

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Tuesday, 6 November 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 Digiglio
Clr Annette Alldrick
Clr Greg Watson
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Apologies were received from Clr Levett, Clr Pakes, Clr Gartner, Clr Guile and Clr Kitchener.

Confirmation of the Minutes

RESOLVED (Clr White / Clr Findley) MIN18.889

That the Minutes of the Development Committee held on Tuesday 11 September 2018 be confirmed.

CARRIED

Declarations of Interest

Nil.

DEPUTATIONS AND PRESENTATIONS

DE18.69 - Exhibition Outcomes and Next Steps - Proposed Interim Policy - Development Adjoining Narrow Laneways across Shoalhaven (Page 11)

Greg Clarke spoke against part of the recommendation.

Kelvin Atkinson spoke in favour of the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Aldrick / Clr Digiglio)

MIN18.890

That the matter of item DE18.69 – Exhibition Outcomes and Next Steps – Proposed Interim Policy – Development Adjoining Laneways across Shoalhaven be brought forward for consideration.

CARRIED

DE18.69 Exhibition Outcomes and Next Steps - Proposed Interim Policy - Development Adjoining Narrow Laneways across Shoalhaven

HPERM Ref: D18/233210

Recommendation (Item to be determined under delegated authority)

That Council

1. Adopt the Interim Policy – Development Adjoining Narrow Laneways as amended to apply to secondary access lanes only, provided in Attachment 1.
2. Apply the Interim Policy until Shoalhaven Development Control Plan 2014 has been amended to include development controls for development adjoining and fronting onto narrow laneways.
3. Prepare a draft amendment to Shoalhaven Development Control Plan 2014 to insert specific development controls for development adjoining narrow laneways in residential zones for Council consideration prior to proceeding to exhibition.
4. Notify those people who provided a submission of this resolution.

RESOLVED (Clr Wells / Clr White)

MIN18.891

That Council

1. Adopt the Interim Policy – Development Adjoining Narrow Laneways as amended (provided in Attachment 2) to apply to secondary access lanes only and with an adjustment to the wording of 3a. of the policy to read: “laneways are not to be used as primary frontages, except in cases where the laneway is the only legal and practical access”.
2. Apply the Interim Policy until Shoalhaven Development Control Plan 2014 has been amended to include development controls for development adjoining and fronting onto narrow laneways.
3. Prepare a draft amendment to Shoalhaven Development Control Plan 2014 to insert specific development controls for development adjoining narrow laneways in residential zones for Council consideration prior to proceeding to exhibition.
4. Notify those people who provided a submission of this resolution.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Aldrick, Clr Watson and Russ Pigg

AGAINST: Clr Proudfoot

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

**DE18.68 Notice of Motion - DA18/1998 - 64 Seagrass Avenue
Bayswood (Vincentia)**

**HPERM Ref:
D18/377205**

Recommendation (Item to be determined under delegated authority)

That DA18/1998 at 64 Seagrass Avenue, Bayswood be called in for consideration by Council. There have been around 30 objections to this development and the application has caused considerable public concern. And also that Council Staff organise a public briefing to allay the fears of Bayswood residents that this proposed development is not in accordance with the original Bayswood Masterplan and that it contravenes Dual Occupancy Guidelines and relevant Development Control Plans.

RESOLVED (Clr Proudfoot / Clr White)

MIN18.892

That

1. DA18/1998 at 64 Seagrass Avenue, Bayswood be called in for consideration by Council. There have been around 30 objections to this development and the application has caused considerable public concern.
2. Council Staff organise a residents' briefing to allay the fears of Bayswood residents that this proposed development is not in accordance with the original Bayswood Masterplan and that it contravenes Dual Occupancy Guidelines and relevant Development Control Plans.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr Watson / Clr Proudfoot)

MIN18.893

That an additional item DA18/2020, 43 Willowford Road, Woollamia, Lot 80 DP 9289 be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent due to public interest.

DE18.74 Additional Item - DA18/2020 - 43 Willowford Road, Woollamia

RESOLVED (Clr Watson / Clr Proudfoot)

MIN18.894

That DA18/2020 at 43 Willowford Road, Woollamia be called in for consideration by Council due to public interest.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

REPORTS

DE18.69	Exhibition Outcomes And Next Steps - Proposed Interim Policy - Development Adjoining Narrow Laneways Across Shoalhaven	HPERM REF: D18/233210
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Item dealt with earlier in the meeting see MIN18.891.

DE18.70	Exhibition Outcomes and Proposed Finalisation - Review of LEP and DCP Flood Controls	HPERM Ref: D18/238835
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Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt and finalise Planning Proposal (PP012) with a minor amendment being the retention of the existing Clause 7.3(5) definition in Shoalhaven Local Environmental Plan 2014.
2. Progress the draft amendment to Shoalhaven Local Environmental Plan 2014 by:
 - a. Forwarding PP012 to Parliamentary Counsel to draft the resulting amendment to Shoalhaven Local Environmental Plan 2014; and
 - b. The resulting amendment to Shoalhaven Local Environmental Plan 2014 be made using Council's delegation.
3. Adopt and finalise draft DCP Amendment No. 8 with the following amendments:
 - a. Amend the Dictionary to:
 - Update the definition of Flood Planning Level definition to be consistent with Shoalhaven Local Environmental Plan 2014.
 - Add the following definition for 'flood free land'
Flood free land means land above the probable maximum flood level.
 - Be consistent with changes made to the Dictionary by other recent amendments to the DCP.
 - b. Amend Draft Chapter G9 to:
 - Update the advisory note in Section 2 as outlined in this report.
 - Reword P3.1 as follows:
P3.1 The development (subdivision and intended future use) is a suitable land use, and is adequately designed, for the defined hazard/hydraulic category.
 - Amend the note in Schedule 2 to clarify that 'existing use rights' are defined in the *NSW Environmental Planning and Assessment Act 1979*.
 - Include two new supporting maps for the *Floodplain Risk Management Areas – Riverview Road Area and Terara Village* to clearly identify the land to which relevant site-specific controls apply, remove the supporting map for Lake Wollumboola, and reformat and reorder all the maps.
 - c. Amend the Chapter G9 Supporting Document to insert the words "or with a local planning consultant" after "Please check with Council...."
 - d. Amend Draft Chapter G10 to update the advisory note in Section 1 as outlined in this report.
 - e. Update all references to 'Section 149 Planning Certificates' to Section 10.7 Planning Certificates in both Draft Chapters G9 and G10 and all supporting documents.

- f. Make general formatting changes to improve the readability of both Draft Chapters G9 and G10 and all supporting documents.

RESOLVED (Clr Wells / Clr White)

MIN18.895

That Council:

1. Adopt and finalise Planning Proposal (PP012) with a minor amendment being the retention of the existing Clause 7.3(5) definition in Shoalhaven Local Environmental Plan 2014.
2. Progress the draft amendment to Shoalhaven Local Environmental Plan 2014 by:
 - a. Forwarding PP012 to Parliamentary Counsel to draft the resulting amendment to Shoalhaven Local Environmental Plan 2014; and
 - b. The resulting amendment to Shoalhaven Local Environmental Plan 2014 be made using Council's delegation.
3. Adopt and finalise draft DCP Amendment No. 8 with the following amendments:
 - a. Amend the Dictionary to:
 - Update the definition of Flood Planning Level definition to be consistent with Shoalhaven Local Environmental Plan 2014.
 - Add the following definition for 'flood free land'
Flood free land means land above the probable maximum flood level.
 - Be consistent with changes made to the Dictionary by other recent amendments to the DCP.
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 - Update the advisory note in Section 2 as outlined in this report.
 - Reword P3.1 as follows:
P3.1 The development (subdivision and intended future use) is a suitable land use, and is adequately designed, for the defined hazard/hydraulic category.
 - Amend the note in Schedule 2 to clarify that 'existing use rights' are defined in the *NSW Environmental Planning and Assessment Act 1979*.
 - Include two new supporting maps for the *Floodplain Risk Management Areas – Riverview Road Area and Terara Village* to clearly identify the land to which relevant site-specific controls apply, remove the supporting map for Lake Wollumboola, and reformat and reorder all the maps.
 - c. Amend the Chapter G9 Supporting Document to insert the words "or with a local planning consultant" after "Please check with Council...."
 - d. Amend Draft Chapter G10 to update the advisory note in Section 1 as outlined in this report.
 - e. Update all references to 'Section 149 Planning Certificates' to Section 10.7 Planning Certificates in both Draft Chapters G9 and G10 and all supporting documents.
 - f. Make general formatting changes to improve the readability of both Draft Chapters G9 and G10 and all supporting documents.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.71 Draft Planning Agreement – Lot 172 DP 755923 and Lot 823 DP 247285 Berringer Rd, Cunjurong Point Rd and Sunset Strip Manyana

**HPERM Ref:
D18/347434**

Recommendation (Item to be determined under delegated authority)

That in accordance with the Committee’s delegated authority from Council, the Committee endorse the draft Planning Agreement between Shoalhaven City Council and the developer (Ozy Homes Pty Ltd) of Lot 172 DP 755923 Cunjurong Point Rd and Lot 823 DP 247285 Sunset Strip Manyana which was publicly exhibited from 12 September – 10 October 2018.

RESOLVED (Clr White / Clr Alldrick)

MIN18.896

That in accordance with the Committee’s delegated authority from Council, the Committee endorse the draft Planning Agreement between Shoalhaven City Council and the developer (Ozy Homes Pty Ltd) of Lot 172 DP 755923 Cunjurong Point Rd and Lot 823 DP 247285 Sunset Strip Manyana which was publicly exhibited from 12 September – 10 October 2018.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE18.72 Development Application – 54 Eastbourne Ave, Culburra Beach – Lot 494 DP 12278

**HPERM Ref:
D18/352598**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Confirm that it supports, pursuant to clause 4.6 (exceptions to development standards) of SLEP 2014, the applicant’s request to vary the height limit of 7.5 metres to 9.08 metres; and
2. Refer the development application (DA17/2605) back to staff for determination.

RESOLVED (Clr Wells / Clr White)

MIN18.897

That Council:

1. Confirm that it supports, pursuant to clause 4.6 (exceptions to development standards) of SLEP 2014, the applicant’s request to vary the height limit of 7.5 metres to 9.08 metres; and
2. Refer the development application (DA17/2605) back to staff for determination.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE18.73 Exhibition Outcomes - Draft Planning Proposal
Guidelines 2018**

**HPERM Ref:
D18/355726**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Planning Proposal (Rezoning) Guidelines 2018 as exhibited and repeal the 2013 version of these guidelines.
2. Advise those who made a submission during the exhibition of these guidelines of this resolution.

RESOLVED (Clr Findley / Clr Wells)

MIN18.898

That Council:

1. Adopt the Planning Proposal (Rezoning) Guidelines 2018 as exhibited and repeal the 2013 version of these guidelines.
2. Advise those who made a submission during the exhibition of these guidelines of this resolution.

FOR: Clr Gash, Clr Findley, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 5.30pm.

Clr Gash
CHAIRPERSON