

# **AGENDA**

of the

**Local Planning Panel**

held in

**Council Chambers,**

**Wingecarribee Shire Council Civic Centre,**

**68 Elizabeth Street, Moss Vale**

on

**Thursday 19 December 2024**

The meeting will commence at **2:00 pm**

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

Table Of Contents

<b>1 OPENING OF THE MEETING .....</b>	<b>5</b>
<b>2 ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>5</b>
<b>3 APOLOGIES.....</b>	<b>5</b>
<b>4 DECLARATIONS OF INTEREST .....</b>	<b>5</b>
<b>5 PLANNING PROPOSALS .....</b>	<b>6</b>
<b>6 DEVELOPMENT APPLICATIONS.....</b>	<b>6</b>
6.1 24/0923 For Demolition Of Existing Dwelling Houses And Ancillary Structures, Construction Of A Multi Dwelling House And Tree Removal, At 6 – 8 Kangaloon Road, Bowral (Lot 1 – DP522477 And Lot 211 DP 631550).....	6
6.2 25/0329 - S8.2 Review Of The Refusal Of DA 22/1747 For Construction Of Retail / Commercial Building - 51 Renwick Drive, Renwick .....	58
6.3 Development Applications Greater Than 180 Days To Be Reported To The WLPP .....	75
<b>7 MEETING CLOSURE .....</b>	<b>75</b>

**Our Mission, Our Vision, Our Values**

**OUR MISSION**

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

**OUR VISION**

**Leadership:** *'An innovative and effective organisation with strong leadership'*

**People:** *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

**Places:** *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

**Environment:** *'A community that values and protects the natural environment enhancing its health and diversity'*

**Economy:** *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

**OUR VALUES**

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

## **Recording and Webcasting of Local Planning Panel Meetings**

This meeting is being recorded and webcast via Council's website and a person's image and/or voice may be publicly broadcast. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast. Any part of the meeting that is held in closed session will not be webcast.

Council requests that everyone in attendance is respectful and uses appropriate language. All speakers should refrain from making any defamatory, discriminatory or offensive comments or releasing any personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory, discriminatory or offensive comments made by persons attending meetings – all liability will rest with the individual who made the comments.

Individuals acting in a disorderly manner can be asked by the Chairperson to leave the meeting under the Council's Code of Meeting Practice.

The recording will be available for viewing on the internet for 12 months and retained as a Council record. The recording is subject to copyright.

The meeting must not be recorded by others.

Please ensure that all electronic devices including mobile phones are switched to silent.

**The Council Chamber has 24 Hour Video Surveillance.**

## **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**

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the meeting.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

## **5 PLANNING PROPOSALS**

No Planning Proposals listed

---

## **6 DEVELOPMENT APPLICATIONS**

### **6.1 24/0923 for Demolition of Existing Dwelling Houses and Ancillary Structures, Construction of a Multi Dwelling House and Tree Removal, at 6 – 8 Kangaloon Road, Bowral (Lot 1 – DP522477 and Lot 211 DP 631550)**

**Report Author: Senior Development Assessment Planner**

**Authoriser: Michael McCabe**

#### **PURPOSE**

The purpose of this report is to consider Development Application No. 24/0923 for the Panel's consideration and recommends determination by APPROVAL.

<b>Applicant</b>	Sarah Blatchford
<b>Address</b>	6 KANGALOON ROAD BOWRAL NSW 2576 and 8 KANGALOON ROAD BOWRAL NSW 2576
<b>Landowner</b>	KANGALOON ROAD PTY LTD & FAXCOM PTY LTD & YAHSEV PTY LTD & KANGALOON B HOLDINGS PTY LTD
<b>Proposed Development</b>	<b>Demolition of two (2) existing dwelling houses and ancillary buildings, Construction of Multi Dwelling Housing Comprising Eight (8) Two Storey Dwellings and Tree removal</b>
<b>Applicants Consultants</b>	ELK Designs, JK's Graden Creations, Piper Planning
<b>Notification Period</b>	First Notification: 8 May 2024 to 7 June 2024 (30 days) Second Notification: 12 July 2024 to 11 August 2024 (30 days)
<b>Estimated Cost of Development</b>	\$2,978,731
<b>Date Lodged</b>	05 April 2024
<b>Number of Submissions</b>	First Notification: 12 in objection (none in support) Second Notification: Nil
<b>Zoning</b>	R3- Medium Density Residential
<b>Political Donations</b>	None declared
<b>Reason for Referral to Panel</b>	More than ten (10) submissions
<b>Assessment Officer</b>	Parin Kolbadi

## **OFFICER'S RECOMMENDATION**

1. **THAT the Local Planning Panel approve Development Application No. 24/0923 for Demolition of two (2) existing dwelling houses and ancillary buildings, Construction of Multi Dwelling Housing Comprising Eight (8) Two Storey Dwellings and Tree removal, at 6 – 8 Kangaloon Road, Bowral (Lot 1 – DP522477 and Lot 211 DP 631550), subject to the conditions detailed in Attachment 1 of this report.**

---

## **EXECUTIVE SUMMARY**

### **1. Executive summary**

Development Application (DA) No. 24/0923 seeks development consent for the demolition of two (2) existing dwelling houses and ancillary buildings and the construction of a two-storey multi-dwelling development with eight (8) dwellings at 6–8 Kangaloon Road, Bowral.

The DA has been referred to several technical officers within Council, including the Development Engineers, Water and Sewer Engineers and Vegetation Officer. The DA has also been referred externally to Water NSW, Endeavour Energy and Transport for NSW (TfNSW).

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Engagement Strategy. The first notification period was from 8 May 2024 to 7 June 2024 (30 days). The notification letter did not include all the property descriptions and addresses in accordance with the requirements of Council's Community Engagement Strategy. The second notification period was from 12 July 2024 to 11 August 2024 (30 days). A total of twelve (12) submissions were received from the notification / advertising process with none in support.

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is considered satisfactory for approval subject to conditions as listed in **Attachment 1**.

This DA is referred to the Local Planning Panel in accordance with the Minister's Direction as it received ten (10) or more unique submissions against the proposal.

### **2. Site Description and Locality.**

- The subject site is legally described as Lot 1 DP522477 and Lot 211 DP 631550, known as 6-8 Kangaloon Road, Bowral. The subject site is located within an urban setting, approximately 60m south-east of the Bowral Mixed Use Zone and approximately 250m south-west of the Bowral Local Centre.
- The subject site is an irregularly shaped lot with a total area of 2,693sqm.
- The subject site contains two single storey dwellings and ancillary buildings. The site displays slight topography across the building footprint. The site is not classified as Biodiversity Value Land. The vegetation on the site consists of small to medium sized shrubs and hedges with predominantly exotic trees.
- The subject site is zoned R3 Medium Density Residential under Wingecarribee Local Environmental Plan 2010.
- The subject site has a 40.24 m frontage to Kangaloon Road.
- The subject site is serviced by reticulated sewer and water. The sewer main runs through the middle of No. 6 Kangaloon Road and extends to the rear of No. 8 Kangaloon Road.
- The adjoining lands are zoned R3 - Medium Density Residential and are predominantly used for residential purposes. The adjacent sites to the north and east are characterized by multi-dwelling developments, while the site to the south features a single dwelling house with ancillary buildings. The area is experiencing a steady increase in one- and two-story multi-dwelling developments.





**Figure 1: Locality Map**  
**Source:** nearmap.com.au, 10 Oct 2024



**Figure 2 Aerial photograph of subject site**  
**Source:** nearmap.com.au, 10 Oct 2024



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

**3. Background**

<b>Date(s)</b>	<b>Action(s)</b>
05 April 2024	Development Application (DA) lodged with Council.
1 May 2024 & 2 May 2024	Council referred the DA to: <ul style="list-style-type: none"> <li>▪ Vegetation Officer</li> <li>▪ Development Engineer</li> <li>▪ Water &amp; Sewer Engineer</li> <li>▪ Water NSW</li> <li>▪ Endeavour Energy</li> <li>▪ TfNSW</li> </ul> <p>Note: Refer to Attachment 2 of this report for final referral comments.</p>
1 May 2024	Endeavour Energy provided the referral response, who raised no objections subject to conditions.
2 May 2024	Additional information requested including Water NSW: <ul style="list-style-type: none"> <li>- Please provide s3qm or MUSIC assessment for this job so we can carry out the NorBE assessment.</li> </ul>
8 May 2024 to 7 June 2024 (30 days)	The DA was advertised in accordance with Council's Community Engagement Strategy for a period of 30 days. This included notifying the owners of adjoining and affected neighbouring properties, an advertisement on Council's website and a sign on the development site in a prominent location.  The notification letter had errors as it did not include all the property descriptions and addresses.
08 May 2024	Referral response received from Council's Water & Sewer Engineer who raised no objections subject to conditions.
22 May 2024 & 24 May 2024 & 28 May 2024	Additional information requested by Development Engineer, including: <ul style="list-style-type: none"> <li>- Kangaloon Road is a State Road managed by TfNSW. It is recommended that the planner refer to TfNSW for comments and concurrence.</li> <li>- Provide an updated plan to show the swept paths of each vehicle entering and exiting each garage, specifically Unit 5 as well as simultaneous entry and exit of the site in a forward direction and should consider the movements of the largest vehicle servicing the site.</li> <li>- If the waste is to be collected privately onsite, the plan will have to show the location of the bin storage area. The swept path of the service vehicle will have to include simultaneous entry and exit of the site in a forward direction.</li> <li>- The driveway section servicing more than 3 units is to be widened to 5.5m to allow for two-way traffic movement.</li> <li>- The applicant is to provide an updated stormwater management plan to provide a centralised detention system as per Council's Engineering Design Specification.</li> </ul>
23 May 2024	Additional information requested by Transport for NSW, including: <ol style="list-style-type: none"> <li>1. Access Arrangements <ol style="list-style-type: none"> <li>a) TfNSW notes, there appears to be insufficient width within the northbound carriageway to allow for a motorist to pass a stationary right turning vehicle into the development. TfNSW required the developer to demonstrate that a motorist can turn into the site without blocking motorist entering the roundabout.</li> </ol> </li> </ol>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<b>Date(s)</b>	<b>Action(s)</b>
	<p>b) TfNSW believes the applicant needs to consider parking restrictions along the frontage of the property. This would facilitate roadside waste collection and improve safety of the proposed access.</p> <p>2. Swept Paths</p> <p>a) Swept path diagrams have not been provided to demonstrate simultaneous entry and exit of a vehicle in a forward direction.</p> <p>b) Internal swept paths have not been provided to demonstrate how each of the units will access their garages appropriately, particularly Unit 5.</p>
23 May 2024	<p>Additional information requested by Council's Development Engineer:</p> <ul style="list-style-type: none"> <li>- Kangaloon Road is a State Road managed by TfNSW. It is recommended that the planner refer to TfNSW for comments and concurrence.</li> <li>- The applicant has proposed kerbside collection for waste collection. Please note that Kangaloon Road is TfNSW Road and is requested for consideration. If TfNSW has proposed for onsite collection, please refer to development engineers.</li> <li>- Provide an updated plan to show the swept paths of each vehicle entering and exiting each garage, specifically Unit 5 as well as simultaneous entry and exit of the site in a forward direction.</li> </ul>
12 July 2024 to 11 August 2024 (30 days)	<p>The DA was re-notified in accordance with Council's Community Engagement Strategy for a period of 30 days.</p> <p>This included notifying the owners of adjoining and affected neighbouring properties, an advertisement on Council's website and a sign on the development site in a visually prominent location.</p> <p>The re-notification was conducted to ensure that all property descriptions and addresses were included in the Neighbour Notification letter</p>
15 July 2024	<p>Additional information requested by Council's vegetation officer:</p> <ul style="list-style-type: none"> <li>- Adequate soil volumes <math>\geq 30\text{m}^3</math> for medium sized trees have not been described. Reason: Council appreciates the proposal of adequate canopy coverage however the maintenance and potential infrastructure damage would be burdened by the future owners.</li> <li>- Tree positions proposed must be <math>\geq 3\text{m}</math> from the liveable dwelling. Reason: Exemptions under the SEPP allow for the removal of trees within 3m of a liveable dwelling.</li> <li>- Tree species require review for suitability. Reason: Magnolia species struggle with the Wingecarribee climate and ornamental pear trees have been proven to have branch unions with high rates of failure.</li> </ul>
15 July 2024	<p>First Request For Additional Information was uploaded by Council to the Planning Portal.</p> <p>In addition to the matters raised by Council's Development engineers, Council's Vegetation Officer, Water NSW and Transport for NSW, the following items were also requested.</p> <ul style="list-style-type: none"> <li>- <b>Adaptable Housing</b></li> </ul>

<b>Date(s)</b>	<b>Action(s)</b>
	<p>In accordance with section C3.19.2 controls, three (3) dwellings will need to be constructed to comply with Class C level of Australian Standard 4299 – Adaptable Housing. Amended plans are required to demonstrate compliance with the requirements as per C3.19 of the Bowral Town DCP.</p> <ul style="list-style-type: none"> <li data-bbox="555 517 1441 607">- <b>Height of buildings</b> Amended plans are required to show the maximum height of each unit measured from the natural ground level to the ridgeline.</li> <li data-bbox="555 645 1441 792">- <b>Floor Space Ratio</b> The submitted floor space ratio plan is not satisfactory. Amended plans are required to clearly show the GFA of each unit at each level. The GFA should be shown in accordance with the definition provided in the WLEP2010 dictionary.</li> <li data-bbox="555 831 1441 1039">- <b>Garages</b> Garages are integral parts of the dwellings and exceed 40% of the dwelling frontages. Additionally, in units 1, 2, 5, and 6, the garages are not located behind the main building façade, resulting in a dominance of garages in the visual appearance of the dwellings. Amended plans are required to demonstrate compliance with the requirement as per C 3.16 (g) of the Bowral Town DCP.</li> <li data-bbox="555 1077 1441 1317">- <b>Overshadowing</b> Shadow diagram shows that unit 8 does not comply with the requirements under section c2.5.2 (a) of Bowral Town DCP. Design to be amended to achieve the compliance. State Environmental Planning Policy (Housing) 2021 and State Environmental Planning Policy No 65—Design Quality of Residential Flat Development are not applicable to this development.  The proposed development fails to comply with the controls under section C2.5.2(d) of Bowral Town DCP. Shadow diagram shows that the development will reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings at southern and eastern boundaries and they do not receive three (3) hours of direct sunlight on June 21st. Design to be amended to achieve the compliance.</li> <li data-bbox="555 1630 1441 1906">- <b>Privacy</b> It is noted that windows and balconies on the first floor are located less than 9 metres from the adjoining units within the site. The design and location of the windows will also result in direct overlooking into adjoining dwellings and the private open spaces on the northern, southern, and western boundaries. Amended plans are required to apply privacy measures such as increasing the sill height, using privacy screens, fixed (non-openable) translucent glazing, angled external fixed louvers, etc.</li> <li data-bbox="555 1951 1441 1975">- <b>Side setbacks</b></li> </ul>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<b>Date(s)</b>	<b>Action(s)</b>
	<p>The side setback of Unit 6 will be increased to align with the side setbacks of Units 7 and 8. It is noted that this is achievable as there is enough space between Units 6 and 7.</p> <ul style="list-style-type: none"> <li>- <b>Western façade treatment</b> Unit 1 and unit 6 are identical in design and do not present a different façade to the street. Amended plans are required to demonstrate compliance with the requirement as per C 3.11 (g) of the Bowral Town DCP.</li> <li>- <b>Pedestrian access</b> Amended plans are required to demonstrate a clear and direct pedestrian access from the units to the public street as per C3.17 of the Bowral Town DCP.</li> <li>- <b>Private open space</b> Landscape plans to be amended to clearly show the POS areas for each unit.  Private open space areas should comprise a combination of hard surfaces, landscaping, and deep soil areas. It is noted that the hard surface areas of the private open space for units 3, 4, 7, and 8 are mostly dedicated to water tanks.</li> <li>- <b>Submissions report</b>  Public submissions have been made, raising issues with the proposed development, available in E-tracker. Please provide Council with a submissions report responding to each issue and/or amending your application in response to those issues. <ul style="list-style-type: none"> <li>a) Swept path diagrams have not been provided to demonstrate simultaneous entry and exit of a vehicle in a forward direction.</li> <li>b) Internal swept paths have not been provided to demonstrate how each of the units will access their garages appropriately, particularly Unit 5.</li> </ul> </li> </ul>
<p>5 August 2024 &amp; 6 August 2024</p>	<p>Additional information, including the updated plans and a response letter addressing the matters raised by Council, was provided by the applicant via the Planning Portal.</p>
<p>4 September 2024</p>	<p>Additional information requested by Council's Development Engineer:</p> <ul style="list-style-type: none"> <li>- The applicant has submitted a Water Sensitive Urban Design report justifying that a central detention system is not achievable due to the site's topography and its connection to the existing kerb inlet pit. However, this is not supported as the stormwater can be directed to the street and will have sufficient fall further down from the site. <ul style="list-style-type: none"> <li>▪ Applicant to provide an updated stormwater management plan that includes a centralised detention system in accordance with Council's Engineering Design Specification. This can be conditioned.</li> </ul> </li> <li>- The applicant has provided a statement addressing the 5.5m internal driveway requirement. However as discussed with the Coordinator of Development Engineering, a 5.5m internal</li> </ul>

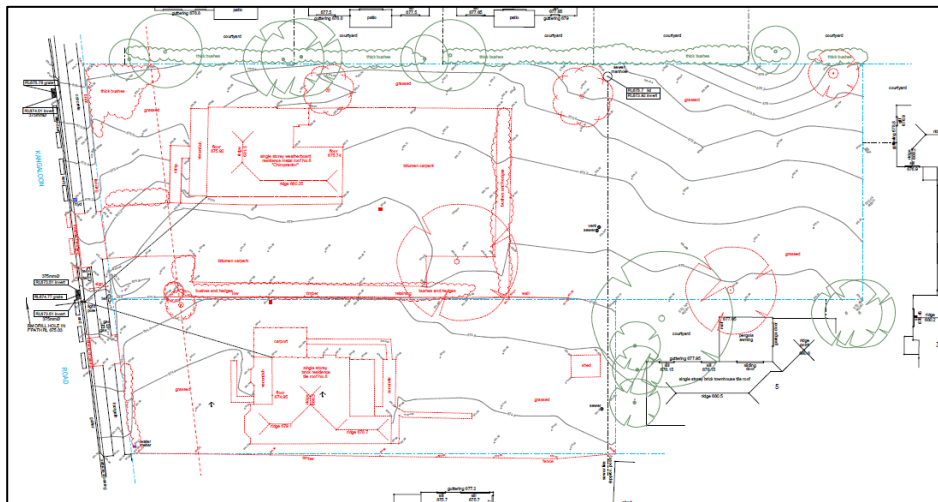
**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<b>Date(s)</b>	<b>Action(s)</b>
	<p>driveway throughout the development will be required to facilitate 2-way traffic.</p> <ul style="list-style-type: none"> <li>▪ Applicant to provide updated plans to maintain the internal driveway width 5.5m wide throughout the development, as per Council's Standard Drawing <i>SD164 – Private Road Residential Cross Section</i> for driveways servicing more than 3 lots. This will facilitate 2-way traffic.</li> </ul>
9 September 2024	<p>Additional information requested by Water NSW:</p> <ul style="list-style-type: none"> <li>- Please provide an electronic copy of the MUSIC model (.sqz file) to carry on the MUSIC assessment.</li> </ul>
10 September 2024	<p>TfNSW provided the referral response, raising no objections subject to conditions.</p>
11 October 2024	<p>Second Request For Additional Information was uploaded by Council to the Planning Portal.</p> <p>In addition to the matters raised by Council's Development engineers and Water NSW the following items were also requested.</p> <ul style="list-style-type: none"> <li>- The sill height of the following units must be increased to a minimum of 1.7 meters, or a label must be added stating that 'fixed obscure glazing will be used for any part of the window less than 1.7 meters above the floor <ul style="list-style-type: none"> <li>○ Unit 1, Unit 2, and Unit 5 on the southern internal elevation</li> <li>○ Unit 1, Unit 2, Unit 3, Unit 4 and Unit 5 on the north elevation</li> <li>○ Unit 6, Unit 7, and Unit 8 on the south elevation</li> </ul> </li> <li>- Further clarification is required regarding the overshadowing impact 12 Kangaloon Road Bowral NSW to show the compliance with the following: <p>"Any new development must not reduce the solar access currently enjoyed in living areas of adjacent dwellings so be less than 3 hours of direct sunlight on June 21<sup>st</sup>".</p> </li> </ul>
31 October 2024 & 5 December 2024	<p>Additional information, including the updated plans addressing the matters raised by Council, was provided by the applicant via the Planning Portal</p>
7 November 2024	<p>Referral response received from Council's vegetation officer who raised no objections subject to conditions.</p>
11 November 2024	<p>Water NSW provided concurrence with conditions.</p>
3 December 2024	<p>Referral response received from Council's Development Engineer who raised no further concerns and provided recommended conditions.</p>

**4. Proposed Development**

The proposal involves the demolition of two (2) existing dwelling houses and ancillary buildings and the construction of a two-storey, 8-unit multi-dwelling housing development. This comprises of four x 4-bedroom units and four x 3-bedroom units at 6–8 Kangaloon Road, Bowral.

Further to this the development application seeks development consent for the removal of ten (10) trees from the site. Landscaping will be provided as part of the works. Minor earthworks including cut and fill to a maximum depth of 700mm are also proposed.



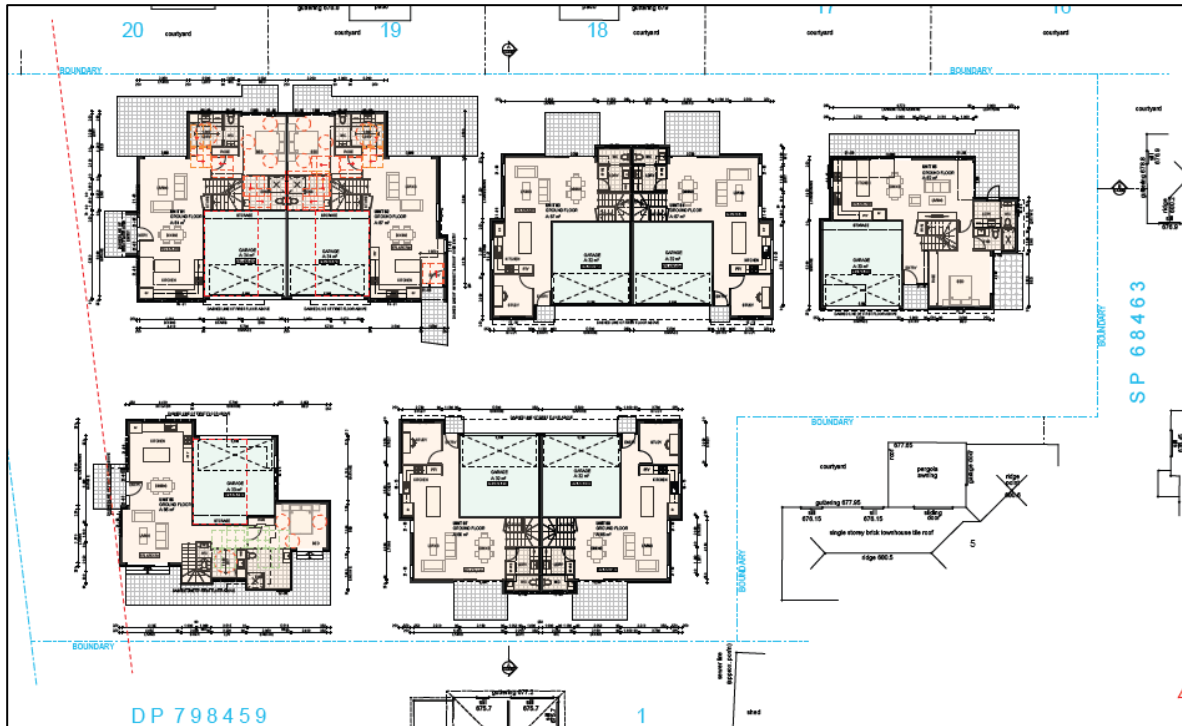
**Figure 3: Demolition Plan**  
**Source: ELK designs**



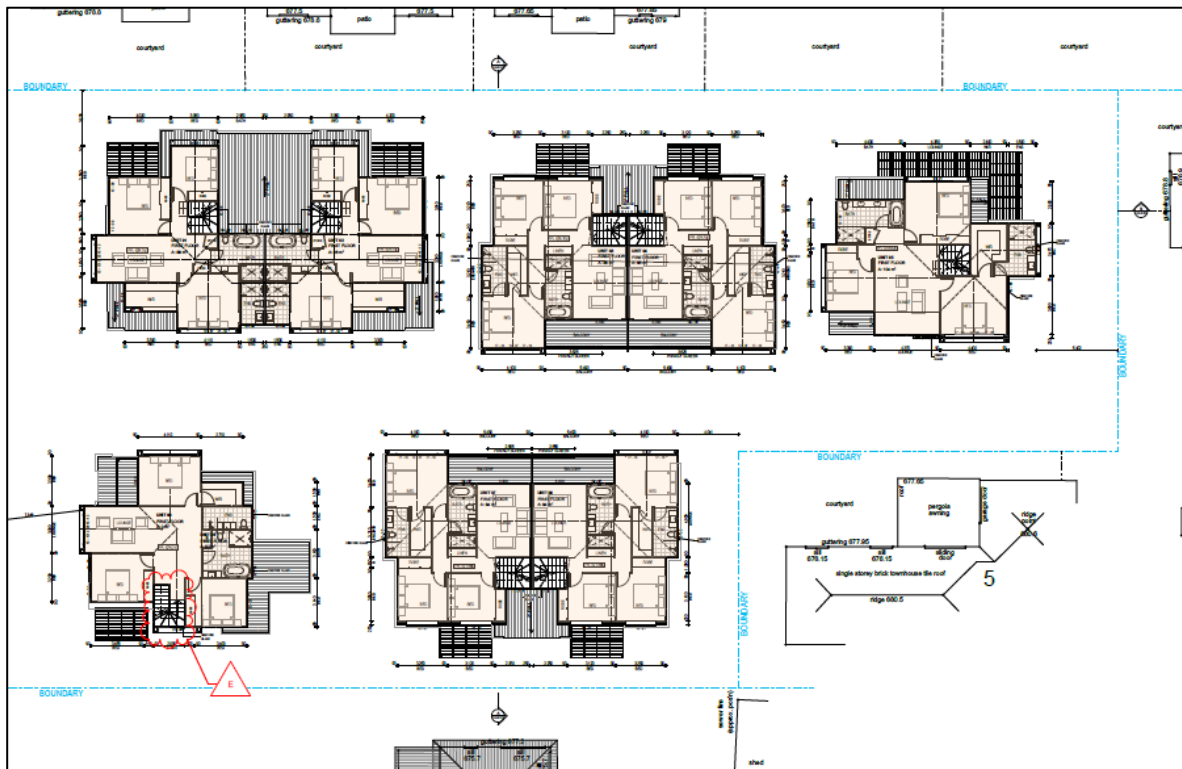
**Figure 4: Site Plan**  
**Source: ELK designs**



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



**Figure 5: Ground Floor Plan**  
**Source: ELK designs**



**Figure 6: First Floor Plan**  
**Source: ELK designs**

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



**Figure 7:** Elevation Plans  
**Source:** ELK designs



**Figure 8: Section Plans**  
**Source: ELK designs**



VIEW FROM KANGALOON ROAD



VIEW FROM KANGALOON ROAD

**Figure9: 3D Views**  
**Source: ELK designs**





**Figure 10:** Existing dwelling at No.6 Kangaloon Rd  
**Source:** Site inspection, 23 August 2024



**Figure 11:** View towards the northern adjoining site, looking from No. 6 Kangaloon Rd  
**Source:** Site inspection, 23 August 2024





**Figure 12:** Existing dwelling at No.8 Kangaloon Rd  
**Source:** Site inspection, 23 August 2024



**Figure 13:** Existing shed at No.8 Kangaloon Rd and view towards the southern and eastern adjoining site, looking from No. 8 Kangaloon Rd  
**Source:** Site inspection, 23 August 2024

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

**5. Notification**

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Engagement Strategy. The first notification period was from 8 May 2024 to 7 June 2024 (30 days). Council's notification letter did not include all the property descriptions and addresses, as required. Subsequently a second notification period from 12 July 2024 to 11 August 2024 (30 days) was undertaken. A total of twelve (12) submissions were received from the notification / advertising process, none of which were in support of the proposal

The following issues were raised in the submissions and have been addressed as outlined in the assessment officer comments below

<b>Issue</b>	<b>Assessment Officer Comments</b>
Stormwater Management	<p>The submissions have raised concerns that the proposed development will result in additional stormwater runoff and flooding affecting the adjoining houses.</p> <p>In response, Council's development engineers conducted a review of the application and raised no objections, subject to the inclusion of appropriate conditions. The applicant's concept stormwater management plan outlines a drainage strategy connecting to Council's existing kerb inlet pit, which is considered satisfactory approach, provided certain conditions are met. These conditions include the implementation of an underground centralized onsite detention (OSD) system, which has been incorporated as a condition of consent, along with the requirement for further Section 68 applications.</p>
Site Isolation	<p>The submissions raised concerns that the proposed development will result in site isolation for the property at No. 12 Kangaloon Road.</p> <p>In response, it is noted that site isolation occurs when a site is too small to be developed independently and there are no adjacent or contiguous properties available for future amalgamation.</p> <p>The proposed development will not result in site isolation of the adjoining property at No. 12 Kangaloon Road, as the size of the land (1071 sqm as per the deposit Plan) allows for future independent development. Additionally, there is the potential for amalgamation with adjacent properties at 2A and 2B, which are currently occupied by single dwellings.</p> <p>Council is satisfied that future development or amalgamation remains a viable option for No. 12 Kangaloon Road.</p>



<p>Overshadowing and overlooking</p>	<p>The submissions raised concerns that the proposed development will result in unreasonable overshadowing and overlooking of neighbouring properties to the north, east, and south.</p> <p>In response, due to the east-west orientation of the site, overshadowing of the southern and eastern properties must be considered. The submitted shadow diagram demonstrates sufficient solar access to these properties, with each adjoining property receiving a minimum of 3 hours of solar access midwinter, in compliance with the Bowral DCP requirements.</p> <p>Regarding overlooking, the initial design and placement of windows and balconies on the first floor could have resulted in direct views into adjoining dwellings including private open spaces along the northern, southern, and western boundaries. A request for amendments to the plans to the applicant, was issued to address privacy concerns towards neighbouring properties.</p> <p>Upper-level windows of Units 1-5, located within 9 meters of the northern boundary, are bedroom windows (with no overlooking issues from high-usage living areas). These have now been revised to include a sill height of at least 1.7 meters above the floor level, or obscure glass in any part of the window less than 1.7 meters from the floor, in accordance with Bowral DCP requirements.</p> <p>Regarding overlooking towards No. 5/2 Martha Street, located to the eastern boundary, the only window facing that direction is a bathroom window, which features obscure glazing. The amended plans also removed the southern-facing first-floor balcony of Unit 5, incorporated screening and obscure glazing, effectively eliminating any overlooking towards the neighbouring property at No. 5/2 Martha Street.</p> <p>Regarding overlooking towards No. 12 Kangaloon Rd, located to the southern boundary, the upper-level windows of Units 6- 8, are either bedroom windows (with no overlooking issues from high-usage living areas) or void area windows for light purposes. The windows have now been revised to include a sill height of at least 1.7 meters above the floor, or obscure glass in any part of the window less than 1.7 meters from the floor, in accordance with Bowral DCP requirements.</p> <p>Adequate boundary setbacks have been incorporated into the development to minimize the risk of overlooking at the ground floor. The proposal also includes minor earthworks, with</p>
--------------------------------------	--

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

	<p>the change in the finished floor level ensuring that no overlooking occurs at the ground level. Furthermore, the proposed 1.8-meter-high Colorbond boundary fence will effectively prevent overlooking of adjoining properties, while landscaping, including strategic screen planting, will enhance privacy and provide additional screening.</p> <p>In summary the design amendments including repositioned window openings, balconies, and use of obscure glazing now ensure that privacy for principal living areas and private open spaces is maintained for all residents.</p>
<p>Incompatibility with the established character and context of the locality</p>	<p>The submissions raised concerns regarding the bulk, scale, number of storeys, and architectural style of the development, noting that it bears no resemblance to the traditional/heritage character of Bowral.</p> <p>The site is zoned R3 – Medium Density Residential, where multi-dwelling developments are permissible with consent. The Bowral DCP permits two-storey developments within this zone. The proposal is considered to be consistent with both WLEP 2010 and Bowral DCP objectives for this form of development.</p> <p>The surrounding area is undergoing a gradual transition from detached dwellings to one- and two-storey medium-density developments. The proposed development aligns with the Bowral DCP’s requirements for building height, bulk and scale.</p> <p>The site is not listed as a heritage item and is not located within a heritage conservation area. The architectural style and materials used in the proposed development are not inconsistent with the design of newer multi-dwelling developments in the locality and do not include any prohibited materials as specified in the DCP.</p>
<p>Vegetation removal and impact on wildlife habitat and lack of Landscaping</p>	<p>The site is not classified as Biodiversity Value Land, and the vegetation consists mainly of small to medium-sized shrubs and hedges, predominantly of exotic trees.</p> <p>An Arboricultural Impact Assessment, dated December 2023, was submitted with the application. It indicates that the removal of ten (10) trees is necessary for the development, none of which are considered significant. Council’s vegetation officer has raised no objections to the tree removal, subject to conditions.</p>

	<p>A landscape plan was also provided, which required minor revisions. The original tree positions were too close to the proposed dwellings and some species were unsuitable for the local climate. Amended plans were submitted addressing these issues and are now considered satisfactory. Additionally, a condition has been imposed to require compensatory tree planting, including three (3) canopy trees positioned in front of dwelling Unit1 and two (2) canopy trees in front of dwelling unit 2. The development also complies with the landscaped open space requirements under the Bowral DCP.</p>
<p>Traffic impact and harmful noise level</p>	<p>The application initially lacked sufficient information regarding swept path diagrams, parking restrictions along the property frontage, and assurances that motorists could access the site without obstructing traffic entering the nearby roundabout. In response, the applicant submitted additional details, including a response letter prepared by PDC Consultants, Traffic Engineers.</p> <p>Following a review of the supplementary information, Council's Development Engineer and Transport for New South Wales (TfNSW) raised no objections to the proposed medium-density development, subject to the inclusion of appropriate conditions.</p> <p>Furthermore, the proposed multi-dwelling houses are not expected to result in adverse noise impacts, as they are consistent with the residential use/character of the surrounding properties. A condition has been imposed to mitigate noise impacts from any mechanical plant associated with the dwelling houses.</p>
<p>View distribution towards the south (trees-leafy green vistas) and west</p>	<p>In response to concerns raised by neighbours regarding the potential impact of the proposed two-storey development on their views, it is important to note the control for Views and Vistas under Bowral DCP. It prioritises protecting views that are of public benefit, such as those contributing to the broader scenic or environmental character of the area.</p> <p>In this case, the views affected are private and do not fall under the category of key public views or vistas. Furthermore, the urban setting inherently allows for the development of two-storey dwellings, which are consistent with the existing built form and zoning provisions in the area.</p>

**6. Relevant Environmental Planning Instruments**

**6.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 Remediation of land

The aim of Chapter 4 of SEPP (Resilience and Hazards) 2021 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.

Chapter 4 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

It is noted that the NSW list of contaminated sites and list of notified sites published by the EPA does not identify the site as being contaminated, nor has previous record of contamination in Council's system. Past air photos do not suggest that the subject land was used for any contaminating activities. On this basis, it can be concluded that the land is not potentially contaminated and therefore no further assessment of contamination is required.

**6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2 Vegetation in non-rural areas

Chapter 2 of SEPP (Biodiversity and Conservation) 2021 contains provisions replacing the former SEPP (Vegetation in Non-Rural Areas), and the aims are (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This Chapter includes Parts relating to Clearing Vegetation in Non-Rural Areas (Part 2.2); Council Permits for Clearing Vegetation in Non-Rural Areas (Part 2.3); and Approval of Native Vegetation Panel for Clearing Native Vegetation in Non-Rural Areas (Part 2.4).

The application was accompanied by an Arboricultural Impact Assessment, prepared by Arboriculture Impact Assessment dated Dec 2023. Based on the plans, ten (10) trees are proposed to be removed for the purpose of the development. These trees are not significant trees to the site. No objection is raised to the proposed tree removal within the site by Council's vegetation officer subject to conditions, including the requirement for five (5) compensatory tree planting,

Chapter 6 Water catchments

The site is within the Sydney Catchment and therefore this SEPP is applicable to the assessment of the application. The application is a Module 5 development for the purposes of the Neutral or Beneficial Effect (NorBE) on Water Quality Assessment Guideline and therefore required referral for Water NSW concurrence. Water NSW issued concurrence on 11 November 2024 subject to conditions.

**6.3 State Environmental Planning Policy (Sustainable Buildings) 2022**

The development is subject to BASIX requirements. The application includes a valid BASIX certificate.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

**Chapter Two: Infrastructure**

Section 2.48 of the Transport and Infrastructure SEPP requires the consent authority to give written notice to the electricity supply authority for the area where the development is planned, inviting comments about potential safety risks. It also mandates that any responses to the notice be taken into consideration. Since the proposed development is within 5m of an exposed overhead electricity power line, Council has notified Endeavour Energy. Endeavour Energy has provided the advice letter (CNR-68340). A condition of consent will be included in the Notice of Determination that the applicant must consider the Energy Service Provider Requirements.

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

**6.3 Wingecarribee Local Environmental plan 2010 (WLEP)**

The land is in Zone R3 Medium Density Residential and Multi dwelling housing is permitted with consent in Zone R3.

An assessment of the proposal against the relevant sections of the LEP follows:

<b>Clause</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>1.2 – Aims of the Plan</b>	<i>In accordance with Clause 1.2(2)</i>	The development is generally consistent with the aims of the plan, which will be discussed in this report.	Yes
<b>1.4 – Definitions</b>	<p><i>Definitions refer to the Dictionary at the rear of the LEP document.</i></p> <p><i>Proposal has been lodged as a “multi-dwelling housing development” which is defined as follows:</i></p> <p><b>multi dwelling housing</b> means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.</p>	The proposed development is consistent with the definition of “multi-dwelling housing”.	Yes
<b>2.3 Zone Objectives and land use table</b>	<ul style="list-style-type: none"> <li>- <i>To provide for the housing needs of the community within a medium density residential environment.</i></li> <li>- <i>To provide a variety of housing types within a medium density residential environment.</i></li> <li>- <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul>	<ul style="list-style-type: none"> <li>- The provision of 8 dwellings supports a housing typology that aligns with the objectives of the R3: Medium Density Residential zone.</li> <li>- The proposal provides housing in the form of three- and four-bedroom units, contributing to the variety desired in the R3: Medium Density Residential zone.</li> <li>- The proposal involves residential land uses and therefore is not relevant to this application</li> </ul>	Yes
<b>2.7 Demolition</b>	Prescribes requirements for demolition	The application includes demolition of the two (2) existing dwellings and ancillary buildings.	Yes
<b>4.3 Height of Buildings</b>	N/A – there is no height of building control specified for this site under the WLEP.	Refer to DCP assessment below	N/A
<b>4.4 Floor Space Ratio</b>	N/A – there is no floor space ratio control specified for this site under the WLEP.	Refer to DCP assessment below	N/A

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<b>Clause</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>4.6 Exemptions to development Standards</b>	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard.	The application is not seeking an exemption to a development standard.	N/A
<b>5.10 Heritage Conservation</b>	Development consent is required for the following: (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior (c) disturb or excavate an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land which is a heritage item or that is in a heritage conservation area, (f) subdividing land which is listed as a heritage item or that is in a heritage conservation area (HCA).	The site is not an item and does not adjoin any heritage items. It is also not within a HCA.	N/A
<b>5.21 Flood planning</b>	Prescribes requirements for Flood Prone Lands	The site is not identified as being in the flood planning area according to Council's mapping	N/A
<b>7.1 Development on existing lots in Zones R2, R3 and R5</b>	<i>(1) This clause applies to lots in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and R5 Large Lot Residential that were created before the commencement of this Plan and—</i> <i>(a) have an area that is at least the minimum lot size specified for that lot on the Lot Size Map, or</i> <i>(b) on which the erection of a dwelling house was permissible</i>	This clause applies to the development as the site is zoned R3 Medium Density Residential and has an area that is at least the minimum lot size specified for that lot on the lot size map.  The proposed development is permissible in the zone.	Yes



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Clause	Control	Assessment	Compliance
	<p><i>immediately before that commencement, or</i></p> <p><i>(c) if located in Zone R2 Low Density Residential at Hill Top, have—</i></p> <p><i>(i) an area of not less than 700 square metres, and</i></p> <p><i>(ii) a width of not less than 20 metres at the front alignment of the dwelling house, or</i></p> <p><i>(d) if located in R5 Large Lot Residential west of Cumberteen Street, Hill Top, have an area of not less than 4,000 square metres.</i></p> <p><i>(2) Despite any other provision of this Plan, development consent may be granted for the erection of a dwelling house, dual occupancy development or multi dwelling housing on a lot to which this clause applies, if the development is permissible with consent on the land.</i></p> <p><i>(3) Development consent may only be granted under this clause for development on lots referred to in subclause (1)(d) if the lots, in the opinion of the consent authority, are suitable for such a purpose having regard to—</i></p> <p><i>(a) the availability of vehicular access to the land, and</i></p> <p><i>(b) the availability of public utility services to the land, and</i></p> <p><i>(c) the physical, geotechnical, drainage, flooding and bush fire risk characteristics of the land.</i></p>		
<b>7.3 Earthworks</b>	<p><i>To ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.</i></p>	<p>The proposed development involves minor earthworks, with a maximum cut of 600mm and a maximum fill of 700mm, and is considered satisfactory.</p>	<p>Yes</p>

**7. Development Control Plans and Policies**

**7.1 Bowral Town Plan Development Control Plan (DCP)**

The Bowral Town Plan DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the Bowral Town Plan DCP are addressed below.

<b>Section</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>Part A – Applies to all land within Bowral</b>			
<b>A2.2.2 Urban Function</b>	In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Urban Function objectives: (a) Improvement of traffic and parking management within the town. (b) Minimisation of vehicular and pedestrian conflicts. (c) Provision of a safe and accessible network of pedestrian links throughout the town. (d) Improvement of connections to public transport facilities.	Transport for NSW has no objections to the proposed development subject to conditions of any consent granted.  Overall, the proposal has demonstrated consistency with the objectives of the control relating to traffic and parking management within Bowral, while also minimising vehicular conflicts. The proposed development results in a safe outcome for vehicles and pedestrians external to the site, subject to conditions.	Yes
<b>A2.2.3 Heritage Conservation</b>	In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Heritage Conservation objectives: (a) Preserve and protect buildings of heritage and cultural value. (b) Ensure that redevelopment immediately adjacent to buildings of heritage or cultural value in no way detracts from the visual quality or amenity of heritage buildings. (c) Ensure that redevelopment within or immediately adjacent to Conservation Areas reflects the high heritage value of the Area and contributes to that value.	The proposal is not located within a heritage conservation area nor located adjacent to an item of local heritage significance.	Yes

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Section	Control	Assessment	Compliance
<p><b>A.2.2.4 Residential Amenity</b></p>	<p>In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Residential Amenity objectives:</p> <p>(a) Conserve the unique characteristics of existing residential areas of the Bowral township.</p> <p>(b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.</p> <p>(c) Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products wherever possible.</p> <p>(d) Contribute to the enhancement of the urban amenity</p> <p>(e) Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.</p>	<p>The proposal provides a suitable level of residential amenity. Its design aligns with the desired future medium-density streetscape and neighbourhood character, without adversely affecting the unique characteristics of the area. The proposal includes sustainable principles through compliance with BASIX requirements and will not cause light spill that would adversely impact surrounding residents.</p>	<p>Yes</p>
<p><b>A2.2.5 Residential Diversity</b></p>	<p>In assessing a land use application, Council will consider the extent to which the proposal contributes to the achievement of both zone objectives and the following Residential Diversity objectives:</p> <p>(a) Promote a mix of housing types to increase residential choice within the town, particularly around bus and rail connections.</p> <p>(b) Encourage appropriate site amalgamation and redevelopment to provide a range of residential opportunities throughout the town.</p>	<p>The proposal will contribute to housing choice in the emerging medium density context and includes appropriate site amalgamation.</p> <p>The proposal has adequately considered these objectives.</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<b>Section</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>A2.2.6 Visual Amenity</b>	In particular, all new development should: (a) Demonstrate an appreciation of the existing streetscape. (b) Enhance the character of individual streets within the town through appropriate built form design. (c) Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.	The building design responds to the existing streetscape in terms of setbacks and orientation and provides for a form that is appropriate to the desired medium density character of the area.  It is considered that the proposal has adequately considered these objectives.	Yes
<b>A2.2.7 Public Views and Vistas</b>	In assessing a land use application, Council will consider the extent to which the proposal contributes to the protection of public views and vistas.	The site does not contain any public view and vistas and the proposed development will not diminish any adjoining property public view and vistas. The proposed development is consistent with this direction.	Yes
<b>A2.2.8 Environmental Sustainability</b>	In assessing a Development Application, Council will consider the following Environmental Sustainability objectives: (a) protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality. (b) no net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality. (c) Encourage on-site tree plantings which enhance the environment and provide additional wildlife habitat and connectivity of habitat (d) Maintain and enhance existing public open space areas (e) Practical incorporation of the principles of ecologically sustainable development into the development (f) Ensure that buildings are 'energy smart' and meet all BASIX requirements.	The proposed development will not remove threatened species. The application included an Arboricultural Impact Assessment report, which was reviewed by Council's vegetation officer. The findings of the arborist's report were supported, justifying the removal of all site trees (10) due to a combination of factors, including low retention value, classification as weed species, location within the building footprints of the dwellings, poor health and condition, or their insignificant size or type.  The application included a landscape plan, which required minor adjustments to address a few issues. The proposed tree positions were less than 3 meters from the dwellings and some tree species were unsuitable for the Wingecarribee climate. However, amended plans were submitted, addressing these concerns, and were subsequently considered satisfactory. Additionally, a condition has been imposed to require five (5) compensatory tree planting.	Yes

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Section	Control	Assessment	Compliance
		<p>The proposed development reflects an efficient use of resources as the dwellings will be constructed to meet energy saving/BASIX standards/targets.</p> <p>The proposed development will not result in the disturbance of any riparian or wildlife corridors.</p> <p>Overall, it is considered that the proposed development has adequately considered the Environmental Sustainability objectives.</p>	
<p><b>A4.3 Development in Sydney's Drinking Water Catchments</b></p>	<p>In order to implement Objective (b) above, Council requires compliance with all aspects of the SEPP as they apply to the particular development. Applicants are advised to acquaint themselves with the SEPP as it relates to their development.</p> <p>a) All development shall incorporate WaterNSW's current recommended practices (or equivalent standards and practices) which represent best industry or development practice in terms of maintaining water quality.</p> <p>b) All development shall address water quality to achieve one of the following alternative outcomes as appropriate to the development:</p> <p>i. The development shall have no identifiable potential impact on water quality,</p> <p>ii. f (i) above is not viable, any identified impact shall be contained on the site to prevent it from reaching any watercourse, water body or drainage depression.</p> <p>iii. If (i) or (ii) above are not viable, any identified impact beyond the site shall be managed by transfer to an appropriate facility for treatment and disposal to the required standard approved by Council.</p> <p>c) Development involving unsewered subdivisions and larger multi-dwelling proposals,</p>	<p>The site is located within the Sydney Drinking Water Catchment and therefore Chapter 6 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP) is applicable to the assessment of the application.</p> <p>The application was referred to Water NSW for concurrence, which confirmed that the proposed development complies with the requirement to achieve a neutral or beneficial effect (NorBE) on water quality, subject to the inclusion and implementation of appropriate conditions in the development consent.</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Section	Control	Assessment	Compliance
	<p>large earthworks, designated development or development may result in WaterNSW imposing specific conditions to ensure a neutral and beneficial impact on water quality. If WaterNSW is not satisfied a neutral and beneficial impact on water quality can be achieved, concurrence will be withheld and Council will not be able to approve the development.</p>		
<p><b>A4.4 Water Cycle Management Strategy</b></p>	<p>Modelling using the Small-scale Stormwater Quality Model. Conceptual erosion and sediment controls to be applied during construction.</p>	<p>Should the DA be approved, conditions of consent are recommended.</p>	<p>Yes – subject to conditions being met</p>
<p><b>A4.5 Stormwater Management Plan</b></p>	<p>A Stormwater Management Plan report will be required by Council for all development that will result in:</p> <ul style="list-style-type: none"> <li>a) An increase in the impervious area of the site, or</li> <li>b) A change in the direction of overland flow</li> </ul> <p>The intent of the Stormwater Management Plan is to demonstrate that ‘post development’ overland water flows will not exceed ‘pre development’ flows in terms of:</p> <ul style="list-style-type: none"> <li>a) Volume,</li> <li>b) Quality (including nutrient content), and</li> <li>c) Direction,</li> </ul>	<p>The proposed development will increase the total area of impervious surface across the site.</p> <p>Stormwater plans have been prepared and assessed by Council’s Development Engineer. Overall, the proposal is considered satisfactory subject to the conditions which are proposed for the consent should the DA be approved.</p>	<p>Yes – subject to conditions being met</p>
<p><b>A4.6 Erosion and Sediment Control Plans</b></p>	<p>Where building or earthworks are proposed, an Erosion &amp; Sediment Control Plan must be provided to Council. Plans and all associated works must meet the Neutral or Beneficial Effect test and the water quality objectives using Current Recommended Practices contained in the State Environmental Planning Policy (Sydney Drinking Water Catchment 2011).</p>	<p>Standard conditions of consent managing erosion and sediment control are recommended should the DA be approved.</p>	<p>Yes – recommended conditions have been added to address this requirement</p>



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<b>Section</b>	<b>Control</b>	<b>Assessment</b>	<b>Compliance</b>
<b>A4.7 Water Sensitive Urban Design</b>	<p>a) All development within the Shire is to utilise potable water efficiently. For residential dwellings, including houses and units, the requirements of BASIX ensures the development complies with NSW planning requirements to conserve water.</p> <p>b) Development should not occur within riparian buffer zones outlined in Wingecarribee Shire Council Local Environment Plan 2010 (Clause 7.5 Natural Resource Sensitivity – Water and related maps) and vegetation within the riparian buffer distances is to be maintained and intact.</p> <p>c) All development within the shire must comply with the requirements of SEPP (Drinking Water Catchment) 2011 to ensure water quality exiting a site post development achieves a neutral or beneficial effect (NorBE) in comparison to predevelopment water quality runoff.</p> <p>d) All developments within the Shire shall be designed in accordance with the WSUD part of Council's Engineering Design and Construction Specifications.</p>	<p>A satisfactory BASIX certificate accompanies the DA.</p> <p>The proposed development is not impacted by Clause 7.5 – Natural Resource Sensitivity.</p> <p>Chapter 6 of the <i>SEPP (Biodiversity and Conservation) 2021</i> has been addressed under section A4.3.</p>	Yes
<b>A5.4 Controls for General Development</b>	This sub-section details the controls that apply to general development (excluding fencing) on flood liable land other than land affected only by local overland flooding. The development controls are graded relative to the severity and frequency of the potential floods based on the findings of the Bowral Floodplain Risk Management Plan.	The subject site is not identified as being within the flood planning area under Council's mapping.	N/A
<b>A5.6 Controls for Overland Flow</b>	The effects of overland flow, also defined as local overland flooding, are to be assessed in the same manner as mainstream flooding. In addition there are other specific considerations as outlined below.	As above.	N/A

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Section	Control	Assessment	Compliance
<p><b>A6.2 Private Landscaped Open Space</b></p>	<p>In order to meet these objectives, Council shall not grant consent to the carrying out of development on any land within Bowral unless:</p> <p>a) A Landscape Plan, prepared by a person who is, in the opinion of Council, suitably qualified to prepare such a plan, indicating the location of proposed plantings and the botanical names of proposed plant species. The level of detail required will be determined by the type of development and size of the allotment.</p> <p>b) Notwithstanding subclause (a) above, unless the development affects an Item of Heritage, is within the vicinity of an Item of Heritage, or is within a Heritage Conservation Area, a Landscape Plan will not be required for private landscaping associated with detached dwelling development, however such landscaping should seek to meet the objectives of A5.2.1 above.</p> <p>c) Landscape plantings will not overshadow neighbouring properties or block solar access.</p> <p>d) Particular provision is made for the landscaping of uncovered parking areas, with adequate screening from the street where appropriate.</p> <p>e) All plantings are sufficiently advanced to provide an immediate landscaping effect.</p> <p>f) Provision is made to ensure that adequate landscape management systems are available to ensure that plantings can be properly maintained to allow them to not just survive, but flourish.</p> <p>g) Adequate arrangements have been made for the restoration of the area of any public space, including a public footpath, pedestrian plaza adjoining the proposed development to the extent that such area has been damaged by the development.</p> <p>h) Where no street tree is currently in the footpath or verge</p>	<p>Landscaping has been considered within C3.15 and is considered acceptable.</p> <p>The provisions of this control are replicated in the detailed assessment undertaken in C3.15.</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Section	Control	Assessment	Compliance
	<p>area adjoining the site, a street tree compatible with the predominant street tree species in the street is provided at the applicant's expense. This will assist in softening the appearance of new development while also improving the aesthetic appeal of the public space.</p>		
<p><b>A7.3 Site Analysis</b></p>	<p>Every land use application which involves significant alteration to the site whether through development of currently vacant land, extensive renovation of an existing building, or demolition, must be accompanied by an appropriate Site Analysis Report. The Site Analysis Report shall comprise: a) A Site Analysis Drawing, identifying the following site features [refer to DCP for full details] b) A written statement explaining how the site conditions have been interpreted into the design principles that guide the new development.</p>	<p>A site analysis drawing has been provided identifying the required features.</p>	<p>Yes</p>
<p><b>A7.4 Cut and Fill</b></p>	<p>a) Where the cut and fill objectives cannot be met, the development must be stepped in order to accommodate the contours of the site. b) Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 wsc.nsw.gov.au (Earthworks) of Wingecarribee Local Environmental Plan 2010.</p>	<p>The proposed development requires minor site preparation works to facilitate the development as no basement works are proposed. These works are not foreseen to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding the site.</p> <p>The earthworks proposed are not inconsistent with the objectives of Clause 7.3 of the Wingecarribee LEP.</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

Section	Control	Assessment	Compliance
<p><b>A7.10 New Development within the vicinity of Heritage items</b></p>	<p>In considering a development application within the vicinity of Items of Heritage, Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that the development shall:</p> <p>a) remain compatible with the average height, bulk and scale of buildings located on adjoining or nearby land and be adequately set back to ensure that heritage items and other significant buildings in the streetscape are not dominated by new or infill development.</p> <p>b) seek unification with existing built forms on adjoining or nearby land, by ensuring respect for and compatibility with architectural elements including:</p> <p>(i) the existing building line,  (ii) brickwork styles,  (iii) parapet style and rhythm,  (iv) window and door opening dimensions, proportions and spacing, (v) fenestration treatment,  (vi) roof form and treatment,  (vii) materials and finishes.</p>	<p>As discussed, the site is not located in a heritage conservation area nor within vicinity of a heritage item. The nearest heritage item is located over 100m away from the development site. The separation to the heritage item means the development is unlikely to result in any adverse impact on the significance or integrity of the heritage item.</p>	<p>Yes</p>
<p><b>8.4 Safer By Design Evaluation &amp; Specific Design Requirements</b></p>	<p>a) <i>Well-defined building entrances which are clearly visible from the street. Narrow or splayed entrances are preferable to deep-set entrance ways.</i></p> <p>b) <i>Internal spaces must be open and visible, eliminating hidden corners.</i></p> <p>c) <i>Walkways and connecting paths must be open with good visibility.</i></p> <p>d) <i>Signs and vegetation should be located so that they do not create 'entrapment' points where people are hidden from view.</i></p> <p>e) <i>On-site garaging must provide clearly defined exit points and be lit at night, both inside the garaging and around</i></p>	<p>The proposal has adequately considered these objectives and incorporates satisfactory building entrances for each of the units. Additionally, vegetation is proposed in a manner that complements the built form while maintaining good visibility of the subject site.</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

Section	Control	Assessment	Compliance
	<p><i>the entrance/exit points. Such lighting should be movement-activated lighting that focusses on the access areas.</i></p> <p><i>f) Building entrances, walkways, connecting paths and garaging must be well lit in accordance with the provisions of Section A8 of this Plan to ensure that such lighting is down-ward focussed and effective without generating glare or annoyance beyond the area being lit.</i></p>		
<b>Part C - Provisions applicable Residential-zoned land</b>			
<b>C1.5 Height of Buildings</b>	<p>(a) For single (1) storey development, six (6) metres.</p> <p>(b) For two (2) storey development, nine (9) metres.</p>	The proposed two-storey development has a maximum height of 8.7 meters, thereby complying with this requirement.	Yes
<b>C1.6 Building Materials</b>	<p>All applications for residential development must comply with the following controls:</p> <p>(a) The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent.</p> <p>(b) A detailed exterior colour scheme must be presented to allow Council to assess the proposed colours against the existing streetscape.</p>	<p>Zincalume is not proposed.</p> <p>An exterior colour scheme has been submitted and is appropriate. The use of white external cladding, austral bricks, and timber battens, as well as oak timber cladding results in a compatible development form within the streetscape. An extract from the architectural plans is provided below to show the streetscape presentation of the proposed development</p>	Yes



**Figure 14:** Streetscape Perspective from DA Plans prepared by Elk Designs

Each facade features varied cladding treatments and window designs, with a cohesive light and neutral material palette. The design of the roof pitch, fenestration, and facades are considered satisfactory. The building's articulation and the offset alignment of the footprints enhance visual interest along the development.

<p><b>C1.7 Infill Development on Difficult Lots</b></p>	<p>Some development sites in Bowral are suitable for infill development but offer significant challenges for appropriate design and building. In order to fulfil Council's objectives of encouraging infill development, it is appreciated that the controls within the DCP may need to be relaxed to allow any development at all to occur on a site.</p>	<p>The subject site offers a favorable area and shape, which makes it suitable for development. The site's characteristics provide a foundation for potential infill development.</p>	<p>Yes</p>
<p><b>C3.2 Site Amalgamation &amp; Minimum Frontage requirements</b></p>	<p><i>Council shall not grant consent to the carrying out of multi dwelling development unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that it:</i></p> <p><i>(a) Has at least 25 metres of site frontage to a public street or other appropriate public place;</i></p> <p><i>(b) Does not unreasonably compromise the development potential of adjoining allotments;</i></p> <p><i>(c) Allows for an acceptable level of amenity for residents and neighbours of the proposed development at the density proposed.</i></p>	<p>(a) The site displays a consolidated frontage width of 40.24m to Kangaloon Road to the west.</p> <p>(b) The proposed development does not unreasonably compromise the development potential of adjoining allotments. The properties to the north and east have already been developed as multi-dwelling sites. Furthermore, the proposed development does not impact the development potential of the adjoining allotment to the south (No. 12 Kangaloon Road) or result in site isolation, as there remains ample opportunity for future development or amalgamation with adjacent properties at 2A and</p>	<p>Yes</p>

	<p><i>(d) In the case of a battle-axe block, Council will consider a street frontage of less than 25 metres provided:</i></p> <p><i>(i) the width of the block at the end of the access handle is at least 25 metres in its entirety, and</i></p> <p><i>(ii) that width is parallel to the street, and</i></p> <p><i>(iii) the area of the site provides for a development which meets the objectives and other controls contained in this section of the Plan.</i></p>	<p>2B, which are currently occupied by single dwellings.</p> <p>Generally, site isolation concerns arise when a site is too small to be developed independently and there are no adjacent or contiguous properties available for future amalgamation. However, this is not the case for No. 12 Kangaloon Road, where future development or amalgamation remains a viable option.</p> <p>(c) The design respects the scale and bulk of surrounding properties. The proposed development does not cast excessive shadows on adjacent properties, ensuring sufficient sunlight for potential future developments. Additionally, the building's windows and balconies are positioned to minimize overlooking neighbouring properties, thereby maintaining their privacy and desirability for future development.</p> <p>(d) N/A</p>	
<p><b>C3.3.2 Site Planning</b></p>	<p><i>(a) Maximises the number of dwellings that address a public street rather than internal driveways.</i></p> <p><i>(b) Maintains existing street patterns to all streets addressed by the development.</i></p> <p><i>(c) Avoids long, unbroken building forms greater than 25 metres in length.</i></p> <p><i>(d) Limits the proportion of dwellings which are more than 50 metres from a public street.</i></p> <p><i>(e) Uses landscape plantings to reduce the apparent bulk of new dwellings when viewed from the street or adjoining land.</i></p> <p><i>(f) Minimises the dominance of areas set aside for the</i></p>	<p>(a) Units 1 and 6 address the street, while the remaining units face internal driveways. The shape of the site prevents individual units from addressing the street, which is considered acceptable for a development with this density</p> <p>(b) The existing street pattern is generally maintained with acceptable development outcome.</p> <p>(c) The development is well-articulated and avoids long, unbroken building forms. The design features buildings generally constructed in pairs, with individual units for Units 5 and 6.</p> <p>(d) Units 4 and 5 are situated 55 meters and 73 meters, respectively, from the street due to the shape of the lot. This configuration is unavoidable given</p>	<p>Satisfactory - Proposal is general compliant and is acceptable on merit where not strictly compliant.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

	<p><i>vehicular circulation and storage.</i></p> <p><i>(g) Ensures buildings are designed and sited so as to preserve the visual and acoustic privacy of adjoining residential development and to ensure adequate privacy of dwellings and courtyards within the proposed development.</i></p> <p><i>(h) Locates dwellings, driveways and open space so as to allow for the retention of existing natural and cultural features on the site.</i></p> <p><i>(i) Orients and configures dwellings to respond to opportunities for good solar access.</i></p>	<p>the allotment's layout and is considered acceptable.</p> <p>(e) A detailed landscape plan has been submitted which provides a variety of species and heights in vegetation which will reduce the apparent bulk of the development.</p> <p>(f) Vehicular access and parking are not overly prominent and do not dominate the streetscape.</p> <p>(g) The development is designed and sited so as to preserve a reasonable level of visual and acoustic privacy for residents within the site and for neighbours. Siting and design of buildings generally satisfactory and ensure minimal privacy impacts.</p> <p>(h) The proposal will involve tree removal as a result of the development and proposed building footprints however open space has been designed to enhance the site's natural character and provide opportunities for future landscaping that complements the existing features.</p> <p>(l) Design of proposal provides good solar access.</p>	
<p><b>C3.4 Density and Site Coverage</b></p>	<p><i>Council will not grant consent to the carrying out of medium density housing unless it is satisfied that the area and configuration of the allotment on which the development is proposed is such that:</i></p> <p><i>(a) It respects the maximum density permissible for medium density housing within the relevant sub-zone;</i></p> <p><i>(b) It limits development for the purposes of residential flat buildings to land identified in sub-zone C above.</i></p> <p><i>(c) Any proposals that seek to exceed the maximum floor space ratios set out in sub clause (a) above must demonstrate to the satisfaction of Council that despite the</i></p>	<p>The site is located in R3- C sub zone and a maximum floor space ratio of 0.6:1 is prescribed.</p> <p>The proposed overall development displays a gross floor area of 1312m<sup>2</sup> and a resultant floor space ratio of 0.487:1 and consistent with (a). The provisions of (c) do not apply as a variation is not sought.</p>	<p>Yes</p>



	<p><i>additional density, the proposed development:</i>  <i>(i) satisfies all relevant controls and guidelines;</i>  <i>(ii) will not detract from the quality of the existing streetscape or the character of the local area;</i>  <i>(iii) will not compromise the amenity of the proposed or existing dwellings.</i>  <i>(iv) Applicants undertaking residential development in a defined residential precinct must also consult the provisions of that Area for any variation to these density controls.</i></p> <table border="1" data-bbox="469 786 849 913"> <thead> <tr> <th>Sub-Zone</th> <th>Maximum floor space ratio</th> </tr> </thead> <tbody> <tr> <td>R3 - A</td> <td>0.40:1 floor space ratio</td> </tr> <tr> <td>R3 - B</td> <td>0.50:1 floor space ratio</td> </tr> <tr> <td>R3 - C</td> <td>0.60:1 floor space ratio</td> </tr> </tbody> </table>	Sub-Zone	Maximum floor space ratio	R3 - A	0.40:1 floor space ratio	R3 - B	0.50:1 floor space ratio	R3 - C	0.60:1 floor space ratio		
Sub-Zone	Maximum floor space ratio										
R3 - A	0.40:1 floor space ratio										
R3 - B	0.50:1 floor space ratio										
R3 - C	0.60:1 floor space ratio										
<p><b>C3.5 Street Presentation</b></p>	<p><i>Council requires that those dwellings in a medium density dwelling located closest to the street should maintain the same dwelling orientation as in the existing street pattern.</i></p>	<p>Units 1 and 6 face the street in a manner consistent with the existing street pattern.</p>	<p>Yes</p>								
<p><b>C3.6 Front Setbacks</b></p>	<p><i>(a) Setbacks shall be measured to the outermost projection of the building excluding balconies.</i></p> <p><i>(b) Front setbacks of new development will be consistent with those of the buildings immediately adjacent to the site and to those in the immediate vicinity.</i></p> <p><i>(c) Where properties immediately adjacent to the proposed development do not feature a consistent front setback:</i>  <i>(i) If the difference between existing front setbacks is 2 metres or greater, new buildings can adopt a setback within the range established by adjacent buildings;</i>  <i>(ii) If the difference between existing front setbacks is greater than two (2) metres, new buildings will adopt an average of the existing setbacks;</i></p>	<p>The adjoining property to the south, at 12 Kangaloon Road, has a setback of 24 meters. The adjoining property to the north, at 457-458 Moss Vale Road, has a setback of 7.8 meters.</p> <p>Along this section of Kangaloon Road (which turns into Moss Vale Road) there is a varied front setback.</p> <p>Recent developments in the area, including those at 457-458 Moss Vale Road and 2B Martha Street, Bowral, feature front setbacks ranging from 7.8 meters to 6.3 meters.</p> <p>The proposed development, with a front setback of 6.8 meters, falls within this established range, reflecting the emerging pattern of development in the area. This setback is considered appropriate, as it aligns with the anticipated character of future growth and supports the evolving streetscape.</p>	<p>Yes</p>								

	<p><i>(d) In the case where adjacent setbacks are not relevant, the minimum front setback for:</i></p> <p><i>(i) Residential flat buildings will generally be nine (9) metres</i></p> <p><i>(ii) Multi dwelling housing, other than other than residential flat buildings, will generally be eight (8) metres.</i></p> <p><i>(e) Secondary setbacks on corner blocks will be the subject of a contextual approach and will generally be half the requirement of the primary setback.</i></p> <p><i>(f) Proposals that seek to vary the front setback controls may do so only if it can be demonstrated to the satisfaction of Council that the proposed variation:</i></p> <p><i>(iii) will enhance the quality of the existing streetscape, and</i></p> <p><i>(iv) will not compromise amenity of the any proposed or existing dwellings immediately adjacent to the proposed development.</i></p> <p><i>(g) Where it is common practice in the streetscape to have some variation in the alignment of the front setback, new development should reflect this pattern.</i></p>		
<p><b>C3.7 Side Setbacks</b></p>	<p><i>(a) Setbacks shall be measured to the outermost projection of the building excluding balconies.</i></p> <p><i>(b) Side setbacks for new development will be generally consistent with those of existing development in the immediate adjacent context</i></p> <p><i>(c) Where there are inconsistent side setbacks in the immediate context of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration potential impacts on:</i></p> <p><i>(i) The character of the existing streetscape;</i></p>	<p>The side setbacks for the proposed development will generally align with those of existing neighbouring properties, with 457-458 Moss Vale Road featuring side setbacks of 5–7 meters and 12 Kangaloon Road having setbacks of 2.8–3.4 meters.</p> <p>The development also complies with the minimum side setback requirements outlined in C3.7(d).</p> <p>North Side:</p> <ul style="list-style-type: none"> <li>• Ground floor: Setbacks generally range from 5 to 5.8 meters, with a partial reduction to 2.7 meters for sections of the building corresponding to Units 1 and 2.</li> <li>• First floor: 3.6 meters.</li> </ul>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

	<p>(ii) <i>Privacy of the proposed dwellings and existing adjacent dwellings;</i></p> <p>(iii) <i>Solar access to the proposed dwellings and existing dwellings.</i></p> <p>(iv) <i>Building Code of Australia issues relating to Fire Safety.</i></p> <p>(d) <i>Notwithstanding the above controls, Council's standard minimum side setbacks for medium density housing are:</i></p> <p>(i) <i>2 metres where development is up to 3 metres in height above natural ground level, or</i></p> <p>(ii) <i>3.5 metres where development is more than 3 metres in height above natural ground level.</i></p> <p>(e) <i>Notwithstanding the above controls, Council's standard minimum side setback for residential flat buildings is 1.5 metres plus the height of the building metres.</i></p>	<p>South Side:</p> <ul style="list-style-type: none"> <li>• Ground floor: 3.4 meters.</li> <li>• First floor: 4.1 meters.</li> </ul>	
<b>C3.8 Rear Setbacks</b>	<p>(a) <i>Setbacks shall be measured to the outermost projection of the building excluding balconies.</i></p> <p>(b) <i>Rear setbacks of new development will be generally consistent with those of existing adjacent development.</i></p> <p>(c) <i>In the case of inconsistent rear setbacks in the immediate context of the proposed development, Council will assess the proposed setbacks of the new development on merit, taking into consideration impacts on:</i></p> <p>(i) <i>Existing vegetation and natural features on the site;</i></p> <p>(ii) <i>Privacy of the proposed dwellings and existing dwellings;</i></p> <p>(iii) <i>Solar access to the proposed dwellings and existing dwellings.</i></p>	<p>Unit 5 proposes a rear setback of 5.5 meters and unit 8 proposes a rear setback of 3.9 meters to the eastern boundary. These setbacks are consistent with the typical setbacks observed in the surrounding area. Specifically, the property immediately to the east features rear setbacks ranging from 2 to 4 meters.</p>	Yes
<b>C3.9 Building Height</b>	<p><i>All applications for multi dwelling housing shall comply with the following controls: (a) The maximum height of a medium density development, other than a residential flat building, shall</i></p>	<p>The proposed multi dwelling housing development does not exceed two storeys.</p>	Yes

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

	<p><i>not exceed two (2) storeys, as defined above.</i></p> <p><i>(b) The maximum height of a residential flat building shall not exceed three (3) storeys in height as defined above, the third storey being located within the roofline. The following diagram illustrates the application of this control.</i></p>		
<p><b>C3.10 Dwelling Orientation</b></p>	<p><i>(a) For any new dwelling, a living area and 50% of the primary private open space of that dwelling must receive a minimum of 3 hours of direct sunlight on June 21st.</i></p> <p><i>(b) Any new development must not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so be less than 3 hours of direct sunlight on June 21st.</i></p>	<p>(a)The proposed dwellings orient their living areas and principal private open spaces towards the northern, eastern, and western sides of the development footprints. Window placement has been designed to promote effective cross-ventilation within each dwelling. Additionally, each principal private open space is directly connected to a habitable living area, ensuring adequate solar access throughout the day. The primary open areas lead off these main living areas and maintain sufficient solar access.</p> <p>Shadow diagrams have been submitted to demonstrate that the living room of units 1–6 achieve compliance with the DCP requirement, receiving a minimum of 3 hours of direct sunlight on June 21st. The living room in units 7 and 8, while receiving a minimum of 2 hours of direct sunlight on June 21st, fall short of the 3-hour requirement.</p> <p>The minor variation to DCP requirement in this regard has been considered acceptable for the following reasons:</p> <p>1- The proposed lounges on the first floor of units 7 and 8 face towards the north and receive a minimum of 3 hours of direct sunlight on June 21st.</p> <p>2-The proposal achieves a satisfactory BASIX certificate, demonstrating compliance with the Building Sustainability Index standards. The BASIX certificate</p>	<p>Satisfactory - on merit for the reasons discussed.</p>

		<p>confirms that the design ensures optimal thermal performance.</p> <p>In light of these considerations, the proposal is deemed to deliver a reasonable outcome consistent with the objectives of the DCP under section c3.10 (a) and the broader principles of sustainable development.</p> <p>(b) Due to the east-west orientation of the site, overshadowing to the southern and eastern properties must be considered. The submitted shadow diagram demonstrates sufficient solar access to the southern and eastern properties at 5/2 Martha Street and 12 Kangaloon Road. As such, the proposal does not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so be less than 3 hours of direct sunlight on June 21st, as required by the Bowral DCP, therefore is considered to be appropriate in terms of overshadowing impacts.</p>	
<p><b>C3.11 Building Design</b></p>	<p><i>(a) The design and arrangement of the buildings is to take proper and sensitive account of such natural features of the site as slope, vegetation, aspect, drainage, and the like.</i></p> <p><i>(b) Buildings shall be designed and sited to be energy efficient by making best use of natural lighting, heating and ventilation wherever practicable. Landscaping shall also be designed to increase the energy efficiency of the dwellings.</i></p> <p><i>(c) Wherever practicable, buildings shall be orientated to the north in order to allow efficient use of solar energy. Excessive overshadowing of north facing walls and roofs by adjoining buildings is to be avoided through proper design and siting of dwellings.</i></p>	<p>Overall, the development has been designed to consider the natural and existing features on site (a).</p> <p>It has also been designed for energy efficiency, ventilation and maximising solar access for living areas in particular (b) and (c) as well as (m). Bedrooms, kitchens and utility rooms are located in areas where solar access is reduced (n).</p> <p>The proposed primary courtyards also have appropriate solar access (j).</p> <p>It has also considered and minimised the impact of overshadowing onto neighbouring properties (e).</p> <p>As already indicated in the assessment against other standards, the height, bulk, and</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

	<p><i>(d) The bulk, scale, height, dwelling type, and construction material of the development shall be such that it is compatible with, and does not affect the amenity of, existing or future residential development in the vicinity.</i></p> <p><i>(e) Particular attention shall be given to the effect of shade on adjoining properties. Sunlight and shade indications shall accompany a development application where shade from a proposed residential flat building will infringe upon adjoining property.</i></p> <p><i>(f) The development shall be designed to provide attractive on-site visual variation by use of staggered building setbacks, variation of roof lines, curved driveways and access roads, landscaping and the like.</i></p> <p><i>(g) Dwellings should not be identical in design and façade treatment, but should be compatible with each other. If only a limited number of dwelling designs are to be used they should be so arranged on the site that different façade are presented to any public place, communal area, or adjoining residential development.</i></p> <p><i>(h) All buildings in the development shall be generally of brick, brick veneer or masonry construction, allowing that a proportion of the external cladding may be of special feature material.</i></p> <p><i>(i) Windows of habitable rooms shall be screened or adequately separated from communal areas, windows of other dwellings and adjoining private open space within and outside the proposed development.</i></p> <p><i>(j) Buildings shall be sited to ensure that courtyard areas of the same and adjoining dwelling</i></p>	<p>scale of the development is appropriate for the existing and future character of the area (d). The design of the dwellings, use of the proposed materials (h) and articulation of facades is appropriate (f). Initially, the proposed dwellings featured identical designs facing the street. However, following a request for information (RFI) to the applicant, the revised plans now present distinct designs for each dwelling (g) part share design features which are complementary and compatible with the locality.</p> <p>Ground level living areas are largely orientated to the north with side. The development has also considered overlooking and overshadowing between the proposed dwellings and the neighbours (i) and (k). The upper level of the proposed dwellings includes bedrooms and bathrooms, therefore there is no overlooking issues from high usage living areas. The location of the proposed lunges on the first floor also does not result in overlooking to the adjoining neighbours (sufficient distance and with high level windows). Living areas and private open spaces mostly allocated towards the north and west to maximise solar access to these areas.</p>	
--	---	--	--

	<p><i>receive direct sunlight during the major part of daylight hours.</i></p> <p><i>(k) Courtyard walls, walls of buildings, carport screen walls and the like shall be regarded as acceptable screening. Physical separation distances may vary depending on land slope, angle of vision from the windows, window height, degree of overlooking and the like.</i></p> <p><i>(l) A balcony shall not encroach more than 2 metres or 25 per cent, whichever is the lesser, on the setback to the front, rear and side boundaries. No part of any means of enclosure of a balcony shall exceed a height of 1.2 metres.</i></p> <p><i>(m) Living areas and private open spaces shall be located towards the north and west to maximise solar access to these areas.</i></p> <p><i>(n) Bedrooms, kitchens and utility rooms shall be located in those parts of a dwelling where solar access is reduced.</i></p>		
<b>C3.12 Dwelling Mix</b>	<p><i>(a) Multi dwelling housing that proposes more than eight (8) dwellings should provide a mix of dwelling sizes, both in terms of both the number of bedrooms and the size of the rooms.</i></p> <p><i>(b) All multi dwelling housing development should provide a variety of private open space areas.</i></p> <p><i>(c) Buildings should be arranged on the site to maximise resident amenity and minimise adverse streetscape impacts.</i></p>	<p>Whilst the proposal doesn't provide more than eight dwellings, it provides a split of of three- and four-bedroom dwellings</p> <p>The proposed dwellings consist of varying sizes and configurations, offering both dwelling size and open space variation.</p> <p>The dwellings facing the street are consistent with the surrounding streetscape, and all proposed dwellings are designed to maximize resident amenity.</p>	Yes
<b>C3.13 Privacy</b>	<p><i>(a) Windows are to be designed and located so as to reduce direct overlooking into an adjoining dwelling.</i></p> <p><i>(b) Where a transparent window in a second storey is to be located less than 9 metres from</i></p>	<p>The initial design and placement of windows and balconies on the first floor could have resulted in direct views into adjoining dwellings and private open spaces along the northern, southern, and western boundaries and within the site. A request for amendments to</p>	Yes

	<p><i>an adjoining dwelling, the window must:</i></p> <p><i>(i) be offset from the edge of any windows in the adjoining dwelling by a distance of 0.5 metres; or</i></p> <p><i>(ii) have a sill height of at least 1.7 metres above the floor or have fixed obscure glazing in any part of the window less than 1.7 metres above the floor.</i></p>	<p>the plans was issued to address privacy concerns towards neighbouring properties.</p> <p>Upper-level windows of Units 1-5, located within 9 meters of the northern boundary, are bedroom windows (with no overlooking issues from high-usage living areas). These have now been revised to include a sill height of at least 1.7 metres above the floor, or obscure glass in any part of the window less than 1.7 meters from the floor, in accordance with Bowral DCP requirements.</p> <p>Regarding overlooking towards No. 5/2 Martha Street, located to the east, the only window facing that direction is a bathroom window, which features obscure glazing. The amended plans also removed the southern-facing first-floor balcony of Unit 5 and incorporated screening and obscure glazing, effectively eliminating any overlooking towards the neighbouring property at No. 5/2 Martha Street.</p> <p>Regarding overlooking towards No. 12 Kangaloon Rd, located to the south, the upper-level windows of Units 6- 8, are either bedroom windows (with no overlooking issues from high-usage living areas) or void area windows for light purposes. The windows have now been revised to include a sill height of at least 1.7 metres above the floor, or obscure glass in any part of the window less than 1.7 meters from the floor, in accordance with Bowral DCP requirements.</p> <p>Adequate setbacks have been incorporated to minimize the risk of overlooking at the ground floor. The proposal also includes minor earthworks, with the change in the finished floor level ensuring that no overlooking occurs at the ground level. Furthermore, the proposed 1.8-meter-high Colorbond fence will effectively prevent overlooking of adjoining properties, while landscaping, including strategic screen</p>	
--	---	---	--



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

		<p>planting, will enhance privacy and provide additional screening.</p> <p>The repositioned window openings, balconies, and use of obscure glazing now ensure that privacy for principal living areas and private open spaces is maintained for all residents.</p> <p>In response to concerns about privacy on the site, the applicant has implemented several measures, including offsetting windows more than 0.5 meters from the edge of any adjoining dwelling, ensuring a minimum sill height of 1.7 meters, or installing obscure glass in sections of windows less than 1.7 meters from the floor. Furthermore, privacy screens have been proposed for the balconies.</p>	
<b>C3.14 Materials and Colours</b>	<i>The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent.</i>	The use of Zincalume and galvanised steel has not been proposed.	Yes
<b>C3.15 Landscaped Open Space</b>	<p><i>a) Fifty per cent (50%) of any site developed for multi dwelling housing, including residential flat buildings, shall comprise Open Space and be landscaped to the satisfaction of Council.</i></p> <p><i>b) Landscaping shall be in accordance with a fully documented Landscape Plan prepared by a qualified landscape designer/architect in a minimum scale of 1:100. The level of detail required will be determined by the type of development and size of the allotment.</i></p> <p><i>c) The Open Space shall include outdoor entertainment areas for resident use;</i></p> <p><i>d) All dwellings shall have a consolidated principal (main) private open space area;</i></p> <p><i>e) All dwellings, other than ground floor dwellings in a residential flat development, shall provide a minimum private</i></p>	<p>(a)The proposal achieves a total landscaped area of 50.1%, totalling 1351m<sup>2</sup>. (b) satisfactory landscape plan accompanies the application. In terms of the private open space each dwelling has an area of primary private open space (d) which is outdoor and available for entertainment use (c), a minimum of 50sqm in area and over 5m in width (e), with a primary area located off and accessible from the primary living area (j) and located to maximise solar access (h).</p> <p>(i) and also provide a combination of hard surface, landscaping and deep soil areas.</p> <p>The proposed landscape plan has been designed to meet the provisions of (k)-(p) inclusive.</p> <p>The proposed driveway is located more than 1 metre off the boundary (r) with a distance more than 3 metres from street tree (s).</p> <p>Provisions (f), (g), (n), (q), and (u) are not relevant to this proposal.</p>	Yes

	<p><i>open space area of 50 m<sup>2</sup> with a minimum length of 5 metres;</i></p> <p><i>f) All ground floor dwellings in a residential flat development shall provide a minimum private open space area of 30 m<sup>2</sup> with a minimum length of 4 metres;</i></p> <p><i>g) All above ground floor dwellings in a residential flat building shall provide a minimum private open space area of 15 m<sup>2</sup> with a minimum length of 3 metres;</i></p> <p><i>h) Private open space shall be located to maximise solar access;</i></p> <p><i>i) Private open space shall allow for a variety of activities by providing a combination of hard surface, landscaping and deep soil areas.</i></p> <p><i>j) The primary private open space should be located adjacent to, and be immediately accessible from, the primary living area.</i></p> <p><i>k) Where multi dwelling housing is erected on a site having a frontage to a public road, public place or public open space, Council shall require an appropriate treatment of boundaries to those frontages and the whole of the site which remains undeveloped. Such treatment may include the planting of trees, shrubs, plants and lawns (the species of which may be specified by Council), the erection of fences, walls and screens, or the exclusion thereof;</i></p> <p><i>l) The area of the site between the building line and the street alignment shall be devoid of any structure, concrete area, or hard standing surface other than that which is necessary to gain access to the residential flat building;</i></p>		
--	---	--	--

	<p><i>m) Landscape plantings will not overshadow neighbouring properties or block solar access.</i></p> <p><i>n) Particular provision shall be made for the landscaping of uncovered parking areas, with adequate screening from the street where appropriate.</i></p> <p><i>o) All plantings shall be sufficiently advanced to provide an immediate landscaping effect.</i></p> <p><i>p) Provision shall be made to ensure that adequate landscape management systems are available to ensure that plantings can be properly maintained to allow them to not just survive, but flourish.</i></p> <p><i>q) Adequate arrangements shall be made for the restoration of the area of any public space, including a public footpath, pedestrian plaza adjoining the proposed development to the extent that such area has been damaged by the development.</i></p> <p><i>r) Driveways shall be located a minimum of one (1) metre from any side boundary.</i></p> <p><i>s) The minimum distance of any driveway/vehicular crossover is to be 3 metres from any street tree.</i></p> <p><i>t) Where no street tree is currently in the footpath or verge area adjoining the site, a street tree compatible with the predominant street tree species in the street shall be provided at the applicant's expense. This will assist in softening the appearance of new development while also improving the aesthetic appeal of the public space.</i></p> <p><i>u) A tradesmen's toilet, independent of a sole occupancy unit, will be required where 10 or more dwellings are</i></p>		
--	--	--	--

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

	<p><i>intended on a site. The toilet shall be appropriately screened from any public road, public place or public open space.</i></p>		
<p><b>C3.16 Car Parking, Garaging, Driveways and Common Paved Areas</b></p>	<p><i>(a) Off street parking will be provided at the following rates: (i) Dedicated resident parking at a rate of 1 space per 1 and 2 bedroom dwellings (ii) Dedicated resident parking at a rate of 2 spaces per 3 or more bedroom dwellings (iii) Dedicated visitor parking at a rate of 1 space per 3 dwellings (rounded up to the nearest whole number)</i></p> <p><i>(b) Council shall require additional visitor parking spaces to be provided in areas where opportunities for on-street visitor parking are deemed to be insufficient.</i></p> <p><i>(c) The width of driveways will be limited to 25% of the frontage to a public street, but must still meet the minimum requirements of standard drawings SD107 for single driveways and SD168 for other driveways as shown in Part A of this Plan.</i></p> <p><i>(d) Garages shall be located so they do not dominate the streetscape.</i></p> <p><i>(e) Where possible, changes in level across a site will be used to provide basement or sub-basement garaging.</i></p> <p><i>(f) No parking space, covered or uncovered, shall be provided between the building line and the frontage to the site. At least one parking space per dwelling shall be a covered parking space.</i></p> <p><i>(g) Where garages form part of the dwelling, they shall be located at least 1.2 metres behind the main building façade and should not exceed more than 40% of the dwelling frontage.</i></p>	<p>The proposed parking of two car spaces per dwelling, and three visitor car spaces complies with the car parking requirements as it provides a double garage for each dwelling and three (3) visitors spaces.</p> <p>The proposed bitumen with brick edging driveway materials are appropriate. The driveway is an appropriate width, has suitable areas for manoeuvring (m), and is satisfactory to Council's Development Engineer subject to conditions of consent.</p> <p>The location of the garages is set away from the street to ensure that they do not dominate the streetscape (d).</p> <p>Each dwelling will have two covered carparking spaces (f).</p> <p>In relation to (g) it is noted that the garages are sited further away from the street frontage, therefore are not visible from the street.</p> <p>The proposed driveway is not considered to be 'gun barrel' as proposed landscaping and curved edges makes for a varied width driveway. This is considered appropriate and allows for the intent of (k) to be met.</p> <p>The provisions of (e), (h), (i), and (l) do not apply to this development.</p>	<p>Yes</p>

	<p><i>(h) Double garages to the street frontage shall be avoided in preference to tandem parking or single garage and car port options.</i></p> <p><i>(i) Where garages are provided or where any wall abuts a parking space and dimensions of the car parking space shall be greater than otherwise required, a minimum width of 3.6 metres shall apply to any single undercover garage. Adequate clearance and additional impact reinforcement to buildings will apply where undercover car parking is envisaged.</i></p> <p><i>(j) Driveway and verge crossing materials shall complement the current streetscape, and shall be preferably of compacted earth, gravel, stone cobble or plain concrete surface. Strong textures and bright colours, including stamped concrete, shall not be permitted on driveways or verge crossings.</i></p> <p><i>(k) Unrelieved 'gun barrel' driveways will not be permitted. If the alignment of internal access ways cannot be varied, visual relief shall be provided by appropriate landscaping.</i></p> <p><i>(l) In the case of a residential flat building requiring in excess of four car parking spaces with a common access way, sufficient space shall be provided so that no reverse manoeuvre on to a road is required.</i></p> <p><i>(m) Except where the Roads and Traffic Authority or Police require otherwise, access driveways and manoeuvring areas shall be the minimum widths and other dimensions as outlined in Council's relevant technical specifications.</i></p>		
--	---	--	--

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<p><b>C3.17 Pedestrian Access</b></p>	<p><i>(a) External common areas such as pathways and entrances shall be provided with appropriate artificial lighting at low levels to provide safe access at night.</i></p> <p><i>(b) Buildings adjacent to public streets or spaces are to be designed to allow casual surveillance and should have at least one habitable room window facing that area.</i></p>	<p>The only external common area is the driveway. Should the DA be approved, a condition of consent will require appropriate artificial lighting at low levels to provide safe access at night along the driveway.</p>	<p>Yes</p>
<p><b>C3.18 Waste Collection</b></p>	<p><i>(a) Waste and recycling materials storage facilities shall be provided for either individual bins or larger communal (or shared access) bins.</i></p> <p><i>(b) Waste and recycling receptacles are to be located to the satisfaction of Council and the area designed so as to be screened from any public road, public place or public open space;</i></p> <p><i>(c) Waste and recycling materials storage areas shall be located behind the front building line.</i></p> <p><i>(d) Waste and recycling materials storage areas shall be adequately screened to minimise impacts for residents and neighbours.</i></p> <p><i>(d) Where on-site collection is possible, provision for on-site manoeuvrability to enable vehicles to enter and leave the site in a forward motion.</i></p>	<p>Each dwelling will be able to accommodate its own individual bins (a).</p> <p>No waste rooms are provided in the proposal and are not considered to be required as on-site collection is not required (d).</p> <p>There are sufficient private open space areas available for the residents to store their bins on site, as nominated on the submitted architectural plans. (b-d inclusive).</p> <p>The future residents will wheel their bins to the street for collection off Kangaloon Road.</p>	<p>Yes</p>
<p><b>C3.19 Adaptable Housing</b></p>	<p><i>a) For all medium density developments, not less than one for every three dwellings, or part thereof, will be constructed to comply with not less than Class C level of Australian Standard 4299 – Adaptable Housing.</i></p> <p><i>b) In respect of residential flat development, all dwellings located on the</i></p>	<p>Initially, the application lacked information regarding Adaptable Housing, leading to a request for additional details from the applicant. In accordance with Section C3.19.2 controls, three (3) dwellings are required to meet the Class C level of Australian Standard 4299 – Adaptable Housing.</p> <p>The amended plans, now submitted, nominate Units 1, 2,</p>	<p>Yes</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

	<i>ground floor will be constructed to comply with not less than Class C level of Australian Standard 4299 – Adaptable Housing.</i>	and 6 as adaptable units, which is considered satisfactory.	
<b>C18.1 Preferred outcomes</b>	<i>Because the Residential sub-area is transected by Moss Vale Road, any development proposal will need to be referred to the RMS for comment. Therefore the traffic generation impacts of any development will need to be clearly enunciated in any proposal</i>	The application was referred to TfNSW, which initially raised concerns regarding access arrangements, including inadequate width in the northbound carriageway for vehicles to pass a stationary right-turning car, the need for parking restrictions along the frontage to enhance safety and waste collection, and the lack of a swept path diagram. The applicant later provided the requested documents, and the application was re-referred to TfNSW. Upon review, TfNSW raised no objections to the proposed development, provided that relevant conditions are included in any consent granted.	Yes
<b>C15.3 Specific Controls</b>	<p><i>(a) a scale of development which reflects surrounding residential development.</i></p> <p><i>(b) appropriate site amalgamation to provide for a cohesive style of development.</i></p> <p><i>(c) Appropriate landscaping facing Bowral Road to improve the amenity of the location.</i></p>	The proposal would comply with the objectives and guidelines set out within this control.	Yes

## 7.2. Wingecarribee Contributions Plan

Developer contributions are payable on the proposed development as follows:

### Section 7.11 Contributions

Contributions are applicable under Section 7.11 of the Environmental Planning and Assessment Act 1979. As the subject development involves two existing lots, a total of six ETs is required in accordance with Council's Contributions Plans under Section 7.11. The existing lots are considered credits towards the calculation of the required ETs. An appropriate condition of consent, reflecting this requirement and the credit for the existing lots, has been included in the recommendation.

### Section 64 Contributions

Water, sewer, and stormwater headworks contributions are applicable under Section 64 of the Local Government Act 1993. A total of six ETs is required for water and sewer, and 1.355 ETs are required for stormwater, in accordance with Council's Contributions Plans under Section 64. An appropriate condition of consent addressing these requirements has been included in the recommendation

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

**8. Environmental Assessment**

The site has been inspected (14 May 2021) and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	See discussion in section 6.
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	Nil
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal generally satisfies the objectives and controls of the Bowral Township DCP. See the relevant table in this report in section 7.
Section 4.15 (1)(a)(iiia) – Provision of any Planning Agreement or draft Planning Agreement.	Not Applicable.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. The proposed development is consistent with the dominant character in the locality. The proposal will not result in detrimental social or economic impacts on the locality.
Section 4.15 (1)(c) – The suitability of the site for the development.	The site is located in close proximity to local services. The site has sufficient area to accommodate the proposed land-use and associated structures. Therefore, the site is considered suitable for the proposed development.
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	The issues raised in the submissions have been addressed in this report in section 5.
Section 4.15 (1)(e) – The public interest.	The proposal promotes the objectives of the zone and will not result in any significant adverse environmental, social or economic impacts on the locality. Accordingly, the proposal is considered to be in the public interest.

**9 Referral Comments**

---



The DA has been referred to Councils' Development Engineers, Water and Sewer Engineers and Vegetation Officer. The DA has also been referred externally to Water NSW, Endeavour Energy and Transport for NSW. Final Responses from both internal and external referrals are included in **Attachment 2**.

## **10 Conclusion**

The proposal is consistent with the relevant objectives contained within the *Wingecarribee Local Environmental Plan 2010* and the relevant requirements of the Bowral Township Development Control Plan.

It is recommended that Development Application No. 24/0923 for Demolition of Two (2) existing dwelling houses and ancillary buildings, construction of a multi dwelling housing comprising eight (8) dwellings and tree removal, at 6 – 8 Kangaloon Road, Bowral (Lot 1 – DP522477 and Lot 211 DP 631550), be determined by APPROVAL subject to the conditions detailed in **Attachment 1** of this report.

---

## **ATTACHMENTS**

1. D A 24 0923 Draft Conditions of Determination External Conditions [**6.1.1** - 48 pages]
2. Architectural Plans ( I) - 6-8 Kangaloon Rd, Bowral V 1 PA N-404070 [**6.1.2** - 32 pages]
3. So EE - 6-8 Kangaloon Road Bowral PA N-404070 [**6.1.3** - 33 pages]
4. Attachment 2 -referrals [**6.1.4** - 36 pages]
5. Submissions [**6.1.5** - 27 pages]

**6.2 25/0329 - S8.2 Review of the Refusal of DA 22/1747 for Construction of Retail / Commercial Building - 51 Renwick Drive, Renwick**

**Report Author: Senior Development Assessment Planner**  
**Authoriser: Manager Development Assessment and Regulation**

**PURPOSE**

The purpose of this report is to present Section 8.2 Review Application No. 25/0329 for the Panel's consideration and recommends changing the determination of Development Application No. 22/1747 to APPROVAL.

<b>Applicant</b>	John Perry
<b>Landowner</b>	Vitalone Nominees Pty Ltd
<b>Zoning</b>	E1 Local Centre
<b>Date DA Refused</b>	5 July 2024
<b>Date S8.2 Lodged</b>	9 September 2024
<b>Proposed Development</b>	Construction of Retail / Commercial Building
<b>Estimated Cost of Development</b>	\$1,640,474
<b>Applicant's Consultants</b>	Michael Brown Planning Strategies Hely Horne Perry Architects Pty Ltd Deboke Engineering Consultants Motion Traffic Engineers Pty Ltd Acoustic Logic
<b>Notification Period</b>	16 September 2024 to 16 October 2024
<b>Number of Submissions</b>	3 in objection
<b>Political Donations</b>	None declared
<b>Reason for Referral to Panel</b>	Review of Determination of DA 22/1747 that was determined by the Panel

**OFFICER'S RECOMMENDATION**

- 1. THAT the Local Planning Panel approve Section 8.2 Review Application No. 25/0329 for a review of determination of Development Application No. 22/1747 for Construction of Retail / Commercial Building at 51 Renwick Drive, Renwick (Lot 21 DP 1241460), subject to the conditions detailed in Attachment 1 of this report.**

## **EXECUTIVE SUMMARY**

### **1. Executive summary**

This section 8.2 application involves a request for the Wingecarribee Local Planning Panel (WLPP) to review its decision to refuse Development Application No. 22/1747 (being refused on 5 July 2024), which proposed construction of a retail / commercial building at 51 Renwick Drive, Renwick.

It is noted that in accordance with the provisions of section 8.10(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

The s8.2 Review is required to be conducted by the WLPP before 5 January 2025 if no appeal has been made.

The WLPP refused the original DA for the following reasons:

*a. the building is excessive in bulk and scale and will be visually dominant particularly when viewed from Mirren Nunguna Gulla Park and Renwick Drive (due to the nil front boundary setback which is inconsistent with existing development on either side of the site that is within the same E1 Local Centre zone) and in the north eastern corner when viewed on approach from the north on Renwick Drive due to the curvature/arc of the road and bulky roof design in that corner. Whilst vertical blade elements are not an unacceptable urban design element, their overhanging of the front boundary of the site is unsatisfactory.*

*b. unresolved maintenance access associated with the nil boundary setback from the northeastern side boundary due to the proposed painted finish.*

*c. unsatisfactory design response and street façade treatment around the sewer manhole which creates a concealment opportunity that is inconsistent with Crime Prevention Through Environmental Design (CPTED) principles.*

*d. practical and adequate internal access to waste storage facilities adjacent to the loading dock for all tenancies has not been demonstrated and the submitted Waste Management Plan is unacceptable as it does not adequately address how ongoing waste storage and collection will be successfully managed by private contractors and tenants.*

*e. insufficient landscaping has been provided within and around the proposed carpark.*

The application seeks to rely upon the information initially submitted with the Development Application with minor modifications to the building design including the following:

1. The concrete wall along the northern property boundary is to have an integral finish that does not require maintenance.
2. The façade to Renwick Drive has been cut back to present as a straight wall that introduces a setback of approximately 1.59m along the curved boundary.
3. Additional waste storage rooms have been included within the building (i.e. in the lobby accessed from Renwick Drive and in one (1) of the tenancies accessed from Whitfield Lane).
4. The landscape zone along the eastern boundary has been widened by 20% (approximately an area of 17.6sqm) by making the car park lengths 5.4m.

The following documents were submitted to support the Section 8.2 Review:

- Letter Response to Reasons for Refusal prepared by Hely Horne Perry Architects Pty Ltd
- Amended Architectural Plans prepared by Hely Horne Perry Architects Pty Ltd (refer to **Attachment 2** of this report)

It is recommended that the Section 8.2 Review application be approved subject to the conditions detailed in **Attachment 1** of this report.

**2. Site Description and Locality.**

- The subject site is legally described as Lot 21 DP 1241460 and known as 51 Renwick Drive, Renwick.
- The subject site is vacant with an area of approximately 1,983sqm.
- The subject site is zoned E1 Local Centre.
- The subject site is located within the Mittagong Renwick Urban Release Area.
- The subject site is located within a heritage item site known as Renwick Silos Precinct (I1618).
- The subject site has frontage to Renwick Drive (to the east) and Whitfield Lane (to the west).
- The subject site is serviced by reticulated sewer and water.
- The subject site adjoins land zoned E1 Local Centre and R2 Low Density Residential (to the east). Council-owned land containing the Renwick Community Centre adjoins directly to the south.



**Figure 1: Aerial Image**

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



Architects • Project Managers

No.	AMENDMENTS	Drawn	Date
A	ISSUED FOR COUNCIL PRE DA MEETING	CA	19-01-22
B	ISSUED FOR DA	CA	06-05-22
C	GENERAL REVISION	JP	21-04-23
D	GENERAL REVISION	JP	30-10-23
E	GENERAL UPDATE	GG	24-11-23

AREA SCHEDULE	
USE	AREA (m <sup>2</sup> )
GF RETAIL	715
FF COMMERCIAL	215
<b>TOTAL GFA</b>	<b>930m<sup>2</sup></b>



**PROJECT**  
RENWICK NEIGHBOURHOOD CENTRE

**CLIENT**

**SCALE**  
1:500

**SHEET SIZE**  
A3

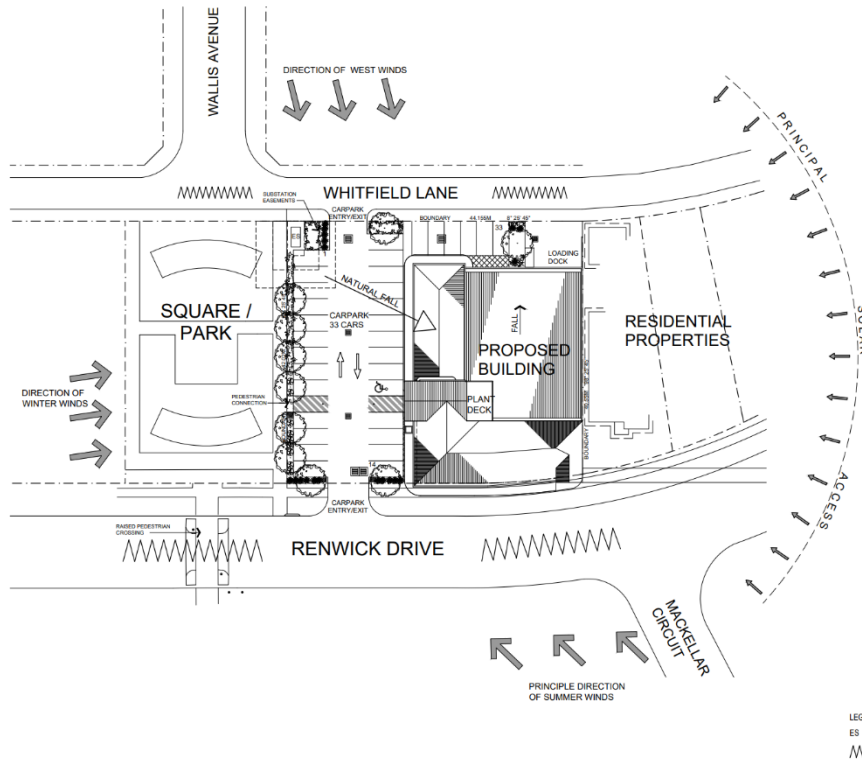
**DATE**  
JAN 22

**DRAWN**  
CA

**CHECKED**

**PROJECT No.** 1129 | **DRAWING No.** 010 | **ISSUE** E

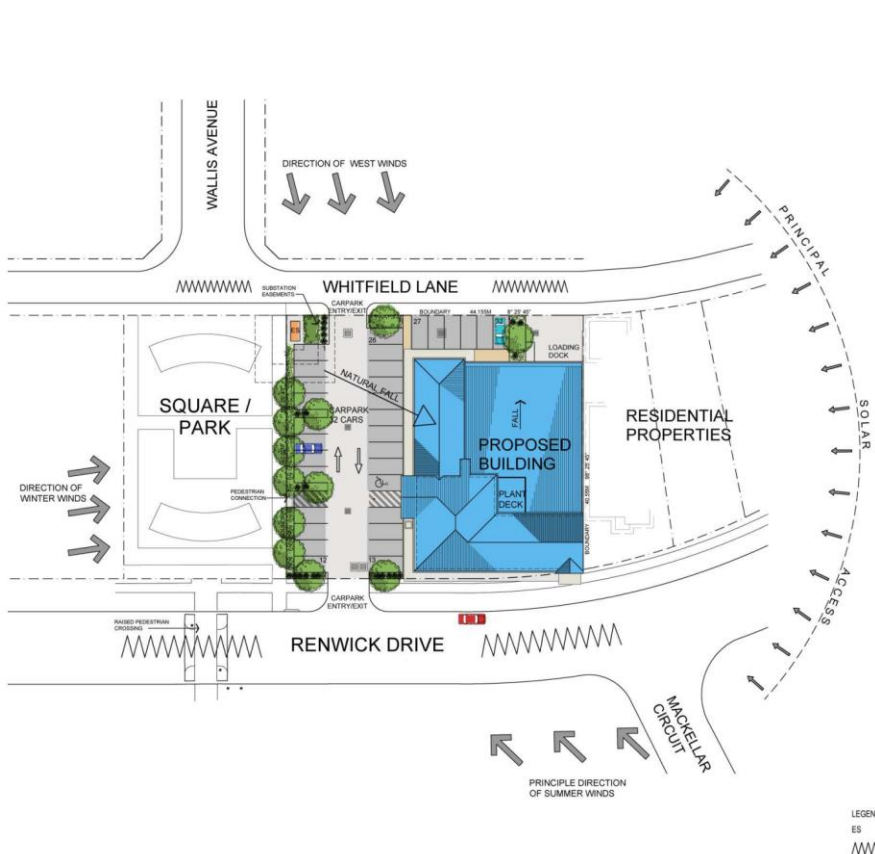
**Hely Horne Perry Architects Pty Ltd**  
A.B.N. 25 131 448 729  
Email: mail@hhpa.com.au Telephone (02) 040 000 330  
Nominated Architect: John Perry Reg. No. 89461



**Figure 2: Site Plan (DA)**



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



**HPA**  
Architects • Project Managers

No.	AMENDMENTS	Drawn	Date
A	ISSUED FOR COUNCIL PRE DA MEETING	CA	19-01-22
B	ISSUED FOR DA	CA	08-06-22
C	GENERAL REVISION	JP	21-04-23
D	GENERAL REVISION	JP	30-10-23
E	GENERAL UPDATE	GG	24-11-23
F	ISSUED FOR REVIEW	JP	18-08-24

USE	AREA (m <sup>2</sup> )
GF RETAIL	715
FF COMMERCIAL	215
<b>TOTAL GFA</b>	<b>930m<sup>2</sup></b>

**PROJECT**  
RENWICK NEIGHBOURHOOD CENTRE

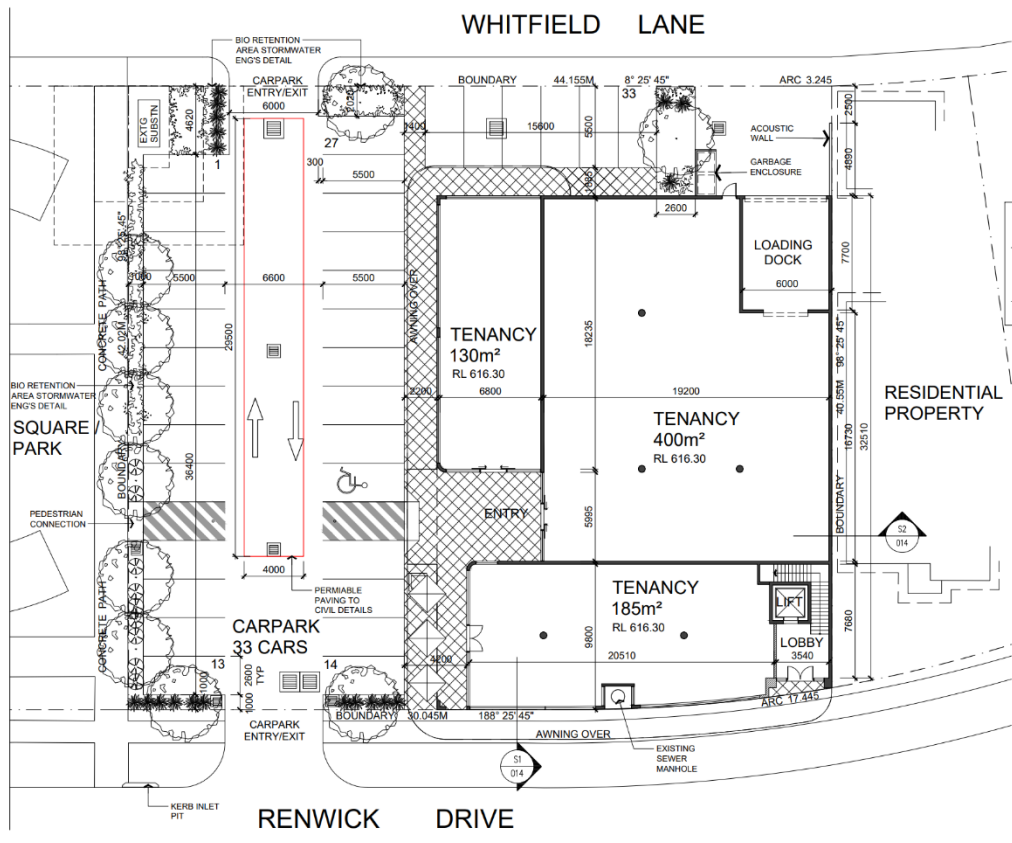
**CLIENT**  
SCALE: 1:500  
SHEET SIZE: A3  
DATE: JAN 22  
DRAWN: CA  
CHECKED:

**SITE ANALYSIS - SITE PLAN**

PROJECT No. | DRAWING No. | ISSUE  
1129 | 010 | F

**Hely Horne Perry Architects Pty Ltd**  
A.B.N. 25 131 448 729  
Email: info@hpa.com.au Telephone (02) 9400 600 300  
Notified Architect: John Perry Reg. No. 8946

**Figure 3: Site Plan (S82)**



**HPA**  
Architects • Project Managers

No.	AMENDMENTS	Drawn	Date
A	ISSUED FOR COUNCIL PRE DA MEETING	CA	19-01-22
B	ISSUED FOR DA	CA	08-06-22
C	GENERAL REVISION	JP	21-04-23
D	GENERAL REVISION	JP	30-10-23
E	GENERAL UPDATE	GG	24-11-23

USE	AREA (m <sup>2</sup> )
GF RETAIL	715
FF COMMERCIAL	215
<b>TOTAL GFA</b>	<b>930m<sup>2</sup></b>

**PROJECT**  
RENWICK NEIGHBOURHOOD CENTRE

**CLIENT**  
SCALE: 1:200  
SHEET SIZE: A3  
DATE: OCT 21  
DRAWN: JP  
CHECKED:

**GROUND FLOOR PLAN**

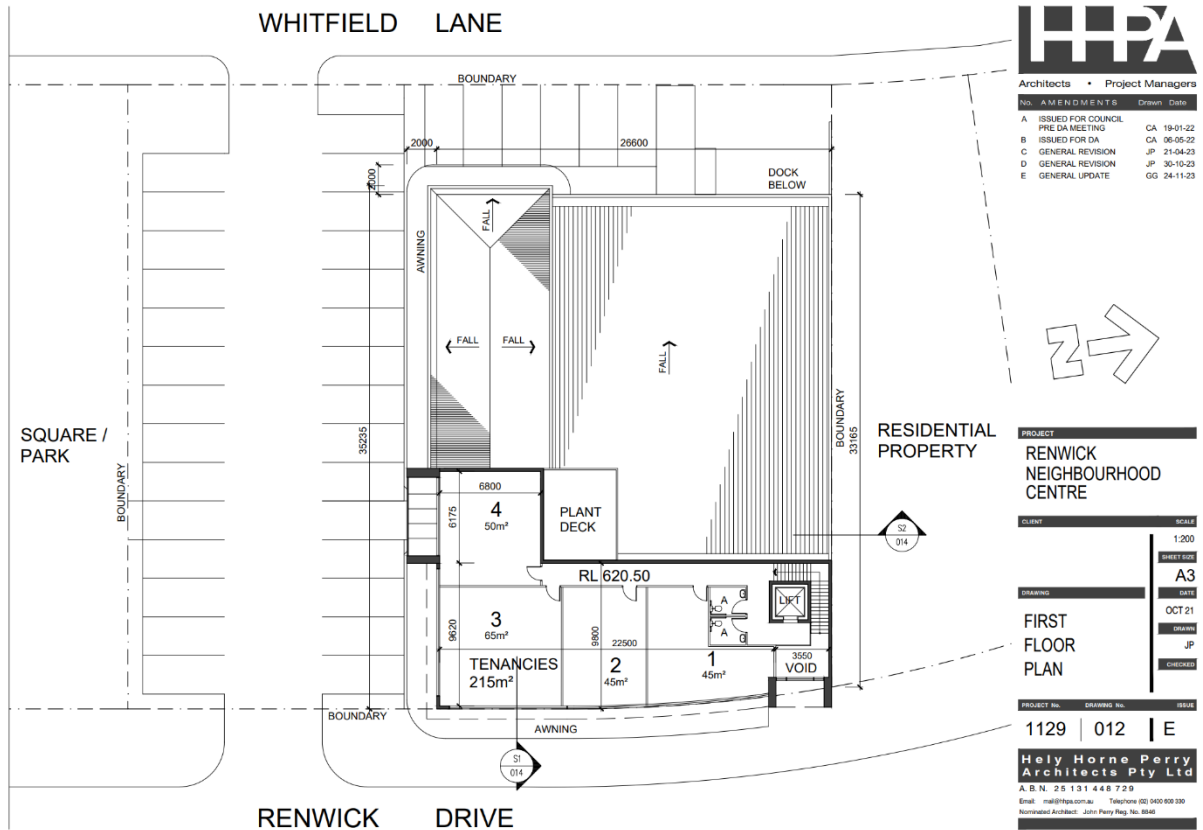
PROJECT No. | DRAWING No. | ISSUE  
1129 | 011 | E

**Hely Horne Perry Architects Pty Ltd**  
A.B.N. 25 131 448 729  
Email: info@hpa.com.au Telephone (02) 9400 600 300  
Notified Architect: John Perry Reg. No. 8946

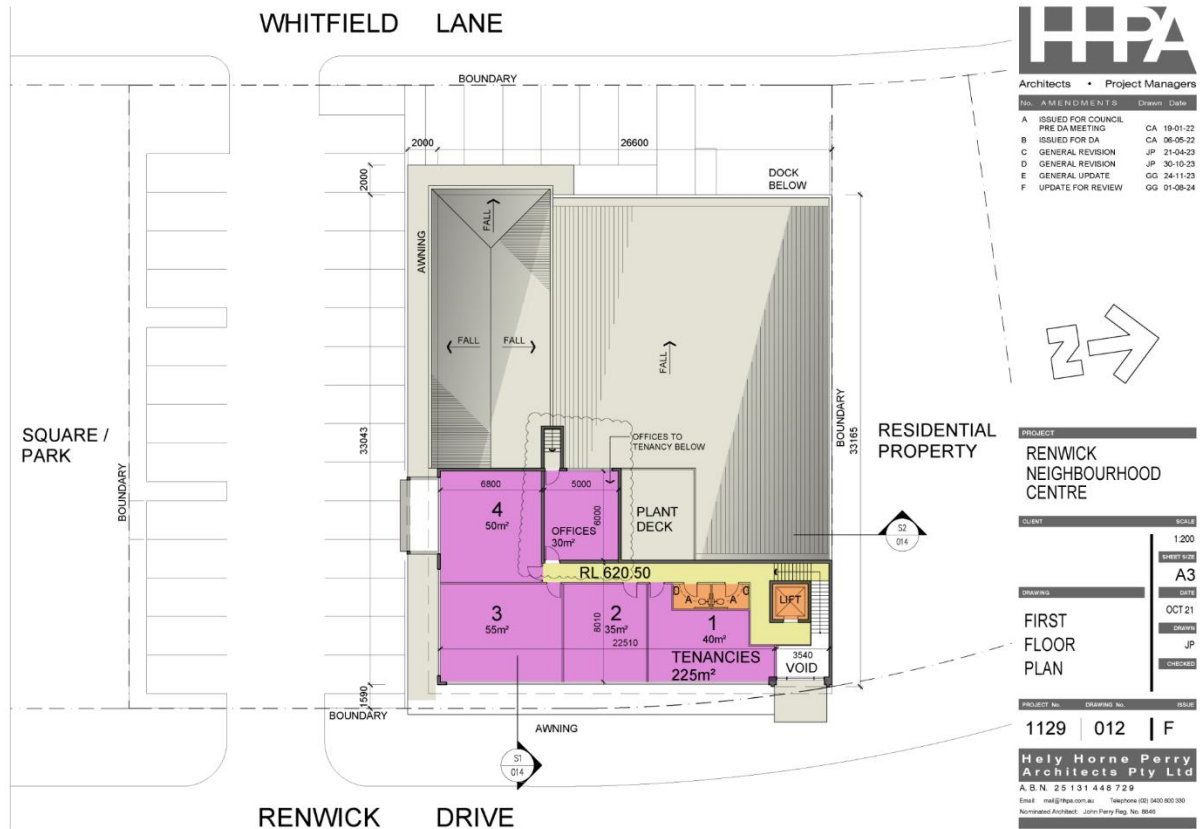
**Figure 4: Ground Floor Plan (DA)**



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



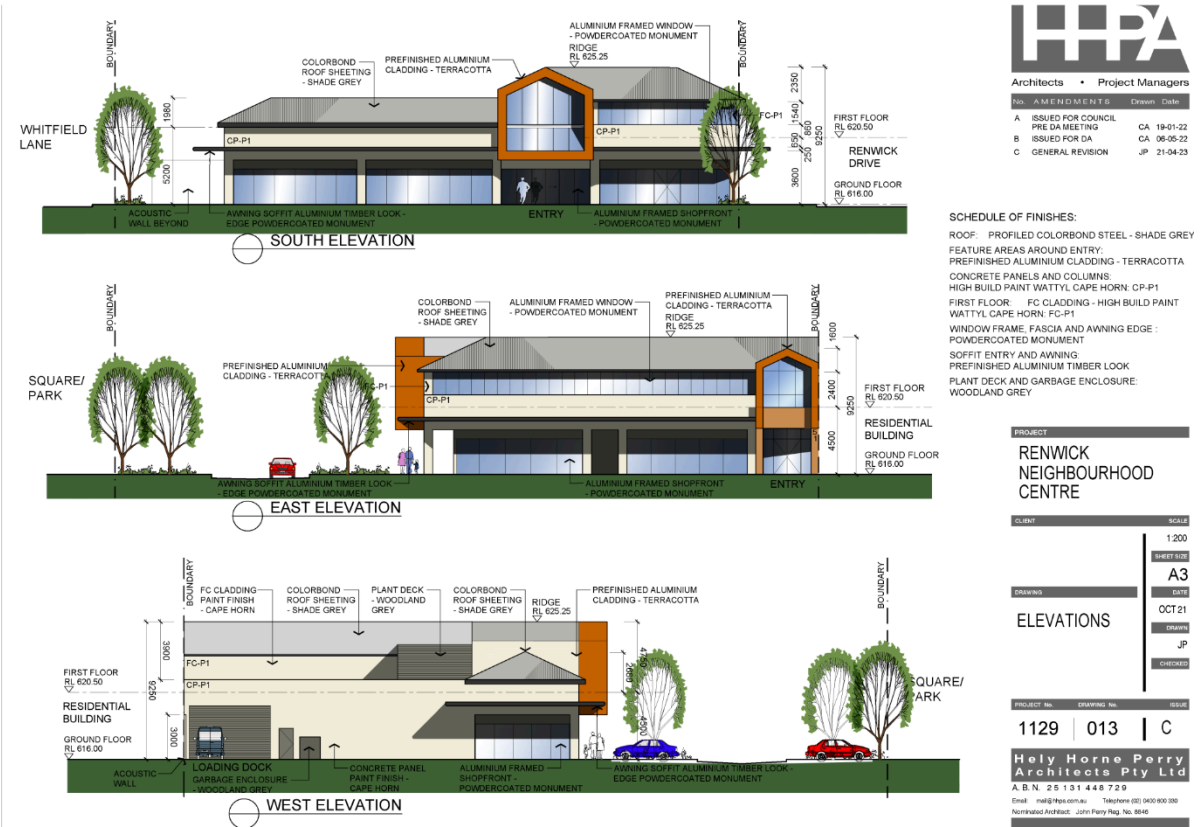
**Figure 6: First Floor Plan (DA)**



**Figure 7: First Floor Plan (S82)**



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

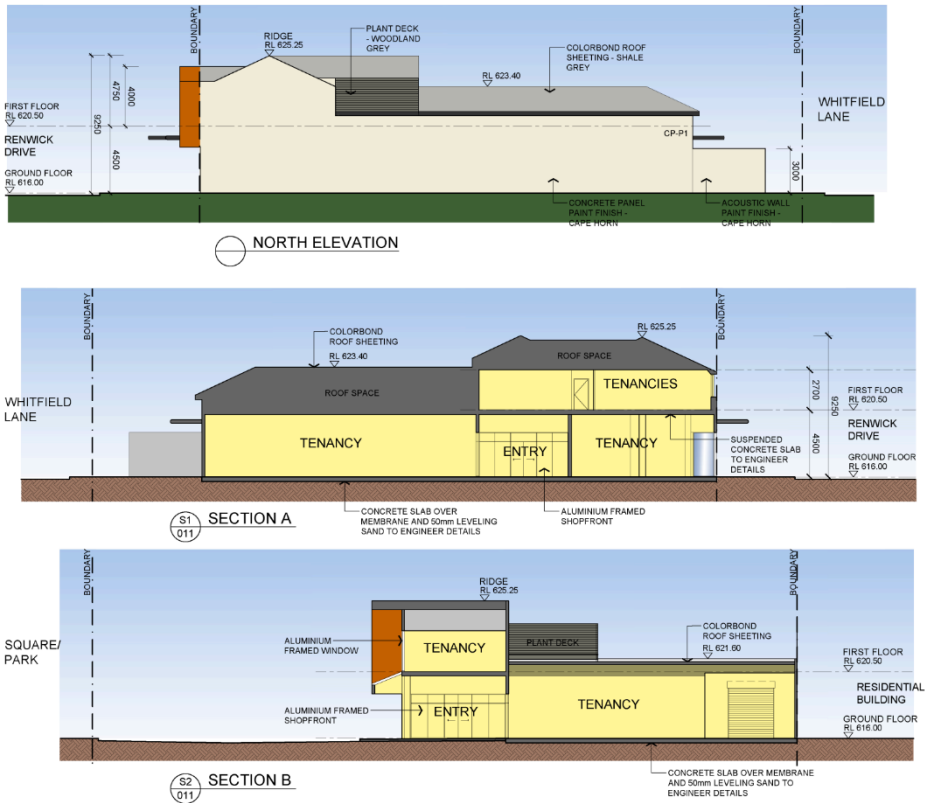


**Figure 8: Elevations (DA)**



**Figure 9: Elevations (S82)**

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



Architects • Project Managers

No. AMENDMENT A Drawn Date

A ISSUED FOR DA CA 06-05-22

B GENERAL REVISION JP 21-04-23

C ADDITIONAL NOTES GG 23-11-23

**SCHEDULE OF FINISHES:**  
 ROOF: PROFILED COLORBOND STEEL - SHADE GREY  
 FEATURE AREAS AROUND ENTRY:  
 PREFINISHED ALUMINIUM CLADDING - TERRACOTTA  
 CONCRETE PANELS AND COLUMNS:  
 HIGH BUILD PAINT WATTYL CAPE HORN: CP-P1  
 FIRST FLOOR: FC CLADDING - HIGH BUILD PAINT  
 WATTYL CAPE HORN: FC-P1  
 WINDOW FRAME, FASCIA AND AWNING EDGE:  
 POWDERCOATED MCNUMINT  
 SOFFIT ENTRY AND AWNING:  
 PREFINISHED ALUMINIUM TIMBER LOOK  
 PLANT DECK AND GARBAGE ENCLOSURE:  
 WOODLAND GREY

**PROJECT**  
**RENWICK NEIGHBOURHOOD CENTRE**

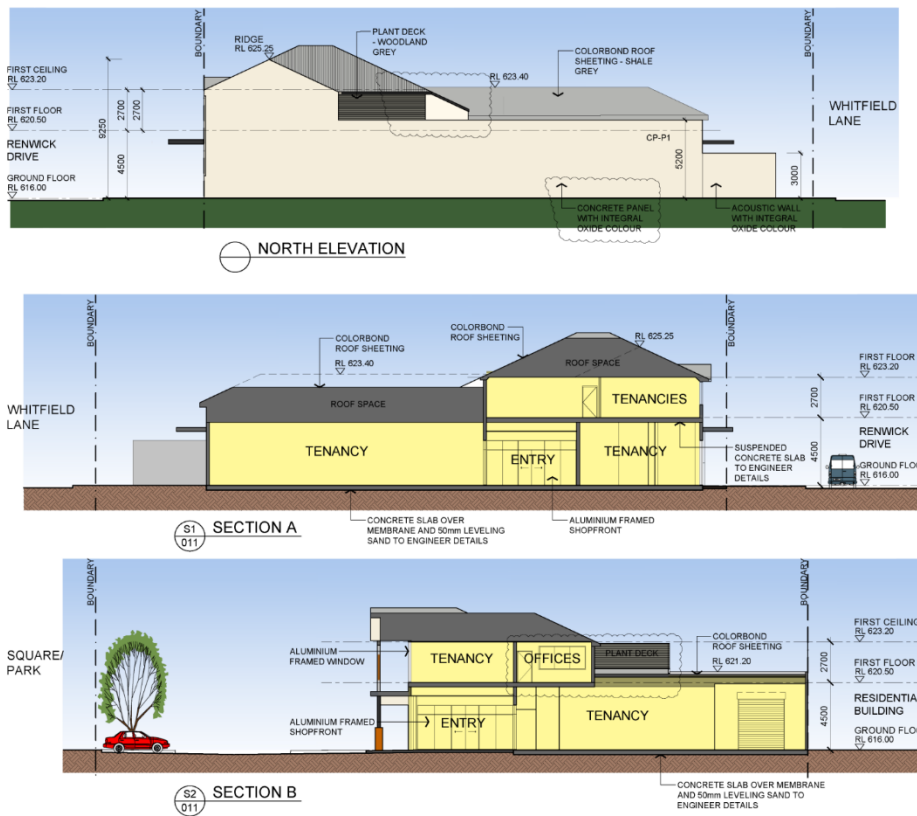
**CLIENT** 1200  
**SCALE**  
**1:200**  
**DRAWING**  
**ELEVATIONS & SECTIONS**  
**DATE** MAR 22  
**DRAWN** CA  
**CHECKED**

**PROJECT No.** 1129 | **DRAWING No.** 014 | **ISSUE** C

**Hely Horne Perry Architects Pty Ltd**  
 A.B.N. 25 131 448 729  
 Email: mail@hpa.com.au Telephone (02) 9400 900 900  
 Notoriated Architect: John Perry Reg. No. 9246

**Figure 10: Elevations & Sections (DA)**

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**



No.	AMENDMENTS	Drawn	Date
A	ISSUED FOR DA	CA	06-05-23
B	GENERAL REVISION	JP	21-04-23
C	ADDITIONAL NOTES	GG	23-11-23
D	UPDATE FOR REVIEW	GG	01-09-24

**SCHEDULE OF FINISHES:**  
 ROOF: PROFILED COLORBOND STEEL - SHADE GREY  
 FEATURE AREAS AROUND ENTRY:  
 PREFINISHED ALUMINIUM CLADDING - TERRACOTTA  
 CONCRETE PANELS AND COLUMNS:  
 HIGH BUILD PAINT WATTYL CAPE HORN CP-P1  
 FIRST FLOOR: FC CLADDING - HIGH BUILD PAINT WATTYL CAPE HORN FC-P1  
 WINDOW FRAME, FASCIA AND AWNING EDGE: POWDERCOATED MONUMENT  
 SOFFIT ENTRY AND AWNING: PREFINISHED ALUMINIUM TIMBER LOOK  
 PLANT DECK AND GARBAGE ENCLOSURE: WOODLAND GREY

**PROJECT**  
**RENWICK NEIGHBOURHOOD CENTRE**

**CLIENT** SCALE  
 1:200

**DRAWING** SHEET SIZE  
 A3

**ELEVATIONS & SECTIONS** DATE  
 MAR 22

**PROJECT NO.** DRAWING NO. ISSUE  
 1129 014 D

**Hely Horne Pery Architects Pty Ltd**  
 A.B.N. 25 131 44 872 9  
 Email: info@hhpa.com.au Telephone: (02) 9400 930 300  
 Incorporated Architect: John Pery Reg. No. 8846

**Figure 11: Elevations & Sections (S82)**

**3. Background**

This section 8.2 application involves a request for the Wingecarribee Local Planning Panel to review its decision to refuse Development Application No. 22/1747 (being refused on 5 July 2024), which proposed construction of a retail / commercial building.

A section 8.2 application allows an applicant to request a consent authority to review a determination or decision made by them.

In accordance with the provisions of section 8.2(1)(a) under the *Environmental Planning and Assessment Act 1979* (EP&A Act), the determination of an application for development consent by a local planning panel is subject to review.

The review of a determination or decision made by a local planning panel is also to be conducted by the panel as per section 8.3(5) under the EP&A Act. In accordance with the Minister's Local Planning Panels Direction, the determination of a review application from a panel decision is to be determined by different members (including the chair) of the panel to those who made the original determination.

After conducting its review, the consent authority (in this instance the local planning panel) may confirm or change the determination or decision.

It is noted that in accordance with the provisions of section 8.10(1) under the EP&A Act, an appeal by an applicant may be made only within six (6) months after the date the decision appealed against is notified.

The s8.2 Review is required to be conducted by the WLPP before 5 January 2025 if no appeal has been made.

**4. S.8.2 Review of Refusal of Determination Application No. 22/1747.**

The applicant has provided the following response to support their request for review of the refusal and reasons for the refusal as follows. An assessment against each is provided below:

**a. the building is excessive in bulk and scale and will be visually dominant particularly when viewed from Mirren Nunguna Gulla Park and Renwick Drive (due to the nil front boundary setback which is inconsistent with existing development on either side of the site that is within the same E1 Local Centre zone) and in the north eastern corner when viewed on approach from the north on Renwick Drive due to the curvature/arc of the road and bulky roof design in that corner. Whilst vertical blade elements are not an unacceptable urban design element, their overhanging of the front boundary of the site is unsatisfactory.**

Applicant Response:

*'The proposed building is two storeys high. The lack of 4m setback will not unduly affect its perception or make it more visually dominant than the adjoining neighbourhood centre which is raised approximately 700mm above the streetscape. A two storey building is always going to appear larger than a single storey residence but given that the building is compliant with regulation I do not consider this as unreasonable or grounds for refusal.'*

Council Officer Comment:

The proposed building design is acceptable within the locality as compliant with the relevant provisions of the *Wingecarribee Local Environmental Plan 2010* and Mittagong Township Development Control Plan. There has been a minor decrease in gross floor area, from 930sqm to 915sqm and increase in landscaped area by approximately 17.6sqm.

The style, height, materials and finishes (including roof design) of the proposed commercial development is compatible with its residential surrounding land uses and is considered to be appropriate for the locality. The proposal will sit at a scale which is consistent with the low-density character of the area and is sympathetic to existing and future streetscape and neighbour character.

In relation to impacts to surrounding neighbours, it is noted that directly adjoining properties are also within the E1 zone and not within a residential zone. There is no setback requirement for this development.

It is noted that a small portion of the proposed development (awning) still overhangs the front boundary. This is an encroachment on Council's road reserve. Council's Property Services has raised concern with granting approval for private property to encroach on to Council land or road, given Council does not currently have policy in place regarding this matter.

Amended plans are to be provided by way of a condition of any consent granted and prior to the issue of a Construction Certificate, to remove the awning and to ensure the development is wholly contained within the property boundaries.

Accordingly, this reason for the refusal of the application is resolved.

**b. unresolved maintenance access associated with the nil boundary setback from the northeastern side boundary due to the proposed painted finish.**

Applicant Response:

*'The wall in question will have an integral finish that does not require maintenance.'*

Council Officer Comment:

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

The design has been amended to propose the concrete panel and acoustic wall along the northern property boundary with an 'integral oxide colour' finish. This would not require maintenance.

Accordingly, this reason for the refusal of the application is resolved.

**c. unsatisfactory design response and street façade treatment around the sewer manhole which creates a concealment opportunity that is inconsistent with Crime Prevention Through Environmental Design (CPTED) principles.**

Applicant Response:

*'The recess highlighted was always surrounded by glass so would not provide an effective hiding place. Nevertheless this façade has been cut back to present a straight wall that introduces a setback along the curved boundary.'*

Council Officer Comment:

The design has been amended to be set back from the eastern property boundary adjacent to Renwick Drive at approximately 1.59m. The façade is proposed as a straight wall and the building is now clear of the sewer manhole. There is no longer any proposed treatment around the manhole and as such no concealment opportunity.

Accordingly, this reason for the refusal of the application is resolved.

**d. practical and adequate internal access to waste storage facilities adjacent to the loading dock for all tenancies has not been demonstrated and the submitted Waste Management Plan is unacceptable as it does not adequately address how ongoing waste storage and collection will be successfully managed by private contractors and tenants.**

Applicant Response:

*'Additional waste storage rooms have been included. It is noted that retail premises will still need to walk externally but this is under cover and so is not onerous for shop operators. Collections will be managed and street parking will allow trucks to park in off peak times when collections will be scheduled.'*

Council Officer Comment:

The additional waste storage facilities have been provided in the vicinity to tenancies at both the Renwick Drive and Whitfield Lane frontages instead of adjacent to the loading dock. These facilities are considered adequate for the development.

Council's Development Engineer has considered the amended proposal and noted the applicant has stated that a small / medium delivery truck will service the proposed development and assumed that the waste will be collected onsite.

Swept paths of the largest vehicles are recommended to demonstrate entering and exiting the loading facilities and garbage collection would occur in a forward direction. Additionally, justification would be required if reversing in or out of the development. The requirements have been included in recommended conditions of consent.

Accordingly, this reason for the refusal of the application is resolved.

**e. insufficient landscaping has been provided within and around the proposed carpark.**

Applicant Response:

## **AGENDA OF THE LOCAL PLANNING PANEL THURSDAY 19 DECEMBER 2024**

---

*'The landscape zone along the boundary with the park has been widened 20% by making the car park lengths 5.4m. The traffic report indicated that the proposal had one excess parking space which has been incorporated into the landscaping. It is noted that landscaping close to the building would obscure views to the shops which is undesirable so the extra vegetation has added next to the park.'*

### Council Officer Comment:

Council's Tree Management Officer has considered the amended proposal.

No objection has been raised subject to a condition being imposed with any consent granted to require a landscape plan to be prepared by a suitably qualified professional prior to the issue of a Construction Certificate.

The plan would need to include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule detailed.
- Additional street tree planting adjoining the frontage of the site in accordance with Council's Street Tree Master Plan.
- Tree Planting to meet design requirements of Council's Street Tree Implementation Plan page 29 or page 30.
- Tree planting within the site to meet Water Sensitive urban design principles and requirements.
- Trees in carparks are given little opportunity to perform when planted in the compacted subgrade and confined in small spaces surrounded by kerbing. Those trees which do better have usually escaped the kerbed space and have roots upheaving the surrounding pavement. Ensure design allows for minimum soil volumes of proposed tree species at maturity include the use of root barrier in locations where infrastructure is unavoidable.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

Accordingly, this reason for the refusal of the application is resolved.

### Planning Assessment

The DA was previously assessed under s4.15 and found to generally comply with the relevant provisions of the *Wingecarribee Local Environmental Plan 2010* and Mittagong Township Development Control Plan.

The extent of amendments and information provided with this current application have not warranted a full re-assessment of the proposal under s4.15 and the assessment of the original proposal has been reviewed and considered to have adequately assessed the proposal against the relevant legislative requirements.

However, given the minor reduction in floor area and increase in landscaped area, this would result in a required amendment to the developer contributions payable on the proposed development. Contributions payable would be as follows:

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

▪ Section 64

*Water & Sewer*

Shops – Florists, Supermarkets  
 0.0038 Water & Sewer ET rate per sqm  
 0.0038 x 915sqm = 3.477  
 3.477 – 1 ET credit = 2.477 ET

*Stormwater*

Proposed site impervious area = 1,861.4sqm  
 Impervious area / 400sqm = 4.65 – 1ET credit = 3.65 ET

This review has found that the applicant has satisfactorily addressed the reasons for refusal. Accordingly, refusal of the application is recommended to be changed to approval.

**5. Notification**

Notification was undertaken for the Section 8.2 Review of Determination in accordance with Council’s Community Engagement Strategy. This was done in the same manner as the original development application was.

The notification period was from 16 September 2024 to 16 October 2024 (30 days).

Three (3) public submissions were received in objection to the application. A summary is provided of the concerns raised:

Issue	Comment
<p><b>Inadequate notification process.</b></p> <p>A sign was erected on the site which lasted about 2 days then disappeared.</p>	<p>Notification was undertaken for the Section 8.2 Review of Determination in accordance with Council’s Community Engagement Strategy and in the same manner as the original development application was notified (for a period of 30 days).</p>
<p><b>Missing documentation.</b></p> <p>The current submission is missing a lot of documentation pertaining to the design of the building, as this was a concern for most of the respondents previously, it would be preferred to again know what the building is going to look like to ensure it is in keeping with the suburb design requirements. There is no rendering of the currently proposed design in this submission, including elevations and façade.</p>	<p>The documentation relevant to the Section 8.2 Review application has been provided and was made available during public notification. Elevations have been included to demonstrate what the building will look like.</p>
<p><b>Concerns with the design.</b></p> <p>Has it been considered (especially to the neighbour next door who is being overlooked) to flip the site 180 degrees so that the carpark is on the other side with trees and some privacy fencing along the fence line, and the building designed more sensitively to be approachable</p>	<p>Council has considered the development as presented with the application in relation to the reasons for refusal.</p> <p>No concerns have been raised by Council’s technical officers in relation to the design and impacts (visual and acoustic) on the locality,</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<p>from two sides? The community centre has entrances on Renwick Drive and from the carpark behind. Why not for this building too? Why does it have to butt fully up against some poor neighbour who has to deal with running noises and bulk?</p>	<p>subject to conditions being imposed as part of any consent granted.</p> <p>It is noted there is no setback requirement for this development given the E1 zoning of the site and the provisions of the Mittagong Township Development Control Plan. The design would maintain privacy to adjoining residential properties. In terms of acoustic impact, operational noise levels for the development would not exceed the background level by more than 5 dB(A) at the nearest affected residential property. Without limiting the above, operational noise levels would also need to fall within the requirements of the acceptable noise amenity level for the area as specified by the NSW EPA Noise Policy for Industry.</p>
<p><b>Bulk and scale.</b></p> <p>A sensitive design approach to the site is required, considering its surrounding context, height restrictions and particularly as it is a transitional site to the adjacent residential dwelling zoning.</p> <p>The proposed design layout creates a number of amenity and impacts to surrounding neighbours.</p> <ul style="list-style-type: none"> <li>• The zero-boundary lot treatment to the site means to the immediate neighbour that there is no way in which to ameliorate the impact from the proposal and delivers a bulk and scale without any form of transition in the built form to the adjoining neighbour. A residential type setback would facilitate a more appropriate outcome</li> <li>• The placement of the second storey form, which generally could be supported in an appropriate form, places the volume again against this neighbour's boundary to the north and amplifies the bulk and scale.</li> <li>• A design approach that instead created a setback from the northern boundary, providing deep soil landscape treatment and placed the proposed second floor away from this interface would be a better outcome.</li> </ul>	<p>The proposed design is acceptable within the locality as compliant with the relevant provisions of the <i>Wingecarribee Local Environmental Plan 2010</i> and Mittagong Township Development Control Plan.</p> <p>In relation to impacts to surrounding neighbours, it is noted that directly adjoining properties are also within the E1 zone and not within a residential zone. There is no setback requirement for this development and supporting is unlikely to cause any unreasonable impacts (noting the above comments).</p>
<p><b>Waste management.</b></p> <p>The location of waste bins throughout the site no doubt is supported by a plan of management.</p> <p>The practical application of this within the design results in a number of amenity issues:</p>	<p>As already identified, the additional waste storage facilities are considered adequate for the development. Ongoing management of waste would be subject to an Operational Waste Management Plan and Plan of Management. A condition will be included to ensure this is provided.</p> <p>Council's Development Engineer has considered the amended proposal and noted the applicant</p>



**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

<ul style="list-style-type: none"> <li>• Waste bins to the upper floor lobby are in a concealed room with no clear way of providing ventilation other than via the lobby itself</li> <li>• The Waste bins need to be managed on site to a central pickup point – presumably near the loading dock and no direct pathway is provided</li> <li>• The external waste storage area to the loading dock will generate an ongoing issue with noise, wind blown mess and typically they becomes overloaded with cardboard material etc that is visually unappealing</li> <li>• A design approach to resolve these issues would be to ensure access to all bins and waste pick up areas are managed within the site and within internally ventilated rooms. No external storage should be permitted. The Loading dock should not be hard against the neighbours boundary and placed more sensitively within the site context.</li> </ul>	<p>has stated that a small / medium delivery truck will service the proposed development and assumed that the waste will be collected onsite. Suitable conditions have been provided to manage this.</p>
<p><b>Sustainability.</b></p> <p>The site sustainability credentials have the ability to be improved and amplified:</p> <ul style="list-style-type: none"> <li>• Bioretention swales should be fully designed, engineers can typically design a space devoid of plant material and the green treatment to the site as shown cannot be guaranteed to be delivered</li> <li>• Permeable paving should be proposed to the entirety of the carpark, not just within the central corridor</li> <li>• Solar panels to roofing should provide commitments to energy delivery and be embedded in the project</li> <li>• Natural ventilation and minimisation of plant equipment should be provided</li> <li>• Can the design not work around the existing street trees – the site is high unencumbered, and it seems remiss to just remove and replace. Design around it</li> <li>• Rainwater tanks for irrigation.</li> </ul>	<p>These matters have been noted, however, Council has considered the development as presented with the application in relation to the reasons for refusal. It is noted the development would be required to meet the Section J (energy efficiency) requirements of the National Construction Code.</p>
<p><b>Servicing.</b></p> <p>The submission is light on the detail for the servicing of the built form:</p> <ul style="list-style-type: none"> <li>• Signage – not located and clear placement with a signage strategy should be provided</li> <li>• Fire hydrants/ was not able to locate but will impact on built form</li> <li>• Pathway widths to upper level appear to require areas outside the boundary to enable a minimum path width</li> <li>• No detail on interface to public domain – e.g. extra paving, treatments etc.</li> </ul>	<p>These matters have been noted, however, Council has considered the development as presented with the application in relation to the reasons for refusal.</p> <p>No concerns have been raised by Council’s technical officers in relation to the design and impacts on the locality (i.e. in relation to signage, fire hydrants, accessibility, the loading dock, lighting, food premises, plant equipment, parking and interface to public domain), subject to conditions being imposed as part of any consent granted.</p>

**AGENDA OF THE LOCAL PLANNING PANEL  
THURSDAY 19 DECEMBER 2024**

---

<ul style="list-style-type: none"> <li>• Loading dock – extremely poor choice to place hard up against a neighbouring resident’s boundary.</li> <li>• Lighting. No details provided. Things like light wash and servicing of loading dock to laneway are going to impact on neighbouring residents and should be documented.</li> <li>• Provision for F&amp;B tenancies. The proposal should facilitate the ability for extractor’s etc for F&amp;B tenants and design this into the form now to ensure, if required, it is sensitively delivered</li> <li>• Plant equipment – has this had a preliminary design to ensure the space provided is adequate? Considering this is likely to have extensive refrigeration and AC requirements</li> <li>• Accessible parking – it is anticipated the DCP required more than that provided.</li> <li>• If parking is in excess of GFA then reduce this to add in further landscaping and shade trees.</li> </ul>	
<p><b>Traffic issues.</b></p> <p>The entrance off Renwick Drive allows two-way traffic, which could cause traffic issues, especially since it’s not far past the bend and close to the crosswalk. This needs to be reassessed from a safety standpoint.</p>	<p>No concerns have been raised by Council’s Development Engineer and Traffic Engineer in this regard, following review of the submitted Traffic Impact Assessment Statement.</p>

**6. Conclusion**

Having regard to the section 8.2 Review of Determination, the proposal as refused under Development Application No. 22/1747 is to be approved. Accordingly, per section 8.4 of the EP&A Act, after conducting the review of the determination, it is recommended that the local planning panel change the determination to approval subject to the conditions detailed in **Attachment 1** of this report.

---

**ATTACHMENTS**

1. 25-0329 - Notice of Determination - 51 Renwick Drive Renwick - PA N-451950 [6.2.1 - 32 pages]
2. 25-0329 - Architectural Plans - 51 Renwick Drive Renwick - PA N-451950 [6.2.2 - 5 pages]
3. 6.2 Submissions [6.2.3 - 7 pages]

### **6.3 Development Applications Greater Than 180 Days to be reported to the WLPP**

**Report Author:                   Manager Development Assessment and Regulation**  
**Authoriser:                       Michael McCabe**

---

#### **PURPOSE**

The purpose of this report is to provide the Wingecarribee Local Planning Panel with detail regarding the current Development Applications that exceed 180 days.

---

#### **OFFICER'S RECOMMENDATION**

**THAT the Wingecarribee Local Planning Panel note the Development Applications that are currently being assessed which have exceeded 180 days since lodgement.**

---

#### **REPORT**

The table, provided in Attachment 1, includes a list of DAs that are currently being assessed which have exceeded 180 days since lodgement which are to come to the Wingecarribee Local Planning Panel for determination.

A short commentary has been included against each Application. The table is being provided to the Wingecarribee Local Planning Panel for information and feedback.

---

#### **ATTACHMENTS**

1. Wingecarribee Local Planning Panel 19 December 2024 (002) [6.3.1 - 2 pages]
- 

## **7 MEETING CLOSURE**

---