL DETERMINATION

The Local Planning Panel determines development application 23/0607 for a Concept Development for a Principal Dwelling, Secondary Dwelling, Farm Stay Accommodation and a Shed at Lot 102 DP 775843 No. 64 Clemens Road, Woodlands NSW 2575 by REFUSAL for the following reasons:

1. Inconsistency with C3 Environmental Management zone objectives:

The proposed development is not in alignment with the primary objectives of the C3 zone. The development proposes the construction of multiple buildings and contradicts the objectives of protecting aesthetic values, encouraging social values and minimizing the proliferation of buildings and other structures in sensitive landscape areas.

2. Absence of a Working Farm

The proposal fails to identify any existing or planned agricultural activity, which is a requirement for 'farm stay accommodation'. Without evidence of an intention to establish a working farm, the concept plan is deemed flawed and cannot be approved.

3. Departure from WDCP (Rural Lands) Development Controls

In relation to the siting of buildings, the proposed development does not comply with Wingecarribee Rural Lands Development Control Plan (DCP) 2021 control A3.7 (d) 'that all rural buildings are generally to be within building envelopes that are separated from each other by a distance of not more than 30 metres and not less than 5 metres.'

4. Non-satisfaction of WDCP (Rural Lands) Performance Standards

In relation to the siting of buildings, the proposed development does not satisfy the Wingecarribee Rural Lands DCP 2021 performance standard B2.1.3 (e) for the location of development in a rural area which provides that: 'Where there are two or more buildings, for example homes, sheds and ancillary buildings, they will be clustered to reduce the space that they occupy and be landscaped to reduce their accumulated impacts' and that 'Building groups that spread across the landscape and increase the visibility and bulk of the built form will not be permitted.'

5. Non-satisfaction of WDCP (Rural Lands) ObjectivesThe proposed development does not satisfy the Wingecarribee Rural Lands DCP 2021 objectives for the siting and form (design) of residential and ancillary buildings in a rural area stated in B2.1.2, specifically in relation to objectives (a), (b), (c), and (g) that:

- i. the development is not responsive to the scenic landscapes.
- ii. the development does not recognise and protect the scenic qualities of its landscape setting.
- iii. scenic resources and values are not recognised and protected by the proposed development in relation to any views and vistas from a public place.
- iv. the siting of the development would not result in an appropriate outcome considering the amenity of adjacent property owners.

REASONS:

The Panel generally agrees with the Council report.

VOTING: Unanimous

7 MEETING CLOSURE

Being no further business, the meeting closed at 3.22pm