

MINUTES

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

Wednesday 24 January 2024

The meeting commenced at **2:09 pm**

**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 24 JANUARY 2024**

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**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 24 JANUARY 2024**

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON
WEDNESDAY 24 JANUARY 2024 COMMENCING AT 2:09 PM**

Present:	Chairperson	Michael Mantei
	Expert	Heather Warton
	Expert	Larissa Ozog
	Community Representative	Anthony Geoffrey Neill
In Attendance:	Director Communities and Place	Adan Davis
	Manager Development Assessment and Regulation	Jon Shillito
	Manager Strategic Outcomes	Deniz Kilic
	Executive Assistant Director Communities and Place	Leesa Stratford

1 OPENING OF THE MEETING

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

2 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged country:

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

3 APOLOGIES

There were no apologies at the meeting.

4 DECLARATIONS OF INTEREST

There were no declarations of interest, declared at the meeting.

5 PLANNING PROPOSALS

5.1 Review of Wattle Street, Colo Vale Proposal

Report Author: Manager, Strategic Outcomes

Authoriser: Lisa Miscamble

Mr Graham Pascoe – Planning Consultant, addressed the Panel, against the Officer’s recommendation.

Mr Marty Magro – Wattle Street Landowners Group, addressed the Panel against the Officer’s recommendation.

OFFICER’S RECOMMENDATION

THAT:

1. The attached Scoping Proposal to NOT BE SUPPORTED and the subject land NOT BE CONSIDERED FURTHER for inclusion in the Wingecarribee Local Housing Strategy for the following reasons:
 - a) The proposal fundamentally lacks a strategic approach and undermines the strong position resolved by Council to ensure orderly and equitable development outcomes governed by the adopted Wingecarribee Local Housing Strategy.
 - b) The proposal is regarded as an undesirable spot rezoning request to expand the village footprint at the western fringe of Colo Vale village.
 - c) The proposal undermines Council’s preference for strategically identified and master planned New Living Areas and infill sites, where infrastructure issues can be resolved cohesively, development sequencing is equitable and follows a place-based approach.
 - d) The nexus between necessary vegetation clearing to manage bushfire risk and protection of high environmental value (HEV) lands by has not been clearly established and may be irreconcilable.
 - e) There is no capacity in the Mittagong Sewer Treatment Plant (STP) to receive the proposed site’s effluent until at least 2028.
 - f) Planned upgrades to the Mittagong STP will prioritise strategically identified sites in the interest of well-sequenced and equitable development outcomes.
 - g) There are no legal stormwater discharge points at or near the subject land.
 - h) The proposal cannot deliver infill housing in the short-term, due to the abovementioned fundamental planning and engineering constraints.
2. The Strategic Outcomes Team develop a wholistic and strategic Place Plan for Colo Vale following the success of the award-winning Robertson Place Plan and planned Bundanoon Place Plan in the Strategic Outcomes work program for 2024/2025.
3. Council reiterates its support for the Wensleydale site as the proposed New Living Area for Colo Vale and the focus for future urban growth in the Colo Vale village.

PANEL'S ADVICE

1. The Panel recommends that the Scoping Proposal to include land at 62-64, 66-68, 70-72, 74-76, 78-82 and 99-103 Wattle Street Colo Vale **NOT BE SUPPORTED** and the subject land **NOT BE CONSIDERED FURTHER** for inclusion in the Wingecarribee Local Housing Strategy.
2. The Panel recommends that the Strategic Outcomes Team develop a wholistic and strategic Place Plan for Colo Vale following the success of the award-winning Robertson Place Plan and planned Bundanoon Place Plan in the Strategic Outcomes work program for 2024/2025.
3. The Panel recommends Council maintains its support for the Wensleydale site as the proposed New Living Area for Colo Vale and the focus for future urban growth in the Colo Vale village.

REASONS:

1. The previous Panel's resolution in respect to this site was that the site had merit for further investigation for inclusion in the Local Housing Strategy. The Panel is satisfied that the constraints and opportunities of the site have now been fully assessed by the applicant and considered by Council Officers resulting in the recommendation to not support the Scoping Proposal.
2. Having further considered the site, the proposal is not an appropriate strategic approach for further residential development in Colo Vale.
3. The proposal is regarded as an undesirable spot rezoning request to expand the village footprint at the western fringe of Colo Vale village.
4. The proposal undermines Council's preference for strategically identified and master planned New Living Areas and infill sites, where infrastructure issues can be resolved cohesively, development sequencing is equitable and follows a place-based approach.
5. The nexus between necessary vegetation clearing to manage bushfire risk and protection of high environmental value (HEV) lands has not been clearly established and may be irreconcilable.
6. There is no capacity in the Mittagong Sewer Treatment Plant (STP) to receive the proposed site's effluent until at least 2028.
7. There are questionable legal stormwater discharge points at or near the subject land.
8. The proposal cannot deliver infill housing in the short-term, due to the abovementioned fundamental planning and engineering constraints.

VOTING: 4:0

5.2 Update on Independent Peer Review of draft Wingecarribee Community Heritage Study

Report Author: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

NOTE the update on the proposed Independent Peer Review of the draft Wingecarribee Community Heritage Study 2021-22.

NOTE the proposed timeline for public exhibition of the peer-reviewed draft Study in accordance with Council Resolution dated 13 December 2023.

PANEL ADVICE

The Panel endorses the proposed timeline for public exhibition of the peer-reviewed draft Study in accordance with Council resolution dated 13 December 2023.

VOTING: 4:0

5.3 Minor Variation to Nattai Ponds Voluntary Planning Agreement (VPA)

Report Author: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT the minor variation be supported, with street trees and landscaping be provided to enhance and beautify Beresford Street in lieu of wider road pavement.

THAT the minor variation does not require public notification given minor and immaterial nature of variation, noting prior exhibition of VPA and further noting DA underwent exhibition at the time.

PANEL ADVICE

The Panel endorses the Council Officer's opinion that the variation is minor and should be supported with street trees and landscaping being provided to enhance and beautify Beresford Street in lieu of wider road pavement.

The Panel endorses the Council Officer's opinion to not require public notification given the minor and immaterial nature of the variation, noting prior exhibition of the VPA and further noting the DA underwent exhibition at the time.

REASONS:

As outlined in the Council Officer's report.

VOTING: 4:0

6 DEVELOPMENT APPLICATIONS

6.1 Development Application – DA24/0473 – Temporary Use of Land (Annual Market Event) at Lot 1 and Lot 2 DP 1152987, 2-4 Market Place, Berrima NSW 2577

Report Author: Consultant Planner (Hugh Halliwell)

Authoriser: Manager Development Assessment and Regulation

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 24/0473 for the temporary use of land for the purposes of an annual market event at 2-4 Market Place, Berrima by APPROVAL, subject to conditions specified in Attachment 1.

PANEL'S DETERMINATION

The Local Planning Panel determines development application 24/0473 for the temporary use of land for the purposes of an annual market event at 2-4 Market Place, Berrima by APPROVAL, subject to the conditions listed at the end of the reasons.

REASONS

1. The Panel was advised by Council Officer's that the application seeks consent for recurring annual Australia Day Events. The Panel has decided to limit the period of the consent to five years, so that appropriateness of conditions can be reviewed at that time.
2. The Panel was provided with the following documents prior to the meeting;
 - Memo note dated 19 January 2024, concerning heritage considerations
 - Revised draft conditions.
3. The Panel is satisfied that the proposed event is suitable for the site and its impacts are acceptable having regard to the event being family oriented and there being no alcohol offered for sale or consumed.
4. The Panel otherwise adopts the reasons outlined in the Council Officer's report

VOTING: 4:0

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CONDITIONS OF CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of a market event (Australia Day).

Reason: To confirm the use of the approved development.

2. This consent is limited to five (5) year a duration.

3. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan	-	-	-
Statement of Environmental Effects	-	Hogan Planning	September 2023
Traffic Management Plan	1.1	Platinum Traffic Services	21/09/2023
Traffic Control Plan	1	Platinum Traffic Services	18/09/2023

Reason: To ensure the development is carried out in accordance with the approved plans and documentation.

4. Maximum number of market events per year

Approval is granted in this Consent for a maximum of one (1) market event per calendar year.

Reason: To confirm the scope of Council's consent

5. Approved Hours and Duration of Market Event

The approved hours of operation, and duration, of any market event are as follows:

- Entry/exit – gates open: 8:00am
- Amplified music: to be switched off and to finish not later than 4:00pm
- Entry/exit – gates closed: 4:00pm

Reason: To identify the approved hours of operation of the market event; and to ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.

6. Approved Hours of Market Event Set Up/Set Down

In addition to the approved hours and duration of the market event (as per condition above), the establishment and demobilisation activities of any market event structure, equipment or the like shall be limited to the following hours:

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DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sundays / Public Holidays	Nil

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

7. Inconsistency between documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall prevail to the extent of the inconsistency.

Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents (as amended).*

8. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under this Act.

Reason: *To inform of relevant access requirements for persons with a disability.*

Note: *Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

9. Change of Use (No building works)

This development consent does not permit building works or structural alterations to any existing building or structure on the property.

Reason: *To clarify the nature of the consent.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT EACH OF MARKET EVENT

10. Venue and Security Management Plan

The applicant shall submit to Council's Manager Development Assessment a comprehensive Plan of Management no later than fourteen (14) days prior to the date of each event and shall include the following:

(a) **A Venue Plan** containing the following:

- Location of amenities,
- Location of lighting,
- First Aid,
- Private and Event parking,
- Public transport,
- Evacuation point,
- Emergency assembly point.

- Type of food available,
- Location and number of water stations,
- Security details,
- Lighting,
- Location of Food,
- Amenities,

Reason: Public health and safety

11. Access for People with Disabilities

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*. Prior to the approval from Council of the Temporary Use of Land, the submitted plans shall demonstrate compliance with the abovementioned standards.

Note: *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

Reason: *To inform of relevant access requirements for persons with a disability.*

12. Disabled Toilets

Disabled toilet/s shall comply with the relevant Australian Standards, the Building Code of Australia, and have regard for the Disability Discrimination Act 1992.

Note: *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992. The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.*

Reason: *To inform of relevant access requirements for persons with a disability.*

13. Public Liability Insurance

The Event Operator shall submit to Council, a copy of the Public Liability Insurance Policy for the project with a minimum cover of \$20 million. The Policy shall indemnify Wingecarribee Shire Council against any actions as a result of the works to be undertaken on the public land.

Reason: *To ensure that the interests of the public are protected.*

14. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the carrying out of works in the development.

Reason: *Health and amenity.*

15. Food Business Notification Requirement

Food businesses trading at the event shall submit Food Business Notifications to Council prior to the commencement of the event.

Reason: *Registration and notification to relevant authorities.*

CONDITIONS TO BE SATISFIED DURING EACH OF MARKET EVENT

16. Temporary Food Premises Requirements

During the operation and use of the development, temporary food premises shall be set up and operated in accordance with the *Food Act, Food Regulation, Food Safety Standards and NSW Food Authority's Guidelines for Food Businesses at Temporary Events*.

Reason: Compliance with relevant legislation, guidelines, and standards.

17. Mobile Food Premises Requirements

During the operation and use of the development, mobile food premises shall comply with the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles*.

Reason: Compliance with relevant legislation, guidelines and standards.

18. Provision of Toilets and Hand Washing Facilities for Food Handlers

During the operation and use of the development, sufficient toilet facilities shall be provided for the use by all food handlers and maintained in a hygienic condition. Hand washing facilities shall be provided immediately adjacent to the toilets. The hand washing facilities shall be supplied with warm running water through a single outlet, soap and paper towels.

Reason: Compliance with relevant legislation, guidelines and standards.

19. Operational Noise Levels

Noise from amplified music shall not exceed the levels specified below when measured at the nearest affected residential property:

- L_{Aeq} at 55 dB(A),
- L_{Amax} at 60 dB(A) and
- L_{Cmax} at 80 dB(C).

In the event Council receives substantiated complaints about excessive noise caused by amplified music emanating from the development the applicant will be directed to take corrective actions specified by Council.

Reason: To prevent loss of amenity to the area.

20. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during set up, set down and event period. When conditions are favourable to dust formation, water sprays/cart and/or vegetation shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

Reason: Environmental amenity

21. Noise Control

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

Reason: To prevent loss of amenity to the area.

22. Waste management

Waste generated during the ongoing operation of the development shall be managed in environmentally satisfactory manner and in compliance with the *Local Government Act 1993*, *Protection of the Environment Operations Act 1997* and regulations under these Acts.

Reason: *To protect the environment and ensure compliance with statutory requirements.*

23. Location of Temporary Structures

The structures to be installed for the Berrima Australia Day shall:-

- a) not restrict any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land unless that parking and access is on land owned, controlled or managed by a council or public authority and that council or public authority has given its written consent to the temporary use of the land for the erection of the temporary structure,
- b) not obstruct traffic or pedestrians at any time and any ancillary equipment is to be positioned so as not to impede the flow of traffic or pedestrians on any road/street,
- c) not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- d) not result in damage to any protected tree growing on the land or on adjacent land,
- e) if it is the erection of a temporary structure – be erected on a surface that is sufficiently firm and level to sustain the structure while in use,
- f) if it is the erection of a temporary structure-be able to resist loads determined in accordance with the following Australian and New Zealand Standards –
 - (i) AS/NZS 1170.0:2002 *Structural design actions, Part 0: General principles*
 - (ii) AS/NZS 1170.1:2002, *Structural design actions, Part 1: Permanent, imposed and other actions,*
 - (iii) AS/NZS 1170.2:2011, *Structural design actions, Part 2: Wind actions,*
- g) be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out,
- h) keep the area in a clean and tidy condition at all times,
- i) not cause nuisance or interference with the amenity of the area by reason of any process or operation on the subject site causing emission of noise, dust, smoke or any polluted discharge whatsoever,
- j) the Applicant shall permit access onto the land of any officers of Wingecarribee Shire Council or any other government department or public authority at reasonable times for the purposes of inspecting the operation and carrying out such control tests or reading as they consider necessary.

24. Tents, Marquees or Booths for Community Events

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Compliance with the following requirements:

- a) For all tents, marquees and booths being used at the same time-the development must not have a total floor area exceeding 500m².
- b) Each tent, marquee or booth must be erected so as to ensure that there is a distance of at least 1.5m from any other tent, marquee or booth that is unobstructed so as to allow for pedestrian circulation unless that other tent, marquee or booth is attached with no separation.
- c) Each tent, marquee or booth with an area exceeding 300m² must be located at least 6m from any other tent or marquee, and from any booth, to minimize the risk of fire spread.
- d) Each tent or marquee with an area exceeding 300m² must be provide with a system of emergency lighting and an additional electrical supply capable of providing emergency lighting in the event of a power failure.
- e) Each tent, marquee or booth must be located at least 3m from any boundary of the land.
- f) Each tent, marquee or booth must be erected at ground level.
- g) Each tent or marquee must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road-
 - h) 1 exit if the tent or marquee has a floor area of not more than 25m²
 - i) 2 exits if the tent or marquee has a floor area of not more than 100m²
 - j) 4 exits in any other case,
- k) If any tent or marquee will include internal seating, stalls, tables or other obstructions, a clear path or travel to any exit no greater than 40m in length must be provided.
- l) Each tent or marquee must have a width for each exit of at least 1m.
- m) No tent or marquee can have a wall height exceeding 4m.
- n) Each tent or marquee must have a height as measured from the surface on which the tent or marquee is erected to the highest point of the tent or marquee not exceeding 6m.
- o) No tent or marquee can contain tiered seating.
- p) Each tent, marquee or booth must not remain on the land for more than 7 days after the event.
- q) Wastewater is to be contained within the tent, marquee or booth for later disposal to the sewage system.
- r) All waste created from activities within the tent, marquee or booth shall be contained within the tent, marquee or booth and disposed of legally, at Council's Waste Facility or other authorized waste facility.
- s) The parking of any vehicles associated with the Mobile Food Van at Berima Australia Day, is prohibited at all times, except for the positioning of the Mobile Food Van.
- t) Vendors are only permitted to operate between the hours of:
 - i. 8:00am - 9:00pm – Monday to Friday
 - ii. 8:00am - 9:00pm – Saturday, Sunday or public holiday,

- u) Each tent, marquee or booth and the operations shall comply with the Food Act and Regulations (as amended), Food Standards Code and the NSW Food Authority's Mobile Food Vending Vehicles Guideline wherever applicable.

25. Stages or platforms for community events

Compliance with the following requirements:

- a) The stage or platform must not have a floor area exceeding 100m².
- b) Each stage or platform must be located at least 3m from any boundary of the land unless the land is under the ownership, control or management of a council or public authority, and that council or public authority has provided its consent in writing to the temporary use of the land for the erection of the stage or platform.
- c) The stage or platform must have a height as measured from the surface on which the stage or platform is erected to the floor of the stage or platform not exceeding 2m.

END OF CONDITIONS

6.2 DA-23/1229 Development Application for a food and drink premises (cafe) with associated fit-out and signage at Lot 100 DP 1267562 – Shop 1/55 Renwick Drive, Renwick

Report Author: Consultant Planner - Sam Lettice, SKL Planning (External Consultant)

Authoriser: Jon Shillito – Manager Development Assessment & Regulation

Mr Mark Pepping – Planning Consultant, addressed the Panel in favour of the Officer's recommendation.

OFFICER'S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel determines development application DA-23/1229 for a food and drink premises (cafe) with associated fit-out and signage at Lot 100 DP 1267562 – Shop 1/55 Renwick Drive Renwick by APPROVAL subject to the conditions specified in Attachment 1 to this report.

PANEL'S DETERMINATION

The Panel determines development application DA23/1229 for a food and drink premises (cafe) with associated fit-out and signage at Lot 100 DP 1267562 – Shop 1/55 Renwick Drive Renwick by APPROVAL subject to the conditions specified in the Officer's report.

REASONS:

The Panel adopts the reasons outlined in the Council Officer's Report.

VOTING: 4:0

DA23/1385 Development Application for Outdoor Digital Display Wall Sign for Community Events at Lot 1 DP 1003910, No 16-24 Bendooley St Bowral

Report Author: Consultant Town Planner – Angelina Aversa-Morassut, Planning Ingenuity

Authoriser: Jon Shillito – Manager Development Assessment & Regulation

OFFICER’S RECOMMENDATION

THAT the Local Planning Panel determines DA23/1385 for construction of an outdoor digital display wall sign for community events at Lot 1 DP1003910, No 16-24 Bendooley St Bowral by APPROVAL subject to the conditions specified in Attachment 1 to this report.

PANELS DETERMINATION

The Panel determines DA23/1385 for construction of an outdoor digital display wall sign for community events at Lot 1 DP1003910, 16-24 Bendooley Street, Bowral by APPROVAL subject to the conditions specified in the Council Officer’s report plus the following conditions;

1. The content of the advertising sign is to be limited to the promotion of events occurring on the premises.
2. The dwell time for displays on the sign shall be no less than one hour.

REASONS:

The Panel adopts the reasons as outlined in the Officer’s report and to further mitigate the potential of the sign on the heritage building and precinct.

VOTING: 4:0

7 MEETING CLOSURE

Being no further business meeting closed at 5.42pm
