



# MINUTES

of the  
Independent Advisory Planning  
Assessment Panel Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 7 April 2021**

The meeting commenced at 3.30pm

*File No. 100/2021*

**MINUTES OF THE INDEPENDENT ADVISORY PLANNING  
ASSESSMENT PANEL MEETING**

Wednesday 7 April 2021



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**MINUTES OF THE INDEPENDENT ADVISORY PLANNING ASSESSMENT PANEL  
MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC  
CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 7 APRIL 2021  
COMMENCING AT 3.30PM**

<b>Present:</b>	Chairperson	Ms Julie Walsh
	Expert	Ms Heather Warton
	Expert	Ms Larissa Ozog
	Community Representative	Mr Carl Peterson
<b>In Attendance:</b>	Acting General Manager	Mr Les McMahon (in part)
	Acting Deputy General Manager Corporate Strategy and Development Services	Ms Danielle Lidgard
	Group Manager Planning, Development and Regulatory Services	Mr Nicholas Wilton
	Manager Development Assessment	Ms Nancy Sample (in part)
	Coordinator Strategic Land Use Planning	Mr Michael Park (in part)
	Development Assessment Planner	Mr Ross Jauncey (in part)
	Senior Strategic Land Use Planner	Ms Susan Stannard (in part)
	Coordinator ICT Operations	Mr Ian Vong
	Administration Officer	Ms Michelle Richardson

## **1. OPENING OF THE MEETING**

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

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## **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.”

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## **3. APOLOGY**

There were no apologies at this Meeting.

PERS

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#### **4. DECLARATIONS OF INTEREST**

101/3, 101/3.1

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.

*Member Larissa Ozog declared a less than significant non-pecuniary interest in Items 5.1 Development Application 21/0257 - Two (2) Lot Subdivision Part Lot 313 DP1245164, 27 Kimberley Drive Bowral and Item 6.2 Planning Proposal to rezone and reduce the minimum lot size of land at Alpine as she is an expert member of the Wollongong Local Planning Panel as is the Applicant's consultant, Town Planner, Scott Lee. She has never worked in a professional capacity with Mr Lee nor has she ever had a personal relationship with him. In those circumstances the Chair determined that she could participate in the determination and voting on those items.*

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*Community Representative Carl Peterson declared a less than significant non-pecuniary interest in Item 5.1 Development Application 21/0257 - Two (2) Lot Subdivision Part Lot 313 DP1245164, 27 Kimberley Drive Bowral and Item 6.2 Planning Proposal to rezone and reduce the minimum lot size of land at Alpine as he lives in the same street as Scott Lee, the Applicant's consultant. He has no professional or personal relationship with Mr Lee and in those circumstances the Chair determined that he could participate in the determination and voting on those items.*

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## 5. DEVELOPMENT APPLICATIONS

### 5.1 Development Application 21/0257 - Two (2) Lot Subdivision Part Lot 313 DP1245164, 27 Kimberley Drive Bowral

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#### OFFICERS' RECOMMENDATION

Mr Peter Rowe (objector) addressed the Panel on this item

Mr Scott Lee (consultant for Applicant) addressed the Panel on this item.

The Development Assessment Planner addressed the Panel on this item.

*THAT Development Application DA21/0257 for a two (2) Lot Subdivision of land at Part Lot 313 DP 1245164, No 27 Kimberley Drive Bowral be APPROVED subject to conditions as described in Attachment 1 to the report.*

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## PANEL DECISION

***THAT Development Application DA21/0257 for a two (2) Lot Subdivision of land at Part Lot 313 DP 1245164, No 27 Kimberley Drive Bowral be REFUSED for the following reasons:***

1. ***One of the proposed lots does not comply with the minimum lot size of 40 hectares, contrary to clause 4.1 of Wingecarribee LEP 2010 (WLEP 2010).***
2. ***Pursuant to the provisions of clause 4.2D(4) the proposal is not permitted because the panel is not satisfied that:***
  - (a) ***the subdivision is necessary for the ongoing operation of the permissible use(s);***
  - (b) ***the uses relied on are currently permissible uses;***
  - (c) ***the subdivision is appropriate having regard to the natural and physical constraints of the land.***
3. ***The proposal does not represent orderly and economic development in circumstances where the proposed dwelling house Lot (Lot 1) will contain the existing on site waste water treatment pumping station and treatment / maturation pond for proposed Lot 2.***
4. (a) ***The proposal fails to satisfy clause 5.10(4) of WLEP 2010 that requires consideration of the impact of the development on the heritage significance of the heritage item, as listed in Schedule 5 of WLEP 2010. A heritage management document (Heritage Impact Statement) was not submitted with the development application;***
  - (b) ***On the information provided the Panel is not satisfied that the proposal meets the objective 5.10(1) of WLEP 2010, in particular with regards to an assessment of the curtilage, setting and views of the heritage item. It is noted that the heritage listing covers part of proposed Lot 2;***
  - (c) ***The panel concurs with the views of the Heritage Council of NSW that “the reasons for the proposed subdivision provided in the Statement of Environmental Effects are ambiguous and insufficient”.***
5. ***Insufficient information has been provided in the application to identify the site of the original approval of the villas and any implications of the development on existing consents.***

## REASONS:

As above.

## VOTING

4 - NIL

**5.2 Modification to Development Application 18/0744.05 -  
Proposed Alterations and Additions to the  
Wingecarribee Shire Council Administration Building, 68  
Elizabeth Street Moss Vale.**

**OFFICERS' RECOMMENDATION**

*THAT modification to Development Application 18/0744.05 which seeks changes to the approved internal layout, new entrance awnings (Elizabeth Street and Donkin Avenue), relocation of accessible ramp and external façade treatment changes at the Wingecarribee Shire Council building at 68 Elizabeth Street Moss Vale be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.*

**PANEL DECISION**

*THAT modification to Development Application 18/0744.05 which seeks changes to the approved internal layout, new entrance awnings (Elizabeth Street and Donkin Avenue), relocation of accessible ramp and external façade treatment changes at the Wingecarribee Shire Council building at 68 Elizabeth Street Moss Vale be APPROVED, subject to the attached amended conditions of consent as described in Attachment 1 to the report, further amended as follows:*

**Add to the end of Condition 1 "No further works are to be carried out in respect of the works the subject of the modification application until such time as the Building Information Certificate has been issued".**

*The panel was advised that with respect to on site car parking generated by the additional floor space the original application provided for a surplus of car parking which will sufficiently cater for this proposed extension.*

**REASONS:**

The panel generally agrees with the Council Officers' report.

**VOTING**

4 - NIL

## 6. PLANNING PROPOSALS

### 6.1 Planning Proposal to rezone land at Welby Garden Centre

#### OFFICERS' RECOMMENDATION

*THAT a Planning Proposal be prepared under Section 3.33 of the Environmental Planning & Assessment Act 1979:*

- *To amend Schedule 1 of Wingecarribee Local Environmental Plan 2020 to remove Item 28, and*
- *Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m<sup>2</sup> minimum lot size of land at Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby, being the Welby Garden Centre, and*
- *Apply a Maximum Building Height of 8 metres, and*
- *Apply a Maximum Floor Space Ratio of 0.9:1.*

#### PANEL ADVICE

*THAT a Planning Proposal be prepared under Section 3.33 of the Environmental Planning & Assessment Act 1979:*

- *To amend Schedule 1 of Wingecarribee Local Environmental Plan 2010 to remove Item 28, and*
- *Rezone from R2 Low Density Residential to B5 Business Development and remove the 700m<sup>2</sup> minimum lot size of land at Lots 1,2,3,8,9 & 10 Section 6 in DP 759070, Lot 1 in DP 1006005 & Lot 2 in DP 1019107, Nos. 10 & 12 -14 Old Hume Highway, Welby, being the Welby Garden Centre, and*
- *Apply a Maximum Building Height of 8 metres, and*
- *Apply a Maximum Floor Space Ratio of 0.9:1.*

#### REASONS:

The panel generally agrees with the Council Officers' report.

#### VOTING

4 - NIL



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## 6.2 Planning Proposal to rezone and reduce the minimum lot size of land at Alpine

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### OFFICERS' RECOMMENDATION

Mr Scott Lee (Consultant for Applicant) addressed the Panel on this item.

The Coordinator Strategic Land Use Planning addressed the Panel on this item.

*THAT the Planning Proposal to rezone land at 41 Amber Close and 1147 Old Hume Highway Alpine NOT BE SUPPORTED and that the subject land remain zoned E3 Environmental Management with a minimum lot size of 40 hectares*

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### PANEL ADVICE

***THAT the Planning Proposal to rezone land at 41 Amber Close and 1147 Old Hume Highway Alpine NOT BE SUPPORTED and that the subject land remain zoned E3 Environmental Management with a minimum lot size of 40 hectares.***

### REASONS:

The panel generally agrees with the Council Officers' report.

### VOTING

4 - NIL

### 6.3 Planning Proposal to rezone land at 63-69 Kirkham Road Bowral from IN2 Light Industrial to B4 Mixed Use

#### OFFICERS' RECOMMENDATION

Ms Rachel Streeter addressed the Panel on this item.

1. *THAT the Planning Proposal to rezone 63-69 Kirkham Road, Bowral from IN2 Light Industrial to B4 Mixed Use NOT be supported, and*
2. *THAT Council write to the proponent advising them of this decision, and invite them to participate in the broader strategic review of employment lands for the Shire.*

#### PANEL ADVICE

*The Panel notes that the applicant's planning consultant requested a deferral of the matter in order for the applicant to provide further advice on the Council report. The panel did not consider that a deferral was appropriate in the circumstances. The panel advice on the planning proposal was:*

1. *The Planning Proposal to rezone 63-69 Kirkham Road, Bowral from IN2 Light Industrial to B4 Mixed Use NOT be supported, and*
2. *THAT Council write to the proponent advising them of this decision, and invite them to participate in the broader strategic review of employment lands for the Shire.*

#### REASONS:

The panel generally agrees with the Council Officers' report.

#### VOTING

4 - NIL

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**6.4 Planning Proposal to undertake administrative amendments to Wingecarribee Local Environmental Plan 2010 under Section 3.22 of the Environmental Planning & Assessment Act 1979.**

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**OFFICERS' RECOMMENDATION**

*THAT a Planning Proposal be prepared under Section 3.22 of the Environmental Planning & Assessment Act 1979 to replace the current Reclassification (Part Lot) maps with maps labelled in accordance with the Department of Planning, Industry and Environment's current LEP technical specifications, and to apply a minimum lot size of 700m<sup>2</sup> to land at 9-19 Anembo Street (Lots 1261-1266 DP1248764) Moss Vale.*

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**PANEL ADVICE**

*THAT a Planning Proposal be prepared under Section 3.22 of the Environmental Planning & Assessment Act 1979 to replace the current Reclassification (Part Lot) maps with maps labelled in accordance with the Department of Planning, Industry and Environment's current LEP technical specifications, and to apply a minimum lot size of 700m<sup>2</sup> to land at 9-19 Anembo Street (Lots 1261-1266 DP1248764) Moss Vale.*

**REASONS:**

The panel generally agrees with the Council Officers' report.

VOTING

4 - NIL

The panel moved into closed session at 4.45pm.

The meeting reopened at 6.35pm when the Chair announced the Panel's decisions.

**7. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.45 PM