

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Monday, 22 January 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Joanna Gash - Chairperson
Clr Amanda Findley
Clr Patricia White
Clr John Wells
Clr John Levett
Clr Nina Cheyne
Clr Annette Alldrick
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Ms Carmel Krogh – Acting General Manager

Apologies / Leave of Absence

Apologies were received from Clr Gartner and Clr Guile.

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr Alldrick) MIN18.1

That the Minutes of the Development Committee held on Monday 11 December 2017 be confirmed.

Note: The Development Committee was provided with a verbal update on the development of DE17.99 - DS17/1233 – 12 Currambene Street, Huskisson – Lot 2 DP 662583

CARRIED

Declarations of Interest

Clr Proudfoot – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Clr Kitchener – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Clr Pakes – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Clr Watson – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

DEPUTATIONS AND PRESENTATIONS

Mr Stephen Richardson (Cowman Stoddart – representing Tim Pembroke) addressed the Committee in relation to DE18.1 – Development Application DA17/1264 – 77C Nerringillah Rd, Bendalong – Lot 3 & DP 858721

Mr Peter Hudson addressed the Committee in relation to DE18.1 – Development Application DA17/1264 – 77C Nerringillah Rd, Bendalong – Lot 3 & DP 858721

Ms Robyn Flack (Shoalhaven Heads Forum) addressed the Committee in relation to DE18.3 - Crown Land at Shoalhaven Heads - Proposed Rezoning – Update

Mr Howard Jones addressed the Committee in relation to DE18.3 - Crown Land at Shoalhaven Heads - Proposed Rezoning – Update

Ms Maree Walsh-Harris addressed the Committee in relation to DE18.5 - Proposed Planning Proposal - citywide SP3 Tourist Zone Review

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Cheyne)

MIN18.2

That the matters of the following items be brought forward for consideration:

- DE18.1 – Development Application DA17/1264 – 77C Nerringillah Rd, Bendalong – Lot 3 & DP 858721
- DE18.3 - Crown Land at Shoalhaven Heads - Proposed Rezoning – Update
- DE18.5 - Proposed Planning Proposal - citywide SP3 Tourist Zone Review

CARRIED

REPORTS

DE18.1 Development Application DA17/1264 – 77C Nerringillah Road, Bendalong – Lot 3 & DP 858721

**HPERM Ref:
D17/386304**

Note: Mr Peter Hudson and Mr Stephen provided deputations in relation to this matter earlier in the meeting.

Recommendation

1. That Development Application DA17/1264 for an eco-tourism development at Lot 3 DP 858721 Nerringillah Road, Bendalong be determined by way of deferred commencement development consent with the deferred matter and conditions as detailed in **Attachment 1**

MOTION (Clr White / Clr Findley)

That Council, under delegated authority, refuse DA17/1264 for an eco-tourism development at Lot 3 DP 858721 Nerringillah Road, Bendalong on the following grounds:-

1. That the proposed development application does not meet the demonstrated connection to the site and/or other requirements under Clause 5.13 of the Shoalhaven Local Environment Plan 2014 which pertains to an eco-tourist facilities.
2. Insufficient information/details have been submitted to Council on the proposed engineering designs and/or plans for the proposed works required for the Right of Carriageway and Nerringillah Road that demonstrate safety; heavy rigid vehicle access; and that the proposed works can be constructed within the existing corridor/road and to the required standards.
3. Traffic safety issues & maintenance with Bendalong Road; intersection of Bendalong Road & Nerringillah Road; and Right of Carriage Way.
4. The proposed development is not in the public interest due to the substance of the public objections.

FOR: Clr Findley, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick and Clr Kitchener

AGAINST: Clr Gash, Clr Wells, Clr Pakes, Clr Watson, Clr Proudfoot and Carmel Krogh

LOST ON THE CASTING VOTED OF THE CHAIR

Note: Clr Gash left the meeting, the time being 6.25pm.

Note: Clr Levett assumed the chair.

Note: Clr Gash resumed the Chair, the time being 6.28pm.

FORESHADOWED MOTION (Clr Proudfoot / Clr Gash)

That (Under Delegated Authority):

1. The Development Application DA17/1264 for an eco-tourism development at Lot 3 DP 858721 Nerringillah Road, Bendalong be determined by way of deferred commencement development consent with the deferred matter and conditions as detailed in **Attachment 1**
2. Council undertake further negotiations with the applicant regarding a greater upgrade of the Right of Way and that these negotiations be reported back to council prior to Development Application being lodged for the Right of Way

AMENDMENT (Clr White / Clr Cheyne)

1. That Council undertake further negotiations with the applicant regarding a greater upgrade of the Right of Way and that the result of these negotiations be reported back to council prior to the Development Application being lodged for the Right of Way.

2. The current Development Application be deferred until Council receives the above report.

FOR: Clr White, Clr Cheyne, Clr Alldrick and Carmel Krogh

AGAINST: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AMENDMENT LOST

RESOLVED (Clr Proudfoot / Clr Gash)

MIN18.3

That (Under Delegated Authority)

1. The Development Application DA17/1264 for an eco-tourism development at Lot 3 DP 858721 Nerringillah Road, Bendalong be determined by way of deferred commencement development consent with the deferred matter and conditions as detailed in **Attachment 1**
2. Council undertake further negotiations with the applicant regarding a greater upgrade of the Right of Way and that the result of these negotiations be reported back to council prior to the Development Application being lodged for the Right of Way.

FOR: Clr Gash, Clr Wells, Clr Pakes, Clr Watson, Clr Proudfoot and Carmel Krogh

AGAINST: Clr Findley, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick and Clr Kitchener

CARRIED ON THE CASTING VOTE OF THE CHAIR

Note: There was a rescission motion received on this item.

DE18.3 Crown Land at Shoalhaven Heads - Proposed Rezoning - Update

HPERM Ref: D17/421221

Note: Robyn Flack and Howard Jones provided deputations in relation to this matter earlier in the meeting.

Recommendation (Item to be determined under delegated authority)

That Council take no further action at present in regard to the rezoning of the Crown Land (that part of Lot 7010 DP1035145 that is currently zoned R1 General Residential) at Shoalhaven Heads.

RESOLVED (Clr Watson / Clr Pakes)

MIN18.4

That Council take no further action at present in regard to the rezoning of the Crown Land (that part of Lot 7010 DP1035145 that is currently zoned R1 General Residential) at Shoalhaven Heads.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener and Carmel Krogh

AGAINST: Clr Findley, Clr Cheyne, Clr Alldrick and Clr Proudfoot

CARRIED

Note: There was a rescission motion received on this item

DE18.5 Proposed Planning Proposal - Citywide SP3 Tourist Zone Review

HPERM Ref: D17/386496

Note: Maree Walsh-Harris provided a deputation on this matter earlier in the meeting.

Clr Proudfoot – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Clr Kitchener – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Clr Pakes – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Clr Watson – DE18.5 – Proposed Planning Proposal - Citywide SP3 Tourist Zone Review – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – the depute, Maree Walsh-Harris ran for election as a member of the Shoalhaven Independents at the last election.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the preparation of the Citywide SP3 Tourist Zone Review Planning Proposal at Attachment 1 and submit to the NSW Department of Planning & Environment for Gateway determination. If Gateway determination is granted, proceed to formal public consultation in terms of such determination.
2. Prepare an amendment to Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven Development Control Plan 2014 to establish site specific provisions for Site 7: Mollymook/Ulladulla.
3. Consider the detail of the proposed amendments to Shoalhaven Development Control Plan 2014 via a separate report and if needed a Councillor Briefing prior to exhibition.
4. Advise the owners of the subject land, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
5. Following public exhibition of the Planning Proposal and draft Chapter V3, submit a further report to Council to address any submissions and finalisation of the process.

MOTION (Clr Findley / Clr Wells)

That Council:

1. Support the preparation of the Citywide SP3 Tourist Zone Review Planning Proposal at Attachment 1 and submit to the NSW Department of Planning & Environment for Gateway determination. If Gateway determination is granted, proceed to formal public consultation in terms of such determination.
2. Prepare an amendment to Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven Development Control Plan 2014 to establish site specific provisions for Site 7: Mollymook/Ulladulla.
3. Consider the detail of the proposed amendments to Shoalhaven Development Control Plan 2014 via a separate report and if needed a Councillor Briefing prior to exhibition.
4. Advise the owners of the subject land, adjacent land owners and relevant community groups of this decision, noting the opportunity for formal consultation later in the process.
5. Following public exhibition of the Planning Proposal and draft Chapter V3, submit a further report to Council to address any submissions and finalisation of the process.

AMENDMENT (RESOLVED) (Clr Watson / Clr Pakes)

MIN18.5

That the matter of the Proposed Planning Proposal - Citywide SP3 Tourist Zone Review be deferred, pending a Councillor briefing.

FOR: Clr Gash, Clr White, Clr Alldrick, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Wells, Clr Levett, Clr Cheyne and Carmel Krogh

CARRIED

Procedural Motion - Adjournment of Meeting

RESOLVED (Clr Pakes / Clr Alldrick)

MIN18.6

That the meeting be adjourned for ten minutes, until 8.06pm.

CARRIED

Note: The meeting adjourned, the time being 7.56pm.

Note: the meeting reconvened, the time being 8.06pm

When the following members were present:

Clr Joanna Gash - Chairperson

Clr Amanda Findley

Clr Patricia White

Clr John Wells

Clr John Levett

Clr Nina Cheyne

Clr Annette Alldrick

Clr Mitchell Pakes

Clr Greg Watson

Clr Mark Kitchener

Clr Bob Proudfoot

Ms Carmel Krogh – Acting General Manager

Procedural Motion - Bring Item Forward

RESOLVED (Clr Gash / Clr Wells)

MIN18.7

That the matter of item DE18.4 – Proposed Planning Proposal - Clause 6.5 of Shoalhaven Local Environmental Plan 2014 be brought forward for consideration.

CARRIED

**DE18.4 Proposed Planning Proposal - Clause 6.5 of Shoalhaven
Local Environmental Plan 2014**

**HPERM Ref:
D17/424832**

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Support the preparation and submission of a Planning Proposal for Gateway determination to amend Clause 6.5 of Shoalhaven Local Environmental Plan 2014 to include reference to land associated with Urban Release Areas to rectify the identified anomaly.
2. If Gateway determination is received, proceed to public exhibition to at least the requirement specified in the Gateway determination.

RESOLVED (Clr Findley / Clr Wells)

MIN18.8

That Council:

1. Support the preparation and submission of a Planning Proposal for Gateway determination to amend Clause 6.5 of Shoalhaven Local Environmental Plan 2014 to include reference to land associated with Urban Release Areas to rectify the identified anomaly.
2. If Gateway determination is received, proceed to public exhibition to at least the requirement specified in the Gateway determination.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Carmel Krogh

AGAINST: Nil

CARRIED

DE18.2 Development Assessment Best Practice Guide for Councils

**HPERM Ref:
D17/276640**

Recommendation (Item to be determined under delegated authority)

1. That Council endorse the broad principles contained in the Development Assessment Best Practice guide.
2. Council adopt a framework for dealing with development applications which includes;
 - a. The rejection of applications that do not have the required information as nominated by Schedule 1 of the Environmental Planning and Assessment Act;
 - b. Requests for additional information will be limited to one request per application and the time frame for complying with such request shall be 21 days;
 - c. If all requested information is not provided within the 21-day time frame, the applicant shall be requested to withdraw the application within a period of 7 days or the application will be determined with the information at hand;
 - d. The development Industry and general community be informed of any adopted changes under this recommendation and the implementation of any such changes will be discussed with relevant groups to facilitate the necessary information being available to intended applicants;
3. Council make a submission to the State Government at the time of review of the Development Assessment Best Practice Guide, requesting that a formal mechanism be introduced to allow Councils to mandate pre-lodgement meetings for Development Applications of an agreed status, also that Council fully support the implementation of the Planning Portal and the creation of templates for widely used documents that can be used on a state-wide basis.

MOTION (Clr Pakes / Clr Watson)

That the matter of Development Assessment Best Practice Guide for Councils be deferred pending a Councillor briefing from staff.

FOR: Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick and Carmel Krogh

LOST

FORSHADOWED MOTION (RESOLVED) (Clr Wells / Clr Findley)

MIN18.9

That Council:

1. Endorse the broad principles contained in the Development Assessment Best Practice guide.
2. Adopt a framework for dealing with development applications which includes;
 - a. The rejection of applications that do not have the required information as nominated by Schedule 1 of the Environmental Planning and Assessment Act;
 - b. Requests for additional information will be limited to one request per application and the time frame for complying with such request shall be 21 days or as otherwise prescribed;
 - c. If all requested information is not provided within the required time frame, the applicant shall be requested to withdraw the application within a period of 7 days or the application will be determined with the information at hand;
 - d. The development Industry and general community be informed of any adopted changes under this recommendation and the implementation of any such changes will be discussed with relevant groups to facilitate the necessary information being available to intended applicants;
3. Make a submission to the State Government at the time of review of the Development Assessment Best Practice Guide, requesting that a formal mechanism be introduced to allow Councils to mandate pre-lodgement meetings for Development Applications of an agreed status, also that Council fully support the implementation of the Planning Portal and the creation of templates for widely used documents that can be used on a state-wide basis.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick and Carmel Krogh

AGAINST: Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

CARRIED

**DE18.3 Crown Land At Shoalhaven Heads - Proposed Rezoning
- Update**

**HPERM REF:
D17/421221**

Item dealt with earlier/later in the meeting see MIN18.4.

**DE18.4 Proposed Planning Proposal - Clause 6.5 of Shoalhaven
Local Environmental Plan 2014**

**HPERM REF:
D17/424832**

Item dealt with earlier/later in the meeting see MIN18.8.

**DE18.5 Proposed Planning Proposal - Citywide Sp3 Tourist
Zone Review**

**HPERM REF:
D17/386496**

Item dealt with earlier/later in the meeting see MIN18.5.

**DE18.6 Proposed Planning Proposal - Semi-Detached Dwelling
Housekeeping Amendment**

**HPERM Ref:
D17/425584**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the preparation of the Semi-Detached Dwelling Housekeeping Amendment Planning Proposal at Attachment 1 and submit to the NSW Department of Planning & Environment for Gateway determination. If Gateway determination is granted, proceed to formal public consultation in terms of such determination.
2. Advise relevant community groups of this decision, noting the opportunity for formal consultation later in the process.

RESOLVED (Clr Wells / Clr White)

MIN18.10

That Council:

1. Support the preparation of the Semi-Detached Dwelling Housekeeping Amendment Planning Proposal at Attachment 1 and submit to the NSW Department of Planning & Environment for Gateway determination. If Gateway determination is granted, proceed to formal public consultation in terms of such determination.
2. Advise relevant community groups of this decision, noting the opportunity for formal consultation later in the process.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Carmel Krogh

AGAINST: Nil

CARRIED

Note: Rescission motions were received on the following matters:

- DE18.1 – Development Application DA17/1264 – 77C Nerringillah Rd, Bendalong – Lot 3 & DP 858721
- DE18.3 – Crown Land at Shoalhaven Heads - Proposed Rezoning - Update

There being no further business, the meeting concluded, the time being 8.30pm.

Clr Gash
CHAIRPERSON