

MINUTES

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

Wednesday 28 February 2024

The meeting commenced at **2:01 pm**

**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 28 FEBRUARY 2024**

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**MINUTES OF THE LOCAL PLANNING PANEL
WEDNESDAY 28 FEBRUARY 2024**

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN {MEETING-ROOM}, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY
28 FEBRUARY 2024 COMMENCING AT 2:00 PM**

Present:	Chairperson	Stephen Leathley
	Expert	Heather Warton
	Expert	Linda Kelly
	Community Representative	Dennis McManus
	Manager Development Assessment and Regulation	Jon Shillito
	Coordinator Strategic Outcomes	Susan Stannard
	Project Manager	Craig Bennett
	Planning Consultant	Hugh Halliwell
	ICT Operations	Jon Campbell
	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 for the meeting.

4 DECLARATIONS OF INTEREST

There were no Declaration of Interest declared at the meeting.

5 PLANNING PROPOSALS

5.1 Planning Proposal to amend Schedule 1 of WLEP 2010 to list Business Premises as an Additional Permitted Use on land at 1 Bowman Road Moss Vale (Lot 2 DP1249526)

Report Author: Coordinator Strategic Policy
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION

THAT the Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, be supported and submitted for a Gateway Determination in accordance with s3.34 of the *Environmental Planning & Assessment Act 1979*.

PANEL ADVICE.

The Panel does not support the Planning Proposal to amend Schedule 1 of WLEP 2010 to permit Business Premises with consent on land at 1 Bowman Road Moss Vale, being Lot 2 DP 1249526, in its current form. The Panel is not satisfied that the Planning Proposal provides adequate Strategic merit justification.

The Panel is also concerned that enabling "business premises" on the site is too broad, as it would potentially enable the whole site to be used for any business-related purpose. The Panel advises if Council is to proceed with the Planning Proposal the business premises, should be specified to a particular business use that compliments and supports the approved community-based animal shelter. It should also restrict the floor area of any such business premises.

REASONS:

The Panel is of the view that the Planning Proposal needs to better address the relevant strategic planning framework applying to the site in order to establish strategic merit for the Planning Proposal. The Panel is also of the view that allowing business premises as an APU on the site without more specific and tighter controls could result in an undesirable planning outcome where the whole site was used for business premises noting that it is a relatively broad landuse term.

VOTING: 4:0

6 DEVELOPMENT APPLICATIONS

6.1 DA23/1465 Construction and Operation of a Concrete Batching Plant, Lot 4 DP 1276958, 12 Red Fields Road, Moss Vale

Report Author: Consultant Planner, Hugh Halliwell
Authoriser: Manager Development Assessment and Regulation

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 23/1465 for the construction of a concrete batching plant at 12 Red Fields Road, Moss Vale by APPROVAL.

Mr David Kelly – applicant, addressed the Panel to provide additional information at the request of the Planning Panel.

PANEL'S DETERMINATION

The Local Planning Panel determines development application 23/1465, for the construction and operation of a concrete batching plant at 12 Red Fields Road, Moss Vale by APPROVAL with the inclusion of additional Condition 13A, amendments to conditions 29, 44, 70, 72 and deletion of condition 69, details. The conditions to be inserted and as amended are as follows:

13A. Female Toilet

Prior to the issue of a Construction Certificate the floor plan of the toilet facilities shall be amended to provide a separate female bathroom.

Reason To provide equitable and suitable access to sanitary facilities for all personnel

29 Relocation of Sewerage

Prior to commencement of construction of the concrete batching plant, the existing sewer main shall be relocated if required. The relocation of sewer main is to be clear of buildings/structures and all superseded mains and structures are to be removed from site. Sewer relocation works are to be in accordance with Council's Sewer Engineering Design Specification.

Reason: To protect public utilities.

44. Vehicular Access Point - Construction and Delivery Vehicles

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be

surfaced with all-weather materials of a minimum 40mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.

70. Annual concrete production

The maximum annual production of concrete permitted by this consent is limited to a maximum of 100,000m³ / 240,000 tonnes. The operator is to submit to Council at the end of each calendar year total production of concrete from the facility.

Reason: To ensure compliance with the approved development.

72. Operational Noise Levels

The operational noise levels generated by the development shall be controlled such that they do not exceed the applicable Project Noise Trigger Levels set in Table 4.3 of at the Acoustic Report *Moss Vale Concrete Batching Plant Noise and Vibration Impact Assessment* by EMM Consulting (Ref: E220602 RP5; Version: v1; Dated: June 2023) when measured at the nearest affected receiver. In the event that substantiated noise complaints are received the operator/applicant is required to prepare and submit an acoustic report prepared by a suitably qualified consultant demonstrating compliance with the requirements of this condition. The Applicant will be required to undertake such works as is necessary to remedy such exceedance within a period determined by Council.

Reason: To reduce the possibility of damage to public property

Table 4.3 Project noise trigger levels

Residential assessment location	Assessment period ¹	Intrusiveness noise level, L _{Aeq,15min} dB	Amenity noise level L _{Aeq,15min} dB	PNTL ² , L _{Aeq,15min} dB
R1, R2, R4	Morning shoulder	n/a	68	68
	Day	n/a	68	68
R3, R5–R10	Morning shoulder	40	45	40
	Day	43	53	43

1. Morning shoulder: 6:00 am to 7:00 am, Day: 7:00 am to 6:00 pm Monday to Saturday; 8.00 am to 6.00 pm Sundays and public holidays.

2. PNTL is the lower of the calculated intrusiveness or amenity noise levels.

Reason: To prevent loss of amenity to the area.

69. Maximum number of staff

The maximum number of staff permitted by this consent is fifteen (15).

Reason: To ensure compliance with the approved development.

REASONS:

The Panel has inspected the site and reviewed the consultant planner's assessment report.

The Panel is satisfied that the development is consistent with the applicable provisions of the Wingecarribee Local Environmental Plan 2010 and the relevant State Environmental Planning Policies as set out in the assessment report. The Panel notes that WaterNSW has provided its concurrence to the application in accordance with Section 6.64 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The Panel is satisfied that the proposal will not have an adverse impact on the environmental amenity of the neighbourhood and that adequate safeguards can be conditioned as part of the development consent.

The Panel otherwise adopts the reasons for the decision as contained in the consultant planner's report.

The Panel notes that the site is located in a rural landscape and maintaining the ongoing amenity of the landscaping of this site and surrounding industrial development requires consideration of a compliance regime which warrants further strategic consideration by Council.

VOTING: 4:0

7 MEETING CLOSURE

Being no further business, the meeting closed at 2.25pm
