

MINUTES

of the

Wingecarribee

Local Planning Panel

**Held via electronic circulation of papers pursuant to
Clause 26, Schedule 2 of the Environmental Planning
and Assessment Act, 1979.**

on

Wednesday 10 May 2023

**MINUTES OF THE WINGECARRIGEE LOCAL PLANNING PANEL MEETING OF HELD
ELECTRONICALLY ON WEDNESDAY 10 MAY 2023.**

Present:	Chairperson	Stephen Leathley
	Expert	Heather Warton
	Community Representative	Dennis McManas

In Attendance:	Acting Manager, Development Assessment and Regulation	John McFadden
	Planning Consultant	Hugh Halliwell
	Executive Assistant Director Communities and Place	Leesa Stratford

1. Declaration of Interest

There were no declarations of Interest declared for this meeting.

2.

2.1 Development Application 22/0258 – Seniors Housing, Lot 1 DP 1273409, 48 Old Wingello Road, Bundanoon

BACKGROUND

At the 7 September 2022 meeting of the Wingecarribee Local Planning Panel the panel unanimously resolved:

THAT the Wingecarribee Local Planning Panel DEFERS determination of the development application (DA 22/0258) for electronic determination, pending the receipt of the following information from the applicant which is to be provided by 10 October 2022.

- 1. The applicant to provide owners consent from the landowners of 80 Old Wingello Road to remove the tree located on the property as set out in the applicant's arborists report OR amend the plan so that there is no impact on the tree located on that adjoining site.*
- 2. The applicant to provide amended architectural and landscape plans addressing the following:*
 - a) The retention of the two trees identified as 15 & 16 in the arboriculture report.*
 - b) The provision of a pocket park in the south west section of the site.*
 - c) Consideration of pedestrian access through the Warrigal site, if legal access is available or can be negotiated in the southern section of the property.*
 - d) The provision of an appropriately sized community building with suitable facilities for use by all future residents on the site.*
 - e) The provision of a pedestrian seat and shelter at the entrance to the site on Old Wingello Road, with details to be provided in landscape plan.*
 - f) Units 1 and 26 are to be oriented so that they activate and front Old Wingello Road. Vehicular access to these units is to be from the internal road network.*
 - g) Landscaping of the Old Wingello Road frontage of the site is to be redesigned so that the site activates the street frontage and is consistent with the character of the streetscape. No solid fencing will be supported on this frontage.*
- 3. The Panel supports the retention of a setback and landscape buffer on Old Wingello Road. Unless this area was identified as being for future development in DA20/1144, and not identified on the approved architectural landscape plans as a landscape or open space area or similar, the central four dwellings are to be deleted. Proposed Units 1 and 26 on the northeastern and north-western corners may remain. The amended plans referred to in 1. above shall also show this amendment.*
- 4. The provisions of an Operational Management Plan for Stages 1 and 2 of the seniors living development providing policies and procedures for the following matters:*
 - a) The roles and responsibilities for management and administration of the facility*
 - b) The requirements and obligations for residents*
 - c) The upkeep and maintenance of the facility including site infrastructure such as roads, stormwater and open space areas and community buildings*
 - d) The management and community use of open space and recreation areas*
 - e) The management and community use of the Community Building.*
 - f) Crime prevention*
 - g) Waste management*
 - h) Complaints and disputes management*

MINUTES OF THE ELECTRONIC WINGECARRIBEE LOCAL PLANNING PANEL MEETING WEDNESDAY 10 MAY 2023

REASONS:

- 1. The Panel did not agree with the grounds expressed in the Council assessment report for refusal of the DA. Given the existing Stage 1 approval and the location of the site adjacent to an existing residential care facility and within proximity to the Bundanoon village centre, the site was considered suitable for the proposed use. The Panel also noted the need for increased housing supply and housing diversity in the area, which the proposal satisfies.*
- 2. The Panel considers that the applicant should be given the opportunity to address design related issues so that the application can be considered for possible approval.*
- 3. The Panel noted that the submitted arborists report identified that a tree located on 80 Old Wingello Road would be adversely impacted by the development and that the application cannot be approved without that owners consent or a redesign of the development such that the tree is not impacted.*
- 4. The Panel considered that the development would benefit from formal access to and through the adjoining Warrigal site and that the applicant should attempt to negotiate such access to improve connectivity to that facility and access into the Bundanoon village centre.*
- 5. The Panel is of the view that the combined development of Stages 1 and 2 are of sufficient scale as to warrant the provision of an Operational Management Plan for the ongoing management of the development.*

VOTING: Unanimous

PANEL DECISION:

Development Application 22/0258 for a Seniors Housing Development consisting of eighteen (18) independent living units, tree removal, a community building, in conjunction with approved Stage 1 development at 48 Old Wingello Road, Bundanoon is determined in accordance with Sections 4.16(1) of the Environmental Planning and Assessment Act by APPROVAL as set out in the determination notice attached to these minutes.

REASONS:

1. In response to the Panel's decision of 7 September 2022 to defer determination of the application so as to provide the applicant an opportunity to address design related matters so that the development could be considered for approval, the applicant has addressed those matters and the Panel is satisfied that the amended Arboricultural Impact Assessment (AIA), Architectural Plans and Landscape Plan are satisfactory, and the development application can be approved.
2. The Operational Management Plan is not considered satisfactory. A condition has been added to the consent requiring a revised plan to be submitted to and approved by Council prior to the issue of the Occupation Certificate for any of the ILU's.
3. The proposed development generally complies with the relevant State and local planning instruments and policies.
4. The Panel considers that the undeveloped area along the site frontage to Old Wingello Road be retained as a landscape buffer that cannot be developed so as to provide an offset for tree removal that has occurred in stages 1 & 2 of the development.

5. The Panel accepts the applicants submission that owners consent is not required from the owner of 80 Old Wingello Road as the development will not be impact on the tree located on that property as confirmed by the amended Arborist Report. The Panel is also satisfied that access through the adjoining Warrigal aged care facility site is not legally practicable.
6. The Panel considers that the proposal will provide increased housing supply and housing diversity in the area and is consistent with the character of the existing stage 1 approved development and the adjoining Warrigal aged care facility.
7. There documentation supporting the development application does not include any earthworks plans and therefore a condition has been added to the consent making it clear that the only earthworks that can ben undertaken to facilitate the development are earthworks specifically required by a condition of consent, or where such earthworks would not otherwise require development consent via the provisions of an applicable environmental planning instrument.

VOTING: UNANIMOUS

3 END OF MINUTES