



# MINUTES

of the  
Wingecarribee Local Planning Panel  
Meeting

held

remotely using audio visual link and open to members of  
the community via webcasting

on

**Wednesday 6 October 2021**

The meeting commenced at 3.30pm

**MINUTES OF THE WINGECARRIBEE LOCAL PLANNING PANEL MEETING**

Wednesday 6 October 2021



---

<b>1. OPENING OF THE MEETING</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. APOLOGIES</b>	
<b>4. DECLARATIONS OF INTEREST .....</b>	<b>2</b>
<b>5. DEVELOPMENT APPLICATIONS .....</b>	<b>3</b>
5.1 Development Application 21/1641 - Subdivision of land to create two lots - Lot 3 DP1250477, No 77 Bowral Street, Bowral.....	6
5.2 S4.55 1(a) Modification Application - Dwelling Alterations and Additions - 144 Mt Broughton Road Werai	
5.3 9 Pearce Street, Hill Top Dwelling House & Secondary Dwelling .....	7
<b>6. PLANNING PROPOSALS.....</b>	<b>8</b>
6.1 50A Bulwer Road, Moss Vale - Post-exhibition Outcomes of Planning Proposal to Rezone and Reduce the Minimum Lot Size.....	8
6.2 Sutherland Park Drive, Burradoo - Planning Proposal .....	9
<b>7. MEETING CLOSURE.....</b>	<b>12</b>

---

**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY VIA WEBCASTING ON WEDNESDAY 6 OCTOBER 2021 COMMENCING AT 3.30PM**

<b>Present:</b>	Chairperson	Julie Walsh
	Expert	Larissa Ozog
	Expert	Alf Lester
	Community Representative	Richard Colley
<b>In Attendance:</b>	Interim Deputy General Manager	Marissa Racomelara
	Director Community and Places	Geoff King
	Manager Development Assessment	Nancy Sample
	Manager Strategic Land Use Planning	Michael Park
	Coordinator ICT Operations	Ian Vong
	Administration/Governance Officer	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 Straight Islanders present here today.”

---

## **3. APOLOGY**

There were no apologies at this Meeting.

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

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 declared at the Meeting.

Larissa Ozog declared a non-pecuniary, less than significant interest in **item 5.1**, Development Application 21/1641 - Subdivision of land to create two lots - Lot 3 DP1250477, No 77 Bowral Street, Bowral and **Item 6.1**, 50A Bulwer Road, Moss Vale - Post-exhibition Outcomes of Planning Proposal to Rezone and Reduce the Minimum Lot Size. She sits on the Wollongong Local Planning Panel alongside Scott Lee (Applicant for the abovementioned items) as both are expert panel members. She has no other professional or personal relationship with Mr Lee and therefore the interest is non-pecuniary and non-significant and she will remain in the meeting and take part on the voting there in.

---

---

## 5. DEVELOPMENT APPLICATIONS

### 5.1 Development Application 21/1641 - Subdivision of land to create two lots - Lot 3 DP1250477, No 77 Bowral Street, Bowral

Report Author: Senior Development Assessment Planner  
Authoriser: Manager Development Assessment

Mr Scott Lee, LEP Planning addressed the Panel of behalf of the applicant.

Continued on page 4

---

*WLPP 4/21*

---

**OFFICERS RECOMMENDATION**

*THAT* the Local Planning Panel determines DA21/1641 for a Two-Lot Subdivision at Lot 3 DP 1250477, No 77 Bowral Street, Bowral by APPROVAL, subject to the conditions specified in Attachment 1 to this report.

---

**PANEL DETERMINATION**

*Development Application 21/1641 is REFUSED for the following reasons:*

1. *The clause 4.6 objection to the minimum lot size development standard in clause 4.1 of Wingecarribee LEP 2010 (the LEP) is not well founded.*
2. *There are insufficient environmental planning grounds to justify contravening the development standard (4.1).*
3. *The development will not be in the public interest as it is not consistent with the objectives of the development standard (4.1).*
4. *The proposed variation to the minimum lot size standard is substantial and will establish an undesirable precedent for future development in the street and immediate locality. This is important having regard to the need to consider the public benefit of maintaining the development standard under clause 4.6(5)(b)*
5. *The proposed development fails to satisfy the objective of clause 4.1 in respect to minimum lot sizes as the new lots will not be compatible with the character, size and siting of the existing large lots to the east of the site, namely No.81, 83, 85 and 87 Bowral Street and will adversely affect the established streetscape character of these properties.*
6. *The proposed development fails to satisfy the aims of the Wingecarribee Local Environmental Plan 2010 which seeks to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Bowral township.*
7. *The proposed development fails to satisfy the aims and objectives of clause 5.10 of the Wingecarribee Local Environmental Plan 2010 in respect to heritage conservation. The proposal will have an adverse impact on the Bowral Heritage Conservation Area and will detrimentally affect the existing fabric, setting and character of the property and its surrounds.*
8. *The proposed amount and degree of tree loss will adversely affect the visual appearance and character of the property, streetscape and immediate locality and will be inconsistent with the objectives of Section 6 of the Bowral Township Development Control Plan in relation to tree retention.*

9. ***The proposed development fails to satisfy the objectives of the Bowral Township Development Control Plan in particular objective A2.2.3 in respect to heritage conservation as the proposal will not retain the high heritage value of the area and will not contribute to that value due to the altered lot layout and design and associated tree loss.***
10. ***The provision of a six (6) metre wide driveway access through the site will detrimentally affect the character of the property and the heritage conservation area and could lead to further tree loss which is an unfavourable urban design, environmental and planning outcome.***

REASONS:

see above

VOTING: UNANIMOUS

---

---

**5.2 S4.55 1(a) Modification Application - Dwelling  
Alterations and Additions - 144 Mt Broughton Road  
Werai**

**Report Author: Accredited Certifier**  
**Authoriser: Manager of Certification and Compliance**

**WLPP 5/21**

---

**OFFICERS RECOMMENDATION**

*THAT Modification Application 09/1157.08 for proposed modifications to the approved dwelling alterations and additions at Lot 1 DP 804846 144 Mt Broughton road Werai be APPROVED subject to conditions as described in Attachment 2 to the report.*

---

**PANEL DETERMINATION**

*Modification Application 09/1157.08 for proposed modifications to the approved dwelling alterations and additions at Lot 1 DP 804846 144 Mt Broughton road Werai is APPROVED subject to the conditions contained in Attachment 2 of the Council Officer's report*

**REASONS:**

The panel generally agrees with the Council Officer's report.

**VOTING: UNANIMOUS**



---

### 5.3 9 Pearce Street, Hill Top Dwelling House & Secondary Dwelling

Report Author: Development Officer Planning  
Authoriser: Manager of Certification and Compliance

WLPP 6/21

---

#### OFFICERS RECOMMENDATION

THAT Development Application 21/1567 for the proposed Dwelling and Secondary Dwelling at Lot 232 DP 1045414 No 9 Pearce Street, Hill Top be APPROVED subject to conditions as described in Attachment 2 to the report.

---

#### PANEL DETERMINATION

1. *The panel is not satisfied that clause 7.1 of the Wingecarribee Local Environmental Plan 2010 operates to require a clause 4.6 objection to the 20 metre lot width requirement at the front alignment of the dwelling house in relation to this development application.*
2. *If the panel is incorrect in this view it is nevertheless satisfied that the written clause 4.6 objection to the 20 metre lot width requirement at the front alignment of the dwelling house in clause 7.1 is well founded.*
3. *Development Application 21/1567 for the proposed Dwelling and Secondary Dwelling at Lot 232 DP 1045414 No 9 Pearce Street, Hill Top is APPROVED subject to the conditions contained in Attachment 2 of the Council Officer's report.*

#### REASONS:

The panel generally agrees with the Council Officer's report. However, the panel is of the view that a clause 4.6 objection is not required in the circumstances of this application.

**VOTING:** UNANIMOUS

## 6. PLANNING PROPOSALS

### 6.1 50A Bulwer Road, Moss Vale - Post-exhibition Outcomes of Planning Proposal to Rezone and Reduce the Minimum Lot Size

Report Author: Senior Strategic Land Use Planner  
Authoriser: Manager Strategic Land Use Planning

Mr Scott Lee, LEP Planning addressed the Panel of behalf of the applicant.

**WLPP 7/21**

#### OFFICE RECOMMENDATION

*THAT the Planning Proposal to rezone 50A Bulwer Road, Moss Vale, to E4 Environmental Living and reduce its Minimum Lot Size to 2 Hectares, be finalised under s3.36 of the Environmental Planning & Assessment Act 1979.*

#### PANEL ADVICE

***THAT the Planning Proposal to rezone 50A Bulwer Road, Moss Vale, to E4 Environmental Living and reduce its Minimum Lot Size to 2 Hectares, be finalised under s3.36 of the Environmental Planning & Assessment Act 1979.***

#### **REASONS:**

The Panel generally agrees with the Council Officer's report

**VOTING: UNANIMOUS**

---

## 6.2 Sutherland Park Drive, Burradoo - Planning Proposal

**Report Author:** Manager Strategic Land Use Planning  
**Authoriser:** Interim Deputy General Manager

*Mr Angus Dawson addressed the panel on behalf of owners Tyree Pastoral Partnership.*

*Ms Sophie Parry, Cardno Planning Consultants addressed the panel on behalf of the Applicant.*

*Continue page 10*

---

**WLPP 8/21**

---

**OFFICER RECOMMENDATION**

1. *THAT Council provide in-principle support for the Planning Proposal to rezone land at Sutherland Park Drive, Burradoo, to facilitate a residential development in accordance with the Wingecarribee Local Housing Strategy*
2. *THAT Council finalise the updated Wingecarribee River Flood Study to determine the zone boundaries of the Bowral South New Living Area*
3. *THAT in accordance with the Wingecarribee Local Housing Strategy, Council and / or the landowners prepare a Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area prior to the Planning Proposal progressing to a Gateway determination*
4. *THAT a targeted Detailed Site Investigation be completed over the site prior to the Planning Proposal progressing to a Gateway determination*
5. *THAT the Planning Proposal be referred to Heritage NSW prior to Gateway determination*
6. *THAT the proposed Local Environmental Plan provisions, including land use zones, minimum lot sizes and zone boundaries be determined following the completion of the Wingecarribee River Flood Study, the Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area.*

---

**PANEL ADVICE**

1. ***THAT Council provide in-principle support for the Planning Proposal to rezone land at Sutherland Park Drive, Burradoo, to facilitate a residential development in accordance with the Wingecarribee Local Housing Strategy***
2. ***THAT Council finalise the updated Wingecarribee River Flood Study to determine the zone boundaries of the Bowral South New Living Area***
3. ***THAT in accordance with the Wingecarribee Local Housing Strategy, Council and / or the landowners prepare a Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area prior to the Planning Proposal progressing to a Gateway determination***
4. ***THAT a targeted Detailed Site Investigation be completed over the site prior to the Planning Proposal progressing to a Gateway determination***
5. ***THAT the Planning Proposal be referred to Heritage NSW prior to Gateway determination***
6. ***THAT the proposed Local Environmental Plan provisions, including land use zones, minimum lot sizes and zone boundaries be determined following the completion of the Wingecarribee River Flood Study, the Master Plan and Infrastructure Servicing Strategy for the Bowral South New Living Area.***

7. ***The panel supports the Councils officer's recommendations and understands that the detailed master planning of the subject land will need to take into account a wide range of matters including staging of development, infrastructure capacity, integration with the master planning of the adjacent land together with a detailed appreciation of flooding and related constraints.***

***The panel identified reservations about supporting the present structure plan and formed the view that the future master plan should more closely reflect not only staging, integration and infrastructure but also the principles of best planning practice.***

**REASONS:**

The panel generally agrees with the Council Officer's report, subject to paragraph seven (7) above. The panel believes that there is site specific and strategic merit in the planning proposal.

**VOTING: UNANIMOUS**

## **7. MEETING CLOSURE**

THE PANEL MOVED INTO CLOSED SESSION AT 4:40PM.

THE MEETING REOPENED AT 5.58PM WHEN THE CHAIR ANNOUNCED THE PANEL'S DECISIONS.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6:05PM.

---