

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Tuesday, 11 September 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 Nina Cheyne
Clr Kaye Gartner
Clr Mitchell Pakes (left 5.49pm)
Clr Greg Watson
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Apologies were received from Clrs Alldrick, Levett, Kitchener and Guile.

Confirmation of the Minutes

RESOLVED (Clr White / Clr Cheyne) MIN18.690

That the Minutes of the Development Committee held on Tuesday 14 August 2018 be confirmed.
CARRIED

Declarations of Interest

Nil.

DEPUTATIONS AND PRESENTATIONS

DE18.61 - Exhibition Outcomes and Next Steps – Nowra Riverfront Entertainment and Leisure Precinct - Proposed Planning Controls Report

Johny Vynes spoke for the recommendation.

DE18.63 Berry Heritage Investigation Project - Future Direction

Catherine Barlow, representing the Berry & District Historical Society, spoke for the recommendation.

DE18.64 South Nowra Industrial Zoned Area - Future Direction

Rodney Foyel, representing South Nowra Disadvantaged Landholders, spoke against the recommendation.

DE18.67 DA18/1788 – 128 Princes Highway SOUTH NOWRA - Lot 25 DP 734975

Lee Carmichael, PDC Planners, spoke against the recommendation.

REPORTS

Introduction of Items as Matters of Urgency

RESOLVED (Clr Pakes / Clr Wells) MIN18.691

That the following addendum reports be introduced as matters of urgency:

1. DE18.67 DA18/1788 – 128 Princes Highway SOUTH NOWRA - Lot 25 DP 734975

CARRIED

The Chairperson ruled the matters as ones of urgency as they relate to urgent business of Council and allowed their introduction.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Wells) MIN18.692

That items DE18.67, DE18.61, DE18.63 and DE18.64 be brought forward for consideration.

CARRIED

| | | |
|----------------|---|------------------------------|
| DE18.67 | DA18/1788 – 128 Princes Highway SOUTH NOWRA - Lot 25 DP 734975 | HPERM Ref: D18/305499 |
|----------------|---|------------------------------|

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the variation to Acceptable Solution A1.6 of Chapter G22: Advertising Signs and Structures as it relates to Development Application No. DA18/1788 for the installation of two (2) additional free-standing business identification signs in association with an approved vehicle sale or hire premises (motor vehicle showroom) at 128 Princes Highway, South Nowra - Lot 25 DP 734975, subject to compliance with the revised location of free-standing signage indicated in the part site plan provided as **Figure 6** of this Council Report; and
2. Refer the application back to staff for determination.

RESOLVED (Clr Proudfoot / Clr Wells) MIN18.693

That Council supports the variations of Acceptable Solutions of Chapter G22: Advertising Signs and Structures as proposed by the applicant in its supporting site plan.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Cheyne, Clr Gartner, Clr Pakes, Clr

Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

Note: Clr Pakes left the meeting, the time being 5.49pm.

**DE18.61 Exhibition Outcomes and Next Steps - Nowra Riverfront
Entertainment and Leisure Precinct - Proposed Planning
Controls Report**

**HPERM Ref:
D18/218690**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the Nowra Riverfront Leisure and Entertainment Precinct Strategic Direction: Review & Analysis and Proposed Planning Controls Reports as exhibited and with the following changes to the Proposed Planning Controls Report:
 - a. Amend the Indicative Future Road Local / Alignment on the key development parameters mapping including the closure of Pleasant Way as per Variation B of the report and illustrate an additional road connection off Hawthorn Avenue to Princes Highway.
 - b. Include further justification for the change in Land Use Zone and Height of Building in Scenic Drive, Wharf Road, Bridge Road and Pleasant Way and Graham Lodge sub-precincts in accordance with Section 9.1 Ministerial Direction 1.1 Business and Industrial Zones and 3.1 Residential Zones.
 - c. Amend the Bridge Road and Scenic Drive sub-precincts to include additional text which notes that the future development of these sub-precincts will be subject to additional investigation once the detail design of the Nowra Bridge project is complete.
 - d. Amend Figure 43 and supporting text to categorise Bridge Road sub-precinct as Level 3 high level of uncertainty around the impact to development outcomes as a result of the acquisition associated with the Nowra Bridge project.
2. Prepare a Planning Proposal for Mandalay Avenue sub-precinct to amend the Land Use Zones, Height of Buildings and Floor Space Ratio as per the exhibited Proposed Planning Controls Report and submit to Department of Planning & Environment for Gateway determination.
3. Prepare a Planning Proposal for the remaining sub-precincts as per the Staging Plan (except for Bridge Road and Scenic Drive sub-precincts) as per the exhibited Proposed Planning Controls Report and with the following additional considerations:
 - a. Reflect the latest Concept Design for the Nowra Bridge Project.
 - b. Consider reduction in Height of Building and Floor Space Ratio to address flooding impacts.
 - c. Consider B4 Mixed Use as an alternative zone for the Wharf Road precinct, and Additional Permitted Uses to enable the activation of the riverfront.
 - d. Prior to submitting to NSW Department of Planning & Environment for Gateway determination, report the matter to Council.
4. Prepare a Development Control Plan Chapter to be inserted into Shoalhaven Development Control Plan 2014 for the Nowra Riverfront Precinct, which includes the controls in the exhibited Proposed Planning Controls Report as per the Staging Plan (except for Bridge Road and Scenic Drive), and:
 - a. In preparing the Draft Development Control Plan Chapter:

- i. Review appropriateness and suitability of flood related controls.
 - ii. Revise the key development parameters of each sub-precinct to reflect the latest Concept Design for the Nowra Bridge Project.
5. Commence initial preparatory work to clarify the infrastructure required to support the future development of the precinct and inform a possible Contributions Plan Amendment for new road, drainage and open space infrastructure projects and consider a subsequent report on this aspect that details the funding required to advance the infrastructure design work and identifies a Council funding source.
6. Notify all submitters and public authorities of the resolution.

RESOLVED (Clr Gartner / Clr Cheyne)

MIN18.694

That Council:

1. Endorse the Nowra Riverfront Leisure and Entertainment Precinct Strategic Direction: Review & Analysis and Proposed Planning Controls Reports as exhibited and with the following changes to the Proposed Planning Controls Report:
 - a. Amend the Indicative Future Road Local / Alignment on the key development parameters mapping including the closure of Pleasant Way as per Variation B of the report and illustrate an additional road connection off Hawthorn Avenue to Princes Highway.
 - b. Include further justification for the change in Land Use Zone and Height of Building in Scenic Drive, Wharf Road, Bridge Road and Pleasant Way and Graham Lodge sub-precincts in accordance with Section 9.1 Ministerial Direction 1.1 Business and Industrial Zones and 3.1 Residential Zones.
 - c. Amend the Bridge Road and Scenic Drive sub-precincts to include additional text which notes that the future development of these sub-precincts will be subject to additional investigation once the detail design of the Nowra Bridge project is complete.
 - d. Amend Figure 43 and supporting text to categorise Bridge Road sub-precinct as Level 3 high level of uncertainty around the impact to development outcomes as a result of the acquisition associated with the Nowra Bridge project.
2. Prepare a Planning Proposal for Mandalay Avenue sub-precinct to amend the Land Use Zones, Height of Buildings and Floor Space Ratio as per the exhibited Proposed Planning Controls Report and submit to Department of Planning & Environment for Gateway determination.
3. Prepare a Planning Proposal for the remaining sub-precincts as per the Staging Plan (except for Bridge Road and Scenic Drive sub-precincts) as per the exhibited Proposed Planning Controls Report and with the following additional considerations:
 - a. Reflect the latest Concept Design for the Nowra Bridge Project.
 - b. Consider reduction in Height of Building and Floor Space Ratio to address flooding impacts.
 - c. Consider B4 Mixed Use as an alternative zone for the Wharf Road precinct, and Additional Permitted Uses to enable the activation of the riverfront.
 - d. Prior to submitting to NSW Department of Planning & Environment for Gateway determination, report the matter to Council.
4. Prepare a Development Control Plan Chapter to be inserted into Shoalhaven Development Control Plan 2014 for the Nowra Riverfront Precinct, which includes the controls in the exhibited Proposed Planning Controls Report as per the Staging Plan (except for Bridge Road and Scenic Drive), and:
 - a. In preparing the Draft Development Control Plan Chapter:

- i. Review appropriateness and suitability of flood related controls.
 - ii. Revise the key development parameters of each sub-precinct to reflect the latest Concept Design for the Nowra Bridge Project.
5. Commence initial preparatory work to clarify the infrastructure required to support the future development of the precinct and inform a possible Contributions Plan Amendment for new road, drainage and open space infrastructure projects and consider a subsequent report on this aspect that details the funding required to advance the infrastructure design work and identifies a Council funding source.
6. Notify all submitters and public authorities of the resolution.

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

AGAINST: Clr Watson

CARRIED

DE18.63 Berry Heritage Investigation Project - Future Direction

**HPERM Ref:
D18/261051**

Recommendation (Item to be determined under delegated authority)

That Council:

- 1. Proceed with the Berry Heritage Investigations project; to investigate and consider the 29 properties and 2 smaller Heritage Conservation Areas identified as possible additional heritage listings for Berry.
- 2. Commit to the direct funding of the project (approximately \$40,000) via savings from the quarterly budget review.
- 3. Notify relevant stakeholders, including the Berry Forum, of this decision and how they can be involved as the project progresses.

RESOLVED (Clr Wells / Clr White)

MIN18.695

That Council:

- 1. Proceed with the Berry Heritage Investigations project; to investigate and consider the 29 properties and 2 smaller Heritage Conservation Areas identified as possible additional heritage listings for Berry.
- 2. Refer the matter of funding for The Berry Heritage Investigations Project for consideration (approximately \$40,000) in the next quarterly budget review report to Council.
- 3. Notify relevant stakeholders, including the Berry Forum, of this decision and how they can be involved as the project progresses.

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

AGAINST: Nil

CARRIED

DE18.64 South Nowra Industrial Zoned Area - Future Direction

**HPERM Ref:
D18/273390**

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the report on the representations made by landowners in South Nowra Industrial Zoned Area for information.
2. Engage a suitably qualified and experienced consultant/s to assist Council with the preparation of proposed development controls and engineering design investigations for required access roads, drainage infrastructure, land acquisition and water/sewerage in the South Nowra Industrial Zoned Area.
3. Support the preparation of an area specific chapter for South Nowra Industrial Zoned Area in Shoalhaven Development Contribution Plan (DCP) 2014.
4. Support the preparation of an amendment to Shoalhaven Contributions Plan (CP) 2010 to include additional Local Contribution Projects to facilitate required infrastructure works and recoup design and investigation costs.
5. Receive a future report to consider the draft DCP Chapter and draft CP amendment for South Nowra Industrial Zoned Area for public exhibition.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN18.696

That Council

1. Receive the report on the representations made by landowners in South Nowra Industrial Zoned Area for information.
2. Engage a suitably qualified and experienced consultant/s to assist Council with the preparation of proposed development controls and engineering design investigations for required access roads, drainage infrastructure, land acquisition and water/sewerage in the South Nowra Industrial Zoned Area.
3. Support the preparation of an area specific chapter for South Nowra Industrial Zoned Area in Shoalhaven Development Contribution Plan (DCP) 2014.
4. Support the preparation of an amendment to Shoalhaven Contributions Plan (CP) 2010 to include additional Local Contribution Projects to facilitate required infrastructure works and recoup design and investigation costs.
5. Receive a future report to consider the draft DCP Chapter and draft CP amendment for South Nowra Industrial Zoned Area for public exhibition.
6. Directs the General Manager to prepare a planning proposal and submit it for Gateway determination seeking to confirm and establish a dwelling entitlement on each of the individual properties within the industrially zoned area.
7. Receive an additional report from the General Manager (Economic Development) on the business case of the proposition of the land bank of future industrial land.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Cheyne, Clr Gartner, Clr Watson and Clr Proudfoot

AGAINST: Russ Pigg

CARRIED

DE18.61 Exhibition Outcomes and Next Steps - Nowra Riverfront Entertainment and Leisure Precinct - Proposed Planning Controls Report

HPERM REF: D18/218690

Item dealt with earlier in the meeting see MIN18.694.

DE18.62 Exhibition Outcomes - Planning Proposal - 9 Browns Road South Nowra - Caravan Park

HPERM Ref: D18/228829

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Adopt the Planning Proposal PP034 as exhibited, with the minor adjustments detailed in the report, to make 'caravan parks' an additional permitted use at Lot 1 DP 1079345, 9 Browns Road South Nowra.
2. Forward Planning Proposal (PP034) to NSW Parliamentary Counsel's Office to draft the required amendment to Shoalhaven Local Environmental Plan 2014.
3. Make the resulting amendment to the Shoalhaven Local Environmental Plan 2014 using the plan making delegations issued under Section 2.4 of the *NSW Environmental Planning and Assessment Act 1979*.
4. Notify the proponent, submitters and residents of the site when the amendment of Shoalhaven Local Environmental Plan 2014 is notified.

RESOLVED (Clr Findley / Clr Wells)

MIN18.697

That the Committee:

1. Adopt the Planning Proposal PP034 as exhibited, with the minor adjustments detailed in the report, to make 'caravan parks' an additional permitted use at Lot 1 DP 1079345, 9 Browns Road South Nowra.
2. Forward Planning Proposal (PP034) to NSW Parliamentary Counsel's Office to draft the required amendment to Shoalhaven Local Environmental Plan 2014.
3. Make the resulting amendment to the Shoalhaven Local Environmental Plan 2014 using the plan making delegations issued under Section 2.4 of the *NSW Environmental Planning and Assessment Act 1979*.
4. Notify the proponent, submitters and residents of the site when the amendment of Shoalhaven Local Environmental Plan 2014 is notified.

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

AGAINST: Nil

CARRIED

DE18.63 Berry Heritage Investigation Project - Future Direction

HPERM REF: D18/261051

Item dealt with earlier in the meeting see MIN18.695.

DE18.64 South Nowra Industrial Zoned Area - Future Direction

HPERM REF:

D18/273390

Item dealt with earlier in the meeting see Min18.696.

DE18.65 Low Rise Medium Density Housing Code - Request for Deferred Commencement Extension

**HPERM Ref:
D18/279418**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Submit the correspondence at Attachment 1 to the Department of Planning and Environment, requesting up to a further 12-month deferral (until 30 June 2020) for Shoalhaven in relation to the Low Rise Medium Housing Code.
2. Advise Development Industry Representatives and Community Consultative Bodies of this resolution, and again should Council be successful in obtaining the further 12-month extension.

RESOLVED (Clr Findley / Clr White)

MIN18.698

That Council:

1. Submit the correspondence at Attachment 1 to the Department of Planning and Environment, requesting up to a further 12-month deferral (until 30 June 2020) for Shoalhaven in relation to the Low Rise Medium Housing Code.
2. Advise Development Industry Representatives and Community Consultative Bodies of this resolution, and again should Council be successful in obtaining the further 12-month extension.

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

AGAINST: Nil

CARRIED

DE18.66 Proposed 2017 Housekeeping Amendment to Shoalhaven Local Environmental Plan 2014 - Instrument Changes

**HPERM Ref:
D18/282538**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Submit the 2017 Housekeeping Amendment – Instrument Changes Planning Proposal (PP033 – Attachment 1) to the NSW Department of Planning and Environment for a Gateway determination and if favourable, proceed to formal public consultation in accordance with the terms of the determination.
2. Advise any relevant community groups of this decision, noting the opportunity for formal consultation later in the process.

RESOLVED (Clr Wells / Clr Gartner)

MIN18.699

That Council:

1. Submit the 2017 Housekeeping Amendment – Instrument Changes Planning Proposal (PP033 – Attachment 1) to the NSW Department of Planning and Environment for a Gateway determination and if favourable, proceed to formal public consultation in accordance with the terms of the determination.
2. Advise any relevant community groups of this decision, noting the opportunity for formal consultation later in the process.

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

AGAINST: Nil

CARRIED

ADDENDUM REPORTS

**DE18.67 DA18/1788 – 128 Princes Highway SOUTH NOWRA - Lot
25 DP 734975**

**HPERM REF:
D18/305499**

Item dealt with earlier in the meeting see MIN18.693.

There being no further business, the meeting concluded, the time being 6.36pm.

Clr Gash
CHAIRPERSON