WEEKLY CIRCULAR
ISSUE NO: 40
ISSUE DATE: 10 October 2016

2016
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<td><strong>SUBJECT:</strong></td>
<td>LIST OF 355 MANAGEMENT COMMITTEE MEETINGS</td>
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<td><strong>CONTACT NAME:</strong></td>
<td>Lynne Morrison, 355 Committee Coordinator</td>
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<td>Mittagong Community Centre Management Committee</td>
<td>Thursday 13 October 2016 3.00pm</td>
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<td>Mittagong Memorial Hall Management Committee</td>
<td>Thursday 5 January 2016 7.00pm</td>
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This weekly circular is provided to inform Councillors of a development application for earthworks consisting of 3000 cubic metres of virgin excavated natural material at 25 Kiama Street, Bowral.

Site Description

The site is known as Lot 303 DP1171973, being 25 Kiama Street, Bowral. The site is an irregular shaped allotment and is 5157.7sqm in area (Attachment 1). The rear of the site is bound by Mittagong Creek. The site is zoned IN1 General Industrial, with surrounding land uses including warehousing, scrap metal processing, brickmaking and small scale rural development. A significant portion of the western (rear) part of the site falls within the riparian zone of Mittagong Creek.

The Bowral Floodplain Risk Management Study and Plan 2009 (Bowral Flood Study) indicates the site is below the 100 year ARI flood level for the Mittagong Creek Catchment. The site is identified as being partially within a high flood risk and partially within a medium flood risk area.

Proposed Development

On 10 August 2016, DA16/0707 was lodged with Council seeking consent to raise the profile of the site by approximately 0.1m at the north-western corner and 1.15m at the south western corner with a buffer of 0.1m being applied to the figures so as to allow for settling of the fill and to further reduce flood risk. The overall amount of material required (including that needed for the 100mm buffer) would be approximately 8000 cubic metres.

The proposed development required controlled activity approval under section 91E of the Water Management Act 2000 and is therefore integrated development as defined under Section 91 of the Environmental Planning and Assessment Act 1979.

Assessment Timeline

The application was neighbour notified between 24 August 2016 and 9 September 2016 and during this time 2 submissions were received. The main concerns being that a previous landfill that occurred on the subject site (800mm of landfill) resulted in further flooding of neighbouring industrial sites due to the changing of site levels.

The application has been internally referred to Council's Development Engineer with no comments received to date. The application has also been externally referred to the Department of Industry (Lands) and Water NSW for their consideration and concurrence respectively. Conditions have been received by the Lands Department. Water NSW has requested that the application be amended to exclude the proposed fill and retaining wall
20m away from the edge/bank of Mittagong Creek and extend the retaining wall approximately 20m towards south-east. The applicant has also been requested to remove rubbish and debris that has been pushed into Mittagong Creek and to incorporate appropriate rehabilitation and revegetation of the south-western part of the site.

The application has been deferred and Council has requested the above information to be submitted to allow for proper assessment of the application.

It is intended for the application to be determined under delegated authority, unless requested by a Councillor that the application be determined by full Council. More details regarding the application can be found on Council’s DA-Tracker at www.wsc.nsw.gov.au/da-tracker.

Should you require any further information, please contact Nick Wilton, Group Manager Planning Development & Regulatory Services.

ATTACHMENT 1 - SITE LOCATION
Figure 1: Subject site (shaded orange). Imagery date: 24 February 2016. Source – Google Earth Pro 2016.

Figure 6: Fill area, showing proposed 2H:1V batter (green polygon); to be created as part of restoration and improvement work in the riparian zone of Mittagong Creek. Source Google Earth Pro 2016.
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<tr>
<td>SUBJECT:</td>
<td>SOUTHERN JOINT REGIONAL PLANNING PANEL OPERATIONAL PROCEDURES AND CODE OF CONDUCT CHANGES.</td>
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<tr>
<td>CONTACT NAME:</td>
<td>Nick Wilton, Group Manager Planning, Development and Regulatory Services</td>
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<td>FILE NUMBER:</td>
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Please see attached correspondence from the Panel Chair Pam Allen from the Joint Regional Planning Panel (JRPP) Southern Region with regards to changes to the ‘JRPP Operational Procedures’ and ‘Code of Conduct’ following the Government’s introduction of a New Rezoning Review Process.
22 September 2016

Ms Ann Prendergast
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Dear Ms Prendergast,

Southern Joint Regional Planning Panel

I am writing in relation to two matters of importance to the Southern Joint Regional Planning Panel.

Firstly, the Planning Panels guiding documents; the Operational Procedures and the Code of Conduct have recently been amended as a result of the Government’s new rezoning review process. The updated versions of these documents, and an amended Complaints Handling Policy are available on the Planning Panels website at:

Importantly, the Panel Chairs are required to uphold the reputation of the Panels by ensuring that all Panel members, when sitting as part of a Panel to make a determination on a development application or rezoning review, disclose and appropriately manage any actual, potential or reasonably perceived conflicts of interest.

The revised Code of Conduct clarifies that Councillors who have deliberated or voted on a matter (including a planning proposal), voluntary planning agreement or to make a submission to the panel on a DA for regional development) in their role at council and that matter, or a related matter, subsequently comes before the panel, are to stand aside from their place on the panel, and allow council’s nominated alternative member to take their place, to avoid any perceptions of bias or pre-judgement.

It is important that Council manages its members to the Panel to ensure that Council is still able to be represented should one or two of its nominated members be conflicted on a matter, or be otherwise unavailable to attend a scheduled meeting of the Panel.

I note that the Minister has recently written to all Councils and requested that Council’s members provide written acknowledgement that they will comply with the requirements of the Code of Conduct.

Secondly, the Panel has received advice that where planning legislation requires that the consent authority must consider a particular matter (for example clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land) the consent authority should refer to that matter expressly in its Statement of Reasons. In this regard, to assist the Panel in appropriately framing its reasons for either approving or refusing an application, Council is
requested to set out within its development application assessment report, a specific section or table that concisely addresses those clauses, in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter. It will remain open to the Panel to provide its own consideration on the matter or to adopt the Council’s recommendation.

Additionally, it would be appreciated if Council could provide a concluding summary of its recommendations in relation to those matters requiring consideration under section 79C of the Environmental Planning and Assessment Act 1979 as part of its assessment report.

The Planning Panels Secretariat has revised the Council Assessment Report Cover Sheet accordingly. A copy is attached for your information.

I appreciate Council’s co-operation in providing thorough and well-founded assessment reports that enable the Panel to come to robust, merit-based decisions. If you have any queries about these matters please contact Stuart Withington, Manager Planning Panels Secretariat on 8217 2061.

Kind regards

Pam Allan

The Hon. Pam Allan
Chair,
Southern Joint Regional Planning Panel
This weekly Circular is to inform Councillors of a development application to place a variable message sign at two alternating locations on a month by month rotation, that being 11 & 17 Pikkat Drive, Braemar.

**Site Description**

The site is known as Lot 91 DP1187747 (17 Pikkat Drive, Braemar) and the common property of SP90878 (11 Pikkat Drive, Braemar). **Attachment 1** provides a location map.

11 Pikkat Drive, Braemar has a six unit industrial warehouse development constructed upon it with vehicular access only available from Pikkat Drive. The site can be viewed from the intersection of Aylmerton Road and the Old Hume Highway, however no vehicular or pedestrian access is available through from this point. Note that Attachment 1 does not show the buildings on this site as the aerial image was taken prior to its construction.

17 Pikkat Drive, Braemar is currently vacant grasslands, approximately 2.8ha in size, with a gentle fall to the north west. The site is bound by the Old Hume Highway to the west, Tyree Place to the South and Pikkat Drive to the east. 11 Pikkat Drive lies to the north of the site. Bunnings Warehouse lies further south with other smaller industrial uses north and east.

**Background**

A similar development application, being DA15/0715 was approved by Council with a six month lapse date. Whilst the recommendation of the report was to refuse the application, Council agreed to approve the DA for a period of six months, which lapsed on 17 May 2016. Council also resolved:

- That an information session be held in February 2016 to review Council’s signage provisions; and
- That Council write to known users of static message signs and request that they lodge a DA for temporary use.

During the operation of the consent, the sign was observed to not comply with Condition 3 of the issued consent which read:

3. **Parameters of Consent**

   a) Approval for the placement of a variable message sign is for six months from the date of this consent, i.e. until 17 May 2015. The variable message sign shall cease its operation after this date, and be removed from public view.
   
   A separate development application may be lodged and considered by Council should the placement of the variable message sign want to continue.
b) The placement of the variable message sign shall be alternated between the two locations identified in this Notice of Determination on a monthly basis.

It is noted that the sign did not cease operation after 17 May 2016 and it did not alternate on a monthly basis between the two approved locations. The sign stayed at the location closest to Bunnings.

On 29 July 2016, Council sent a Notice of Intent to Issue an Order to the landowner where the sign was remaining. The terms of the proposed order were to comply with Condition 3(a) i.e. remove the sign. The landowner was also advised that if the future use of the signage was required, a new Development Application would need to be lodged with Council seeking approval for the placement of a Variable Message Sign at the site.

Proposed Development

The subject application, DA16/0698, was lodged with Council on 8 August 2016 by Ireland’s Machinery Pty Ltd, which seeks consent to place a variable message sign at two alternating locations on a month by month rotation, being 11 and 17 Pikkat Drive, Braemar (Attachment 1 shows the proposed alternative locations by purple stars). That is, the sign would be located at one spot for a month and then relocated to the other spot for the next month.

The sign would be in operation on a 24 hour basis. The VMS sign would have dimensions 1.850m high by 2.73m wide, be solar powered and mounted on a registered trailer. The trailer system would be made secure with locks so it could not be removed or stolen. It is noted this application is identical to DA15/0715.

In the event 17 Pikkat Drive is sold and developed, the sign would be placed on 11 Pikkat Drive without alternation i.e. permanently. Attachment 2 shows proposed plans.

Permissibility

The site is zoned IN1 General Industrial under the Wingecarribee Local Environmental Plan 2010 and in this zone, signage is permissible with development consent.

Assessment Timeline

The application was neighbour notified for a period of 14 days with no submissions received. The NSW Roads and Maritime Service were forwarded the application and they responded that they do not support the use of VMS for commercial advertising visible from a classified road (being the Old Hume Highway). Accordingly, the proposed signage has been positioned in Pikkat Drive Braemar.

Further to this, the sign is considered to be inconsistent with State Environmental Planning Policy No. 64 – Advertising and Signage. Notwithstanding the above, the application was approved for six months on 28 September 2016 to enable Council to review the signage controls as part of comprehensive review of it’s Development Control Plans.


Should you require any further information, please contact Nick Wilton, Group Manager Planning, Development and Regulatory Services.
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<td>SUBJECT:</td>
<td>MODIFICATION APPLICATION TO INCREASE COMPETITOR NUMBERS FROM 200 TO 250 FOR AT WALLABY HILL EQUESTRIAN CENTRE, ROBERTSON</td>
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<td>CONTACT NAME:</td>
<td>Nicholas Wilton, Group Manager Planning, Development &amp; Regulatory Services</td>
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<td>FILE NUMBER:</td>
<td>LUA09/0903.02</td>
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<td>DATE:</td>
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The purpose of this weekly circular is to inform Councillors of a modification application that has been lodged towards LUA09/0302. This application granted approval for a total of four equestrian events in any calendar year at Wallaby Hill Equestrian Centre (122 Wallaby Hill Road, Robertson) with a maximum of 200 visitors at each event. A site location plan is at Attachment 1.

Proposed Modification

On 29 August 2016, Council received a 96(1A) modification application towards LUA09/0903 which seeks consent to increase visitor numbers from 200 to 250. The modification also seeks approval for the placement of a Variable Message Sign at the corner of Charlotte and Belmore Falls Road in Robertson (Attachment 2), and the relocation of the parking area to the south of the existing house driveway (Attachment 3).

Assessment Timeline

The application is currently being neighbour notified to objectors of the original development application and adjoining and adjacent landowners between 15 September 2016 and 10 October 2016. One submission has been received to date which raises the following concern, “… large equestrian transport during the Wallaby Hill events does introduce extreme collision risks and disruption to local domestic and farming activities on the narrow and winding Belmore Falls Road.”

The application has been internally referred to Council’s Development Engineer and for consideration. No response from internal referrals have been received to date.

It is intended for the application to be determined at a Council Meeting as the original development application was considered in this manner. More details regarding the application can be found on Council’s DA-Tracker at www.wsc.nsw.gov.au/da-tracker.

Should you require any further information, please contact Nicholas Wilton, Group Manager Planning, Development & Regulatory Services.
Council received a development application on 3 August, 2016 for new tourist and visitor accommodation to be located at the eastern side of the site between Cordeaux Creek and the Book Barn complex. The accommodation will include Guest Cabins A, B & C and a single Cottage D as shown on the attached site plan in relation to Cordeaux Creek. The Cabins are generally spaced about 20 m apart and Cabin C to Cottage D about 30 m apart. Cottage D is located from 33 to 42 m from the eastern side allotment boundary. The Guest Cabins and Cottage have each been set back 30 m from the southern bank of Cordeaux Creek. A site plan is attached (Attachment 1).

The proposed cabins have been designed to complement the rural landscape with a modern interpretation of Australian rural vernacular architecture(Figure 1).

Figure 1, Cabins 3D Perspective
The cottage has similarly been designed to complement the rural landscape (Figure 2)

**Figure 2, Cottage**

The site contains the existing Bendooley Estate Vineyard, restaurant and cellar door and Book Barn. The site was recently rezoned to SP3 – Tourist, the objectives of this zone are:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity.*

The application has been referred to the NSW RFS, Water NSW (former SCA), and Office of Water. Council is waiting on the advice from these agencies following their assessment (with the exception of Water NSW which has issued its concurrence subject to conditions). RMS has advised that this section of the Old Hume Highway is not classified an therefore access is a matter for Council to determine in its assessment.

The application was neighbour notified for two weeks from 10/8/16 – 26/8/16 with no submissions received. The Berrima Residents Association has advised that it has no comments to make on this application.

It is proposed that the application be determined under delegated authority.

Should any further information be required on this matter please contact Nicholas Wilton, Group Manager, Development Services, x.771.
Council received a development application on 5 September, 2016 for the demolition of the existing buildings and construction of a mixed use development containing:

- Five (5) commercial units
- Ten (10) residential units; and
- Basement Car parking accessed from Bong Bong Street with 20 car spaces.

A copy of the site plan is attached (Attachment 1).

The following are photos of the existing buildings proposed to be demolished (Figures 1 & 2).

Figure 1, No. 186 – 188 Bong Bong St, Bowral
The following figure details the Bong Bong Street elevation of the proposed development (Figure 3).

**Figure 3, Proposed Bong Bong Street Elevation**

The site is located within the Bowral Heritage Conservation Area and is zoned B4 Mixed Use which permits shop top housing and residential flat buildings. The application has been referred to Council’s Heritage Advisor for comment. The application has been referred to the NSW RMS and Water NSW (former SCA). The application is currently being advertised for four weeks from 5/10/16 – 4/11/16. It is proposed that the application be determined under delegated authority. Should any further information be required on this matter please contact Nicholas Wilton, Group Manager, Development Services, x.771.
An application has been received for a dwelling at the above property. The property is within the E3 zone with an area of 40.47 H. A dwelling is permissible with consent.

The Property known as Galbraith Wildlife Refuge is subject to a private conservation agreement, attached survey and site plan clearly indicate the extent of the conservation area with a building site including an area for access which were excluded from the conservation area.

Concerns identified:

- **Bushfire Hazard**
  
  The application was referred to RFS, BAL flame zone has been determined. The RFS has provided advice and recommended conditions which will be included in any DA Consent.

- **Geotechnical concerns**
  
  A geotechnical report has been received, findings are satisfactory and will be conditioned as part of any DA Consent.

- **Access**
  
  - Access to the site is constrained and cannot meet the requirements of Planning for Bushfire Protection 2006, in this regard advice from RFS is regarded satisfactory and will be conditioned as part of any DA Consent;
  
  - Council’s Development Engineer has found the access to be satisfactory provided upgrading works are undertaken as per details provided by the property owner / applicant. Upgrading works will be conditioned as part of any DA Consent.

- **Endangered Plant species**
  
  The endangered plant Waterfall Greenhood, is present within the property, it has been confirmed that the plant is not present within the area proposed for construction of the dwelling but within the conservation area.

All concerns have been addressed throughout the assessment process. If the application is not called up by Councillors the application will be determined by staff under delegated authority.
The plan of the proposal is attached to this Circular.