

## MINUTES OF THE DEVELOPMENT COMMITTEE

**Meeting Date:** Tuesday, 4 December 2018  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

The following members were present:

Clr Greg Watson - Chairperson  
Clr Amanda Findley  
Clr Patricia White  
Clr John Wells  
Clr John Levett  
Clr Nina Digiglio  
Clr Annette Alldrick  
Clr Kaye Gartner  
Clr Mitchell Pakes  
Clr Mark Kitchener  
Clr Bob Proudfoot  
Mr Russ Pigg - General Manager

### Apologies / Leave of Absence

Apologies were received from Clr Gash and Clr Guile.

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Gartner) MIN18.940

That the Minutes of the Development Committee held on Tuesday 06 November 2018 be confirmed.

CARRIED

### Declarations of Interest

Nil.

## DEPUTATIONS AND PRESENTATIONS

**DE18.78 - Proposed Council Submission - Multiple Aboriginal Land Claims - Bangalee Reserve (page 29)**

Leonard White, representing Bangalee Bushcare, spoke for the recommendation.

**DE18.80 - Development Application – 20 Norfolk Avenue, SOUTH NOWRA - Lot 30 DP 790535 - Concrete Batching Plant (page 50)**

Adnan Voloder, representing Boral, spoke for the recommendation.

**DE18.81 - Development Application - 8 Admiralty Crescent, Huskisson - Lot 4 DP16055 (DS18/1343) (page 69)**

John Lawrence, representing Frazer and Joanne Roberts, spoke against the recommendation.

John Lawrence spoke against the recommendation.

Rachel Harrison of SET Consultants, representing Viv Latimer, spoke for the recommendation.

**REPORTS**

**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Pakes / Clr White) MIN18.941

That the matter of items DE18.81, DE18.78 and DE18.80 be brought forward for consideration.

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

AGAINST: Nil

CARRIED

<b>DE18.81</b>	<b>Development Application - 8 Admiralty Crescent, Huskisson - Lot 4 DP16055 (DS18/1343)</b>	<b>HPERM Ref: D18/416422</b>
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**Recommendation (Item to be determined under delegated authority)**

That Development Application DS 18/1343 for the modification of an approved attached dual occupancy development be approved as per the Consolidated Consent at **Attachment 1** to this report.

**RESOLVED** (Clr Proudfoot / Clr Gartner) MIN18.942

That the Committee notes that the basis of the report has changed substantially with the advice that the applicant has withdrawn their approval for the amended plan and that staff reconsider the DA and report back to the December Ordinary Council Meeting.

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

AGAINST: Nil

CARRIED

<b>DE18.78</b>	<b>Proposed Council Submission - Multiple Aboriginal Land Claims - Bangalee Reserve</b>	<b>HPERM Ref: D18/386434</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Advise the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit (ALCIU) that it does not support Aboriginal Land Claim Numbers 6348, 6349, 6369, 6370, 6427, 26195, 26210, 26224, 26229, 26238, 26251 and part of the blanket claims 24254 and 24297 on the basis that, at the date of claim lodgement:
  - a. The land formed the Bangalee Reserve and was being lawfully used for its reserve purpose of Public Recreation;
  - b. Council held an interest in the land, being infrastructure to support the reserve purpose of Public Recreation;
  - c. Two of the lots were needed for an essential public purpose of electricity infrastructure.
2. Provide any necessary documents and evidence to the ALCIU to support this position.

**RESOLVED** (Clr Wells / Clr White)

MIN18.943

That Council:

1. Advise the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit (ALCIU) that it does not support Aboriginal Land Claim Numbers 6348, 6349, 6369, 6370, 6427, 26195, 26210, 26224, 26229, 26238, 26251 and part of the blanket claims 24254 and 24297 on the basis that, at the date of claim lodgement:
  - a. The land formed the Bangalee Reserve and was being lawfully used for its reserve purpose of Public Recreation;
  - b. Council held an interest in the land, being infrastructure to support the reserve purpose of Public Recreation;
  - c. Two of the lots were needed for an essential public purpose of electricity infrastructure.
2. Provide any necessary documents and evidence to the ALCIU to support this position..

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

AGAINST: Nil

CARRIED

**DE18.80 Development Application – 20 Norfolk Avenue, SOUTH NOWRA - Lot 30 DP 790535 - Concrete Batching Plant**

**HPERM Ref: D18/382826**

**Recommendation**

That Council:

1. Confirm it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 23m; and
2. Refer the development application (DA18/2054) back to staff for determination.

**RECOMMENDATION** (Clr Proudfoot / Clr Pakes)

That Council:

1. Confirm it supports, pursuant to clause 4.6 (Exceptions to development standards) of SLEP 2014, the applicant's request to vary the height limit of 11m to 23m; and
2. Refer the development application (DA18/2054) back to staff for determination.

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

AGAINST: Nil  
CARRIED

**DE18.75 Potential Planning Controls - Character - Cambewarra Escarpment** **HPERM Ref: D18/240772**

**Recommendation (Item to be determined under delegated authority)**

That:

1. Council proceed to investigate the possibility of an amendment to the Shoalhaven Local Environment Plan (LEP) 2014 by way of application of the Scenic Preservation Overlay or additional local clause to help protect the character of the Cambewarra Escarpment,
2. Council staff report back on specific detailed options in this regard to be included in a Planning Proposal.

Note: Clr Gartner left the meeting, the time being 6.32pm.

**RESOLVED** (Clr Findley / Clr White) **MIN18.944**

That:

1. Council proceed to investigate the possibility of an amendment to the Shoalhaven Local Environment Plan (LEP) 2014 by way of application of the Scenic Preservation Overlay or additional local clause to help protect the character of the Cambewarra Escarpment.
2. Council staff report back on specific detailed options in this regard to be included in a Planning Proposal and the possibility and practicality of including the additional areas of Wattamolla, Brogers Creek and the Kangaroo Valley escarpment in the planning proposal.

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

AGAINST: Nil  
CARRIED

Note: Clr Gartner returned to the meeting, the time being 6.34pm.

**DE18.76 Required Housekeeping Amendment - Shoalhaven Development Control Plan 2014 - Medium Density** **HPERM Ref: D18/370232**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Commence preparation of an amendment to Chapter G13: Medium Density and Other Residential of Shoalhaven Development Control Plan (DCP) 2014 consistent with Table 1 in this report and progress the amendment as part of the next appropriate housekeeping amendment to the DCP.
2. Consider any other amendments relevant to the Chapter G13 as the matters arise prior to part 3 of this recommendation.
3. Receive a further report on this matter as part of the relevant housekeeping amendment before proceeding to public exhibition.

**RESOLVED** (Clr White / Clr Proudfoot) **MIN18.945**

That Council:

1. Commence preparation of an amendment to Chapter G13: Medium Density and Other Residential of Shoalhaven Development Control Plan (DCP) 2014 consistent with Table 1 in this report and progress the amendment as part of the next appropriate housekeeping amendment to the DCP.
2. Consider any other amendments relevant to the Chapter G13 as the matters arise prior to part 3 of this recommendation, including relevant requested amendments from development industry representatives and others as required.
3. Receive a further report on this matter as part of the relevant housekeeping amendment before proceeding to public exhibition.

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

AGAINST: Nil

CARRIED

**DE18.77 Proposed Exhibition - Amendment to Chapter V3  
Shoalhaven Development Control Plan 2014 -  
Ulladulla/Mollymook Gateway Precinct**

**HPERM Ref:  
D18/343126**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Proceed to exhibit the draft amendment to Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft amendment to Chapter V3 following the conclusion of the public exhibition period.
3. Advise the Ulladulla & Districts Community Forum, subject land owners and adjoining land owners of the exhibition arrangements.

**RESOLVED** (Clr Findley / Clr Digiglio)

MIN18.946

That Council:

1. Proceed to exhibit the draft amendment to Chapter V3: Miscellaneous Site-Specific Issues of Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft amendment to Chapter V3 following the conclusion of the public exhibition period.
3. Advise the Ulladulla & Districts Community Forum, subject land owners and adjoining land owners of the exhibition arrangements.
4. Invite the affected landowners to participate in an information session during the public exhibition period.

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

AGAINST: Nil

CARRIED

**DE18.78 PROPOSED COUNCIL SUBMISSION - MULTIPLE ABORIGINAL LAND CLAIMS - BANGALEE RESERVE** **HPERM REF: D18/386434**

Item dealt with earlier in the meeting see MIN18.943.

**DE18.79 Mandatory Controls - Shoalhaven Development Control Plan 2014** **HPERM Ref: D18/403997**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Retain existing mandatory controls within Shoalhaven Development Control Plan (DCP) 2014 and continue the use of mandatory controls as required in future amendments to the DCP.
2. Amend Chapter 1: Introduction of Shoalhaven DCP 2014 to make it clearer that a mandatory control can be varied subject to an applicant demonstrating to Council's satisfaction that the objectives of the relevant section/subsection and chapter have been met by the development. This matter is to be addressed as part of the next appropriate housekeeping amendment to the Chapter.
3. Advise relevant stakeholders of this decision, including Industry Representatives.

**RESOLVED** (Clr Findley / Clr Wells)

MIN18.947

That Council:

1. Retain existing mandatory controls within Shoalhaven Development Control Plan (DCP) 2014 and continue the use of mandatory controls as required in future amendments to the DCP.
2. Amend Chapter 1: Introduction of Shoalhaven DCP 2014 to make it clearer that a mandatory control can be varied subject to an applicant demonstrating to Council's satisfaction that the objectives of the relevant section/subsection and chapter have been met by the development and the inclusion of a note where there is a mandatory control to refer to the definitions. This matter is to be addressed as part of the next appropriate housekeeping amendment to the Chapter.
3. Advise relevant stakeholders of this decision, including Industry Representatives.

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

AGAINST: Nil

CARRIED

**DE18.80 DEVELOPMENT APPLICATION – 20 NORFOLK AVENUE, SOUTH NOWRA - LOT 30 DP 790535 - CONCRETE BATCHING PLANT** **HPERM REF: D18/382826**

Item dealt with earlier in the meeting.

**DE18.81 DEVELOPMENT APPLICATION - 8 ADMIRALTY CRESCENT, HUSKISSON - LOT 4 DP16055 (DS18/1343)** **HPERM REF: D18/416422**

Item dealt with earlier in the meeting see MIN18.942.

**Procedural Motion - Matters of Urgency**

**RESOLVED** (Clr White / Clr Proudfoot)

MIN18.948

That an additional item DA18/1000, 315 Princes Highway, Bomaderry, Lot 2 DP 777260 be introduced as a matter of urgency.

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

AGAINST: Clr Findley

CARRIED

The Chairperson ruled the matter as urgent as it is in the public interest.

**DE18.82 Additional item - DA18/1000 - 315 Princes Highway, Bomaderry - Lot 2 DP 777260**

MOTION (Clr White / Clr Proudfoot)

That DA18/1000, 315 Princes Highway, Bomaderry, Lot 2 DP 777260 be called in for consideration by Council due to public interest.

Note: Staff advised the following:

- The Development Application had been determined by staff and refused on 30 November 2018;
- The Notice of Determination outlines the rights of review and appeal, including a review under Division 8.2 of the *Environmental Planning and Assessment Act 1979*;
- Staff were unaware a request to review its determination had been received; and
- If a request to review the application is received, it must be reported to Council.

Clr Findley raised a Point of Order against Clr Watson on the basis that the Motion is out of order.

Clr White withdrew the Motion.

Clr Watson ruled Clr Findley's conduct out of order.

**DE18.83 Additional item - Shoalhaven Growth Management Strategy 2019-2041 - Consultation**

Clr Proudfoot noted that consultation for the Shoalhaven Growth Management Strategy closes on Friday 7 December 2018.

Question Without Notice:

Clr Proudfoot asked whether the consultation period could be extended by 14 days, to close on Friday 21 December 2018.

Staff advised that this could occur and the extension will be applied.

**DE18.84 Additional item - DA18/1598 - Bunnings, South Nowra**

Question Without Notice:

Clr Pakes noted that DA18/1598 – Bunnings, South Nowra was called in at the Ordinary meeting on 13 November 2018 and asked when it will be reported to Council.

Staff advised that the matter will be reported to Council once assessment is complete, which is anticipated to be early in 2019.

There being no further business, the meeting concluded, the time being 7.18pm.

Clr Watson  
CHAIRPERSON