



MINUTES

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 commenced at **2:00 pm**



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**MINUTES OF THE LOCAL PLANNING PANEL MEETING OF WINGECARRIBEE SHIRE COUNCIL
HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON
WEDNESDAY, 26 NOVEMBER 2025 COMMENCING AT 2:00 PM**

Present:	Chairperson	Steven Layman
	Expert	Annelise Tuor
	Expert	Sue Francis
	Community Representative	Julian Siu
In Attendance:	Director Communities and Place	Michael McCabe
	Manager Development Assessment and Regulation	Jon Shillito
	Executive Assistant Director Communities and Place	Leesa Stratford
	Coordinator Development Support	Nadene McPherson

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

No apologies for the meeting

4 DECLARATIONS OF INTEREST

Michael McCabe - Director of Communities and Place, declared a non-pecuniary and non-significate interest in relation to **Item 6.2** DA24/1562 - Construction Of An Artisan Food And Drink Premises (Brewery) Lot 11 DP1280507, 123-125 Old Bowral Road, Mittagong as a family friend held a senior executive role at Woolworths Limited at the time the Development Application was lodged with Council. He will not take part in any Panel related discussions during the meeting.



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

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*.

PANEL'S ADVICE

The Panel advises Council that, for the reasons in the Council Officer's report, it supports the amendment to Wingecarribee Local Environmental Plan 2010 to permit with consent tourist and visitor accommodation in the E1 Local Centre zone in accordance with s3.36 of the Environmental Planning & Assessment Act 1979.

VOTING: Unanimous



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: Consultant Planner – Jeremy Swan

Authoriser: Manager Development Assessment and Regulation – Jon Shillito

Warren Davis addressed the Panel as a concerned neighbour speaking against the proposal.

OFFICER'S RECOMMENDATION

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.

PANEL'S DETERMINATION

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 principal reasons as detailed below and as per the 'Reasons for Refusal' listed in Attachment 1.

PANEL'S REASONS:

- Non concurrence of Transport for NSW
- Relationship of the proposal to the zone boundary and the site boundary of the neighbouring property to the north.
- Height, bulk, scale and form of the proposed development
- Insufficient information

VOTING: Unanimous

ATTACHMENT 1



***DRAFT REASONS FOR REFUSAL
123-125 Old Bowral Road, Mittagong***

1. The proposed development is inconsistent with Section 2.119(2)(b)(i) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 as Transport for NSW does not support the proposed development and identified the following issues:
 - (a) The design of the median does not physically prevent vehicles wanting to turn right into the access from Mittagong Road in accordance with the Transport for NSW requirements.
 - (b) A longitudinal section plan of the access design has not been provided to demonstrate that the access connects with the crossfall on Mittagong Road correctly.
 - (c) No lighting will be installed on the poles opposing the proposed access works in accordance with the Transport for NSW requirements. Lighting of the access will provide a low-level flag lit arrangement, highlighting the intersection to approaching motorists.
 - (d) Insufficient information has been submitted to demonstrate the safety barriers and terminals indicated on the site plan will be TfNSW accepted products.
 - (e) Vegetation on the south side will impede sight distance in that direction. The removal of this vegetation on the south side of the access is required and has not been assessed as part of the Biodiversity Development Assessment Report.
 - (f) The applicant has not dedicated the section of their property utilised for intersection upgrade as a public road.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

2. The proposed development includes works, including the provision of car parking spaces within the SP2 Infrastructure (Classified Road) zone, which are considered to be prohibited within the SP2 zone.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)(i)].

3. The scale and intensity of the development is considered to be excessive and does not provide for a suitable relationship with adjoining properties.

[Environmental Planning and Assessment Act 1979 s4.15(1)(b)].

4. The overall bulk, scale, height and form of the proposal are incompatible with the primary production small lots zone, land uses within adjoining zones, and are inconsistent with the prescriptive controls set out in the Rural Living Development Control Plan, including:



- (a) Section A3.9(a) - Height is excessive and results in a built form that is contrary to the objectives of the zone and incompatible with the rural landscape.
- (b) Section A3.9(b) - as the building footprint is excessive and does not conform with the maximum of 600 square metres.

[Environmental Planning and Assessment Act 1979 s4.15(1)(b)&(c)].

5. Insufficient information has been provided with the application to enable a proper assessment of the proposal. In particular:
- (a) No assessment has been provided against the Development near rail corridors and busy roads – interim guideline 2008.
 - (b) Detailed plans for the logo wall sign have not been provided.
 - (c) The Plan of management does not include details relating to staff capacity, number of patrons, traffic management, servicing, noise management, events, and amplified music.
 - (d) The boundary realignment has not been assessed within the Statement of Environmental Effects or demonstrated within several of the supporting documentation.
 - (e) The extent of works within the SP2 land have not been clearly identified.
 - (f) A cut and fill plan has not been submitted in support of the application.
 - (g) A setback of at least 20m from the SP2 Infrastructure (Classified Road) portion of the site has not been clearly identified.
 - (h) An Arborist's Report prepared by a suitably qualified professional has not been submitted.
 - (i) No lighting plan has been submitted.
 - (j) A Survey Plan has not been submitted with the application.
 - (k) No information has been submitted regarding the use of the mezzanine level.
 - (l) The 2.1m high boundary fence has not been identified on the architectural plans.
 - (m) The matters raised within the public submissions have not been adequately addressed.
 - (n) Inadequate information has been submitted with regard to sewer and water requirements, this includes:
 - Depth and location of the existing DN250 water main have not been provided. 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.
 - Confirmation has not been provided on the location of the existing air valve.
 - The application has not stated the required size of the water meter.



- The application has not confirmed if a fire service is required for this development.
- The application has not labelled the easements shown on plans.
- The plans have not been amended to mention 'private sewer rising main'. HDPE sewer lines should be cream stripe, not lilac.
- Detail for new benching and channel arrangement in existing manhole have not been provided.
- Existing sewer main details such as size and flow direction have not been provided.
- The application does not positively identify and provide accurate survey for the 375mm water main as confirmation of existing services. Potholing to be completed via non-destructive excavation. Adequate clearance is to be provided and identified on the S68 drawings.
- The application has not confirmed how the sewer rising main will be connected to the existing manhole. Details are required if an external drop is proposed.
- The application has not ensured a minimum cover is maintained for the sewer rising main in accordance with low pressure sewer standards for private works.

[Environmental Planning and Assessment Act 1979 s4.15(1)(a)-(e)].



- 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: Consultant Planner

Authoriser: Manager Development Assessment and Regulation - Jon Shillito

Naven Raj -Tract Consultants Pty Ltd addressed the panel behalf of applicant.

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.

PANEL'S DETERMINATION

1. **The Panel determines 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), by way of DEFERRED COMMENCEMENT CONSENT, with the following matters to be addressed:**
 - Resolution of agreements for easements and public access and parking between the Supermarket Operator and/or Landowner and Council.
 - Dual opening of lift doors at supermarket level to allow public access to both ends of the walkway
 - Maintenance and insurance of the lift is to be the responsibility of the operator of the Supermarket.
 - Operation of the lift is to provide public access from each level of the carpark at all times.
2. **The above matters shall be addressed to the satisfaction of Council within 2 years.**



3. Conditions of consent shall be prepared by Council staff for electronic determination by the Panel prior to the issue of the Notice of Determination.

PANEL'S REASONS

The Panel considers that the proposal has public benefit and that subject to resolving the issue of easements and public access through a deferred commencement condition, the proposal is worthy of approval.

VOTING: Unanimous



6.3 Development Applications Geater 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

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.

PANEL'S DECISION

The Panel notes 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.

The Panel observed that 2 Development Applications have been determined at today's meeting. The remaining outstanding development applications are to be presented to the Panel for determination no later than the January 2026 meeting.

VOTING: Unanimous

7 MEETING CLOSURE 2.52pm

Being no public speakers, the Panel retired to deliberate and finalise decisions at **2.20 pm**.

The Panel resumed to open meeting to announce decisions at **2.46pm**

There being no further business, the meeting closed at **2.52pm**
