

AGENDA

of the

Local Planning Panel

held in

Council Chambers,

Wingecarribee Shire Council Civic Centre,

68 Elizabeth Street, Moss Vale

on

Wednesday 26 November 2025

The meeting will commence at **2:00 pm**

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Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

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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

Nil at time of print.

4 DECLARATIONS OF INTEREST

The provisions of Chapter 14 of the Local Government Act 1993 regulate the way in which nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the meeting.

Council’s Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

5 PLANNING PROPOSALS

5.1 Planning Proposal to amend E1 Local Centre zone to insert additional tourist & visitor accommodation - Post exhibition

Report Author: Coordinator Strategic Policy – Susan Stannard

Authoriser: Manager Strategic Outcomes – Jessica Lintern

PURPOSE

The purpose of this report is to advise on the public exhibition of Planning Proposal PP-2025-1438 to amend WLEP 2010 which seeks to permit with consent additional *tourist and visitor accommodation* within the E1 Local Centre zone and to finalise the Planning Proposal in accordance with s3.36 of the *Environmental Planning and Assessment Act 1979*. The final draft Planning Proposal forms **Attachment 1** to this report.

Applicant / Proponent	Council initiated
Owner	Whole of Shire
Consultants	N/A
Notification	29 September to 31 October 2025
Number Advised	Whole of Shire
Number of Submissions	1
Current Zoning	E1
Proposed Amendment/s LEP	to permit with consent tourist and visitor accommodation in the E1 Local Centre zone
Political Donations	Nil
Recommendation	The attached Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to permit with consent tourist and visitor accommodation in the E1 Local Centre zone be finalised in accordance with s3.36 of the <i>Environmental Planning & Assessment Act 1979</i> .

OFFICER'S RECOMMENDATION

THAT the attached Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to permit with consent tourist and visitor accommodation in the E1 Local Centre zone be supported for finalisation in accordance with s3.36 of the *Environmental Planning & Assessment Act 1979*.

REPORT

PLANNING PROPOSAL

BACKGROUND

On 26 April 2023 the Wingecarribee Local Environmental Plan (WLEP) 2010 was amended to reflect amendments made by the State Government to the Standard Instrument LEP. These amendments replaced the previous B1-B7 business zones with E1-E5 employment zones. In so doing, the previous B1 Neighbourhood Centre and B2 Local Centre zones were combined into a new E1 Local Centre zone.

Under the previous B1 zone, the group land use term *tourist and visitor accommodation* was prohibited without exceptions, while under the previous B2 Local Centre zone, *tourist and visitor accommodation* was permitted with consent without exception.

The Standard Instrument LEP Dictionary identifies the group term *tourist and visitor accommodation* as comprising the following specific land use terms - *backpackers' accommodation, bed and breakfast accommodation, farm stay accommodation, hotel and motel accommodation and serviced apartments*.

Under the new E1 zone, the Department included only *hotel and motel accommodation* as permitted with consent. The result of this decision was that land which has previously been zoned B2 and within which all forms of *tourist and visitor accommodation* were previously permitted with consent, is now restricted to *hotel or motel accommodation* with other approved forms of *tourist and visitor accommodation* now relying on existing use rights. Properties within the E1 zone seeking a new approval for *tourist and visitor accommodation* are restricted to *hotel or motel accommodation* only.

Council has received requests from smaller town and village communities, including Robertson and Bundanoon, seeking support to enable a broader range of *tourist and visitor accommodation*, particularly *backpackers' accommodation, bed and breakfast accommodation and serviced apartments*, all being land uses well suited to these village locations and which can make a valuable contribution to their local visitor economy.

A report regarding this Planning Proposal was considered by the Wingecarribee Local Planning Panel on 25 June 2025. The Panel's recommendation that the Planning Proposal be supported was endorsed by Council on 16 July 2025 (MN2025/185). The NSW Department of Planning, Housing and Infrastructure issued a Gateway Determination on 18 August 2025 supporting the Planning Proposal. No agency consultation was required. The Planning Proposal was exhibited for 33 days from 29 September to 31 October 2025. One submission was received which supported the Proposal.

Although the amendment would enable all forms of *tourist and visitor accommodation* within the smaller towns and villages which were previously zoned B1, it is not considered that such development would be detrimental to those Local Centres. This is due to the application of clause 7.11 of WLEP 2010 which was introduced when the E zone amendments came into force. This

clause applies to all E1 zoned land, which was previously zoned B1, and is to ensure that the character and amenity of these smaller localities, many of which have historical significance, are specifically considered through the Development Application assessment process. Clause 7.11 is reproduced below for reference:

7.11 Development in local centres

(1) *The objectives of this clause are as follows—*

(a) to ensure the scale and function of development in local centres are appropriate for the location,

(b) to ensure development in local centres is compatible with the desired future character and amenity of surrounding residential areas.

(2) *This clause applies to land identified as “Area A” on the [Land Zoning Map](#).*

(3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered—*

(a) the impact of the development on—

(i) the amenity of surrounding residential areas, and

(ii) the desired future character of the local centre, and

(b) whether the development is consistent with the hierarchy of centres.

These provisions apply in addition to provisions that will be incorporated into the new comprehensive Development Control Plan.

Although *Farm stay accommodation* is a form of *tourist and visitor accommodation*, it applies only to a working farm and there are no working farms within the E1 Local Centre zone to which this Planning Proposal applies. The Parliamentary Counsel’s Office (PCO) will use its discretion in determining how best to reflect supported amendments within a Local Environmental Plan, in this case, either by inserting the group term *tourist and visitor accommodation* (to replace *hotel and motel accommodation*) or by listing individual land uses.

PLANNING PROPOSAL

Introduction

The role of the Planning Proposal is to amend the Wingecarribee Local Environmental Plan (WLEP) 2010 to include *tourist and visitor accommodation* as permitted with consent in the E1 Local Centre zone, providing for, as a minimum, *backpackers’ accommodation, bed and breakfast accommodation* and *serviced apartments*, in addition to *hotel and motel accommodation* which is already permitted with consent. These forms of *tourist and visitor accommodation* within the E1 Local Centre are considered to be well suited to smaller towns and villages.

The Planning Proposal does not affect current complying development pathways which may apply under relevant State Environmental Planning Policies. Nor does the Proposal relate to the operation of short term rental accommodation within individual homes.

Strategic Merit

The objectives of the E1 zone set out in the Standard Instrument LEP and in the WLEP 2010 are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To generally conserve and enhance the unique sense of place of business centre precincts by ensuring new development integrates with the distinct urban scale, character, cultural heritage and landscape setting of the precincts, particularly when located within a heritage conservation area or where the development may impact a heritage item.*
- *To ensure adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older people and people with disabilities and general public conveniences.*
- *To maximise the efficient use of land in business centre precincts to promote more compact and accessible places.*
- *To ensure new development has regard to the character and amenity of adjacent and nearby residential areas.*

Permitting appropriate *tourist and visitor accommodation* within the E1 Local Centre would contribute to the efficient use of existing business zoned land within these locations.

The South East & Tablelands Regional Plan 2036 includes several Directions which this Proposal supports.

- *Direction 8 Protect important agricultural land: is supported by this Planning Proposal as it provides for tourist accommodation within nearby towns and villages rather than on agricultural land itself.*
- *Direction 9 Grow tourism in the region: is relevant as adequate tourist and visitor accommodation across the towns and villages of the Shire is essential to supporting tourism*
- *Direction 12 Promote business activities in urban centres: recognises the value of tourism for regional prosperity. Action 12.2 (Encourage mixed use developments that cater for commercial, retail, residential and tourism uses through local planning controls) relates directly to this Planning Proposal.*

The draft South East & Tablelands Regional Plan 2041 includes the objective of promoting a year-round visitor economy. Supporting this objective is Strategy 12.3 *to investigate the suitability of tourist and visitor accommodation and supporting land uses in strategic centres*. The draft Plan also recognises the importance of tourist and visitor accommodation in providing short term worker accommodation thereby supporting broader economic goals. The Planning Proposal supports these regional objectives, strategies and actions.

This Planning Proposal supports the Wingecarribee Community Strategic Plan 2035, specifically Outcomes 4.1 We grow local businesses and jobs, 4.2 We work and live in the Shire and 4.3 We are a visitor destination.

The Wingecarribee Local Strategic Planning Statement (LSPS) also includes several references to the importance of tourism to the local economy, noting that *tourism is a key economic driver for the Shire and an important component of the Southern Highlands economy. Tourism provides employment opportunities across a broad age range and across a broad range of skill sets, as well as flow-on employment opportunities in related industries* (page 37).

Planning Priority 3.19 Our Shire supports businesses and attracts people to work, live and visit, of the Wingecarribee LSPS specifically addresses tourism:

Wingecarribee Shire Council is committed to developing and promoting the Southern Highlands as a destination in which to live, work, invest, play, learn, visit and enjoy. Our Shire has a healthy and diverse economy, driven by the health, tourism, education, manufacturing, agriculture, construction and professional industry sectors. Our proximity to Sydney, Canberra and Wollongong provides a strong base for economic development, and our natural areas, rural landscapes and vibrant towns and villages will continue to support our visitor economy. (page 40)

Identified Actions in the Wingecarribee LSPS to achieve this outcome include:

- *ensure our planning framework facilitates new and innovative business opportunities, and*
- *ensure our planning framework facilitates a broad range of tourism opportunities and balances the economic benefits of tourism with impacts on our environment and community.*

Site Specific Considerations

It is proposed that *tourist and visitor accommodation* be permitted with consent in the E1 zone. This zone is a combination of the previous B1 Neighbourhood Centre and B2 Local Centre zones, therefore the location and size of the new E1 zones varies across the Shire. It is the role of the Development Application process to determine if a specific site is suitable for a specific form of land use. Supporting the DA process is clause 7.11 of WLEP 2010 provides additional protection to mapped sites previously zoned B1. In addition, a new comprehensive Wingecarribee Development Control Plan is currently being prepared which will include specific objectives and controls for the assessment of *tourist and visitor accommodation*.

External Referrals

No agency referrals were undertaken as the Gateway Determination did not require them.

Public Exhibition

The Planning Proposal was exhibited for 33 days from 29 September to 31 October 2025. It was included on Council's website as well as within weekly Council community communications. Copies of the Planning Proposal and related documentation were also available at the Civic Centre Customer Experience Counter, as well as at all libraries, including the Mobile Library.

One submission was received which supported the Proposal. The submission forms **Attachment 2** to this report.

CONCLUSION

The Planning Proposal seeks to reinstate development opportunities for *tourist and visitor accommodation* previously permitted with consent within the B2 Business Centre zone. The Proposal will also extend those opportunities to land previously zoned B1 Local Centre, noting that

clause 7.11 of the Wingecarribee Local Environmental Plan 2010 offer additional protection to those locations. The Proposal has strategic and site-specific merit and Departmental support. No submissions of objection were received.

ATTACHMENTS – Under Separate Cover

1. Attachment 1 – P P-2025-1438V 3 for Finalisation - [5.1.1 – 20pages]
2. Attachment 2 – P P-2025 1438 – Submission [5.1.2 - 1 page]

6 DEVELOPMENT APPLICATIONS

6.1 DA24/1562 - Construction of an Artisan Food and Drink Premises (Brewery) Lot 11 DP1280507, 123-125 Old Bowral Road, Mittagong

Report Author: Coordinator Planning Assessment – Bryce Koop

Authoriser: Manager Development Assessment and Regulation – Jon Shillito

PURPOSE

The purpose of this report is to consider Development Application No. 24/1562 for the Construction of an Artisan Food and Drink Industry at 123-125 Old Bowral Road, Mittagong (Lot 11 DP 1280507) and recommends REFUSAL of the DA, subject to the recommended reasons for refusal detailed in **Attachment 1** of this report.

Applicant / Proponent	HOGAN PLANNING
DA No.	24/1562
Owner	SIESTA HOLDING AUSTRALIA
Property and Street Address	Lot 11 DP 1280507, 123-125 OLD BOWRAL ROAD MITTAGONG 2575
Notification Period	11 September 2024 to 11 October 2024 18 June 2025 to 18 July 2025
Number of submissions	Nineteen (19) by way of objection
Date Lodged	20 August 2024
Current Zoning – WLEP 2010	RU4 Primary Production Small Lots SP2 Infrastructure (Classified Road)
Proposed Development	Construction of an artisan Food and Drink Premises (Brewery)
Estimated Cost of Development	\$2,134,182.60
Applicants Consultants	SOWDES BERA Hayes Environmental Positive Traffic Studio Design KMI Builders Orion
Political Donations	None declared

Reason for Referral to Panel	Contentious Development – ten (10) or more unique submissions received by way of objection
Assessment Officer	Jeremy Swan – Consultant Town Planner

OFFICER'S RECOMMENDATION

- 1. THAT the Local Planning Panel determine Development Application No. 24/1562 for the Construction of an Artisan Food and Drink Industry at 123-125 Old Bowral Road, Mittagong (Lot 11 DP 1280507), by way of REFUSAL subject to the reasons detailed in Attachment 1 of this report.**

REPORT

1. Executive Summary

Council is in receipt of a Development Application (DA24/1562) lodged on 20 August 2024, seeking approval for the construction of an artisan food and drink premises at 123-125 Old Bowral Road, Mittagong (Lot 11 DP 1280507).

The DA has been referred to several officers within Council, including the Assets, Development Engineers, Ecological Consultant, Environmental Health Officer, Water and Sewer Development Engineers. The DA has also been referred externally to DPE-Water, Water NSW, Transport for NSW and Endeavour Energy.

The DA was publicly notified in accordance with Council's Community Engagement Strategy. The notification period was from 11 September 2024 to 11 October 2024. Due to an administrative error, the application was re-notified from 18 June 2025 to 18 July 2025. A total of nineteen (19) by way of objection.

This DA is referred to the Local Planning Panel in accordance with the Minister's Direction pursuant to Schedule 1, Section 2 of the *Local Planning Panels Direction*, as the proposed development constitute as contentious development. In particular, more than ten (10) unique submissions were received by way of objection

A request for additional information was issued to the applicant on 28 November 2024. The issues raised in the letter are outlined as follows:

- Transport for NSW comments.
- DPE-Water Comments
- Vehicular access.
- Public submissions.

The applicant subsequently submitted additional information between 18 April 2025 and 6 June 2025. A review of the amended documentation was undertaken, and a further request for additional information was issued on 24 July 2025 outlining the following:

- Transport for NSW comments.
- Acoustic matters.
- Water and sewer matters.
- Section 68 development engineering matters.

The applicant subsequently submitted additional information on 18 August 2025. Following a review of the additional information, it was determined that a number of the issues raised remained outstanding. The key issues associated with the amended application include:

- Insufficient information has been submitted demonstrating the ancillary works within the SP2 Infrastructure (Classified Road) are permissible with consent.
- Insufficient information has been submitted on the architectural plans to assess the extent of works proposed within the land zoned SP2 Infrastructure (Classified Road).
- Insufficient information has been submitted to demonstrate the building will be setback at least 20m from SP2 land in accordance with the DCP.
- The overall height and scale of the development is excessive and incompatible with rural landscape.
- Insufficient information was submitted to demonstrate that public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
- A plan prepared by a Registered Surveyor verifying the detailed property boundaries, contours and spot levels to AHD, location of buildings, significant trees, rock outcrops, and any easements which are within 5m of the proposed works, floor, eaves, ridge heights and window locations for buildings on adjoining sites have not been submitted.
- No details or assessment regarding the boundary realignment has been provided within the Statement of Environmental Effects or Architectural Plans.
- Insufficient information has been submitted confirming the use of the mezzanine level has been submitted on the architectural plans.
- Insufficient information has been submitted to assess the extent of cut and fill throughout the site. In particular, no cut and fill plan has been submitted.
- Insufficient information has been submitted regarding the proposed 'Logo' sign to assess whether it is of a high quality.
- Outstanding matters raised by TfNSW.
- Insufficient information within the Plan of management regarding staff capacity, number of patrons, traffic management, servicing, noise management, events, and amplified music.
- The application has not been accompanied by an Arborist Report.
- Insufficient information has been submitted on the architectural plans regarding the required 2.1m high boundary fence recommended within the Acoustic Report.
- No details of lighting have been submitted in support of the application.

Based on the issues identified above and further issues identified throughout this report, the application is recommended for refusal. The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (NSW) and is considered unsatisfactory. As such, the application is recommended for refusal for the reasons listed within **Attachment 1**.

2. Site Description and Locality

The site is known as 123-125 Old Bowral Road, Mittagong which comprises a total seven (7) separate allotments legally described as follows:

- Lot 169, 411, 413 in DP751252
- Lot 1 in DP 326544
- Lot 1 in DP 595018
- Lot 11 in DP 1280507
- Lot 412 in DP 751252

The subject development application relates the eastern portion of Lot 11 in DP 1280507 with frontages of 434m to Mittagong Road to the east, 178m to Evans Lane to the south and 403m to the Southern Highlands Line to the west. Vehicular access to this portion of the site is currently gained via a gravel driveway off Mittagong Road. There are several existing trees across the portion of the site and an existing dam.

The wider site is zoned RU2 Rural Landscape, RU4 Primary Production Small Lot, C3 Environmental Management and SP2 Infrastructure (Classified Road) pursuant to the Wingecarribee Local Environmental Plan 2010 (WLEP). As previously outlined, the application relates only to Lot 11 in DP 1280507 which is zoned RU4 Primary Production Small Lot and SP2 Infrastructure (Classified Road). The site is also located within the Sydney Drinking Water Catchment and therefore Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) is applicable to the assessment of the application.

Adjoining the relevant allotment to the north is a Gibraltar Park being an existing Self Care Retirement Complex. To the east and south of the site opposite Mittagong Road and Evans Lane are a range of existing low density housing forms associated with the R2 Low Density residential and R5 Large Lot Residential zoning of the land.

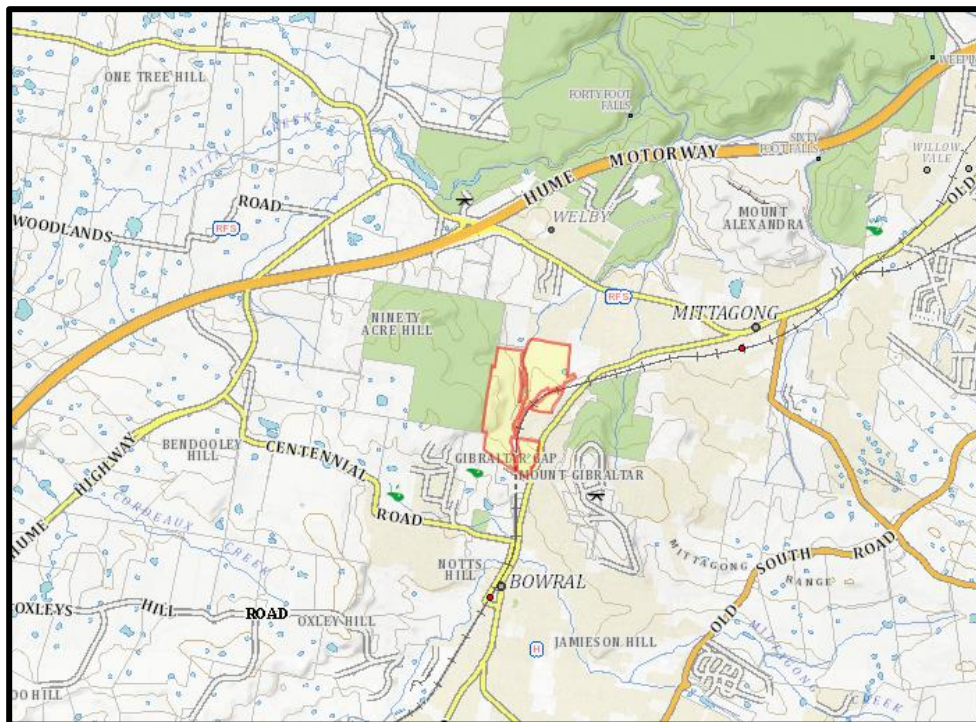


Figure 1: Locality Map identifying the wider site (Source: Six Maps, 2025)



Figure 2: Aerial view of the site identifying the relevant portion of Lot 11 in DP 1280507 in blue (Source: Six Maps, 2025)

3. Description of Proposed Development

The proposed development seeks consent for the following:

- Construction of a single storey artisan food and drink industry (brewery) with a total floor area of 886m². Specifically, the development will comprise of the following:
 - Provision of a production brewery area with a keg washer, cold storage, grain store, warm storage, and bathroom.
 - Provision of a retail area comprising 2 dining areas with associated seating, fireplaces and a bar.
 - Provision of a kitchen and bathrooms.
 - Provision of an outdoor deck, verandah, and an enclosed bin area.
 - Provision of a mezzanine level.
- Construction of an 8m wide driveway and new cross over (separated entry/exit) providing access to 3 distinct open-air car parking areas providing a total of 67 (including 1 accessible) car parking spaces.
- Provision of business identification signage comprising a 1 x wall sign and indicative location for a wall sign in the form of a logo.
- Construction of key support infrastructure including electrical, stormwater, sewer, landscaping, pathways and ramps.
- Removal of trees and earthworks facilitating the proposed development.
- The proposed hours of operation as follows:

○ Retail space	-	10am-10pm Monday - Sunday
○ Production	-	7am - 5pm Monday - Saturday

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- Adjustments to the property boundaries.
- Provision of a 2.1m high solid boundary fence with no gaps/holes.
- Live music every Friday night (7 pm-9 pm) and microphoned trivia questions being read on Saturday nights (8-10 pm).

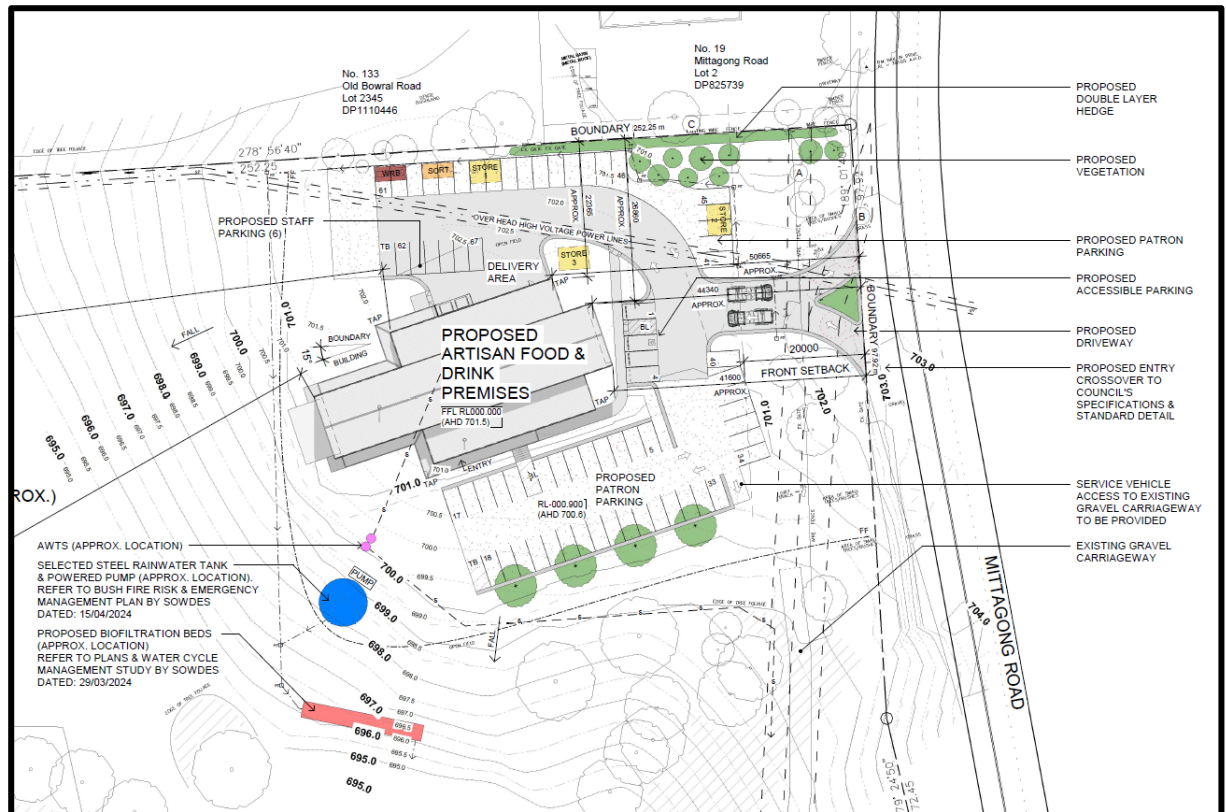


Figure 3: Detailed Site Plan Extract (Source: Studio Design)

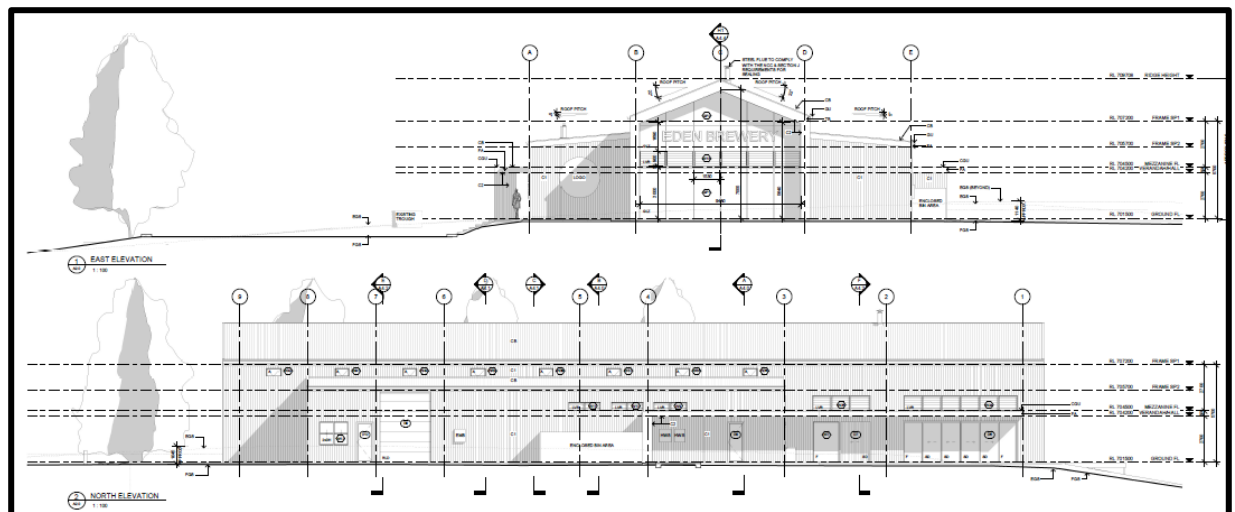


Figure 4: East and North Elevation (Source: Studio Design)

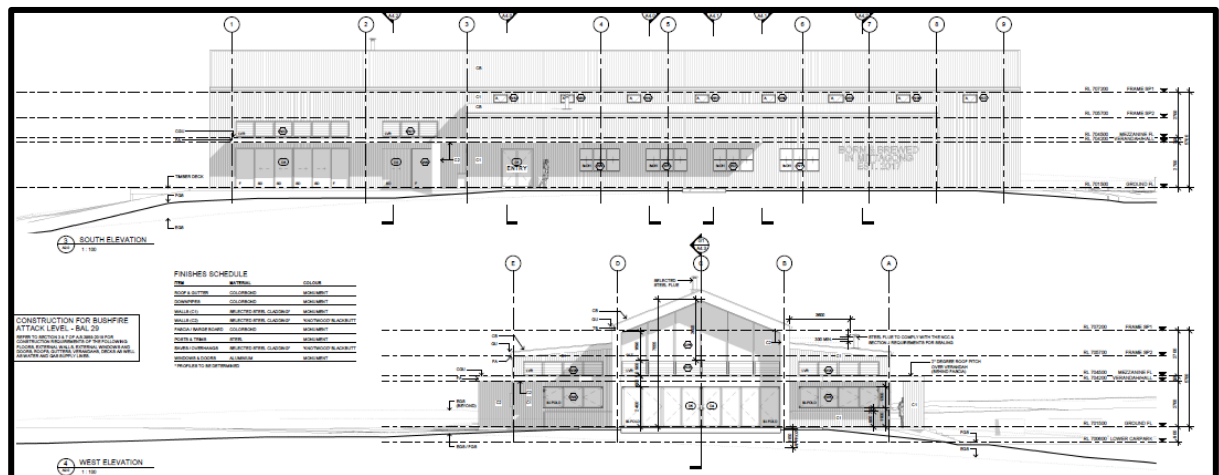


Figure 5: South and West Elevation (Source: Studio Design)



Figure 6: Renders (Source: Studio Design)

4. Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Engagement Strategy. The notification period was from 11 September 2024 to 11 October 2024. Due to an administrative error, the application was re-notified from 18 June 2025 to 18 July 2025. A total of nineteen (19) submissions were received, by way of objection.

The following table provides a summary of the key issues raised in the submissions and Council's consideration of each.

Issue	Comment
<i>Notification</i>	The correct site details were included in Council's notification letters.
<i>Traffic and Parking Impacts</i>	Agreed. The application has been reviewed by Transport for NSW who do not support the application in its current form as outlined in this report and per the advice issue dated 11 November 2025.
<i>Access via Mittagong Road and general safety.</i>	Agreed. The application has been reviewed by Transport for NSW who do not support the application in its current form as outlined in this report.
<i>Acoustic and Odours Impacts</i>	The acoustic and odour impacts of the proposed development have been reviewed by Council's Environmental Health Officer on two occasions. Further updates were required for minor matters prior to the development being supported with suitable conditions.
<i>Use of the remaining portions of the land</i>	The subject development application relates only the north eastern portion of Lot 11 in DP 1280507. Approval is not sought for the use of the remaining portions of the site.
<i>Insufficient information regarding the use of the premise.</i> <i>Insufficient Operational Plan or Detailed Description.</i>	Agreed. Insufficient information has been provided within the Plan of management regarding staff capacity, number of patrons, traffic management, servicing, noise management, events and amplified music.
<i>Character and Incompatible use</i>	Agreed. Insufficient information has been submitted with the application to demonstrate the proposed development is compatible with the site and character of the surrounding area as outlined in this report.
<i>Lighting</i>	Agreed, the application has not been accompanied by a lighting plan demonstrating the proposed development will confirm with the relevant Australian Standards and will avoid adverse impacts on the surrounding area.
<i>Outdoor seating</i>	Outdoor seating is not proposed, nor would it be approved as part of any consent.
<i>Risk of "Foot in the Door" Development</i>	The proposed development is permissible with consent in the RU4 zone. This is not a matter for consideration as every development

	application is assessed on merit.
<i>Traffic Generating Development per the SEPP</i>	<p>The development proposes the construction of an artisan food and drink industry which is a type of light industry. Schedule 3 of the SEPP prescribes the following size or capacity for sites with an access to a classified road.</p> <ul style="list-style-type: none"> • 5,000m² in site area or (if the site area is less than the gross floor area) gross floor area <p>The site area is greater than the overall gross floor area. As such, the development does not constitute as Traffic Generating Development.</p>
<i>Assessment against SEPP (Industry and Employment</i>	Agreed. No assessment of the proposed signage has been undertaken against the relevant provision of the Industry and Employment SEPP as described below.
<i>Impacts on Biodiversity, Flora and Fauna and Wildlife</i>	The application has been reviewed by Council's Ecological Consultant who raised no objections.
<i>Footprint in excess of 600m²</i>	<p>Agreed, the proposed development contains a floor area of 886.48m² which does not comply with the maximum of 600m².</p> <p>The overall scale of the development is excessive and incompatible with the rural landscape. The proposed development will be directly visible from the public domain and adjoining properties and should be reduced to comply.</p>
<i>2.1m metre high fence</i>	Agreed. Insufficient information has been submitted on the architectural plans regarding the required 2.1m high boundary fence as recommended within the Acoustic Report. The solid boundary fence directly adjoins properties and is incompatible with the character of the rural landscape.
<i>Permissibility</i>	Agreed. Whilst development for the purposes of an artisan food and drink industry are permissible with consent in the RU4 zone, insufficient information has been submitted demonstrating that the additional ancillary structures within the SP2 zone are permissible with consent.

5. Assessment

Section 1.7 – Application of Part 7 of [Biodiversity Conservation Act 2016](#) and Part 7A of [Fisheries Management Act 1994](#) (cf previous s 5AA)

Biodiversity Conservation Act 2016

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act).

The Biodiversity Conservation Act 2016 (BC Act 2016) is the key legislation that enables the conservation of biodiversity within the state of New South Wales. The BC Act 2016 facilitates the assessment and ongoing protection of flora and fauna, including threatened species and ecological communities. The BC Act 2016 outlines assessment and offsetting requirements for activities with the potential to impact on threatened species and ecological communities in NSW, and the clearing of native vegetation which exceeds the threshold.

The BC Act also:

Outlines the licenses required under the BC Act to harm protected flora and fauna;

Lists Threatened species and ecological communities in Schedules 1 and 2;

Sets out monetary and imprisonment penalties for offences relating to the harming of protected flora and fauna;

Under Part 7 (s7.4), introduces a list of activities/proposal that exceeds the biodiversity offsets scheme threshold.

The NSW *Biodiversity Conservation Regulation 2017* sets out the Biodiversity Offsets Scheme entry threshold for Part 4 developments under the EP&A Act 1979. If the development triggers at least one (1) entry threshold, the development must be assessed under The BC Act using the Biodiversity Assessment Method (BAM) (OEH 2017).

Comment

A Flora and Fauna Impact Assessment has been submitted in support of this development application. The application was reviewed by Council's Ecological Consultant who advised of the following:

"The proposal will impact native vegetation covered by the Biodiversity Values Map and therefore a BDAR has been prepared to assess the impacts to this vegetation.

The BDAR validated the vegetation to be PCT 3302 Southern Highlands Shale-Basalt Dry Forest and TEC Southern Highlands Shale Woodlands. One ecosystem credit is required to offset 0.16 ha of impact.

The proposal has shown sufficient evidence of avoidance with almost all elements of the proposal situated in cleared areas. Where impacts to native vegetation could not be avoided, the BDAR has outlined mitigation measures to help minimise impacts to native flora and fauna.

The proposal will impact two first order hydrolines and therefore a Vegetation Management Plan is to be prepared prior to the release of a Construction Certificate, to rehabilitate the sewer line area."

Based on the above, the development is considered to conform with the relevant requirements prescribed under the BC Act 2016, subject to the imposition of conditions.

Section 4.46 – Integrated Development

Section 4.46 of the EP&A Act defines integrated development that requires development consent and one or more approvals under the other State Government Acts. In relation to the subject site, the following Acts apply.

- Water Management Act 2000 - A controlled activity at a specified location in, on or under waterfront land (within 40m).
- Roads Act 1993 – To erect a structure or carry out a work over a public road and to connect a road (whether public or private) to a classified road.

Water Management Act 2000

In accordance with Section 91 of the *Water Management Act 2000*, an application for controlled activity approval at a specified location in, on or under waterfront Land (within 40m) is required to be made to the Department of Planning and Environment – Water (DPE-Water).

The application was initially referred to DPE-Water who initially advised on 1 October 2024 that additional information relevant to issuing General Terms of Approval was required in order to complete the assessment. In particular, DPE-Water requested the plan, cross-section, and specification of the proposed sewer line that will cross the mapped watercourses.

The request formed part of Council request for additional to the applicant dated 28 November 2024. The applicant subsequently submitted additional information between 18 April 2025 and 6 June 2025 which was re-referred to DPE-Water for additional comment.

On 20 May 2025, DPE-Water issued General Terms of Approval for part of the proposed development requiring a Controlled Activity approval under the Water Management Act 2000 (WM Act) following review of the additional information.

Roads Act 1993

The application proposes work within Mittagong Road, being identified as a classified road.

In accordance with Section 138 of the Roads Act 1993, a person must not erect a structure or carry out a work in, on or over a classified road or connect a road to a classified road without the concurrence of Transport for NSW (TfNSW).

It is acknowledged that the applicant did not nominate the development for integrated development for the purpose of the Roads Act 1993. As found in *Maule v Liporoni & Anor* (2002) NSWLEC 25, there is no compulsion on the Applicant to make an application for integrated development.

However, as the development contains a frontage to a classified road, the application was initially referred to TfNSW who initially advised on 26 September 2025 that they do not support the proposed development in its current form as there was not enough information to assess the impact of the access arrangements to the state road network. In summary the following concerns were raised:

- A further assessment of the suitability of the proposed access arrangements was required relating to sight distances and island type.
- Updates to the traffic analysis were required addressing a turn warrant assessment, SIDRA intersection modelling, and turning movements.
- A strategic design for the identified access treatment with Mittagong Road.
- Concerns regarding queuing.

The above concerns formed part of Council's Request for additional information dated 28 November 2024. The applicant subsequently submitted additional information on 18 April 2025 which was re-referred to TfNSW for comment.

On 5 June 2025, TfNSW once again advised that they do not support the proposed development in its current form due to outstanding issues with the strategic design of the access arrangements proposed to Mittagong Road. In summary the following concerns were raised:

- Length of left turn lane.
- Adjustments to the property boundaries.

The above concerns formed part of Council's withdrawal request dated 24 July 2025. The applicant subsequently submitted a road design plan on 18 August 2025 which was re-referred to TfNSW for comment.

On 11 November 2025, TfNSW once again advised that they do not support the proposed development in its current form. Full details of the final advice are provided:

Context

TfNSW notes for this DA:

- *The key state road is Mittagong Road,*
- *Council is seeking advice from TfNSW to assist in its assessment under Section 138 of the Roads Act, 1993,*
- *The development proposes the construction of an artesian food and drink premises, with capacity of 151 seats. Access is proposed via Mittagong Road to be left in and left out (LILO), including an auxiliary left turn lane, as set out in **Attachment 2**. LILO arrangements are proposed to be managed via an island within the access and regulatory signage restricting right turn movements,*
- *In TfNSW correspondence in June 2025, concerns were raised with the access arrangements to Mittagong Road and further strategic design amendment was required. A number of these matters have been addressed in the updated documentation provided.*

Reasons

TfNSW's reasons for not supporting the proposed development are detailed below:

1. Strategic Design

a. The layout and signage of the median correctly directs vehicles to a left in / left out arrangement, however, it does not physically prevent vehicles wanting to turn right into the access from Mittagong Road. TfNSW requires extension of the proposed raised median on the southern side to make right turning movements into the property undesirable.

b. TfNSW requires a longitudinal section plan of the access design to demonstrate that the access connects with the crossfall on Mittagong Road correctly.

2. Lighting

TfNSW notes the existing lighting along this section of Mittagong Road however, there is no lighting is installed on the poles opposing the proposed access works that includes a raised concrete median. Lighting of the access will provide a low-level flag lit arrangement, highlighting the intersection to approaching motorists. To achieve this, TfNSW requires a lighting design that includes the following:

- a. Two additional luminaires installed at the channel 60 and channel 180,*
- b. Compliance with AS/NZS 1158.1.1 clause 4.5.2 (c) Flag Lighting requirements category V5 lighting levels (7.0, 3.5, 1.0 lux).*

Notes:

- The luminaires are council owned assets maintained by Endeavour Energy. All new assets should be selected from the Endeavour Energy approved asset list,*
- ASP3 design detailing modifications to the network will need to be submitted to Endeavour Energy for review and acceptance.*

3. Safety barriers

The safety barriers and terminals indicated on the site plan must be TfNSW accepted products and TfNSW requires this to be shown. Please see Accepted Road Safety Barrier Systems and Devices - Transport Standards Portal for more information regarding the requirements.

4. Vegetation removal (south side)

Vegetation on the south side will impede sight distance in that direction. TfNSW requires the applicant to demonstrate on the plans the removal of vegetation on the south side of the access.

5. Property dedication

The developer must dedicate a section of their property utilised for this intersection upgrade as public road. TfNSW requires documentation which demonstrates that the property will be dedicated. The property dedication must be as indicatively shown in

As such, the consent authority is not satisfied that the proposed development in its current form will be capable of obtaining a Section 138 approval under the Roads Act.

6. Relevant Environmental Planning Instruments

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 – State and Regional development

In accordance with Clause 2.6 and Schedule 1(3) of the SEPP, the proposed development does not constitute 'State Significant Development' as the Estimated Development Cost does not exceed the \$30 million threshold for development relating to breweries (beverage processing).

In accordance with Clause 2.19, Schedule 6(2) of the SEPP, the proposed development does not constitute 'Regional Development' as the Estimated Development Cost does not exceed the \$30 million threshold for general development.

Therefore, the consent authority is the Wingecarribee Local Planning Panel.

State Environmental Planning Policy (Resilience and Hazard) 2021

Chapter 3 – Hazardous and offensive development

In accordance with Section 3.10 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the application is not considered to be a potentially hazardous industry, potentially offensive industry, hazardous development, or offensive development. Specifically, the application does not propose the storage of any specific fuels and other chemicals. Suitable conditions were recommended and could be imposed ensuring no such materials are stored within the building and a separate development application would be required for the storage of any such items.

Based on the above, a preliminary hazard analysis prepared in accordance with the current circulars or guidelines published by the Department of Planning, is not required to be submitted with the development application in accordance with Section 3.10 of the SEPP.

Chapter 4 - Remediation of Land

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

Chapter 4 Remediation of Land contains a number of objectives that aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment:

- a) By specifying when consent is required, and when it is not required, for a remediation work; and
- b) By specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular; and
- c) By requiring that remediation work meet certain standards and notification requirements

Subject to Section 4.6 of the SEPP, a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated. The application has been reviewed by Council's Environmental Health Officer who advised the following in relation to contaminated land:

- There are no Contamination ('CT') memos attributed to the subject property (PN 1836260) on Council's PR system;
- According to Chapter 4.4 of the SEE (ECM Document Set ID: 5511161) and aerial photos, the site in question appears to have been used as a low-key grazing land;
- The proposed land use is not sensitive;

- Accordingly, in my opinion, there is no indication that the site in question may be contaminated. Council does not need to consider a PSI as per s.4.6(2) of the RH SEPP. Based on the above, it is satisfied that the land is not contaminated and further investigation is considered unnecessary.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 – Vegetation in Non-Rural Areas

Chapter 2 to of the Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

In accordance with Section 2.3 of the SEPP, this chapter does not apply to Wingecarribee Shire Council. This position has been confirmed by Council's Ecological Consultant.

Chapter 4 - Koala Habitat Protection 2021

As no Koala Plans of Management are currently listed in the Wingecarribee LEP 2010 the development is subject to Section 4.9 Development Assessment Process - no approved koala plan of management for land of the Koala Habitat Protection SEPP 2021.

Section 4.9(2) – (6) states:

- (2) *Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.*
- (3) *If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.*
- (4) *If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.*
- (5) *However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—*
 - (a) *information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—*
 - (i) *does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or*
 - (ii) *is not core koala habitat, or*
 - (b) *information the council is satisfied demonstrates that the land subject of the development application—*
 - (i) *does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or*
 - (ii) *includes only horticultural or agricultural plantations.*

(6) *In this section—*

koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts

Comment

The proposed development is accompanied by a letter addressing the requirements of the SEPP. The letter has been reviewed by Council's Ecological Consultant who advised the following:

- *The Study Area contains Eucalyptus amplifolia, Eucalyptus viminalis, Eucalyptus radiata and Eucalyptus globoidea which are listed as Koala use trees for the Central and Southern Tablelands KMA.*
- *Surveys for Koala use included tree inspections, spotlighting and acoustic recorder deployment.*
- *No evidence of Koala presence was found.*
- *No further ecological assessment is required.*

Based on the above, it is satisfied the proposed development is likely to have low or no impact on koalas or koala habitat and development consent may be granted in accordance with Section 4.9 of the SEPP.

Chapter 6 – Water Catchments

In accordance with Part 6.5 of this SEPP, development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority is satisfied that development would have a neutral or beneficial effect on water quality.

The proposed development involves the construction of an artisan food and drink industry at 123-125 Old Bowral Road, Mittagong. The application is a Module 5 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline. Therefore, concurrence of the Regulatory Authority is required in accordance with Section 6.64 of the Biodiversity and Conservation SEPP.

Concurrence of Water NSW was requested under Part 6.5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. On 16 October 2024, WaterNSW advised that they are satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. As a result, Water NSW concurred with Council granting consent to the application subject to the conditions provided.

It is noted that a condition of consent was recommended requiring the following:

- *No Occupation Certificate shall be issued unless the appointed Principal Certifier has received written certification from Wingecarribee Shire Council's Water & Sewer Services that the existing Mittagong Sewage Treatment Plant (STP) and associated infrastructure have:*
 - o *sufficient hydraulic capacity to transfer, accommodate and treat the additional wastewater load generated by the development, and/or*
 - o *been upgraded and commissioned to treat additional wastewater load generated by the development.*

The application has been reviewed by Council's Assets who advised that 'the proposed development will connect to Bowral STP, which is of sufficient treatment capacity for the development.'

	(b) take into consideration any response to the notice that is received within 21 days after the notice is given.	
Division 12A Development adjacent pipeline corridors		
Subdivision 2 Development adjacent to pipeline corridors		
2.77 Determination of development applications	<p>Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—</p> <p>(a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and</p> <p>(b) take those risks into consideration, and</p> <p>(c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and</p> <p>(d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given</p>	<p>The proposed development is not within a licence area of a pipeline for gas, or for petroleum or other liquid fuels as licensed under the Pipelines Act 1967, within 20m of the centreline (measured radially) of a relevant pipeline or within 20m of land the subject of an easement for a relevant pipeline.</p>
Division 15 Railways		
Subdivision 2 - Development in or adjacent to rail corridors and interim rail corridors – notification and other requirements		
2.98 Development adjacent to rail corridors	<p>This section applies to development on land that is in or adjacent to a rail corridor, if the development—</p> <p>(a) is likely to have an adverse effect on rail safety, or</p> <p>(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or</p>	<p>The proposed development is adequately setback from the railway corridor and is unlikely to have an adverse effect on rail safety.</p> <p>The proposed development involves placing of a metal finish on a structure and the rail corridor concerned is used by electric train</p>

	<p>(c) involves the use of a crane in air space above any rail corridor, or</p> <p>(d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</p> <p>Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an</p>	<p>The proposed development does not involve the use of a crane in air space above any rail corridor.</p> <p>The proposed development involves works within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.</p> <p>The relevant corridor is owned and operated by ARTC. At the time of writing the report, comments from ARTC were not received. However, see below assessment outlining why referral to ARTC is not required for the purpose of determination.</p> <p>Insufficient information has been submitted with the application to confirm the development conforms with the relevant provisions of the Development Near Rail Corridors and Busy Roads – Interim Guideline and is considered acceptable.</p> <p>The relevant corridor is owned and operated by ARTC. Given the application is recommended for refusal, comments were not considered to be necessary for the purpose of determination.</p>
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	ARTC arrangement.	Section 2.98(3) of the SEPP provides that the consent authority is not required to give written notice of the application to ARTC or take into consideration any response.
Division 17 - Roads and Traffic		
Subdivision 2 - Development in or adjacent to road corridors and road reservations		
2.119 Development with frontage to classified road	<p>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</p> <p>a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of</p> <p style="padding-left: 40px;">(i) the design of the vehicular access to the land, or</p> <p style="padding-left: 40px;">(ii) the emission of smoke or dust from the development, or</p> <p style="padding-left: 40px;">(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent</p>	<p>The proposed development contains a frontage to Mittagong Road which is a state classified Road. Access via Evans Lane is not considered to be practical given the siting of the proposed development and alternative arrangements would warrant the removal of native vegetation and dams.</p> <p>The proposed means of access has been reviewed by TfNSW who continue to have concerns.</p> <p>Based on the above, the proposed development is likely to have an adverse impact on the safety, efficiency and ongoing operation of the classified road.</p> <p>The development is not of a type</p>

	classified road.	that will be sensitive to traffic noise of vehicle emissions.
2.122 Traffic-generating development	<p>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <p>(a) new premises of the relevant size or capacity, or</p> <p>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</p>	<p>The development proposes the construction of an artisan food and drink industry which is a type of light industry. Schedule 3 of the SEPP prescribes the following size or capacity for sites with an access to a classified road.</p> <ul style="list-style-type: none"> • 5,000m² in site area or (if the site area is less than the gross floor area) gross floor area <p>The site area is greater than the overall gross floor area. As such, the development does not constitute as Traffic Generating Development.</p>

State Environmental Planning Policy (Industry and Employment) 2021

In accordance with Section 3.6 (Granting of consent to signage), a consent authority must not grant development consent to an application to display signage unless it is satisfied that the signage is consistent with the objectives at Section 3.1(1)(a) and that the signage satisfies the assessment criteria in Schedule 5.

The proposed signage comprises the provision of a business identification signage comprising a 1 x wall sign and indicative location for a wall sign in the form of a logo. Whilst sufficient information has been submitted regarding one of the signs, insufficient information has been provided regarding the logo sign to confirm it relates directly to the business that will occupy the premises and that it will be constructed of high-quality finishes.

Therefore, insufficient information has been submitted to undertake an accurate assessment of the proposed development against the aims at Section 3.1(1)(a) of the Industry and Employment SEPP and the criteria at Schedule 5.

Wingecarribee Local Environmental Plan (LEP) 2010

The application relates only to Lot 11 in DP 1280507 which is zoned RU4 Primary Production Small Lot and SP2 Infrastructure (Classified Road). The development is proposed for the purpose of an artisan food and drink industry, which is permissible with consent in the RU4 zone.

It is acknowledged that the application involves development that is ancillary to the artisan food and drink industry within the SP2 zoned land which are generally prohibited. However, Section 5.1(3) of the LEP permits the following:

- (c) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.*

The applicant has already proposed a partial boundary realignment in order to progress an owner-initiated acquisition for parts of the works within the SP2 Zone as per the Road Works Plan. These components are permissible with consent pursuant Section 5.1(3) of the LEP.

However, additional ancillary structures within the SP2 zone, including parts of the driveway, are not proposed to be incorporated within the boundary realignment. As a result, these components are currently prohibited within the SP2 zone.

The relevant objectives of the RU4 zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for a restricted range of employment-generating development opportunities that are compatible with adjacent or nearby residential and agricultural development.*
- *To avoid additional degradation or fragmentation of the natural environment caused by further clearing of native vegetation, high intensity development and land use.*
- *To maintain flora and fauna species and habitats, communities and ecological processes that occupy land in the zone, ensuring that development minimises any off and on site impacts on biodiversity, water resources and natural landforms.*
- *To conserve and enhance the quality of potentially valuable environmental assets, including waterways, riparian land, wetlands and other surface and groundwater resources, remnant native vegetation and fauna movement corridors as part of all new development and land use.*
- *To provide for the effective management of remnant native vegetation within the zone, including native vegetation regeneration, noxious and environmental weed eradication and bush fire hazard reduction.*

The relevant objectives of the SP2 zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To ensure that the scale and character of infrastructure is compatible with the landscape setting and built form of surrounding development.*

Comment

The proposed development, in its current form, is considered to be inconsistent with the relevant objectives of the RU4 zone. In particular:

- The overall height and scale of the development and associated 2.1m boundary fence is excessive and incompatible with adjacent and nearby residential and agricultural development.
- Insufficient information has been submitted within the plan of management to confirm the staff and patrons' capacity to ensure the development is managed in a manner that minimises conflicts between land uses within adjoining zones.

In addition, the proposed development in its current form is also considered to be inconsistent with the relevant objectives of the SP2 zone. Specifically, suitable infrastructure has not been provided to service the development from an access and traffic perspective.

The relevant provisions of the LEP are addressed in the table below.

Wingecarribee Local Environmental Plan (LEP) 2010			
Clause	Control	Discussion	Compliance
2.6 Subdivision – consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	Development consent is sought for the proposed subdivision.	Yes
4.1 Minimum Subdivision Lot Size	<p>The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>Minimum lot size – 40000m² (4 ha)</p>	Insufficient information has been submitted within the Statement of Environmental Effects and Architectural Plans confirming compliance the proposed boundary realignment confirms with the relevant requirements.	No
5.1 Land acquisition within certain zones	<p>The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).</p> <p>Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.</p>	<p>A portion of the site is mapped on the Land Reservation Acquisition Map as Classified Roads (SP2). TfNSW are the relevant Authority of the state.</p> <p>The proposed development involves a minor boundary realignment to ensure the road embankments and traffic management facilities (i.e the concrete island proposed) are contained within the road reserve boundary. The application has been reviewed by TfNSW who raised objections.</p> <p>It is acknowledged that the application involves development that is ancillary to the artisan food and drink industry within the SP2 zone which are generally prohibited.</p> <p>Insufficient information has been submitted within the Statement of Environmental Effects and Architectural Plan confirming the extent of works proposed on land to be acquired by an authority of</p>	<p>Yes</p> <p>No</p>

		the State under the owner-initiated acquisition provisions, before it is used for the purpose for which it is reserved.	
5.4 Controls relating to miscellaneous permissible uses	<p>Artisan food and drink industry exclusion If development for the purposes of an artisan food and drink industry is permitted under this Plan in Zone E3 Productivity Support, Zone E4 General Industrial, Zone E5 Heavy Industrial, Zone W4 Working Waterfront or a rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—</p> <p>(a) 67% of the gross floor area of the industry, or</p> <p>(b) 400 square metres, whichever is the lesser.</p>	<p>It is acknowledged that the proposed retail area predominately comprises dining areas and a cellar door which are generally categorised as a restaurant area. These areas are not included in the calculation of the total floor area used for retail sales.</p> <p>The proposed development incorporates a small take-away area adjoining the bar for the purpose of retail sales.</p> <p>This area will not exceed 400m² of the total floor area.</p>	Yes
5.10 Heritage conservation	<p>To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>The site is not a heritage item and is not within a heritage conservation area.</p> <p>Part of the site's north-western boundary abuts the locally listed heritage item I1192 - "Willow Grange" house and grounds.</p>	<p>The site is not a heritage item and is not within a heritage conservation area.</p> <p>However, Item I185 'Original "Gib Railway Tunnel adjoins separates the eastern and western portions of Lot 11 in DP 1280507.</p> <p>The Statement of significance within the State Heritage Inventory notes that the following:</p> <ul style="list-style-type: none"> <i>Important historic and engineering site, associated with first stages of southern railway which was intended to link Australia's two major cities, Sydney and Melbourne. Opened up the Sydney market for Goulburn and its region.</i> <p>The proposed development is setback approximately 174m from the items and will not</p>	Yes

		<p>detract from the important historic and engineering site.</p> <p>In addition, the item is currently screened by dense vegetation and is not visible from the public domain. As such, it is satisfied the proposed development will not impact on the heritage significance of the item, including its associated fabric, setting, and views.</p>	
5.21 Flood planning	To allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,	<p>The application has been reviewed by Council's Development Engineers who advised the following:</p> <ul style="list-style-type: none"> <i>The site is mapped to be flood affected (Low, Medium Flood Risked) according to Council's mapping system.</i> <i>The proposed development is proposed away from the flood zone area. Flooding Controls are not applicable.</i> <p>Based on the above, it is satisfied the proposed development is compatible with the flood function and behaviour of the land.</p>	Yes
7.3 Earthworks	To ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.	Insufficient information has been submitted to assess the extent of cut and fill throughout the site. In particular, no cut and fill plan has been submitted.	No
7.5 Natural resource sensitivity - water	<p>Before granting development consent for development on land to which this clause applies, the consent authority must consider any potential adverse impact of the proposed development on the following—</p> <p>(a) the natural flow regime,</p> <p>(b) the water quality of</p>	<p>The site is identified as containing category 2 riparian lands.</p> <p>The proposed development will not impact on natural flow regimes or flow paths. The proposed stormwater management measures have been reviewed by Council's development engineers who</p>	Yes

	<p>receiving waters,</p> <p>(c) the waterway's natural flow paths,</p> <p>(d) the stability of the waterway's bed, shore and banks,</p> <p>(e) the flow, capacity and quality of groundwater systems.</p>	<p>raised no objections.</p> <p>The application has been reviewed by Water NSW advised that the proposed development could achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.</p> <p>DPE-Water have reviewed all works within 40m of the bank of a river, lake or estuary and raised no objections. As such, it is satisfied the proposed development will not impact on the stability of the bed and banks of waterways.</p> <p>A condition of consent is capable of being imposed as part of any consent requiring the preparation of a Geotechnical Report. The report would assess the presence of any ground water systems and would recommend measures ensuring the system is protected.</p> <p>Based on the above, it is satisfied the proposed development has been designed, sited and is capable of being managed to avoid any potential adverse environmental impacts.</p>	
7.10 Public utility infrastructure	<p>Development consent must not be granted for development on land to which this clause applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p>	<p>The application was referred to Council's Sewer and Water Development Engineers who raised the following objections relevant to the DA:</p> <ul style="list-style-type: none"> <i>Applicant to confirm the depth and location of the existing DN250 water main. Water main lowering will be required if there is insufficient cover. Positive identification is required to ensure accuracy of design due to critical</i> 	No

		<p><i>water main. Potholing to be completed via non-destructive excavation.</i></p> <ul style="list-style-type: none"> • <i>Confirm the location of the existing air valve. Applicant to advise how the air valve will be protected and remain in a suitable location away from the proposed driveway.</i> • <i>Applicant to state the required size of the water meter.</i> • <i>Applicant to confirm if a fire service is required for this development.</i> • <i>Applicant to label the easements shown on plans.</i> • <i>Applicant to amend note to mention 'private sewer rising main' Please note that HDPE sewer lines should be cream stripe, not lilac.</i> • <i>Provide detail for new benching and channel arrangement in existing manhole.</i> • <i>Applicant to provide existing sewer main details such as size and flow direction.</i> • <i>Applicant to positively identify and provide accurate survey for the 375mm water main as confirmation of existing services for Section 68 approval is required. Potholing to be completed via non-destructive excavation. Adequate clearance is to be provided and identified on the S68 drawings.</i> 	
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		<ul style="list-style-type: none">• <i>Applicant to confirm how the sewer rising main will be connected to the existing manhole. Please provide a detail and advise if an external drop is proposed.</i>• <i>Applicant to ensure minimum cover is maintained for the sewer rising main in accordance with low pressure sewer standards for private works.</i> <p>Insufficient information has been submitted to confirm adequate sewer infrastructure will be available when required.</p>	
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7. Development Control Plans and Policies

Rural Living Development Control Plan (DCP)

Section	Control	Assessment	Compliance
PART A Managing Our Rural Land			
Section 3 Ecologically Sustainable Development			
A3.2 Development in Sydney's Drinking Water Catchment	Under the REP, Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality.	Concurrence of Water NSW was requested under Part 6.5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. On 16 October 2024, WaterNSW advised that they are satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. As a result, Water NSW concurred with Council granting consent to the application subject to the conditions provided.	Yes
	To enable Council and the SCA to assess whether a development will have a neutral or beneficial effect on water quality, all development applications in the drinking water catchments must be accompanied by a Water Cycle Management Study.	The application is accompanied by a Water Cycle Management Study. The report has been reviewed by WaterNSW who raised no objection.	Yes
A3.3 Protection of Watercourses and Riparian Lands	Applicants are directed to the controls within the Wingecarribee LEP with regard to proposed development close to an identified riparian corridor.	Refer to the assessment against Clause 7.5 of the LEP above.	Yes
A3.4 Statement of Environmental Effects	The Environmental Planning and Assessment Act requires that all Land Use Applications be accompanied by a Statement of Environmental	The application is accompanied by an SEE.	Yes

Section	Control	Assessment	Compliance
	Effects (SEE)		
A3.5 Site Analysis	Every land use application which involves significant alteration to the site whether through development of currently vacant land, extensive renovation of an existing building, or demolition, must be accompanied by an appropriate Site Analysis Report.	Sufficient details regarding site analysis have been submitted in support of the application.	Yes
A3.6 Subdivision of Land	Applicants are directed to the minimum lot size maps under WLEP 2010 which indicate the subdivision potential for any lot.	Refer to the Assessment against Clause 4.1 of the LEP above.	Yes
A3.7 Cut and Fill	Any cut and fill required shall comply with the maximum controls set out in Clause 7.3 (Earthworks) of Wingecarribee Local Environmental Plan 2010.	Refer to the Assessment against Clause 7.3 of the WLEP above.	No
A3.9 Siting of Rural Buildings	<p>The assessment the location and style of rural buildings, including dwellings, will be based on an assessment of the Site Analysis report with regard to the following guidelines:</p> <ul style="list-style-type: none"> The maximum height of any non-residential building shall be determined by Council staff with reference to the objectives of the zone, the location of the proposed development and any relevant environmental and amenity considerations. No single rural building or structure shall generally occupy a ground 	<p>The proposed development contains a maximum building height 9m with is considered to be excessive and contrary to the objectives of the zone and incompatible with the rural landscape.</p> <p>The proposed development contains a floor area of</p>	No

Section	Control	Assessment	Compliance
	<p>level building footprint of more than 600 square metres (except as permitted in Section B6.5.2 – Equine Facilities). The building footprint excludes any area on which works or structures are carried out or constructed beneath the natural ground level, provided disturbance of the natural ground surface is kept to a minimum and there is no adverse visual or environmental impact.</p> <p>The total area of all land occupied by the ground level building footprint of all rural buildings and other structures shall not generally exceed a total ground level footprint of 1000 square metres (except as permitted in Section B6.5.2 – Equine Facilities), excluding any area on which works or structures are carried out or constructed beneath the natural ground level.</p> <p>All rural buildings are generally to be within building envelopes that are separated from each other by a distance of not more than 30 metres and not less than 5 metres.</p> <p>No rural building or structure is to be located closer than 20 metres from any public road, unless assessed by Council as appropriate due to site constraints.</p>	<p>886.48m² which does not comply with the maximum of 600m².</p> <p>The overall scale of the development is excessive and incompatible with the rural landscape. The proposed development will be directly visible from the public domain and adjoining properties and should be reduced to comply.</p> <p>The total floor areas of structures on site will not exceed 1000m².</p> <p>No other rural buildings are situated within the site.</p> <p>Whilst the proposed development is setback 20 metres from Mittagong Road. The site also contains land identified on the Land Reservation Acquisition Map as Classified Roads (SP2).</p> <p>Insufficient information has been submitted with the application to demonstrate the building will be setback at</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>

Section	Control	Assessment	Compliance
		least 20m from SP2 land.	
	Rural buildings and structures shall be constructed from non-reflective materials. Zincalume is not permissible.	Reflective materials or zincalume is not proposed.	Yes
	Have regard to applicable Landscape Conservation controls.	An assessment of the relevant controls is provided below.	Yes
Section 4 Vegetation Management			
A4.3 Vegetative Barrier Planting, Hedging & Row Plantings	<p>To meet the above objectives, Council will not approve proposed Vegetative Barrier Planting, Hedging and Row Planting plans along front boundaries unless the following controls are met.</p> <p>(a) The species and mature height of all such plantings must be stipulated in any land use application.</p>	Hedge planting is not proposed along the front boundary.	Yes
A4.5 Landform and Vegetation Modification	<p>All new development shall:</p> <p>(a) seek to use the existing natural topography of the site.</p> <p>(b) not require the clearing of native vegetation or established cultural plantings if this results in an increase in the prominence or visibility of the building from a public place or Heritage Conservation Zone.</p> <p>(c) where cut and fill of the area of the building footprint is required, that a limit of 750mm cut and 750mm fill apply.</p>	Insufficient information has been submitted to assess the extent of earthworks proposed under this development application. In particular, no cut and fill plan has been submitted to confirm assess the extent of earthworks proposed throughout the site.	No
A4.6 Earth Works	The origin and composition of any fill brought into the rural areas must be documented.	This requirement is capable of being suitably conditioned as part of any consent.	Yes

Section	Control	Assessment	Compliance
	<p>No contaminated fill, including any building waste fill of unknown origin, must be brought into the Rural Areas.</p> <p>No fill containing materials that may cause harm to a site or persons using a site may be brought into the rural areas</p> <p>Any excavation works must take into consideration the following:</p> <ul style="list-style-type: none"> (i) possible wildlife habitat, (ii) The need and purpose of the excavation (iii) The scenic impact (both on and off site) (iv) Erosion mitigation measures 	<p>As above.</p> <p>As above.</p> <p>Insufficient information has been submitted to assess the extent of earthworks proposed under this development application. In particular, no cut and fill plan has been submitted to assess the extent of earthworks proposed throughout the site and the need for the excavation beyond the buildings footprint.</p>	<p>Yes</p> <p>No</p>
A4.9 Arborist's Report	An Arborist's Report must be prepared by a suitably qualified professional	The application has not been accompanied by an Arborist Report.	No
Section 5 Water Management			
A5.2 Development within Sydney's Drinking Water Catchments	<p>Under the REP, Council cannot grant development consent unless it is satisfied the development will have a neutral or beneficial effect on water quality.</p> <p>To enable Council and the SCA to assess whether a development will have a neutral or beneficial effect on water quality, all development applications in the drinking</p>	<p>On 16 October 2024, WaterNSW advised that they are satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. As a result, Water NSW concurred with Council granting consent to the application subject to the conditions provided.</p> <p>The application is accompanied by a Water Cycle Management Study. The report has been reviewed by WaterNSW who raised no objection.</p>	<p>Yes</p> <p>Yes</p>

Section	Control	Assessment	Compliance
	<p>water catchments must be accompanied by a Water Cycle Management Study.</p> <p>In addition, the Water Cycle Management Study should contain the following reports or modelling as appropriate, based on the development type.</p> <p>Module 5 –</p> <ul style="list-style-type: none"> ○ Stormwater quality modelling ○ Conceptual Soil and Water Management Plan ○ On-site Wastewater Management Report (if relevant). ○ Development-specific pollutant assessment requirements. 	<p>Sufficient information has been submitted with the application to undertake an accurate assessment on whether the development will have a NorBE on water quality.</p>	
A5.3 Water Sensitive Design	<p>WSD controls are to be satisfied for all development applications and integrated into the Water Cycle Management Study (or equivalent plan) for the proposed development and included in all modelling conducted (e.g. MUSIC or small-scale stormwater quality modelling).</p>	<p>The proposed WSUD strategies have been reviewed by Council's Development Engineers who raised no objections.</p>	Yes
A5.5 Stormwater Management Plans	<p>A Stormwater Management Plan report will be required by Council for all development that will result in:</p> <p>(a) An increase in the impervious area of the site, or</p> <p>(b) A change in the direction of overland</p>	<p>The Stormwater drainage design has been reviewed by Council's Development Engineers who raised no objections subject to recommended conditions of consent.</p> <p>As such, it is satisfied that 'post development' overland water flows will not exceed 'pre development' flows and the development has been</p>	Yes

Section	Control	Assessment	Compliance
	flow	designed in accordance with Council's Engineering Design and Construction Specifications.	
A5.6 Erosion and Sediment Control Plans	All E&SC Plans and all associated works must be prepared in accordance with Council's Engineering Design and Construction Specifications.	The DA is accompanied by a conceptual erosion and sediment control plan which has been reviewed by Council's Development Engineers. No objections were raised subject to recommended conditions of consent.	Yes
A5.7 Protection of Watercourses, Water bodies and Riparian Lands	<p>All development in the rural areas shall comply with the riparian zone requirements compiled by the Department of Water and Energy.</p> <p>As a part of a land use application for land adjoining or in close proximity to known riparian land, a system of replanting and/or revegetation with native species endemic to the region is to be undertaken in consultation with relevant Council staff.</p>	<p>The impact of the proposed development on the riparian corridors has been reviewed by Council's Ecological Consultant and DPE-Water who raised no objections subject to conditions being imposed as part of any consent.</p> <p>The application has been reviewed by Council Ecological Consultant who has recommended conditions relating to the preparation of a Vegetation Management Plan. Subject to compliance with the final VMP, it is satisfied suitable arrangements can be made for the replanting and/or revegetation of native species that are endemic to the region</p>	<p>Yes</p> <p>Yes</p>
A5.9 Flood Liable Land	The flood risk associated with the development comprising danger to life and damage to property is minimised and not increased beyond the level acceptable to the community.	<p>The application has been reviewed by Council's Development Engineers who advised the following:</p> <ul style="list-style-type: none"> <i>The site is mapped to be flood affected (Low, Medium Flood Risk) according to Council's mapping system.</i> <i>The proposed development is proposed away from the flood zone area. Flooding Controls are not applicable.</i> <p>Based on the above, it is satisfied the proposed</p>	Yes

Section	Control	Assessment	Compliance
		development is compatible with the flood function and behaviour of the land.	
Section 6 Additional Controls			
A6.2 Bushfire Prone Land	<p>All rural development (including the upgrade of existing buildings/structures, dwellings, industry) must comply with the requirements of the Building Code of Australia and associated Australian Standards.</p> <p>Compliance is required with the most recent version of the document Planning for Bushfire Protection produced by the NSW Rural Fire Service. (Further information is available from Council).</p>	The application is accompanied by a Bushfire Risk & Emergency Management Plan demonstrating compliance with the relevant requirements of the BCA, Australian Standards and PBP.	Yes
A6.3 Contaminated or Potentially Contaminated Land	Where there are indications that contamination is, or may be present, Council may require the applicant to undertake a site-specific Contamination Study.	<p>The application has been reviewed by Council Environmental Health Officer who advised the following in relation to contaminated land:</p> <ul style="list-style-type: none"> • <i>There are <u>no</u> Contamination ('CT') memos attributed to the subject property (PN 1836260) on Council's PR system;</i> • <i>According to Chapter 4.4 of the SEE (ECM Document Set ID: 5511161) and aerial photos, the site in question appears to have been used as a low-key grazing land;</i> • <i>The proposed land use is <u>not</u> sensitive;</i> • <i>Accordingly, in my opinion, there is <u>no</u> indication that the site in question may be contaminated. Council does not need to consider a PSI as per</i> 	Yes

Section	Control	Assessment	Compliance
		<p><i>s.4.6(2) of the RH SEPP.</i></p> <p>Based on the above, it is satisfied that the land is not contaminated and further investigation is considered unnecessary.</p>	
A6.8 Minimisation of External Impacts - Noise	In the event that Council considers it likely that the proposed development could result in a noise nuisance being caused to neighbouring properties, an acoustic report, prepared by a qualified acoustic consultant, must be lodged with the application.	The application has been accompanied by an Acoustic Report assessing the impact of all noise sources on surrounding land. The report has been reviewed by Council's EHO who raised no objections.	Yes
A6.9 Minimisation of External Impacts - Odour	All applications for rural development shall indicate how odour-producing materials are to be managed to ensure that the impacts of such odours on neighbouring properties are minimised.	Odour producing materials are not proposed.	Yes
A6.10 Minimisation of External Impacts - Outdoor Lighting	All outdoor lighting fixtures shall be designed, installed, located and maintained to avoid glare on to adjacent properties or streets	No lighting plan has been submitted to confirm all outdoor lighting conforms with the relevant requirements of the Australian Standards to avoid glare on to adjacent properties and the street.	No
A6.12 Property Entrances and Front Fencing	<p>Front entrances shall be designed to the satisfaction of Council with regard to width, degree of splay and surface materials to ensure that vehicles may access the site in all weather without adversely impacting on the road surface or traffic flows.</p> <p>Gates are to be setback a minimum of 20m from the road frontage. Where Council believes that over-long vehicles will access the site on a regular basis, a setback great than 20 metres may be</p>	<p>The proposed surfaces have been reviewed by Council's Development Engineers who raised no objections.</p> <p>Front fences or gates are not proposed noting all fencing is located along the side boundary.</p>	<p>Yes</p> <p>Yes</p>

Section	Control	Assessment	Compliance
	required.		
A6.14 Truck Parking	Any truck parked on a property in a rural area must only be used in association with an approved rural, agricultural, or rural industrial land use legally carried out on that property.	The proposed development is only intended to accommodate a Medium Rigid Vehicle (MRV – 8.8m) for servicing. No other trucks are intended to access the site. This application does not propose truck access for any other purpose.	Yes
	No truck used for an activity involving hazardous or dangerous goods may be parked on a rural property.	No activities involving hazardous or dangerous goods are proposed.	Yes
	No truck used for any purpose which may be reasonably expected to cause interference to amenity in terms of dust, fumes, odour, waste products etc as a result of the truck being parked in that area may be parked on a rural property.	MRV are only anticipated to access the loading area. This area is unlikely to cause interference to the amenity of adjoining residents.	Yes
	When not in use no truck shall be parked within 100m from any residential building or habitable building on any adjoining property.	MRV are not proposed to park on the site beyond servicing.	Yes
	Trucks must not be cleaned on site.	MRV are not proposed to be cleaned on site.	Yes
A6.17 Signage	The location and design of signage shall not interfere with or adversely impact on any landscape elements, including topography, ridgelines, significant vegetation, farm buildings, roads and gateways.	The location of signage will not interfere with or adversely impact on any landscape elements given they relate to a wall sign.	Yes
	Signs shall be located so as not to cause any visual obstruction to vehicular or pedestrian traffic.	The proposed signs are adequately setback from the public domain and will not cause any visual obstruction to vehicular or pedestrian traffic.	Yes
	The design and selection of colours and materials of signs	Insufficient information has been submitted regarding the	No

Section	Control	Assessment	Compliance
	must relate to the existing palette of colours in the rural landscape.	proposed 'Logo' sign to assess its appropriateness when having regard to the palette of colours in the rural landscape.	
	All signage must be designed and finished to a high quality.	Insufficient information has been submitted regarding the proposed 'Logo' sign to assess whether it is of a high quality.	No
	Signs shall be assessed as to their cumulative effect to avoid proliferation and visual confusion that would detract from the character of the rural landscape. Where appropriate, integrated signage on behalf of several businesses or properties may be suggested.	Insufficient information has been submitted regarding the logo sign to assess if the design would detract from the character of the rural landscape.	No
	Signs seeking the consent of Council may only be sited on the land to which the advertised activity or destination applies.	All signs are sited wholly within the boundaries of the site.	Yes
	The following signs are prohibited in rural areas: (i) Any 'off-site' signage; including any signage not directly relating to the property on which it is placed, advertising attached to trailers / motor vehicles etc parked on a road or reserve for more than one day in any one month period. (ii) Advertising objects such as inflatable objects. (iii) Bunting and Flags	Insufficient information has been submitted regarding the Logo sign to confirm it does not contain any of the prohibited third-party information.	No

Section	Control	Assessment	Compliance
	<p>(with the exception of recognised Australian flags and / or recognised civic service flag.</p> <p>(iv) No buildings painted wholly or substantially in corporate colours</p>		
Section 7 Development Near Rail Corridors & Busy Roads			
A7.1 Development Adjacent to a Rail Corridor	The protection of the stability of the nearby rail corridor and railway land during excavation and construction of any development must be ensured.	The proposed development is adequately setback and will not impact on the stability of the rail corridor.	Yes
	Any excavation greater than 2m in depth and within 25 metres of the rail corridor will require concurrence with the relevant authority under clause 86 of SEPP (Infrastructure) 2007.	All works are located more than 25 metres of the rail corridor.	Yes
	Drainage from the development is to be adequately disposed of so as not to be diverted on to the rail corridor.	The proposed development does not propose stormwater drainage towards the rail corridor.	Yes
	Appropriate fencing is to be constructed to clearly separate the development from the railway land so as to avoid people straying on to railway land, either during construction or following completion of the development.	The proposed development is adequately setback from the railway corridor and screened by vegetation. Additional fencing is considered unnecessary.	On merit
	Appropriate landscaping and fencing is to be installed to screen and soften views of the rail tracks from the development and to help alleviate the 'sense' of exposure of the development to the source of rail noise.	Existing provisions are considered adequate screen and soften views of the rail tracks and to help alleviate the 'sense' of exposure of the development to the source of rail noise.	Yes
	Council shall not grant consent to the carrying out of		

Section	Control	Assessment	Compliance
	<p>development on any land to which this Clause applies unless it is satisfied that adequate provision has been made to ensure that such development:</p> <p>(a) avoids any new direct vehicular access to any relevant road and removes any existing access where alternative rear lane or other access is achievable.</p> <p>(b) provides that any essential access to any relevant road be designed so that all vehicles enter and leave the site in a forward direction.</p>	<p>The proposed development contains a frontage to Mittagong Road which is a state classified road. Access via Evans Lane is not considered to be practical as the proposed development is located within a cleared portion of the site and alternative arrangements would warrant the removal of native vegetation and dams.</p> <p>All vehicles are capable of entering and leaving the site in a forward direction.</p>	<p>Yes</p> <p>Yes</p>
Section 9 Construction Standards & Procedures			
A9.2.3 Hydraulic Details	<p>Hydraulic details, prepared by a suitably qualified hydraulic consultant, shall be provided for:</p> <p>(a) Stormwater service</p> <p>(b) Water supply service (including fire services)</p> <p>(c) Sewerage service</p>	<p>Adequate hydraulic details have been provided in support of the application.</p>	<p>Yes</p>
A9.3 Building near or over Council Mains and Easements	<p>The building or structures over/adjacent to Council's water, stormwater and sewerage assets will be considered in accordance with technical guidelines in the Engineering Design and Construction Specifications, as well as Council's set of standard drawings.</p>	<p>The application was referred to Council's Sewer and Water Development Engineers who raised the following objections relevant to the DA:</p> <p><i>Applicant to confirm the depth and location of the existing DN250 water main. Water main lowering will be required if there is insufficient cover. Positive identification is required to ensure accuracy of design due to critical water main. Potholing to be completed via non-</i></p>	<p>No</p>

Section	Control	Assessment	Compliance
		<p><i>destructive excavation.</i></p> <p><i>Confirm the location of the existing air valve. Applicant to advise how the air valve will be protected and remain in a suitable location away from the proposed driveway.</i></p> <p><i>Applicant to state the required size of the water meter.</i></p> <p><i>Applicant to confirm if a fire service is required for this development.</i></p> <p><i>Applicant to label the easements shown on plans.</i></p> <p><i>Applicant to amend note to mention 'private sewer rising main' Please note that HDPE sewer lines should be cream stripe, not lilac.</i></p> <p><i>Provide detail for new benching and channel arrangement in existing manhole.</i></p> <p><i>Applicant to provide existing sewer main details such as size and flow direction.</i></p> <p><i>Applicant to positively identify and provide accurate survey for the 375mm water main as confirmation of existing services for Section 68 approval is required. Potholing to be completed via non-destructive excavation. Adequate clearance is to be provided and identified on the S68 drawings.</i></p> <p><i>Applicant to confirm how the sewer rising main will be connected to the existing manhole. Please provide a detail and advise if an external drop is proposed.</i></p> <p><i>Applicant to ensure minimum cover is maintained for the sewer rising main in accordance with low pressure sewer standards for private</i></p>	

Section	Control	Assessment	Compliance
		<p><i>works.</i></p> <p>The request formed part of Council request for additional to the applicant dated 24 July 2025. The applicant subsequently submitted additional information on 18 August 2025.</p> <p>As a result, the issues raised form part of Council's Reasons for Refusal as insufficient information has been provided to demonstrate the development will be in accordance with Council's technical guidelines in the Engineering Design and Construction Specifications</p>	
A9.8 Stormwater Disposal	Final means of disposal of stormwater to Council's stormwater system must be approved by Council.	The proposed means of stormwater disposal has been reviewed by Council Development Engineers who raised no objections.	Yes
A9.12 Waste Management and Disposal	A Waste Management Plan is required for all demolition works and /or construction works (with a value greater than \$50,000).	The application is accompanied by a construction waste management plan however not a detailed operational waste management plan.	No

8. Environmental Assessment

The site has been inspected (14 July 2025) and the application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act, 1979, as amended.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	<p>An assessment of the development against the provisions of the following EPIs has been undertaken as detailed in this report:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>Wingecarribee Local Environmental Plan (LEP) 2010</i>
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	There are no draft environmental planning instruments applicable.
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	An assessment of the development against the Rural Living DCP has been undertaken as detailed in this report.
Section 4.15 (1)(a)(iia) – Provision of any Planning Agreement or draft Planning Agreement.	There are no draft or executed planning agreements applying to the site.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The relevant clauses of the Regulations have been satisfied.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	<p>The environmental impacts of the proposed development on the natural and built environment have been addressed in this report.</p> <p>The proposed development is inconsistent with the prevailing character of the locality and design modifications are required to ensure the development is of a size and scale that is compatible.</p>
Section 4.15 (1)(c) – The suitability of the site for the development.	The site is not suitable for the proposed development in its current form.

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation.	Nineteen (19) submissions were received from the notification / advertising process. Section 4 of this report provides a summary of the key issues raised in the submissions and Council's consideration of each.
Section 4.15 (1)(e) – The public interest.	The proposed development is not in the public interest for the reasons detailed in this assessment report and the accompanying reasons for refusal.

9. Developer Contributions

Developer contributions have not been calculated for the proposed development, as the application is recommended for refusal.

10. Referral Comments

Internal Referrals

Assets	No objections raised.
Ecological Consultant	No objections raised.
Development Engineer	<p>The application was initially referred to Council's Development Engineers who raised the following objections relevant to the DA:</p> <ul style="list-style-type: none"> <i>The parking layout designates 6 staff parking spaces and 4 additional spaces including 1 accessible space on a concrete paved area. The remaining 57 parking spaces are proposed on a gravel surface. I have discussed this Development Application on 12/11/2024 with Council's Senior Traffic Engineer Michael Rayner about the gravel parking area. While the material is acceptable, the applicant will need to provide justification how the proposed parking spaces will be clearly delineated on the gravel to meet the DCP parking requirements.</i> <i>TfNSW has raised concerns with the internal arrangements as it may cause queuing onto Mittagong Road, specifically car parking spaces 1-4, 40 and 41 near the entry/exit. Applicant to justify the parking arrangement for car spaces 1-4, 40 and 41. Otherwise please provide an alternative arrangement.</i> <p>The request formed part of Council request for additional to the applicant dated 28 November 2024. The applicant subsequently submitted additional information between 18 April 2025 and 6 June 2025 which was re-referred to Council's Development Engineers for additional comment.</p> <p>Following review of the additional information, it was recommended that the DA be approved subject to conditions being imposed as part of any consent.</p>

	<p>Following receipt of the revised Road Design drawings, the application was re-referred to Council Development Engineers. No concerns were raised regarding the revised drawings.</p>
Environmental Health Officer	<p>The application was initially referred to Council's Development Engineers, who raised no objections to food and noise conditions being imposed.</p> <p>Following receipt of an amended acoustic report on 18 April 2025, the application was re-referred to Council's Environmental Health Officer for additional comments.</p> <p>Council EHO raised minor concern with the amended acoustic report. Subject to those updates conditions could be provided.</p>
Water and Sewer Development Engineer	<p>The application was referred to Council's Sewer and Water Development Engineers who raised the following objections relevant to the DA:</p> <ul style="list-style-type: none"> • <i>Applicant to confirm the depth and location of the existing DN250 water main. Water main lowering will be required if there is insufficient cover. Positive identification is required to ensure accuracy of design due to critical water main. Potholing to be completed via non-destructive excavation.</i> • <i>Confirm the location of the existing air valve. Applicant to advise how the air valve will be protected and remain in a suitable location away from the proposed driveway.</i> • <i>Applicant to state the required size of the water meter.</i> • <i>Applicant to confirm if a fire service is required for this development.</i> • <i>Applicant to label the easements shown on plans.</i> • <i>Applicant to amend note to mention 'private sewer rising main' Please note that HDPE sewer lines should be cream stripe, not lilac.</i> • <i>Provide detail for new benching and channel arrangement in existing manhole.</i> • <i>Applicant to provide existing sewer main details such as size and flow direction.</i> • <i>Applicant to positively identify and provide accurate survey for the 375mm water main as confirmation of existing services for Section 68 approval is required. Potholing to be completed via non-destructive excavation. Adequate clearance is to be provided and identified on the S68 drawings.</i> • <i>Applicant to confirm how the sewer rising main will be connected to the existing manhole. Please provide a detail and advise if an external drop is proposed.</i> • <i>Applicant to ensure minimum cover is maintained for the sewer rising main in accordance with low pressure sewer standards for private works.</i>

	<p>The request formed part of Council's Withdrawal Request dated 24 July 2025. The applicant subsequently submitted additional information on 18 August 2025 and provided no response to the matter raised.</p> <p>As a result, the issues raised form part of Council's Reasons for Refusal.</p>
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External Referral

Endeavour Energy	No objections.
Water NSW	<p>Concurrence of Water NSW was requested under Part 6.5 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. On 16 October 2024, WaterNSW advised that they are satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. As a result, Water NSW concurred with Council granting consent to the application subject to the conditions provided.</p> <p>It is noted that a condition of consent was imposed requiring the following:</p> <p><i>No Occupation Certificate shall be issued unless the appointed Principal Certifier has received written certification from Wingecarribee Shire Council's Water & Sewer Services that the existing Mittagong Sewage Treatment Plant (STP) and associated infrastructure have:</i></p> <ul style="list-style-type: none"> <i>sufficient hydraulic capacity to transfer, accommodate and treat the additional wastewater load generated by the development, and/or</i> <i>been upgraded and commissioned to treat additional wastewater load generated by the development.</i> <p>The application has been reviewed by Council's Assets who advised that 'the proposed development will connect to Bowral STP, which is of sufficient treatment capacity for the development.' Based on the above it is satisfied that there will be sufficient hydraulic capacity to transfer, accommodate and treat the additional wastewater load generated by the development at the time development consent is issued.</p>
DPE-Water	<p>The application was referred to DPE-Water who initially advised on 1 October 2024 that additional information relevant to issuing General Terms of Approval was required in order to complete the assessment. In particular, DPE-Water requested the plan, cross-section, and specification of the proposed sewer line that will cross the mapped watercourses.</p> <p>The request formed part of Council request for additional to the applicant dated 28 November 2024. The applicant subsequently submitted additional information between 18 April 2025 and 6 June 2025 which was re-referred to DPE-Water for additional comment.</p> <p>On 20 May 2025, DPE-Water issued General Terms of Approval for part of the proposed development requiring a Controlled Activity approval under the Water Management Act 2000 (WM Act) following review of the additional information.</p>

TfNSW	<p>The application was referred to TfNSW who initially advised on 26 September 2025 that they do not support the proposed development in its current form as there was not enough information to assess the impact of the access arrangements to the state road network. In summary the following concerns were raised:</p> <ul style="list-style-type: none">• A further assessment of the suitability of the proposed access arrangements was required relating to sight distances and island type.• Updates to the traffic analysis were required addressing a turn warrant assessment, SIDRA intersection modelling, and turning movements.• A strategic design for the identified access treatment with Mittagong Road.• Concerns regarding queuing. <p>The above concerns formed part of Council's Request for additional information dated 28 November 2024. The applicant subsequently submitted additional information on 18 April 2025 which was re-referred to TfNSW for additional comment.</p> <p>On 5 June 2025, TfNSW once again advised that they do not support the proposed development in its current form due to outstanding issues with the strategic design of the access arrangements proposed to Mittagong Road. In summary the following concerns were raised:</p> <ul style="list-style-type: none">• Length of left turn lane.• Adjustments to the property boundaries. <p>The above concerns formed part of Council's withdrawal request dated 24 July 2025. The applicant subsequently submitted a road design plan on 18 August 2025 which was re-referred to TfNSW for additional comment.</p> <p>At the time of writing this report no formal response had been received from TfNSW however verbal advice had been received that they did not support the DA in its current form.</p>
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11. Conclusion

That Development Application No. No. 24/1562 for the construction of an artisan food and drink industry at 123-125 Old Bowral Road, Mittagong (Lot 11 DP 1280507), be determined by way of REFUSAL subject to the recommended reasons for refusal detailed in **Attachment 1** of this report.

ATTACHMENTS - Under Separate Cover

3. Attachment 1 - Recommended Reasons for Refusal - 24 1562 [6.1.1 - 4 pages]
4. Attachment 2 - DA Plans - 24 1562 [6.1.2 - 19 pages]

Additional Assessment Report Information

Additional supporting Development Application information, including specialised consultant reports, neighbour notification records and assessment documentation can be accessed via Councils Application Tracker. Please click the below Application Tracker link to search for more information on a Development Application.

<https://www.wsc.nsw.gov.au/Plan-and-Build/Track-a-DA>

- Traffic Impact Assessment Report
- Traffic response to Council and TfNSW
- Access Modelling Assessment
- Road Work Design
- Statement of Environmental Effects
- Plan of Management
- Stormwater Management & Water Quality Site Plan
- Water Cycle Management Study
- Sewer Rising Main Site Plan
- Bush Fire Risk & Emergency Management Plan
- Bush Fire Risk & Emergency Management Site Plan
- Biodiversity Development Assessment Report
- SEPP (Biodiversity and Conservation) 2021: Chapter 4 - Koala Habitat Protection 2021 Letter
- Acoustic Report

- 6.2 DA 24/0922 for Alterations and Additions, including the installation of a Passenger Lift and Implementation of a 'Direct to Boot' (DTB) Service to the Existing Woolworths Supermarket at Highland Fair, Bowral on the adjoining Council owned land

Report Author: Development Assessment Planner – Bryce Koop
Authoriser: Manager Development Assessment and Regulation
– Jon Shillito

PURPOSE

The purpose of this report is to consider Development Application No. 24/0922 for alterations and additions to the existing Woolworths supermarket at Highland Fair in Bowral including the installation of a passenger lift and implementation of a 'Direct to Boot' (DTB) service on the adjoining Council owned land at 380 Bong Bong Street, Bowral (Lot 11 DP878239) and Council owned land (Lot 2 DP 868337), for the Panel's consideration. The report recommends determination by way of REFUSAL for the reasons outlined in **Attachment 1**.

Applicant	Leonard Slabbert, The Trustee for TRACT CONSULTANTS UNIT TRUST
DA No.	24/0922
Portal Application No.	PAN-403944
Landowner	Saric Holdings Pty Ltd Wingecarribee Shire Council
Property	Lot 11 DP878239 and Lot 2 DP 868337
Street Address	380 Bong Bong Street, Bowral
Developer	Woolworths Group Limited
Zoning	E1 Local Centre WLEP 2010
Date Lodged	13 February 2024
Proposed Development	Alterations and additions to the existing Woolworths supermarket at Highland Fair including the installation of a passenger lift and implementation of a 'Direct to Boot' (DTB) service on the adjoining Council owned land.
Estimated Cost of Development	\$853,433.24
Applicant's Consultants	Artefact The Retail Group Pty Ltd Tract SALT (Sustainable Transport Surveys Pty Ltd) Turner & Townsend
Notification Period	21 February 2024 to 03 April 2024 (42 days)
Number of Submissions	Nil
Political Donations	None declared
Reason for Referral to Panel	Development for which the land owner is the Council.

Assessment Officer	Ali Hammoud - Consultant Town Planner
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OFFICER'S RECOMMENDATION

THAT the Local Planning Panel refuse Development Application No. 24/0922 for alterations and additions to the existing Woolworths supermarket at Highland Fair including the installation of a passenger lift and implementation of a 'Direct to Boot' (DTB) service on the adjoining Council owned land, at Highland Fair - 380 Bong Bong Street, Bowral (Lot 11 DP878239) and Council owned land(Lot 2 DP 868337), subject to the recommended reasons for refusal outlined in Attachment 1 of this report.

EXECUTIVE SUMMARY

1. Executive summary

Development application (DA) No. 24/0922 seeks development consent for alterations and additions to the existing Woolworths supermarket at Highland Fair, Bowral including the installation of a passenger lift and implementation of a 'Direct to Boot' (DTB) service on the adjoining Council owned land, at 380 Bong Bong Street, Bowral (being Lot 11 in DP878239 and Council owned land (Lot 2 in DP 868337).

The site and its surrounding area predominantly features retail, business and commercial land uses and development being located within the Bowral town centre. The subject site is bound to the east and north by land owned by Council (Lot 2 DP 868337) and contains a car park and pedestrian and vehicle thoroughfare between Banyette Street to the south and Boolwey Street to the north. The proposed lift installation and DTB service are proposed on the Council owned land, as illustrated in the figure below:

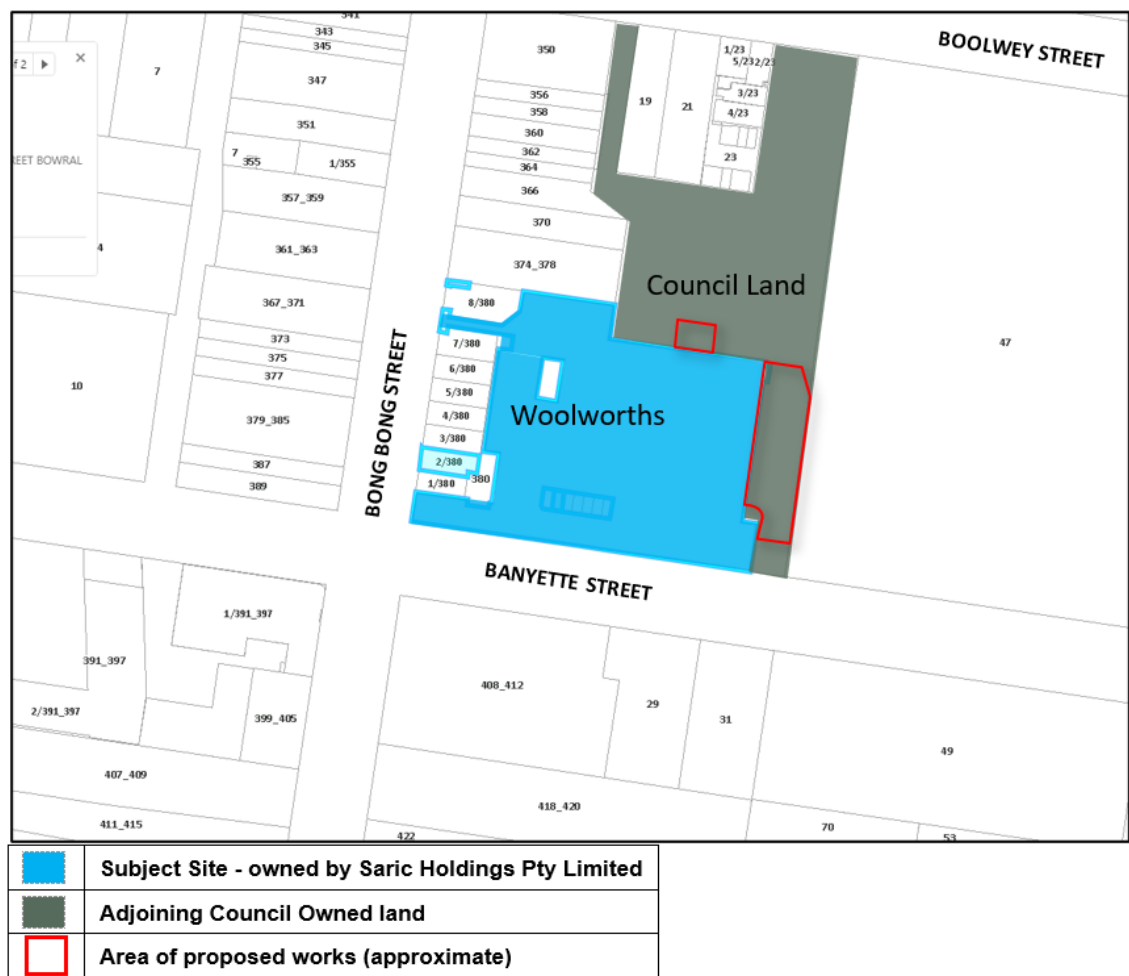


Figure 1: Subject Land and Areas of Proposed Work

Part of the Council Land, adjoining the subject site, is leased by Saric Holdings Pty Limited to Woolworths Limited and is used for access and parking to Woolworths Bowral, including access to the underground car parking. The Council Land is burdened by the following easements:

- (1) Easement for Access & Parking Variable width marked (11) in DP878239; and
- (2) Easement for Access & Parking Variable width marked (12) in DP878239.

The subject site currently has the benefit of the Easements which entitle customers of Woolworths and the general public to use the Council Land as a means of access and for car parking. Nothing in the terms of the Easements permit the land owner of the subject site, or its tenant Woolworths Bowral, to undertake any upgrade works to any part of the Council owned land. Accordingly, Council would be required to enter into a separate agreement to cover the proposed upgrade works that are located on the Council owned land, including the installation of the passenger lift on the northern side of the subject site and the DTB service on the eastern side of the subject site, both on the Council owned land.

Whilst owner's consent was provided for the lodgement of the DA on the subject and adjoining Council owned land, the use of the centre and supermarket relies on various easements and licensing agreements between Woolworths and Council that remain unresolved. This includes a licensing agreement to undertake the proposed physical works and Council's Coordinator Property Services has advised that the terms of the easement and agreement are an ongoing matter and negotiation between Council, Saric Holdings Pty Ltd and Woolworths. At the time of preparing this report, these matters remained largely unresolved and there is no certainty that Council will enter into an agreement for the works. Council has also sought justification from the applicant and Woolworths as to why the passenger lift could not be installed within the Woolworths building and on the land

owned by Saric Holdings Pty Ltd as opposed to the Council land and responses provided to date remain unsatisfactory.

Multiple attempts have been made throughout the assessment process of this application to resolve these outstanding matters. The issue of easements and licensing agreements is complex and takes lengthy amounts of time to resolve.

Given that the existing easements benefiting the subject site have expired and negotiations remain ongoing for the establishment of new easements and licensing agreements for the proposed works, the subject application cannot be supported in its present form. There is also no certainty as to whether any new easements will be established or new licensing agreements will be entered into as these items remain in negotiation between Council and the other parties.

The DA has been referred to several technical officers within Council, including an Accredited Certifier, Development Engineer, Heritage Advisor, and Council's Property Services team.

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Council's Community Engagement Strategy and the Act for development related to Council land. The notification period was from 21 February 2024 to 03 April 2024 (42 days). No submissions were received from the notification / advertising process.

This DA is referred to the Local Planning Panel in accordance with the Minister's Direction as the development involves works on land for which Council is the owner (Lot 2 DP 868337).

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal subject to the conditions detailed in **Attachment 1** of this report.

2 Site Description and Locality

- The subject site is identified as Lot 11 DP 878239 and is known as Highland Fair - 380 Bong Bong Street, Bowral. The application also relates to and includes adjoining Council owned land containing a car park directly adjacent to the subject site to the east and north, identified as Lot 2 DP 868337.
- The subject site contains an existing commercial building known as Highland Fair comprising a Woolworths supermarket and variety of shops fronting Bong Bong Street above car parking levels.
- The site is situated on a corner lot bound by Bong Bong Street to the west and Banyette Street to the south. The adjoining Council owned land extends from Banyette Street to the south to Boolwey Street to the north. Bowral Public School is located adjacent to the site to the east and the local area is primarily occupied by retail shops and other businesses situated within the Bowral town centre.
- Lot 2 DP 868337 contains Council owned land that adjoins the site to the east and north and contains a car park and pedestrian and vehicle thoroughfare between Banyette Street to the south and Boolwey Street to the north.
- The subject site and adjoining land are zoned E1 Local Centre pursuant to Wingecarribee Local Environmental Plan 2010 (WLEP).
- The subject site itself is not listed as a heritage item. However, it is directly adjacent to Bowral Public School which is identified as Heritage item No. 1464 in Schedule 5 of the WLEP. Additionally, the site is directly adjacent to the Bowral Heritage Conservation Area No.C059. There are also other local heritage items within close proximity to the subject site, particularly to the east of the site along Bendooley Street.
- The subject site is currently serviced by reticulated sewer and water.





Figure 4: View of the subject site (Woolworths Supermarket) from the north-east car park

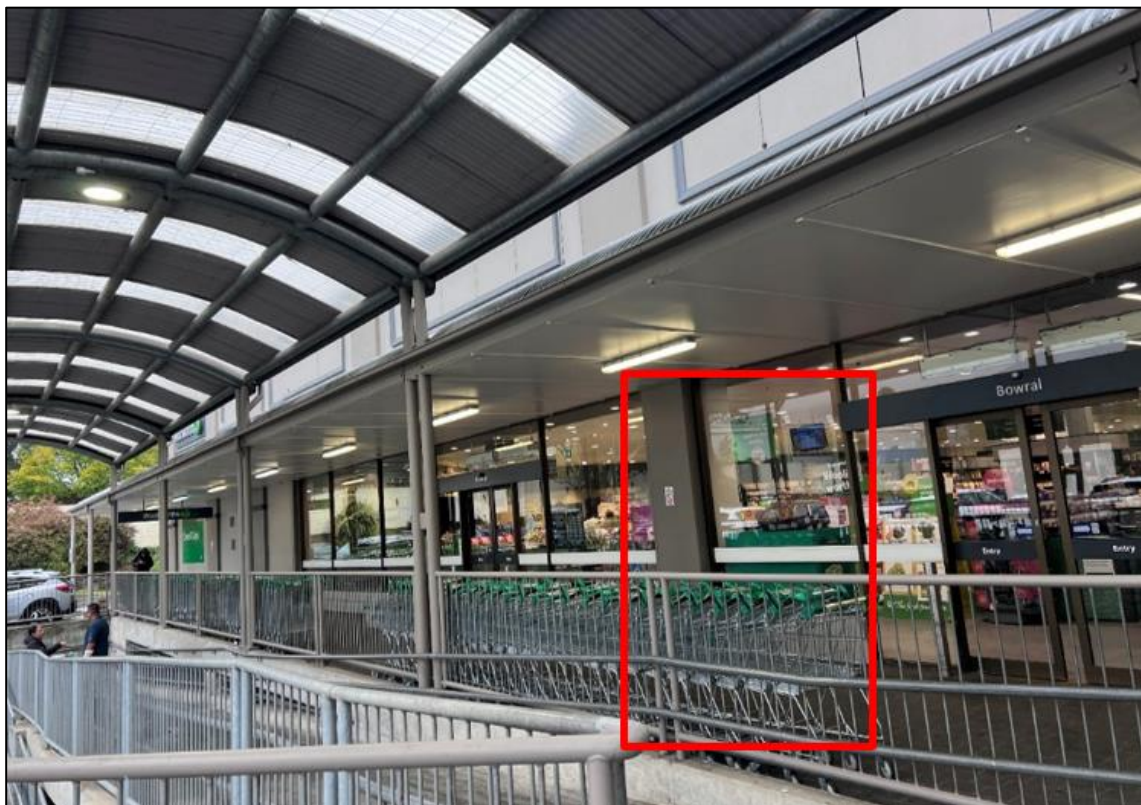


Figure 5: View of proposed lift area (approximate location outlined)



Figure 6: View of proposed DTB parking spaces and awning

3 Background

Date	Action
12/01/2024	Application submitted via the NSW Planning Portal
17/01/2024	Additional Information was requested: <ul style="list-style-type: none">• Amended owners consent authorisation from Saric Holdings Pty Ltd.
23/01/2024	Additional Information was provided: <ul style="list-style-type: none">• Amended owners consent submitted.
23/01/2024	Additional Information was requested: <ul style="list-style-type: none">• Amended copy of the ASIC certificate / extract is to be submitted in relation to the owner's consent authorisation to confirm the person who has signed is authorised.
29/01/2024	Additional Information was provided: <ul style="list-style-type: none">• Amended ASIC Certificate submitted.
08/02/2024	Additional Information was requested: <ul style="list-style-type: none">• Application Fee Payment requested.
13/02/2024	Application fees paid and application lodged.
13/08/2024	Additional Information was requested: <ul style="list-style-type: none">• Easement expiry advised to applicant and request for confirmation of proposed

AGENDA OF THE LOCAL PLANNING PANEL WEDNESDAY 26 NOVEMBER 2025

Date	Action
	new easement and arrangements.
15/07/2025	Additional Information was requested: <ul style="list-style-type: none"> Final request for application to be withdrawn given extensive delays in easement and licensing agreement renewal.
29/07/2025	Additional Information was provided: <ul style="list-style-type: none"> Applicant responded advising the application would not be withdrawn and requested application to be assessed.

4 Proposed Development

The application seeks development consent for commercial alterations and additions to an existing commercial development including the following works:

- Demolishing some parts of the centre to accommodate the passenger lift;
- The installation of a passenger lift on adjoining Council owned land allowing access from basement 1 and 2 car park levels to the shop floor level; and
- The implementation of a 'Direct to Boot' (DTB) service on adjoining Council owned land.

Refer to the following relevant supporting documentation submitted with the DA:

- Statement of Environmental Effects – **Attachment 2**
- Historical Statement of Heritage Impact – **Attachment 3**
- Architectural Plans – **Attachment 4**
- Structural Feasibility Study – **Attachment 5**
- Traffic Engineering Assessment – **Attachment 6**



Figure 7: Proposed Overall Site Plan

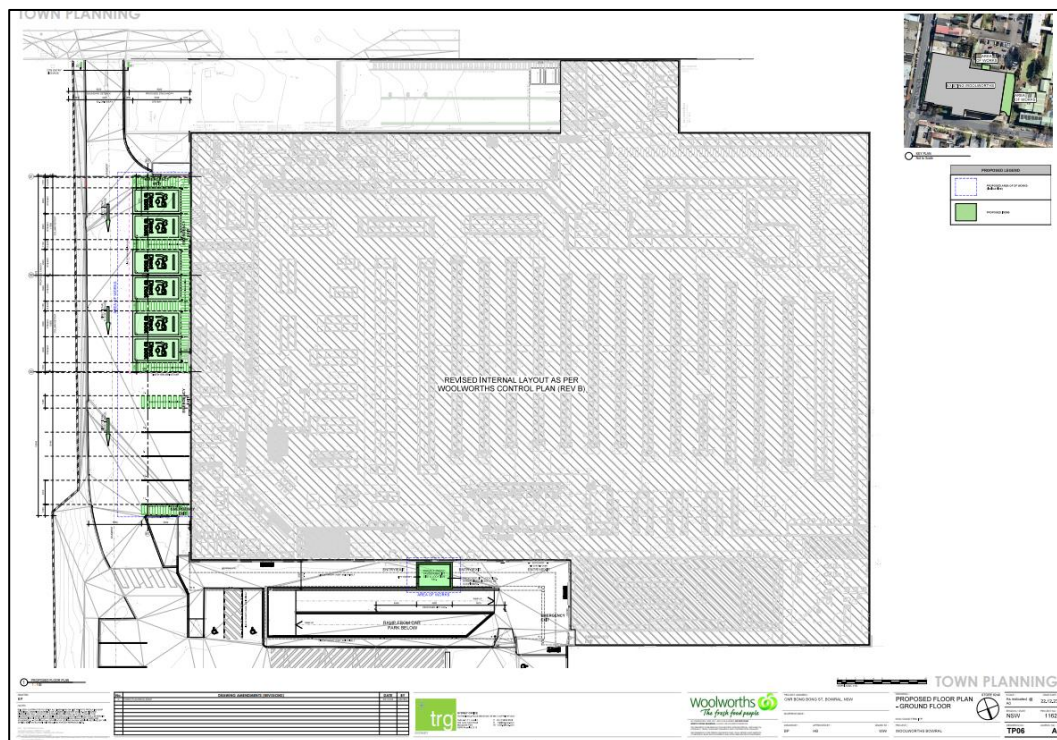


Figure 8: Proposed Ground Floor Plan

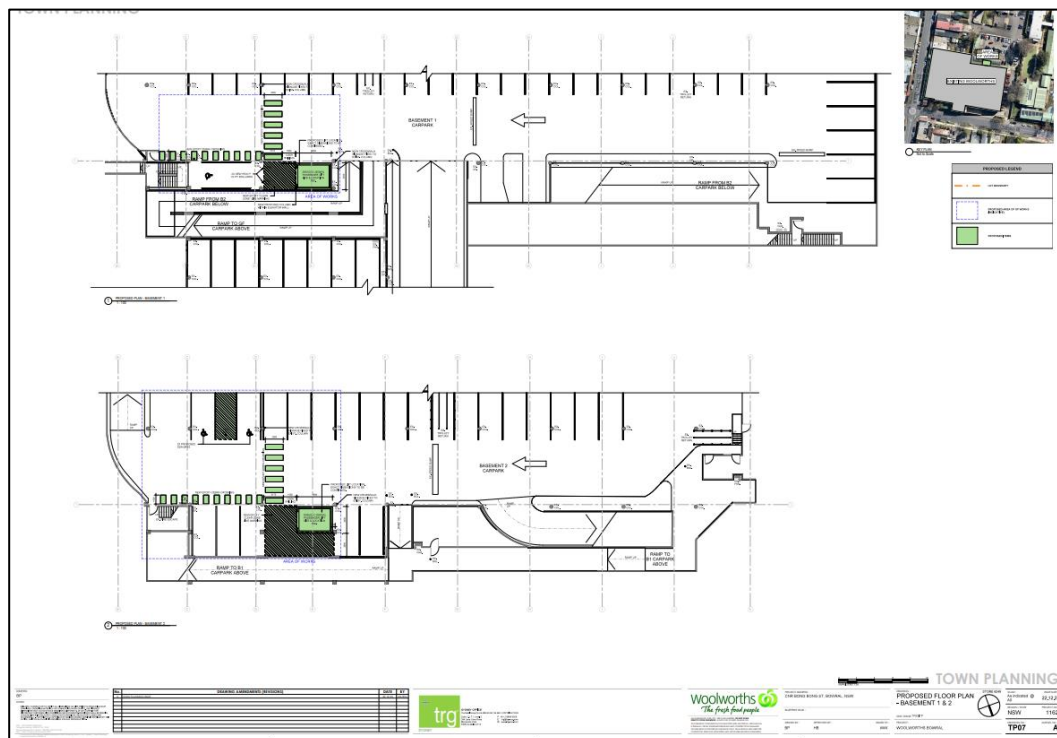


Figure 9: Proposed Floor Plan - Basement 1 & 2

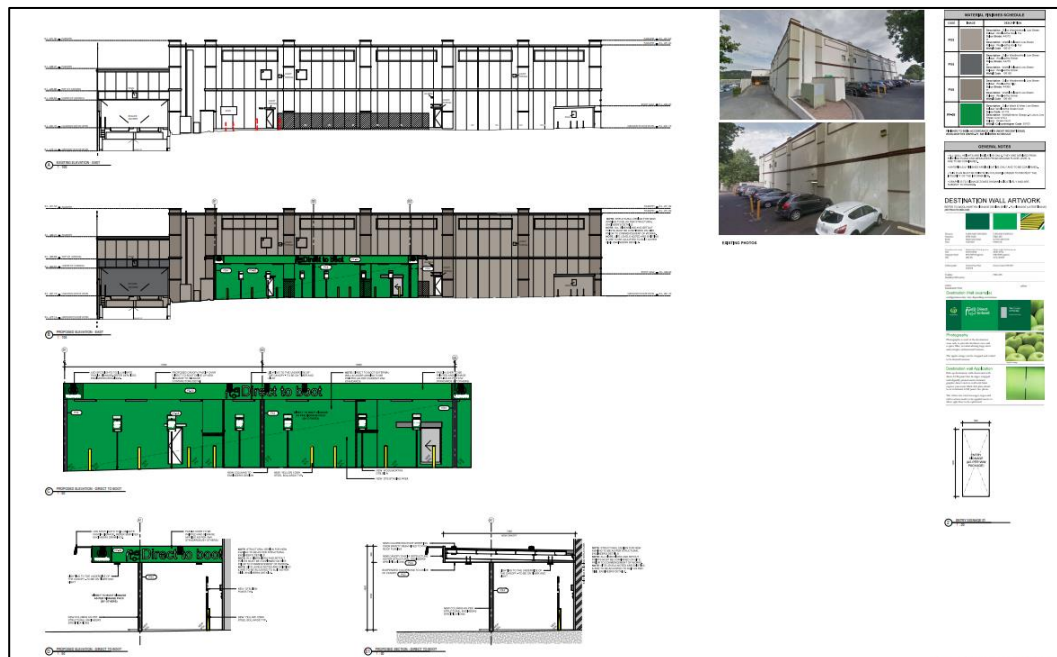


Figure 10: Proposed Elevations & Sections (DTB)

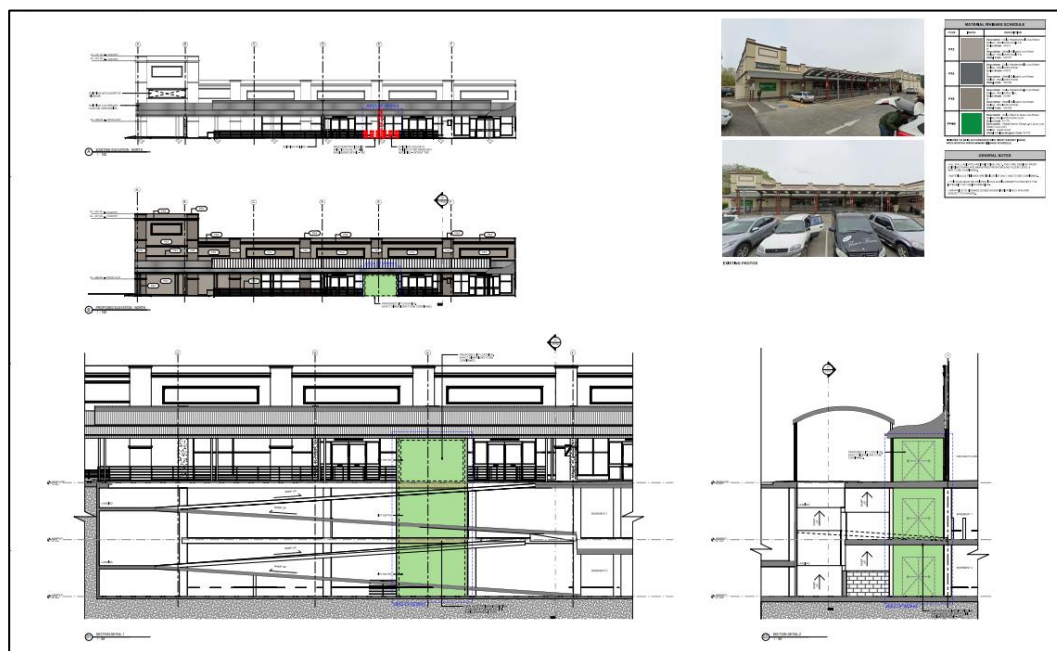


Figure 11: Proposed Elevations & Sections (Lift)

5 Notification

The owners of adjoining and affected neighbouring properties were notified of the proposed development in accordance with Act for development on Council land. The notification period was from 21 February 2024 to 03 April 2024 (42 days). No submissions were received from the notification / advertising process.

6 Relevant Environmental Planning Instruments

6.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use.

A review of the property file, council records and a site inspection has raised no concerns in terms of potential land contamination as the site has historically been used for commercial land uses.

6.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water catchments

The Site is within the Sydney Catchment and therefore State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the assessment of the application. The Neutral or Beneficial Effect on Water Quality Assessment applies to the development and therefore Council has delegated authority to determine water quality. The proposed works are unlikely to alter water quality given they are located on an existing established building and no site, earthworks or stormwater works are proposed or required.

6.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Section 2.119 of this SEPP requires that the consent authority must not grant consent to development on land that has a frontage to a classified road (Bong Bong Street is a classified road) unless it is satisfied that:

- (a) *where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) *the design of the vehicular access to the land, or*
 - (ii) *the emission of smoke or dust from the development, or*
 - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Council is satisfied the relevant provisions have been met as the site is provided with existing vehicular access from Banyette Street and Boolwey Street and the development is not a type that is sensitive to traffic noise or vehicle emissions.

6.4 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 – Advertising and Signage

The aims and objectives set out in Chapter 3 Part 3.1 of the *State Environmental Planning Policy (Industry and Employment) 2021* are:

- (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*

- (ii) provides effective communication in suitable locations, and
- (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposed Direct to Boot (DTB) service includes the installation of new business identification signage over the proposed canopy as illustrated in the figure below:



Figure 12: Proposed building signage

The following table provides an assessment of the proposed signage against the relevant sections of the SEPP:

State Environmental Planning Policy (Industry and Employment) 2021		
Relevant Provisions	Comment	Compliance
Chapter 3 Advertising and Signage		
Part 3.1 Preliminary		
3.1 - Aims, objectives etc	<p>The proposed signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a) as follows:</p> <p>(a) The proposed signage:</p> <ul style="list-style-type: none"> (i) Is compatible with the desired amenity and visual character of an area given that the scale, position and siting of the signage is consistent with other signage in the locality; and (ii) Provides effective communication in a suitable location for the existing associated use; and 	Yes

State Environmental Planning Policy (Industry and Employment) 2021		
Relevant Provisions	Comment	Compliance
	<p>(iii) Is of high quality design and finish; and</p> <p>(b) The application seeks consent for signage under Part 4 of the Act; and</p> <p>(c) It is not deemed necessary to provide a time-limited consent; and</p> <p>(d) The site is not located in a transport corridor; and</p> <p>(e) The site is not located in a transport corridor.</p>	
3.4 - Signage to which this Chapter applies	The chapter applies to the proposed signage.	Yes
Part 3.2 Signage Generally		
3.6 - Granting of consent to signage	The application is consistent with the objectives of Chapter 3 as set out in section 3.1 and the signage does satisfies the assessment criteria specified in Schedule 5 detailed below.	Yes
Part 3.3 Advertisements		
Division 1 General		
3.7 - Advertisements to which this Part applies	The proposed signage includes business identification signs and therefore Part 3.3 does not apply to this DA.	N/A
Schedule 5 Assessment Criteria		
1 Character of the area	The proposed signage is ancillary to the existing use and consistent with the desired future character of the area and the general theme for outdoor advertising in the locality which includes other types of business identification signage.	Yes
2 Special areas	<p>The proposed signage will not detract from the amenity or visual quality of the surrounding locality.</p> <p>The proposed signage is considered compatible with the desired ambiance and visual aesthetics of the surrounding area and will effectively communicate the services offered by the Woolworths supermarket. As the proposed DTB signage is directly adjacent to the Bowral Public School Heritage item and the Bowral Heritage Conservation Area, the application is supported by a Heritage Impact Assessment. The application was reviewed by Council's Heritage Advisor who has confirmed there are no heritage concerns and that the proposed development could be supported subject to conditions.</p>	Yes
3 Views and vistas	The proposed signage is unlikely to obscure or compromise any important views, dominate the skyline or interfere with the viewing rights of other advertisers.	Yes

State Environmental Planning Policy (Industry and Employment) 2021		
Relevant Provisions	Comment	Compliance
4 Streetscape, setting or landscape	The scale of the proposed signage is appropriate to the streetscape setting and landscape of surrounding development and will contribute to the interest of the setting and landscape. The signage is not proposed to protrude above building structures or tree canopies in the locality or require ongoing vegetation management.	Yes
5 Site and building	The proposed signage is compatible with the characteristics of the site and building. It respects the features of the site and building, and the overall scale will respect the proportions of the site and building.	Yes
6 Associated devices and logos with advertisements and advertisement structures	The proposed signage includes illumination devices that have been designed as an integral part of the signage or structure.	Yes
7 Illumination	The illumination of the signage is unlikely to result in unacceptable glare, impact the safety of pedestrians, vehicles or aircraft or detract from the amenity of any residential accommodation. There is no residential accommodation in the vicinity of the subject site.	Yes
8 Safety	The proposed signage is not likely to affect the safety of any public road, pedestrians or cyclists.	Yes

6.5 Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

The following table provides an assessment of the proposed development against the relevant matters for consideration, including the principal development standards and other provisions, in WLEP 2010:

Wingecarribee Local Environmental Plan 2010			
Clause	Control	Assessment	Compliance
2.3	Zone Objectives and land use table	The proposed development is consistent with the objectives of the E1 Local Centre zone and are permissible with consent being ancillary to and associated with the existing permissible land use. This report will further illustrate and discuss how the proposed changes adhere to the objectives of this zoning designation.	Yes
4.3	Height of building 12.5 m	8.9 metres for the lift. 4.7 metres for the direct to boot awning.	Yes
4.4	Floor Space Ratio	No changes	Yes

Wingecarribee Local Environmental Plan 2010			
Clause	Control	Assessment	Compliance
	1.5:1		
5.10	Heritage Conservation	<p>The subject site itself is not listed as a heritage item. However, it is directly adjacent to Bowral Public School which is identified as Heritage item No. 1464 in Schedule 5 of the Wingecarribee LEP 2010. Additionally, the site is directly adjacent to the Bowral Heritage Conservation Area No.C059. There are also other local heritage items within close proximity to the subject site, particularly to the east of the site along Bendooley Street.</p> <p>The application is supported by a Heritage Impact Assessment. The application was reviewed by Council's Heritage Advisor who has confirmed there are no heritage concerns and that the proposed development could be supported subject to conditions.</p>	Yes
7.3	Earthworks	The proposal involves no cut and fill and includes only minor earthworks for the footings of the structures which are ancillary to other development for which development consent has been granted.	Yes
7.10	Public Utility infrastructure	Provided all recommended consent conditions are complied with, the proposed development will have access to water supply, electricity supply and sewerage infrastructure.	Yes

7 Development Control Plans and Policies

7.1 Bowral Township Development Control Plan (DCP)

The Bowral Township DCP provisions are structured into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable planning and urban design outcome.

The relevant provisions of the Bowral Township DCP are addressed below.

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
Part A - All Land			
Section 2 General Objectives			
A2.2.1	Economic Function	The proposed development maintains the unique characteristics of Bowral's existing town centre. Furthermore, the additional amenity offered by the	Yes

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
		proposed works will help reinforce Bowral's position as a vital retail and service destination, meeting the needs of both residents and visitors. Additionally, the development acknowledges and enhances Bowral's role as a significant employment generator.	
A2.2.2	<i>Urban Function</i>	The proposed development contributes positively to the urban function objectives by enhancing traffic and parking management within the site. The development does not pose vehicular and pedestrian conflicts but rather, provides added amenity and practical DTB parking to avoid conflict with standard customer parking.	Yes
A2.2.3	<i>Heritage Conservation</i>	<p>The subject site itself is not listed as a heritage item. However, it is directly adjacent to Bowral Public School which is identified as Heritage item No. 1464 in Schedule 5 of the Wingecarribee LEP 2010. Additionally, the site is directly adjacent to the Bowral Heritage Conservation Area No.C059. There are also other local heritage items within close proximity to the subject site, particularly to the east of the site along Bendooley Street.</p> <p>The application is supported by a Heritage Impact Assessment. The application was reviewed by Council's Heritage Advisor who has confirmed there are no heritage concerns and that the proposed development could be supported subject to conditions.</p>	Yes
A2.2.6	<i>Visual Amenity</i>	The proposed development is not anticipated to have any adverse impact on existing built form and streetscape.	Yes
A2.2.7	<i>Public Views and Vistas</i>	The proposed development is not anticipated to have any adverse impact on public views and vistas.	Yes
A2.2.9	<i>The Public Domain</i>	The proposed development maintains and enhances the public domain that will remain accessible to all residents,	Yes

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
		workers and visitors and will create a safer and attractive area.	
Section 3 Biodiversity			
Section 3	<i>Biodiversity</i>	Not affected	N/A
Section 4 Water Management			
A4.1	<i>Protection of Watercourses and Riparian Lands</i>	There are no watercourses traversing the subject land and the site is not located in the vicinity of any watercourses.	N/A
A4.3	<i>Development in Sydney's Drinking Water Catchments</i>	The proposed works are less likely to alter the water quality. Refer to the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> section of this report.	Yes
Section 5 Flood Liable Land			
Section 5	<i>Flood Liable Land</i>	Not affected	N/A
Section 6 Vegetation Management & Landscaping			
A6.1	<i>Preservation of Trees and Other Vegetation</i>	No trees or vegetation affected.	N/A
Section 7 Subdivision, Demolition, Siting & Design			
A7.3	<i>Site Analysis</i>	A site analysis was submitted with the application and satisfies the DCP requirements.	Yes
A7.4	<i>Cut & Fill</i>	The proposal involves no cut and fill and includes only minor earthworks for the footings of the structures which are ancillary to other development for which development consent has been granted.	Yes
A7.9	<i>Alterations to Items of Heritage</i>	The site itself is not a heritage item.	N/A
A7.10	<i>Development within the Vicinity of Heritage Items</i>	The subject site itself is not listed as a heritage item. However, it is directly adjacent to Bowral Public School which is identified as Heritage item No. 1464 in Schedule 5 of the	Yes

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
		<p>Wingecarribee LEP 2010. Additionally, the site is directly adjacent to the Bowral Heritage Conservation Area No.C059. There are also other local heritage items within close proximity to the subject site, particularly to the east of the site along Bendooley Street.</p> <p>The application is supported by a Heritage Impact Assessment. The application was reviewed by Council's Heritage Advisor who has confirmed there are no heritage concerns and that the proposed development could be supported subject to conditions.</p>	
Section 10 Signage and Outdoor Advertising			
A10.3	<i>General Requirements for All Signage</i>	<ul style="list-style-type: none"> a) No changes to building numbering. b) The proposed signs are on land where the advertised activity is carried out. c) The proposed signs relate to the horizontal detailing and design lines of the building. d) The proposed signs maintain the existing architectural 'balance' of the building. e) The proposed signs are of a high quality design and finish. f) The proposed signs do not specifically complement the finishes and colours of the building due to being consistent with the Woolworths branding, however they would not offend the visual amenity of the area. g) The proposed signs are simple in both design and message presentation and legible. h) The proposed signs reflect the quality of the business to which they relate. i) The proposed signs incorporate corporate graphics and colours and are restricted in size, location, colour and quantity. j) The proposed signs will be 	Yes

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
		<p>illuminated and if approval is granted, will be subject to conditions requiring concealment of all cables within the frame of the sign and preventing animation or moving/flashing images.</p> <p>k) The proposed signs are not associated with multiple building or site occupancy.</p> <p>l) The proposed signs do not present any safety or hazard concerns to drivers or pedestrians.</p> <p>m) The proposed signs are considered simple and effective and are not expected to be confused with, or inhibit instructions given by, official traffic management facilities and signs.</p> <p>n) The proposed signs do not interfere with any trees or vegetation.</p>	
A10.4.4	<p><i>Business Identification Signs in a Business zone</i></p> <p><i>Business identification Signs shall be permitted without consent provided they comply with all of the following controls. If not, a development application will be required.</i></p>	Consent is sought for the signage as they exceed the exempt criteria.	Yes
A10.6.1	<p><i>Assessment Criteria for all Signage requiring Council Consent Including Digital Signage</i></p> <p><i>All Development Applications for Signage or Outdoor Advertising for which Council consent is required will be assessed against the criteria contained within State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) [now State Environmental Planning Policy (Industry and Employment) 2021]</i></p>	Refer to assessment against SEPP (Transport and Infrastructure) earlier in this report.	Yes
PART B – BUSINESS ZONED LAND			
Section 2 Design Considerations			

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
B2.2	<i>Height of Buildings</i>	8.9 metres for the lift. 4.7 metres for the direct to boot awning.	Yes
B2.3	<i>Floor Space Ratios</i>	No changes	Yes
B2.5	<i>Signage</i>	Refer to signage assessment against the DCP and <i>State Environmental Planning Policy (Industry and Employment) 2021</i> .	Yes
Section 4 On-site Car Parking			
B4.5	<i>Requirements for Additions or Alterations to Existing Buildings</i>	The application is supported by a Traffic Engineering Assessment Report, which concludes that the proposal does not have any adverse impact on parking facilities. If the application were to be approved, the development could be supported subject to conditions provided by the Council's Development Engineer.	Yes
B4.6	<i>Use of Parking Areas</i> <i>(a) All parking spaces shall be used solely for the parking of motor vehicles for owners, staff and customers, and on no account shall such spaces be used for storage or garbage purposes.</i> <i>(b) Boom gates, remotely operated doors and other devices designed to stop the public from accessing the parking are not permitted.</i> <i>(c) No signposting or restrictions on individual spaces is allowed.</i>	Parking spaces proposed for DTB is to be used solely for customers of Woolworths who will use this facility. All other car parking on the site would remain unchanged. The dedication of the DTB spaces is subject to a separate licensing agreement with Council which is being managed by Council's Property Services team outside of the DA process.	Yes
B4.7	<i>Disabled Parking Requirements</i> <i>a) Disabled parking spaces shall be provided for each building use according to the applicable Standard.</i> <i>b) The disabled parking requirements will be to the current Australian standard.</i>	Complies, no changes to existing.	Yes
Section 19 Central Core Precinct			
B19.2	<i>Preferred Outcomes</i>	(a) The proposal is consistent within built environment and streetscape	Yes

Bowral Township Development Control Plan			
Section	Control	Assessment	Compliance
	<p><i>Council seeks to achieve the following outcomes:</i></p> <p><i>(a) A scale and style of development which provides a frontage to Wingecarribee, Merrigang and Bundaroo Streets which is consistent with and sympathetic to existing development within each streetscape.</i></p> <p><i>(b) Landscaping which provides for improved streetscape and offers an attractive environment for shoppers and residents.</i></p> <p><i>(c) North-south pedestrian accessways between developments, where possible, to link the east-west streets. This is particularly important as many pedestrian linkages through Bowral run east-west and be cold and windy during winter.</i></p>	<p>and offers attractive opportunities for residents and shoppers.</p> <p>(b) No new or changes to existing landscaping is proposed.</p> <p>(c) The north-south pedestrian and vehicle access between Banyette Street to the south and Boolwey Street to the north is maintained.</p>	
B19.3	<p>Specific Controls</p> <p><i>The development must ensure</i></p> <p><i>(a) Is designed to enhance the existing streetscape and complement adjoining development.</i></p> <p><i>(b) Provides established trees and other appropriate landscaping to enhance the amenity of the precinct.</i></p> <p><i>(c) Seeks to achieve north-south linkages between developments.</i></p> <p><i>(d) restricts vehicular access, car parking and loading/unloading facilities to an alternative access, such as a rear lane, where such access is available.</i></p>	<p>(a) The proposed development demonstrates a thoughtful design approach aimed at enhancing the existing streetscape while complementing the surrounding developments.</p> <p>(b) No new or changes to existing trees and landscaping is proposed.</p> <p>(c) The north-south pedestrian and vehicle access between Banyette Street to the south and Boolwey Street to the north is maintained.</p> <p>(d) Vehicular access, car parking and loading/unloading facilities remain via the Council land.</p>	Yes

7.2. Wingecarribee Contributions Plan

Developer contributions are payable on the proposed development as follows:

Contribution	Comment
Section 7.11	The proposed development is not subject to a Section 7.11 Contribution.

Contribution	Comment
Section 7.12	The proposed development is not subject to a Section 7.12 Contributions pursuant to Section 2.6 of the plan as the development involves <i>alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in Gross Floor Area (GFA) or intensification of the current land use.</i>
Section 64	Water and sewer headwork's contributions are not applicable under Section 64 of the Local Government Act 1993.

8 Environmental Assessment

The site has been inspected (18 April 2024) and the application has been assessed having regard to Section 4.15 of the *Environmental Planning and Assessment Act, 1979*, as amended.

Section 4.15 'Matters for Consideration	Comments
Section 4.15 (1)(a)(i) – Provision of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1)(a)(ii) – Provision of any draft environmental planning instrument.	No Draft Environmental Planning Instruments applicable.
Section 4.15 (1)(a)(iii) – Provisions of any development control plan	The proposal is compliant with the objectives and controls of the Bowral Township DCP. See the relevant table in this report and the discussion below.
Section 4.15 (1)(a)(iia) – Provision of any Planning Agreement or draft Planning Agreement.	No Voluntary Planning Agreement applicable or proposed.
Section 4.15 (1)(a)(iv) – Provisions of the Regulations.	The Application has been made in accordance with the relevant matters prescribed by the Regulations.
Section 4.15 (1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.	The environmental impacts of the proposed development on the natural and built environments are addressed under the DCP section in this report and are satisfactory.
Section 4.15 (1)(c) – The suitability of the site for the development.	The site is not considered suitable for the proposed development in the form lodged. The works proposed in this application cannot be supported without the easement and licensing agreement matters first being resolved. Accordingly, the site cannot be considered suitable for the proposed development without those matters first being resolved and refusal of the application is therefore recommended.
Section 4.15 (1)(d) – Any submissions made in accordance	See discussion on “Public Notification” in this report.

Section 4.15 'Matters for Consideration	Comments
with the EP&A Act or EP&A Regulation.	
Section 4.15 (1)(e) – The public interest.	Matters have arisen in this assessment that justify the refusal of the application in the public interest. As discussed earlier in this report, there are unresolved easement and licensing agreement matters that are critical to enable the works proposed in this DA and that remain unresolved. As such, the works proposed in this application cannot be supported without those easement and licensing agreement matters first being resolved. Accordingly, approval of the application would not be in the public interest and refusal of the application is therefore recommended.

9 Referral Comments

This DA was referred to the following technical officers/teams within Council:

Referral	Comment
Accredited Certifier	No objection, conditions received.
Development Engineer	No objection.
Heritage Advisor	No objection, conditions received.
Property Services	<p>The subject site is bound to the east and north by land owned by Council (Lot 2 DP 868337) and contains a car park and pedestrian and vehicle thoroughfare between Banyette Street to the south and Boolwey Street to the north. The proposed lift installation and DTB service are proposed on the Council owned land, as illustrated in figure 1 earlier in this report.</p> <p>The Council Land adjoining the subject site is leased by Saric Holdings Pty Limited to Woolworths Limited and is used for access and parking to Woolworths Bowral, including access to the underground car parking. The Council Land is burdened by the following easements:</p> <p>(1) Easement for Access & Parking Variable width marked (11) in DP878239; and</p> <p>(2) Easement for Access & Parking Variable width marked (12) in DP878239.</p> <p>The subject site currently has the benefit of the Easements which entitle customers of Woolworths and the general public to use the Council Land as a means of access and for car parking. Nothing in the terms of the Easements permit the land owner of the subject site, or its tenant Woolworths Bowral, to undertake any upgrade works to any part of the Council owned land. Accordingly, Council would be required to enter into a separate agreement to cover the proposed upgrade works that are located on the Council owned land, including the installation of the passenger lift on the northern side of the subject site and the DTB service on the eastern side of the subject site, both on the Council owned land.</p> <p>Whilst owner's consent was provided for the lodgement of the DA on the subject</p>

Referral	Comment
	<p>and adjoining Council owned land, the use of the centre and supermarket relies on various easements and licensing agreements between Woolworths and Council that remain unresolved. This includes a licensing agreement to undertake the proposed physical works and Council's Coordinator Property Services has advised that the terms of the easement and agreement are an ongoing matter and negotiation between Council, Saric Holdings Pty Ltd and Woolworths. At the time of preparing this report, these matters remained largely unresolved and there is no certainty that Council will enter into an agreement for the works. Council has also sought justification from the applicant and Woolworths as to why the passenger lift could not be installed within the Woolworths building and on the land owned by Saric Holdings Pty Ltd as opposed to the Council land and responses provided to date remain unsatisfactory.</p> <p>Multiple attempts have been made throughout the assessment process of this application to resolve these outstanding matters. However as can be imagined, the issue of easements and licensing agreements is complex and takes lengthy amounts of time to resolve.</p> <p>Given that the existing easements benefiting the subject site have expired and negotiations remain ongoing for the establishment of new easements and licensing agreements for the proposed works, the subject application cannot be supported in its present form. There is also no certainty as to whether any new easements will be established or new licensing agreements will be entered into as these items remain in negotiation between Council and the other parties.</p> <p>Accordingly, refusal of the application is recommended.</p>

10 Conclusion

That Development Application No. 24/0922 for alterations and additions to the existing Woolworths supermarket at Highland Fair including the installation of a passenger lift and implementation of a 'Direct to Boot' (DTB) service on the adjoining Council owned land, at Highland Fair - 380 Bong Bong Street, Bowral (Lot 11 DP878239) and Council owned land (Lot 2 DP 868337), be determined by REFUSAL in accordance with the recommended reasons provided in **Attachment 1** of this report.

ATTACHMENTS Under Separate Cover

1. Attachment 1 - Recommended Reasons for Refusal - 24 0922 docx [**6.2.1** - 1 page]
2. Attachment 2 - DA Plans 24 0922 [**6.2.2** - 14 pages]

Additional Assessment Report Information

Additional supporting Development Application information, including specialised consultant reports, neighbour notification records and assessment documentation can be accessed via Councils Application Tracker. Please click the below Application Tracker link to search for more information on a Development Application.

<https://www.wsc.nsw.gov.au/Plan-and-Build/Track-a-DA>

6.3 Development Applications Greater Than 105 Days and 180 Days to be reported to the WLPP

Report Author: **Manager Development Assessment and Regulation – Jon Shillito**

Authoriser: **Director Communities and Place, Michael McCabe**

PURPOSE

The purpose of this report is to provide the Wingecarribee Local Planning Panel with detail regarding the current Development Applications that exceed 105 and 180 days that would be referred to the Local Planning Panel for determination.

OFFICER’S RECOMMENDATION

THAT the Wingecarribee Local Planning Panel note the Development Applications that are currently being assessed which have exceeded 105 days and 180 days since lodgement that would be referred to the Planning Panel for determination.

REPORT

The table below lists all Development Applications that will be referred to the Wingecarribee Local Planning Panel for determination.

These are currently being assessed, however have exceeded 105 and 180 days since lodgement.

A short commentary has been included against each Application. The table is being provided to the Wingecarribee Local Planning Panel for information and feedback.



Table 1– DAs to be determined by the Local Planning Panel that are over 180 days

DA No.	Address	Proposal	Est. date to Advice to Chair WLPP	No. of Days at 18/11
23/1391	44 Suttor Road, Moss Vale	Construction of Centre Based Child Care Facility	December. 25	<p>There is a significant issue associated with the Moomba to Sydney Ethane Pipeline and Moomba to Wilton Natural Gas Pipeline within an easement on the site. The Applicant has been liaising with pipeline owner (APA) and has provided information to address APAs concerns. APA initially responded with further concerns and recommended refusal in early November, however on 18 November provided revised advice supporting the development subject to conditions.</p> <p>The assessment can now be finalised.</p>



24/0922	380 Bong Bong Street, Bowral	The proposed works relate to alterations and additions to the existing Woolworths Centre located in Bowral. The works propose the installation of a passenger lift allowing access from basement 1 and 2 car park levels to the shop floor level. Further the works seek the implementation of a 'Direct to Boot' (DTB) service providing additional services to the Bowral community. Both components will improve the functionality of the Centre.	November. 25	Report recommendation and in this Agenda.	644
25/0476	1400 Tugalong Road, Canyonleigh	Proposed double storey dwelling and detached shed	October 25	Deferred at October meeting for conditions of approval to be provided to the Panel.	412
24/1098	340-346 Argyle Street, Moss Vale	Alterations and additions to the rear of the existing Hotel involving the existing gaming room and bottle shop (Moss Vale Hotel)	January. 26	VPA for parking shortfall remains under consideration by Council.	594
24/1562	125 Old Bowral Road,	Construction of an Artisan Food and Drink Premises –	November. 25	Report recommendation and in this	366



	Mittagong	Brewery		Agenda.	
25/2022	5 Farnborough Drive, Moss Vale	Tree Removal and alterations and additions to the existing building for use as a single storey centre-based child care centre with associated parking and landscaping	January. 26	Concerns during final review of assessment report regarding sewer network. Applicant to provided sewer modelling report for assessment.	223

Total DA's – 6 (Previous month – 10)

Table 2 – DAs to be determined by the Local Planning Panel that are over 105 days but not greater than 180 days

DA No.	Address	Proposal	Est. date to WLPP	Advice to Chair	No. of Days at 18/11

Total DA's – 0 (Previous month – 0)



ATTACHMENTS

Nil

7 MEETING CLOSURE
