

MINUTES

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

Wednesday 7 September 2022

The meeting commenced at **2:05 pm**

Table Of Contents

1 OPENING OF THE MEETING	3
2 ACKNOWLEDGEMENT OF COUNTRY	3
3 APOLOGIES	3
4 DECLARATIONS OF INTEREST	3
5 PLANNING PROPOSALS	4
5.1 PP-2022-933 Amendment To The Minimum Lot Size Of Land At Villiers Road And Hill Road Moss Vale - Post Exhibition	4
5.2 Planning Proposal To Amend Wingecarribee Local Environmental Plan 2010 With Regard To Clause 7.2 - Requirements For Subdividing Dual Occupancies In Zones R2 And B1 - Post Exhibition (PP-2022-1055)	5
5.3 Planning Proposal To Enable Additional Dwelling Lots At 12-22 Oldbury Street Berrima.	6
6 DEVELOPMENT APPLICATIONS	
6.1 Development Application 22/0258 - Seniors Housing, Lot 1 DP1273409, 48 Old Wingello Road, Bundanoon	7
6.2 Development Application 22/1462 - Subdivision Of Land To Create Three Lots, Lot 15 DP258713, No 42 Lytton Rd Moss Vale	10
7 MEETING CLOSURE	11

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN {MEETING-ROOM}, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY
7 SEPTEMBER 2022 COMMENCING AT 2:00 PM**

Present:	Chairperson	Stephen Leathley
	Expert	Alf Lester
	Expert	Heather Warton
	Community Representative	Dennis McManus (PSM)
In Attendance:	Manager Planning, Development Services	Nancy Sample
	Senior Strategic Planning	Susan Stannard
	Senior Development Assessment Planner	Chris Young
	Senior Development Assessment Planner	Roland Wong
	Development Assessment Planner	Parin Kolbadi
	Coordinator ICT Operations	Ian Vong
	Executive Assistant Director Communities and Place	Leesa Stratford

1 OPENING OF THE MEETING

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

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.

4 DECLARATIONS OF INTEREST

There were no declarations of Conflicts of Interest declared at this meeting.

5 PLANNING PROPOSALS

5.1 PP-2022-933 Amendment to the minimum lot size of land at Villiers Road and Hill Road Moss Vale - Post Exhibition

Report Author: Strategic Land Use Planner
Authoriser: Executive Manager Strategic Outcomes

OFFICER'S RECOMMENDATION:

1. THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to reduce the minimum lot size provisions for land at Villiers Road and Hill Road Moss Vale from 8,000m² to 2,000m² be endorsed; and
2. THAT the Planning Proposal be finalised in accordance with s.3.36 of the Environmental Planning & Assessment Act 1979.

PANEL ADVICE:

The Panel supports the Officer's recommendation to endorse the proposal to amend the Wingecarribee Local Environmental Plan 2010 to reduce the minimum lot size provisions for land at Villiers Road and Hill Road Moss Vale from 8,000m² to 2,000m².

REASONS:

The Panel generally agrees with the Council Officer's recommendation for the reasons outlined in the Officer's report.

VOTING:

Unanimous

5.2 Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 with regard to Clause 7.2 - Requirements for subdividing dual occupancies in Zones R2 and B1 - Post Exhibition (PP-2022-1055)

Report Author: Senior Strategic Land Use Planner

Authoriser: General Manager

OFFICER'S RECOMMENDATION:

1. THAT the Planning Proposal to amend clause 7.2 of Wingecarribee Local Environmental Plan 2010 to the following wording be endorsed, and
2. THAT the Planning Proposal be finalised in accordance with s.3.36 of the *Environmental Planning & Assessment Act 1979*.

PANEL ADVICE:

The Panel supports the Officer's recommendation to endorse the proposal to amend clause 7.2 of Wingecarribee Local Environmental Plan 2010.

REASONS:

The Panel generally agrees with the Council Officer's recommendation for the reasons outlined in the Officer's report.

VOTING:

Unanimous

5.3 Planning Proposal – PP-2022-1417 – For a 3-lot subdivision at 12-22 Oldbury Street Berrima

Report Author: Senior Strategic Land Use Planner

Authoriser: Executive Manager Strategic Outcomes

PUBLIC FORUM:

Mr Scott Lee addressed the Panel on behalf of the Applicant and spoke against the Council Officer's recommendation.

OFFICER'S RECOMMENDATION:

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to amend the minimum lot size for land at 12-22 Oldbury Street Berrima from 1 hectare to 4,000m² to enable re-subdivision of the land into a total of three (3) separate allotments NOT BE SUPPORTED.

PLANNING PANEL ADVICE:

The Wingecarribee Local Planning Panel supports the Officer's recommendation not to proceed with the Planning Proposal to amend the Wingecarribee Local Environmental Plan 2010 to modify the minimum lot size for land at 12-22 Oldbury Street Berrima from 1 hectare to 4,000m² to enable re-subdivision of the land into a total of three (3) separate allotments.

The panel suggests that the 1ha minimum lot size applying to the C4 Environmental Living Zone generally north of Oldbury Street at Berrima be considered by Council as part of a future broader strategic review.

REASONS:

1. The Panel generally agrees with the Council Officer's report.
2. There is no strategic merit to the Planning Proposal and therefore it cannot be supported.
3. The Panel was of the view that there was inadequate information to confirm the extent of clearing that would result from future development of the land should the proposal proceed and the likely impacts on the Berrima Heritage Conservation Area.

NOTE:

The Panel considers that the applicant has made a case to review the minimum lot size applying to the site, but that review needs to be undertaken in a broader strategic context.

VOTING:

Unanimous

6 DEVELOPMENT APPLICATIONS

6.1 Development application 22/0258 - Seniors housing, Lot 1 DP1273409, 48 Old Wingello Road, Bundanoon

Report Author: Senior Development Assessment Planner
Authoriser: Director Communities and Place

PUBLIC FORUM:

Mr Andy Carnahan addressed the Panel on behalf of the Bundanoon Community Association and spoke in favour of the Council Officer's recommendation.

Mr Scott Lee and Mr Richard Anderson addressed the Panel as the Applicant/Consultant and spoke against the Council Officer's recommendation

OFFICER'S RECOMMENDATION:

THAT the Wingecarribee Local Planning Panel determines development application 22/0258 for erection of buildings and carrying out of works for the purpose of seniors housing (22 independent living units) by REFUSAL of consent for the reasons specified in Attachment 1 to this report.

NOTE:

On the site visit, the Panel was advised by Council staff that contrary to the Council officers assessment report, there was a bus route within 400m of the site and that it operated on a 'hail and ride' basis.

At the briefing it was confirmed with Council officers that the DA was lodged prior to the Housing SEPP 2021 coming into force and consequently the DA was 'saved' under the previous regime and hence the provisions of the Housing SEPP 2021 did not apply. The Panel therefore disregarded that element of the assessment report and noted that the proposal was to be assessed under the Local planning framework (WLEP2010 and WDCP).

During the Public Meeting, Mr Scott Lee advised that amended plans were submitted to Council in early 2022 addressing the retention of trees 15 & 16. Following the public meeting, Council officers advised that they checked the Planning Portal, and no amended plans were submitted as advised by Mr Lee. Council officers further advised that they were not prepared to entertain the consideration of amended plans and that the applicant was instead advised to withdraw the DA or it would be determined based on the design submitted with the application.

PANEL DECISION

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 north-eastern 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

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

6.2 Development Application 22/1462 - Subdivision of Land to Create Three Lots, Lot 15 DP258713, No 42 Lytton Rd Moss Vale

Report Author: Senior Development Assessment Planner

Authoriser: Acting Director – Communities and Place

PUBLIC FORUM:

Mr Scott Lee and Mr Paul Brandon addressed the Panel as the Applicant/Consultant and spoke against the Council Officer's recommendation

OFFICER'S RECOMMENDATION

THAT the Local Planning Panel determines development application 22/1462 for the subdivision of land to create three (3) lots at Lot 15 DP258713 No 42 Lytton Road Moss Vale by **REFUSAL** of consent for the reasons specified in Attachment 1 to this report.

PANEL DECISION

The Panel determined development application 22/1462 for the subdivision of land to create three (3) lots at Lot 15 DP258713 No 42 Lytton Road Moss Vale by **REFUSAL** of consent for the reasons specified in the Officer's report.

REASONS:

The Panel generally agrees with the Officer's report. The Panel is of the view that the submitted clause 4.6 Submission to vary the minimum lot size is not adequate, and on merit variation to the minimum lot size and to the prevailing subdivision pattern is not justified. Furthermore, there are no unusual or unique circumstances that would warrant the variation noting the lot is identical in area to the majority of the other properties in the locality.

VOTING:

Unanimous

7 MEETING CLOSURE

This meeting closed at 5.06pm