



MINUTES

of the
Wingecarribee Local Planning Panel
Meeting

held via webcasting

on

Wednesday 2 February 2022

The meeting commenced at 3.30pm



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MINUTES OF THE WINGECARRIBEE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD VIA WEBCASTING ON WEDNESDAY 2 FEBRUARY 2022 COMMENCING AT 3.30PM

Present:	Chairperson	Julie Walsh
	Expert	Alf Lester
	Expert	Larissa Ozog
	Community Representative	Chris McCann
In Attendance:	Director Communities and Place	Geoff King
	Manager Development Assessment	Nancy Sample (in part)
	Manager Strategic Land Use Planning	Michael Park (in part)
	Coordinator ICT Operations	Tim Franklin
	EA, Director Communities and Place	Leesa Stratford
	Business Support Officer	Katharine Lancaster

1. OPENING OF THE MEETING

The Chairperson opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

“Wingecarribee Shire Council acknowledge the Gundungurra and Tharawal people as the traditional custodians of this land we now call the Wingecarribee Shire. I pay my respect to Elders both past, present and emerging. I would also like to extend that respect to all Aboriginal and Torres Straight Islanders present here today.”

3. APOLOGY

There were no apologies at this Meeting.

4. DECLARATIONS OF INTEREST

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

There were no declarations of interest declared at the meeting.

5. DEVELOPMENT APPLICATIONS

5.1 Development application 21/1890 - Demolition of buildings and works, subdivision of land and carrying out of works to create 22 lots, and carrying out of works for the purpose of a road, Lot 24 DP535979 and Lot 1 DP618016, 54-56 and 58 Robertson Road, Moss Vale

Reference: 21/1890
Report Author: Senior Development Assessment Planner
Authoriser: Manager Development Assessment

Edna Carmichael addressed the panel as an objector to the application

Rad Lewis addressed the panel as an objector to the application

Patricia Wright addressed the panel as an objector to the application

Denise Heaslip addressed the panel as an objector to the application

Applicant, Dean Ingenhoff, LandTeam Australia addressed the panel

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 21/1890 for demolition of buildings and works, subdivision of land and carrying out of works to create 22 residential lots, and carrying out of works for the purpose of a road at Lot 24 DP535979 and Lot 1 DP618016, 54-56 and 58 Robertson Road Moss Vale by APPROVAL, subject to the conditions specified in Attachment 1 to the report.

PANEL DECISION

THAT the Local Planning Panel determines development application 21/1890 for demolition of buildings and works, subdivision of land and carrying out of works to create 22 residential lots, and carrying out of works for the purpose of a road at Lot 24 DP535979 and Lot 1 DP618016, 54-56 and 58 Robertson Road Moss Vale by REFUSAL for the following reasons:

- 1. The site carries a substantial amount of stormwater and a number of objectors commented on significant existing stormwater problems across and in the vicinity of the site, including Wembley Road.***
- 2. There is concern that the contextual stormwater management framework for the catchment has not been fully taken into account in preparing the stormwater management proposals for the site.***
- 3. The proposed stormwater arrangements are unsatisfactory for the following reasons:***
 - a. The proposed bio basin facility and stormwater detention basin facility to be located on lot 1 will impose an unfair burden on the owners of that lot and is likely to result in the facilities not being appropriately maintained and managed. This is a poor planning outcome.***
 - b. There is a lack of clarity as to the final outcome for stormwater management from the site.***
 - c. A concern remains as to the poor urban design outcome of the fencing and other arrangements of the proposed bio basin detention facility on lot 1.***
- 4. A more appropriate arrangement for the location of the bio basin facility and stormwater detention basin facility would be on a community lot in a Community Title subdivision, where the responsibility and cost of the maintenance of those facilities would borne by all 22 lots***

REASONS: As above

VOTING: unanimous

5.2 Development Application 22/0225 - Boundary Adjustment Subdivision to create two lots - No 74 and 170 Lees Road Robertson

Reference: 22/0225
Report Author: Senior Development Assessment Planner
Authoriser: Manager Development Assessment

Applicant, Michael Vine, Avenue Town Planning addressed the panel

Owner, Luke Geelan addressed the panel

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines DA No 22/0225 for a boundary adjustment subdivision to create two lots at Lot 4 DP1025492 and Lot 2 DP591906 – No 74 and No 170 Lees Road, Robertson by REFUSAL for the following reasons:

- 1. Pursuant to s4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development would be inconsistent with the objectives of the C3 Environmental Management zone under Wingecarribee Local Environmental Plan 2010. In particular, the proposal results in fragmentation of land which is not consistent with the objective "to protect significant agricultural resources..." in this location.*
- 2. Pursuant to s4.15(1)(a)(i) of the Environmental Planning & Assessment Act 1979, the proposed development is unsatisfactory when considered in terms of the objective (b) in clause 4.1 of Wingecarribee LEP 2010. In particular, Proposed Lot 1 is not compatible with the character of the surrounding land due to its size which is significantly less than most of the adjoining properties, and also significantly less than the minimum lot size normally prescribed under clause 4.1(3) for this location.*
- 3. Pursuant to s4.15(1)(b) of the Environmental Planning & Assessment Act 1979, the proposed development is also unsatisfactory in terms of impacts on the natural environment, as it would result in fragmentation of land in this rural location; and could reduce the agricultural viability of Lot 1, as this lot would be predominantly used for rural-residential purposes rather than allowing for the full range of rural purposes consistent with the C3 Environmental Management zone under Wingecarribee LEP 2010.*
- 4. Pursuant to s4.15(1)(e) of the Environmental Planning & Assessment Act 1979, the proposed development would set an undesirable precedent and would not be in the public interest.*

PANEL DECISION:

THAT Development Application 22/0225 – Boundary Adjustment Subdivision to create two lots – No 74 and 170 Lees Road, Robertson be deferred for approval by the panel electronically subject to conditions to be provided by the Council Officer.

REASONS:

The panel is of the view, having regard to the written material provided on behalf of the applicant and the oral submission made by the applicant's Town Planner that the application is appropriate for approval under clause 4.2B of the Wingecarribee LEP 2010 having regard to the particular circumstances of the case.

VOTING: Unanimous

6. PLANNING PROPOSALS

6.1 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to the minimum lot size of land at Villiers Road and Hill Road Moss Vale

Report Author: Strategic Planner
Authoriser: Manager Strategic Land Use Planning

OFFICER'S RECOMMENDATION

THAT the Planning Proposal be submitted to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

PANEL ADVICE:

THAT the Planning Proposal be submitted to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

REASONS:

The panel generally agrees with the Council Officer's report.

VOTING: Unanimous

6.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 and Clause 4.2F Minimum subdivision lot sizes for dual occupancies in certain zones.

Report Author: Strategic Planner
Authoriser: Manager Strategic Land Use Planning

OFFICER'S RECOMMENDATION

THAT the Planning Proposal be submitted to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

PANEL ADVICE:

THAT the Planning Proposal be submitted to the Department of Planning Industry and Environment for Gateway determination under section 3.34 of the Environmental Planning and Assessment Act 1979.

REASONS:

The panel generally agrees with the Council Officer's report.

VOTING: Unanimous

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.35 PM