

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Tuesday, 13 March 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley
Clr Joanna Gash - Chairperson
Clr Patricia White
Clr John Wells
Clr John Levett
Clr Nina Cheyne
Clr Annette Alldrick
Clr Kaye Gartner
Clr Andrew Guile – arrived 5.16pm
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr White) MIN18.156

That the Minutes of the Development Committee held on Tuesday 13 February 2018 be confirmed.

CARRIED

Declarations of Interest

Clr Gash – less than significant non pecuniary declaration of interest – DE18.15 – Proposed Policy – Narrow Laneways across Shoalhaven – Clr Gash is the co-owner of property at Culburra – will remain in room and will take part in the discussion and vote because the house is already built, with DA approval.

Clr Pakes – less than significant non pecuniary declaration of interest – DE18.15 – Proposed Policy – Narrow Laneways across Shoalhaven – Clr Pakes is the owner of property at Culburra with rear lane access – will remain in the room and will take part in the discussion and vote because the laneway unformed and the property does not meet requirements for minimum lot size.

MAYORAL MINUTES

MMD18.1 Additional item - Mayoral Minute - Triple J One Night Stand - Competition

**HPERM Ref:
D18/85970**

Triple J, the ABC's youth radio station, runs an annual competition to host a free concert. The event attracts between 10,000 and 15,000 visitors. There is a group of young people working on an application, and as the closing date being 21 March 2018 the item needs to be urgently addressed. Milton Showground is considered by the group preparing the application to be the preferred location.

RESOLVED (Clr Findley / Clr Levett)

MIN18.157

That Council support the community application to Triple J for the One Night Stand event to be held in the Shoalhaven.

CARRIED

DEPUTATIONS AND PRESENTATIONS

Ms Deborah Ely, CEO of Bundanon Trust addressed the Committee in relation to DE18.21 Aboriginal Land Claim No. 41831 – Illaroo

Procedural Motion - Bring Item Forward

RESOLVED (Clr Gash / Clr Wells)

MIN18.158

That the matter of item DE18.21 – Aboriginal Land Claim No. 41831 – Illaroo be brought forward for consideration.

CARRIED

DE18.21 Aboriginal Land Claim No.41831 - Illaroo

**HPERM Ref:
D18/48784**

Ms Deborah Ely, CEO of Bundanon Trust addressed the Committee in relation to this item.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that Council has no objection to the granting of Aboriginal Land Claim No.41831 at Illaroo, subject to the following being excluded from the Claim, or being resolved as part of the determination of the Claim:
 - a. Agreements to achieve the outcomes of the Bundanon Masterplan.
 - b. Easements/rights of way or similar to maintain legal and practical access.

- c. Easements to establish and maintain Asset Protection Zones.
- d. Preservation of the environmental significance of the area by ensuring that the registered wildlife sanctuary and threatened species habitats are not compromised, and existing environmental initiatives can continue.
- e. Preservation of the cultural significance of the area, as demonstrated on the Commonwealth Heritage Listing.

RESOLVED (Clr Wells / Clr Findley)

MIN18.159

That Council:

1. Notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that Council has no objection to the granting of Aboriginal Land Claim No.41831 at Illaroo, subject to the following being excluded from the Claim, or being resolved as part of the determination of the Claim:
 - a. Agreements to achieve the outcomes of the Bundanon Masterplan.
 - b. Easements/rights of way or similar to maintain legal and practical access.
 - c. Easements to establish and maintain Asset Protection Zones.
 - d. Preservation of the environmental significance of the area by ensuring that the registered wildlife sanctuary and threatened species habitats are not compromised, and existing environmental initiatives can continue.
 - e. Preservation of the cultural significance of the area, as demonstrated on the Commonwealth Heritage Listing.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

REPORTS

DE18.15 Proposed Policy - Development Potential of Narrow Laneways across Shoalhaven

HPERM Ref: D17/397661

Recommendation (Item to be determined under delegated authority)

That Council:

1. Establish an 'interim' policy position in relation to development on narrow laneways in Shoalhaven that includes:
 - a. Laneways are not to be used as primary frontages.
 - b. Development proposals to increase densities along narrow laneways that have a road reserve width of less than 10m are not supported.
 - c. Development proposals to increase densities across along laneways that have a road reserve width of 10m or greater may be supported where Council can be satisfied that:
 - i. The development results in minimal impact on existing residential amenity, and
 - ii. Provision of infrastructure, car parking and waste collection is adequate to facilitate the development.
2. Undertake a review of Shoalhaven Development Control Plan 2014 to:

- a. Identify any gaps in planning policy in relation to development in laneways.
 - b. Prepare development controls that may allow for sympathetic infill development or increased densities in certain laneways across Shoalhaven consistent with Council's adopted policy decision.
3. Receive a further report to endorse the reviews to Shoalhaven Development Control Plan 2014, prior to public exhibition.

Clr Gash – less than significant non pecuniary declaration of interest – DE18.15 – Proposed Policy – Narrow Laneways across Shoalhaven – Clr Gash is the co-owner of property at Culburra – did remain in room and did take part in the discussion and vote because the house is already built, with DA approval.

Clr Pakes – less than significant non pecuniary declaration of interest – DE18.15 – Proposed Policy – Narrow Laneways across Shoalhaven – Clr Pakes is the owner of property at Culburra with rear lane access – did remain in the room and did take part in the discussion and vote because the laneway unformed and the property does not meet requirements for minimum lot size.

Note: Clr Guile arrived at the meeting, the time being 5.16pm.

MOTION (Clr Findley / Clr Gartner)

That Council:

1. Establish an 'interim' policy position in relation to development on narrow laneways in Shoalhaven that includes:
 - a. Laneways are not to be used as primary frontages.
 - b. Development proposals to increase vehicular access and servicing along narrow laneways that have a road reserve width of less than 10m, are generally not supported. Intensification of lots with rear lane access would need to propose access and servicing from the primary street.
 - c. Development proposals to increase vehicular access and servicing along laneways that have a road reserve width of 10m or greater may be supported where Council can be satisfied that:
 - i. The development results in minimal impact on existing residential amenity, and
 - ii. Provision of infrastructure, car parking and waste collection is adequate to facilitate the development.
 - d. Where an Area Specific Development Control Plan Chapter exists, it prevails over the interim policy position.
 - e. That the interim policy be advertised for a period of 30 days, and if no submissions are received, the policy be adopted. If submissions are received, that the policy be reported to Council prior to adoption.
2. Undertake a review of Shoalhaven Development Control Plan 2014 to:
 - a. Identify any gaps in planning policy in relation to development in laneways.
 - b. Prepare development controls that may allow for sympathetic infill development or increased densities in certain laneways across Shoalhaven consistent with Council's adopted policy decision.
3. Receive a further report to endorse the reviews to Shoalhaven Development Control Plan 2014, prior to public exhibition.

AMENDMENT (Clr Pakes / Clr Proudfoot)

That the matter be deferred pending a detailed briefing in relation to establishing the interim policy

- Development Potential of Narrow Laneways across Shoalhaven.

LOST

FOR: Clr Guile, Clr Pakes and Clr Proudfoot

AGAINST: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Watson, Clr Kitchener and Russ Pigg

PROCEDURAL MOTION (Clr Wells / Clr Findley)

That the MOTION be PUT.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Watson, Clr Kitchener and Russ Pigg

AGAINST: Clr Guile, Clr Pakes and Clr Proudfoot

CARRIED

RESOLVED (Clr Findley / Clr Gartner)

MIN18.160

That Council:

1. Establish an 'interim' policy position in relation to development on narrow laneways in Shoalhaven that includes:
 - a. Laneways are not to be used as primary frontages.
 - b. Development proposals to increase vehicular access and servicing along narrow laneways that have a road reserve width of less than 10m, are generally not supported. Intensification of lots with rear lane access would need to propose access and servicing from the primary street.
 - c. Development proposals to increase vehicular access and servicing along laneways that have a road reserve width of 10m or greater may be supported where Council can be satisfied that:
 - iii. The development results in minimal impact on existing residential amenity, and
 - iv. Provision of infrastructure, car parking and waste collection is adequate to facilitate the development.
 - d. Where an Area Specific Development Control Plan Chapter exists, it prevails over the interim policy position.
 - e. That the interim policy be advertised for a period of 30 days, and if no submissions are received, the policy be adopted. If submissions are received, that the policy be reported to Council prior to adoption.
2. Undertake a review of Shoalhaven Development Control Plan 2014 to:
 - a. Identify any gaps in planning policy in relation to development in laneways.
 - b. Prepare development controls that may allow for sympathetic infill development or increased densities in certain laneways across Shoalhaven consistent with Council's adopted policy decision.
3. Receive a further report to endorse the reviews to Shoalhaven Development Control Plan 2014, prior to public exhibition.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Watson and Russ Pigg

AGAINST: Clr White, Clr Guile, Clr Pakes, Clr Kitchener and Clr Proudfoot

CARRIED

DE18.16 Update and Proposed Next Steps - Nowra CBD Fringe Medium Density Study Recommendations Report - Public Exhibition

HPERM Ref: D17/407927

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receive the attached Nowra CBD Fringe Medium Density Study - Recommendations Report prepared by Studio GL for information and endorse it being placed on public exhibition for a minimum period of 28 days to enable community comment.
2. Consider a further report following the exhibition of the Nowra CBD Fringe Medium Density Study Recommendations Report on any comment received, with a view to proceeding to: prepare a Planning Proposal for submission for initial Gateway determination to revise relevant Local Environmental Plan provisions; and a supporting Area Specific Chapter to be inserted in Shoalhaven Development Control Plan 2014.

RESOLVED (Clr Gash / Clr Watson)

MIN18.161

That the matter be deferred for one month to allow for a full briefing of Councillors.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Russ Pigg

AGAINST: Clr Proudfoot

CARRIED

DE18.17 Proponent Initiated Planning Proposal - Lot 3 DP 846470 Jervis Bay Road, Falls Creek

HPERM Ref: D18/7710

Recommendation (Item to be determined under delegated authority)

That Council:

1. Prepare a Planning Proposal to:
 - a. Permit a community title subdivision of Lot 3 DP 846470 Jervis Bay Road Falls into rural residential lots and a neighbourhood environmental conservation lot; and
 - b. Rezone the land to part R5 – Large Lot Residential and part E2 - Environmental Conservation.
2. Submit this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination.
3. Advise the NSW Department of Planning & Environment that the following studies are considered appropriate as part of the post Gateway stage of the Planning Proposal to determine the actual subdivision potential (prior to public exhibition):
 - a. Flora and fauna assessment
 - b. Onsite wastewater management plan
 - c. Water quality and stormwater management
 - d. Bushfire hazard assessment
 - e. Traffic study
 - f. Visual impact assessment
4. Receive a report once all the above studies have been completed to determine the number

and size of lots prior to public exhibition of the Planning Proposal.

5. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of all specialist studies be borne by the proponent.

RESOLVED (Clr Wells / Clr Gartner)

MIN18.162

That Council:

1. Prepare a Planning Proposal to:
 - a. Permit a community title subdivision of Lot 3 DP 846470 Jervis Bay Road Falls Creek into rural residential lots and a neighbourhood environmental conservation lot; and
 - b. Rezone the land to part R5 – Large Lot Residential and part E2 - Environmental Conservation.
2. Submit this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination.
3. Advise the NSW Department of Planning & Environment that the following studies are considered appropriate as part of the post Gateway stage of the Planning Proposal to determine the actual subdivision potential (prior to public exhibition):
 - a. Flora and fauna assessment
 - b. Onsite wastewater management plan
 - c. Water quality and stormwater management
 - d. Bushfire hazard assessment
 - e. Traffic study
 - f. Visual impact assessment
4. Receive a report once all the above studies have been completed to determine the number and size of lots prior to public exhibition of the Planning Proposal.
5. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of all specialist studies be borne by the proponent.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

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

CARRIED

**DE18.18 Exhibition - Draft Works in Kind Agreement - DA15/1102
- 21 Beach Street, Huskisson**

**HPERM Ref:
D18/46170**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept and proceed to publicly exhibit the draft Works in Kind agreement for 21 Beach Street, Huskisson (associated with DA15/1102) for a period of 28 days in line with the *Environmental Planning and Assessment Regulation 2000*; and
2. Receive a further report to consider the outcomes of the exhibition and enable the finalisation of the Works in Kind agreement.

RESOLVED (Clr Watson / Clr Gartner)

MIN18.163

That Council:

1. Accept and proceed to publicly exhibit the draft Works in Kind agreement for 21 Beach Street, Huskisson (associated with DA15/1102) for a period of 28 days in line with the *Environmental Planning and Assessment Regulation 2000*; and
2. Receive a further report to consider the outcomes of the exhibition and enable the finalisation of the Works in Kind agreement.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.19 Nowra CBD Contributions Discount Subsidy Policy - Review

HPERM Ref: D18/52690

Recommendation (Item to be determined under delegated authority)

That Council:

1. Continue the operation of the Nowra CBD Contributions Discount Subsidy Policy; and
2. Consider, as part of the 2018/2019 Budget, allocating an annual budget of \$50,000 for the operation of the Nowra CBD Contributions Discount Subsidy Policy.

RESOLVED (Clr Pakes / Clr Guile)

MIN18.164

That Council:

1. Continue the operation of the Nowra CBD Contributions Discount Subsidy Policy; and
2. Consider, as part of the 2018/2019 Budget, allocating an annual budget of \$50,000 for the operation of the Nowra CBD Contributions Discount Subsidy Policy.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Clr Levett and Clr Kitchener

CARRIED

DE18.20 Exhibition Outcome and Finalisation - Draft Amendment No 22 - Shoalhaven Development Control Plan 2014 - Chapter N19: Huskisson Mixed Use Zones

HPERM Ref: D18/47058

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt Amendment No. 22 to Shoalhaven Development Control Plan 2014 as exhibited, with the following minor amendment:
 - a. Highlighting of LEP and DCP dictionary terms.
2. Notify the adoption of Amendment No 22 to Shoalhaven Development Control Plan 2014 in the local newspapers in accordance with the requirements of the NSW Environmental Planning & Assessment Act 1979 and Regulations.

RESOLVED (Clr Findley / Clr Cheyne)

MIN18.165

That Council:

1. Adopt Amendment No. 22 to Shoalhaven Development Control Plan 2014 as exhibited, with the following minor amendment:
 - a. Highlighting of LEP and DCP dictionary terms.
2. Notify the adoption of Amendment No 22 to Shoalhaven Development Control Plan 2014 in the local newspapers in accordance with the requirements of the NSW Environmental Planning & Assessment Act 1979 and Regulations.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.21 ABORIGINAL LAND CLAIM NO.41831 - ILLAROO

**HPERM REF:
D18/48784**

Item dealt with earlier in the meeting see MIN18.156.

**DE18.22 SF10586 – 11 Grahams Rd, Meroo Meadow – Lot 2 DP
861948**

**HPERM Ref:
D18/55215**

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Confirms that it supports the removal of the Restriction that was placed on the section 88B Instrument of the subject land under SF7377; and
2. Refer the application (SF10586) back to staff for determination.

RESOLVED (Clr Watson / Clr Pakes)

MIN18.166

That the Council:

1. Confirms that it supports the removal of the Restriction that was placed on the section 88B Instrument of the subject land under SF7377; and
2. Refer the application (SF10586) back to staff for determination.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 6.13pm.

Clr Gash
CHAIRPERSON