



MINUTES

of the
Wingecarribee Local Planning Panel
Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 2 March 2022

The meeting commenced at 3.30pm

MINUTES OF THE WINGECARRIBEE LOCAL PLANNING PANEL MEETING

Wednesday 2 March 2022



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MINUTES OF THE WINGECARRIBEE LOCAL PLANNING PANEL MEETING

Wednesday 2 March 2022



MINUTES OF THE WINGECARRIBEE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 2 MARCH 2022 COMMENCING AT 3.30PM

Present: Chairperson Julie Walsh
Expert Scott Barwick
Expert Heather Warton
Community Representative Richard Colley

In Attendance:

Acting Manager Planning, Certification and Compliance	Nancy Sample
Development Assessment Planner	Jeremy Swan
Senior Strategic Land Use Planner	Susan Stannard
Strategic Land Use Planner (Heritage)	Sarah Farnese
Coordinator ICT Operations	Ian Vong
Administration Officer	Katharine Lancaster
Corporate Strategy and Governance Officer	Ivana Vidovich

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

Julie Walsh declared a non-pecuniary, less than significant interest in **item 6.1** Review of Determination for 5 Alice Street Mittagong.

Graham McKee, the solicitor for the applicant is known to her as a solicitor practising in the Land and Environment Court. Over four years ago, at a previous law firm she had a number of dealings and knew him as a professional colleague. She has no professional or personal relationship with Mr McKee and therefore the interest is non-pecuniary and non-significant and she will remain in the meeting and take part on the voting there in

Brian McDonald, the heritage expert for the applicant is known to her as a heritage urban design and town planning expert. He has been engaged by her on behalf of clients as an expert in a number of Land and Environment Court cases (over four years ago). She also sat with Mr McDonald on the Cumberland Local Planning Panel in 2016/2017. She has no professional or personal relationship with Mr McDonald and therefore the interest is non-pecuniary and non-significant and she will remain in the meeting and take part on the voting there in.

Heather Warton declared a non-pecuniary, less than significant interest in **item 6.1**, Review of Determination for 5 Alice Street Mittagong. The structural engineer acting for the Applicant, Harrison & Morris Consulting P/L provided structural engineering drawings for my home extensions, but this was in 2013 and she had no further contact with the firm since. She has no professional or personal relationship with the firm and therefore the interest is non-pecuniary and non-significant and she will remain in the meeting and take part on the voting there in.

Scott Barwick declared a non-pecuniary, less than significant interest in **item 6.1**, Review of Determination for 5 Alice Street Mittagong. Mr Lee is known to him on a professional basis, as approximately three years ago he provided backlog planning services to the firm of which Mr Barwick is a director of. He has no professional or personal relationship with Mr Lee and therefore the interest is non-pecuniary and non-significant and he will remain in the meeting and take part on the voting there in.

5. PLANNING PROPOSALS

5.1 Update on the Welby Garden Centre Planning Proposal

Reference: PN1711130, PN1705357, PP-2021-3571
Report Author: Senior Strategic Land Use Planner
Authoriser: Manager Strategic Land Use Planning

OFFICER'S RECOMMENDATION

THAT

- (a) *the Planning Proposal for the Welby Garden Centre be amended to include the following lots - Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, and*
- (b) *the Planning Proposal for the Welby Garden Centre be amended to include the following land uses - landscaping material supplies, plant nursery, garden centre, community facility and light industry, and*
- (c) *an amended Gateway Determination be sought from the NSW Department of Planning & Environment for the amended Planning Proposal under s3.35 of the Environmental Planning & Assessment Act 1979.*

PANEL ADVICE

THAT

- (a) *the Planning Proposal for the Welby Garden Centre be amended to include the following lots - Lots 1,2,3,8,9 & 10 Section 6 DP 759070, Lot 1 DP 1006005 & Lot 2 DP 1019107, and*
- (b) *the Planning Proposal for the Welby Garden Centre be amended to include the following land uses - landscaping material supplies, plant nursery, garden centre, community facility and light industry, and*
- (c) *an amended Gateway Determination be sought from the NSW Department of Planning & Environment for the amended Planning Proposal under s3.35 of the Environmental Planning & Assessment Act 1979.*

REASONS The Panel generally agrees with the Council Officer's report.

VOTING Unanimous

5.2 Planning Proposal to rezone land at Darraby Lodge Broughton Street Moss Vale

Reference: PP-2021-7022,PN267200
Report Author: Senior Strategic Land Use Planner
Authoriser: Manager Strategic Land Use Planning

OFFICER'S RECOMMENDATION

THAT Council reiterate its 'in principle' support for the Planning Proposal and will reconsider it when identified infrastructure shortfalls are resolved as set out in the Wingecarribee Local Housing Strategy 2020.

PANEL ADVICE

The Planning Panel has considered the assessment report and agrees that progressing the Planning Proposal would be premature. The Planning Proposal is considered to be premature relative to the unresolved concerns with Infrastructure provision; including sewage treatment plant capacity and road infrastructure upgrades. The Panel's advice to the Administrator is that the Planning Proposal not proceed. The Panel recognises that while the site has strategic merit, the proposal does not demonstrate site specific merit given the outstanding concerns relating to infrastructure provision.

REASONS As above.

VOTING Unaminous

5.3 Planning Proposal and Heritage Assessment of 2 & 4 Myrtle Street, Bowral, and 'Karingal', 26 Elizabeth Street, Moss Vale—Interim Heritage Orders Nos. 12 & 13

Reference: PN 1018300; PN 1018200; PN 475201; DA 22/0513; DA 22/0535; Interim Heritage Orders (LUP); Planning -
Report Author: Strategic Land Use Planner (Heritage)
Authoriser: Manager Strategic Land Use Planning

OFFICER'S RECOMMENDATION

1. *THAT the Panel supports the heritage assessment and proposed heritage listing of "Karingal" Interwar bungalow and garden including brick and trachyte fence" comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.*
2. *THAT the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area*
3. *THAT the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add "Karingal" Interwar bungalow and garden including brick and trachyte fence" as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.*
3. *THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.*
4. *THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.*
5. *THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.*

PANEL ADVICE

1. ***THAT the Panel supports the heritage assessment and proposed heritage listing of “Karingal’ Interwar bungalow and garden including brick and trachyte fence” comprising Lot 1 DP 986025 and Lot 110 DP 877316 and located at 26 Elizabeth Street, Moss Vale.***
2. ***THAT the Panel supports the heritage assessment and proposed inclusion of 2, 4 and 6 Myrtle Street, Bowral, comprising Lot 1 DP 840484, Lot 1 DP 741837 and Lot C DP 157898, within the Bowral Conservation Area***
3. ***THAT the Panel supports the Planning Proposal prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to add “Karingal’ Interwar bungalow and garden including brick and trachyte fence” as a new heritage item, and amend the Heritage Map of the Wingecarribee Local Environmental Plan 2010 to include 26 Elizabeth Street, Moss Vale, as a heritage item (general) and 2, 4 and 6 Myrtle Street, Bowral, within the boundaries of the Bowral Conservation Area.***
3. ***THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.***
4. ***THAT Interim Heritage Order No. 12 and Interim Heritage Order No. 13 are extended until 19 November 2022 to allow for the preparation and processing of the Planning Proposal.***
5. ***THAT the affected property owners and residents, applicants of DA 22/0513 and DA 22/0535, and interested community members be advised of this decision.***

REASONS The Panel generally agrees with the Council Officer’s report.

VOTING Unanimous

6. DEVELOPMENT APPLICATIONS

6.1 S8.2 Review of DA 21/0195.01 for a Mixed Use Development at 5 Alice Street, Mittagong - Lot 145 - 147, Sec O, DP 1289

Reference: 21/0195.01
Report Author: Consultant Planner
Authoriser: Acting Manager Planning, Certification and Compliance

Mr Geoff Wood addressed the panel to speak against the proposal

Mr Scott Lee addressed the panel as the applicant to speak in favour of the proposal

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines Review of Determination DA21/0195.01 – Restoration of heritage listed Sunshine Lodge and development to provide forty eight (48) boarding rooms, detached dual occupancy, including basement car park at Lots 145 – 147, Section 0, DP 1289, 5 Alice Street, Mittagong by PART APPROVED, subject to the draft condition specified in Attachment 1 to the report.

PANEL DECISION

THAT The application be deferred to obtain legal advice on the following:

- a) Whether the Panel has power to revisit the original application (in its totality) and determine it as a refusal
- b) Whether the proposal is prohibited as a result of the boarding house encroaching on R2 land and comprising of more than 12 rooms contrary to clause 30AA of the (now repealed) Affordable Rental Housing SEPP (2009)
- c) Whether the Panel has power to approve the subdivision component of the application, it not having been part of the original development application and approval, the subject of review

When the legal advice is obtained, the matter be referred back to the same Panel members for determination (which may be electronic).

REASONS As above.

VOTING Unanimous

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.48 PM.