

MINUTES OF THE DEVELOPMENT COMMITTEE

Meeting Date: Tuesday, 8 August 2017
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

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

Apologies / Leave of Absence

An apology was received from Clr Levett.

Confirmation of the Minutes

RESOLVED (Clr Gartner / Clr Alldrick) MIN17.675

That the Minutes of the Development Committee held on Monday 17 July 2017 be confirmed.

CARRIED

Declarations of Interest

Clr Watson – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas - pecuniary interest declaration – as he and his wife own a property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – will leave the room and will not take part in discussion or vote.

Clr Watson – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 - pecuniary interest declaration – as he and his wife own the property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – will leave the room and will not take part in discussion or vote.

Clr Gash – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – she was a candidate in the recent Council elections with Clr Watson and Clr Watson issued a code of conduct against her which has been dealt with by an independent reviewer – will remain in the room and will take part in discussion and vote.

Clr Proudfoot – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Proudfoot – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Pakes – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Guile – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – will remain in the room and will take part in discussion and vote.

Clr Guile – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – will remain in the room and will take part in discussion and vote.

Clr Kitchener – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

Clr Kitchener – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – will remain in the room and will take part in discussion and vote.

DEPUTATIONS AND PRESENTATIONS

Ms Samantha Wilson, representing URBIS Town Planners, addressed the Committee in relation to DE17.55 Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation of Development Footprint.

Mr Dennis Johnson, representing the North Nowra Precinct Committee addressed the Committee in relation to DE17.55 Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation of Development Footprint.

Stephen Nall addressed the Committee in relation to DE17.56 Moss Vale Road North Urban Release Area - Resourcing and Funding.

Note - Clr Watson left meeting at 5.46pm for the following deputations due to his declarations of interest.

Mr David Cannon, SET Consultants and representing the owner of 111 Woollamia Road addressed the Committee in relation to DE17.59 Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas.

Clr Guile raised a Point of Order against Clr Findley asking her to withdraw the question with respect to Clr Watson's involvement in the DCP negotiations.
The Chair advised that she had been present when Clr Watson had made declarations of interest and excluded himself from discussions on this matter and advised that the meeting will move on.

Ms Lori Field, PDC Lawyers, addressed the Committee in relation to DE17.60 Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266.

Note - Clr Watson returned to the meeting at 6.24pm.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Gash / Clr Pakes)

MIN17.676

That the following items be brought forward for consideration:

- DE17.55 - Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation of Development Footprint
- DE17.56 - Moss Vale Road North Urban Release Area - Resourcing and Funding
- DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas
- DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266

CARRIED

REPORTS

DE17.55 Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation of Development Footprint

HPERM Ref: D17/213879

Recommendation (Item to be determined under delegated authority)

That Council

1. Adopt the attached Land Use Zone (Attachment 5) and Lot Size (Attachment 6) maps as the basis for preparing the specialist studies required to enable public exhibition of the Planning Proposal.
2. Forward these maps to the NSW Department of Planning and Environment with a request to revise the Gateway determination that:
 - a. Reflects the proposed new development footprint;
 - b. Removes condition 1, which is covered by the new footprint;
 - c. Removes items (c) and (d) from condition 2 in the current determination; and
 - d. Adds a condition allowing the minimum lot size of 1500 m² to be revised if appropriately supported by the traffic and bushfire assessments undertaken for the planning proposal.

3. That the proposal be reported back to Council prior to exhibition.

RESOLVED (Clr Guile / Clr Watson)

MIN17.677

That Council

1. Adopt the attached Land Use Zone (Attachment 5) and Lot Size (Attachment 6) maps as the basis for preparing the specialist studies required to enable public exhibition of the Planning Proposal.
2. Forward these maps to the NSW Department of Planning and Environment with a request to revise the Gateway determination that:
 - a. Reflects the proposed new development footprint;
 - b. Removes condition 1, which is covered by the new footprint;
 - c. Removes items (c) and (d) from condition 2 in the current determination; and
 - d. Adds a condition allowing the minimum lot size of 1500 m² to be revised if appropriately supported by the traffic and bushfire assessments undertaken for the planning proposal.
3. That the proposal be reported back to Council prior to exhibition.

FOR: Clr Gash, Clr Wells, Clr Findley, Clr Cheyne, Clr Aldrick, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot, Russ Pigg and Warwick Papworth

AGAINST: Clr White and Clr Gartner

CARRIED

Note: Clr Guile left the meeting at 6:46pm

DE17.56 Moss Vale Road North Urban Release Area - Resourcing and Funding

HPERM Ref: D17/216422

Note: Clr Guile returned to the meeting at 6:49pm

Recommendation

That Council:

1. Formally commence the process required under Part 6 of Shoalhaven Local Environmental Plan 2017 for Moss Vale Road North (MVRN) Urban Release Area (URA).
2. Revise the indicative development phasing plan (contained in the Nowra-Bomaderry Structure Plan) for the Nowra Bomaderry URAs as follows:
 - a. Phase 1 – Mundamia and Worrigea
 - b. Phase 2 – Moss Vale Road South and Moss Vale Road North
 - c. Phase 3 – Cabbage Tree Lane
 - d. Phase 4 – Crams Road
3. Consult with the landowners of MVRN URA regularly to ensure they are provided with opportunities to be involved in the planning process and offer feedback
4. Support the establishment of a Project Control Group to facilitate the progression of the planning for the URA and its role at the development stage to ensure satisfactory provision of public infrastructure.
5. Commit the required staff resources and set a budget of \$165,000 in 2017/18 (as per Table 1

in the report) to undertake the detailed planning requirements and delivery of infrastructure and identify a funding source in the September Quarterly Review.

6. Continue to seek opportunities for grant funding to reduce the cost of technical investigations and infrastructure, which would ordinarily be imposed on landowners/developers through Section 94 Contributions.
7. Advise all landowners within the Nowra-Bomaderry URAs of this resolution.

Recommendation (Clr Findley / Clr Wells)

That Council:

1. Formally commence the process required under Part 6 of Shoalhaven Local Environmental Plan 2017 for Moss Vale Road North (MVRN) Urban Release Area (URA).
2. Revise the indicative development phasing plan (contained in the Nowra-Bomaderry Structure Plan) for the Nowra Bomaderry URAs as follows:
 - a. Phase 1 – Mundamia and Worrigea
 - b. Phase 2 – Moss Vale Road South and Moss Vale Road North
 - c. Phase 3 – Cabbage Tree Lane
 - d. Phase 4 – Crams Road
3. Consult with the landowners of MVRN URA regularly to ensure they are provided with opportunities to be involved in the planning process and offer feedback
4. Support the establishment of a Project Control Group to facilitate the progression of the planning for the URA and its role at the development stage to ensure satisfactory provision of public infrastructure.
5. Commit the required staff resources and set a budget of \$165,000 in 2017/18 (as per Table 1 in the report) to undertake the detailed planning requirements and delivery of infrastructure and identify a funding source in the September Quarterly Review.
6. Continue to seek opportunities for grant funding to reduce the cost of technical investigations and infrastructure, which would ordinarily be imposed on landowners/developers through Section 94 Contributions.
7. Advise all landowners within the Nowra-Bomaderry URAs of this resolution.

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

AGAINST: Nil

CARRIED

DE17.59 Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas

HPERM Ref: D17/187131

Clr Watson – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas - pecuniary interest declaration – as he and his wife own a property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – left the room and did not take part in discussion or vote.

Clr Proudfoot – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Clr Guile – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – remained in the room and did not take part in discussion and vote.

Clr Kitchener – DE17.59 - Exhibition outcomes - Planning Proposal LP406 and DCP Chapter N16 - Falls Creek / Woollamia Deferred Areas – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Recommendation

That:

1. Council adopt the Falls Creek / Woollamia Deferred Areas Planning Proposal (LP406) as exhibited, with the minor changes outlined in this report and issue the second (and final) invoice to landowners, subject to confirmation that:
 - a. The owner of No. 111 Woollamia Road has surrendered the consent for three tourist cabins (DA00/2847) in accordance with MIN16.945 (part 1.b).
 - b. If the consent for DA00/2847 is not surrendered by 5 September, amend LP406 and DCP Chapter N16 to reduce the number of lots that can be subdivided from three to two in line with the other properties within the subject land.
 - c. The two invoices issued to landowners to recoup costs incurred by Council in preparing the planning proposal have been paid in full.
2. If part 1c is not fully resolved within 60 days of issuing the second invoice, remove the relevant properties from the LEP amendment and the draft Chapter N16 - Shoalhaven Development Control Plan (DCP) 2014 and refund any monies paid by the owner(s).
3. Subject to the outcome of parts 1 and 2:
 - a. Liaise with the NSW Department of Planning and Environment regarding the finalisation of the required amendment to the Shoalhaven Local Environmental Plan 2014.
 - b. Adopt the attached version of Chapter N16 of the Shoalhaven Development Control Plan 2014 and give public notice in the appropriate local newspaper/s to enable it to become effective upon commencement of the LEP amendment.
4. Ensure that funding improvements at the Jervis Bay Road / Seasongood Road intersection are considered in the FY18/19 budget.

Recommendation (Clr Guile / Clr Wells)

That:

1. Council adopt the Falls Creek / Woollamia Deferred Areas Planning Proposal (LP406) as exhibited, with the minor changes outlined in this report and issue the second (and final) invoice to landowners, subject to confirmation that:
 - a. Enable a maximum two lot subdivision at No. 111 Woollamia Road via the planning proposal by changing the exhibited 1 ha. minimum lot size to 2 ha.
 - b. Revise the DCP as follows:
 - i. Amend the suggested subdivision boundary consistent with the revised lot size
 - ii. Remove the property access road and vegetation screening details from the supporting map
 - iii. Replace acceptable solution A3.5 with a general requirement that access roads be sealed and/or screened as appropriate to mitigate impacts on adjoining residences.

- c. The two invoices issued to landowners to recoup costs incurred by Council in preparing the planning proposal have been paid in full.
2. If part 1c is not fully resolved within 60 days of issuing the second invoice, remove the relevant properties from the LEP amendment and the draft Chapter N16 - Shoalhaven Development Control Plan (DCP) 2014 and refund any monies paid by the owner(s).
3. Subject to the outcome of parts 1 and 2:
 - a. Liaise with the NSW Department of Planning and Environment regarding the finalisation of the required amendment to the Shoalhaven Local Environmental Plan 2014.
 - b. Adopt the attached version of Chapter N16 of the Shoalhaven Development Control Plan 2014 and give public notice in the appropriate local newspaper/s to enable it to become effective upon commencement of the LEP amendment.
4. Ensure that funding improvements at the Jervis Bay Road / Seasongood Road intersection are considered in the FY18/19 budget.

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

Against: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Gash)

MIN17.678

That the matter of item DE17.53 Draft Planning Agreement - Enterprise Avenue, South Nowra - Public Exhibition Outcomes and Finalisation/Execution be brought forward for consideration.

CARRIED

DE17.53 Draft Planning Agreement - Enterprise Avenue, South Nowra - Public Exhibition Outcomes and Finalisation/Execution

HPERM Ref: D17/199418

Note: Clr Watson returned to the meeting at 7:04pm

Recommendation (Item to be determined under delegated authority)

That Council:

1. Finalise and execute the Planning Agreement with the following changes:
 - a. Inclusion of contact details for Council and Palmira Holdings Pty Ltd;
 - b. Amend to Clause 36.3.1 of the Draft Planning Agreement to reference an additional development consent that the applicant has obtained;
 - c. Include the cost of drafting the Planning Agreement, including revisions; and
 - d. Include the Council processes to fund a portion of the project as agreed.
2. Prepare a draft amendment to the Shoalhaven Contributions Plan 2010 to reflect the revised costings and design for 01ROAD2149 (Enterprise Avenue) and receive a further report prior to public exhibition.
3. Continue and complete the process to acquire part of Lot 2 DP 1170503 to enable the construction works to be undertaken.

RESOLVED (Clr Wells / Clr Gash)

MIN17.679

That Council:

1. Finalise and execute the Planning Agreement with the following changes:
 - a. Inclusion of contact details for Council and Palmira Holdings Pty Ltd;
 - b. Amend to Clause 36.3.1 of the Draft Planning Agreement to reference an additional development consent that the applicant as obtained;
 - c. Include the cost of drafting the Planning Agreement, including revisions; and
 - d. Include the Council processes to fund a portion of the project as agreed.
2. Prepare a draft amendment to the Shoalhaven Contributions Plan 2010 to reflect the revised costings and design for 01ROAD2149 (Enterprise Avenue) and receive a further report prior to public exhibition.
3. Continue and complete the process to acquire part of Lot 2 DP 1170503 to enable the construction works to be undertaken.

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

Against: Nil

CARRIED

Procedural Motion - Adjournment of Meeting**RESOLVED** (Clr White / Clr Guile)

MIN17.680

That the meeting be adjourned for a period of 15 minutes.

CARRIED

Note: The meeting adjourned, the time being 7.10pm

Procedural Motion - Resumption of Meeting**RESOLVED** (Clr White)

MIN17.681

That Committee proceed with the business of the meeting the time being 7.30pm.

CARRIED

The following members were present:

Clr Patricia White - Chairperson

Clr Amanda Findley

Clr Joanna Gash

Clr John Wells

Clr Nina Cheyne

Clr Kaye Gartner

Clr Andrew Guile

Clr Mitchell Pakes

Clr Greg Watson

Clr Mark Kitchener

Clr Bob Proudfoot

Mr Russ Pigg

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Wells)

MIN17.682

That the matter of item DE17.57 Clause 4.6 Variation Report - 71 Merroo St, Bomaderry - Lot 1 DP 732712 be brought forward for consideration.

CARRIED

DE17.57 Clause 4.6 Variation Report - 71 Merroo St, Bomaderry - Lot 1 DP 732712

HPERM Ref:
D17/234650

Recommendation (Item to be determined under delegated authority)

That the Committee:

1. Confirms that pursuant to Clause 4.6 (Variation to development standards) of SLEP 2014, it supports the applicant's request to vary the maximum height of buildings limit of 11m to 12.8m; and
2. Refer the development application (DA16/2440) back to staff for determination.

RESOLVED (Clr Wells / Clr White)

MIN17.683

That the Committee:

1. Confirms that pursuant to Clause 4.6 (Variation to development standards) of SLEP 2014, it supports the applicant's request to vary the maximum height of buildings limit of 11m to 12.8m; and
2. Refer the development application (DA16/2440) back to staff for determination.

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

Against: Nil

CARRIED

Note: Clr Watson left the meeting at 7:25pm

DE17.60 Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266

HPERM Ref:
D17/230792

Clr Watson – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 - pecuniary interest declaration – as he and his wife own the property at 23 Seasongood Road, Woollamia and the decision of the Committee may impact on the value of his property – left the room and did not take part in discussion or vote.

Clr Gash – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – she was a candidate in the recent Council elections with Clr Watson – and Clr Watson issued a code of conduct against her which has been dealt with by an independent reviewer remained in the room and took part in discussion and vote.

Clr Proudfoot – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion

and vote.

Clr Pakes – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Clr Guile – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – as he and Clr Watson were both candidates on the ticket in the 2016 Council elections – remained in the room and took part in discussion and vote.

Clr Kitchener – DE17.60 - Development Application – 23 Seasongood Road, Woollamia – Lot 113A DP 15266 – non pecuniary less than significant interest declaration – Clr Watson and he are both members of the Shoalhaven Independents – remained in the room and took part in discussion and vote.

Recommendation (Item to be determined under delegated authority)

That Council resolve to refuse Development Application DA16/1433 for the Staged Construction of a Replacement Dwelling House – Stage 1 Nomination of Building Envelope and Demolition of Existing Dwelling House at Lot 113A DP 15266 No.23 Seasongood Road, Woollamia for reasons relating to:

1. The proposed building envelope is not consistent with the provisions of *Planning for Bushfire Protection 2006*;
2. The NSW Rural Fire Service does not support the building envelope in its proposed location;
3. Based on the proposal's inconsistency with *Planning for Bushfire Protection 2006* and the NSW Rural Fire Service's opposition to the development proposal, the development application is unsatisfactory with regard to Section 79BA of the Environmental Planning and Assessment Act, 1979; and
4. The development proposal is inconsistent with the draft Shoalhaven Local Environmental Plan (Planning Proposal LP406) and provisions of supporting draft Shoalhaven Development Control Plan 2014 – Amendment No.17 – draft Chapter N16 *Falls Creek / Woollamia Rural Residential Areas*.

PROCEDURAL MOTION (Clr Proudfoot / Clr Aldrick)

That the consultant, Mr Lee Carmichael be asked to address the Committee.

CARRIED

Mr Carmichael responded to statements made during the meeting by Mr Papworth in relation to the qualifications of the persons who provided a report to Council on this matter.

RESOLVED (Clr Wells / Clr Guile)

MIN17.684

That the matter be deferred until the Ordinary meeting to be held on 22 August 2017 to allow a report on an alternative solution from an appropriately accredited (BPAD – Level 3) consultant and further deliberation by the Rural Fire Service.

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

Against: Nil

CARRIED

DE17.53 Draft Planning Agreement - Enterprise Avenue, South Nowra - Public Exhibition Outcomes And Finalisation/Execution

**HPERM REF:
D17/199418**

Item dealt with earlier in the meeting see MIN17.679

DE17.54 Nowra CBD Urban Design Planning Controls - Planning Proposal and Development Control Plan Chapter - Adoption and Finalisation

**HPERM Ref:
D17/96445**

Note: Cllr Watson returned to the meeting at 8:00pm

Recommendation (Item to be determined under delegated authority)

That the Committee:-

1. Adopt the Nowra CBD Height of Buildings Planning Proposal as exhibited, with the following change:
 - a. Amend the Planning Proposal Report in respect to the number of storeys possible with a 15 metre building height limit to 4 storeys.
2. Submit the amended Planning Proposal for the Nowra CBD Height of Buildings to the NSW Parliamentary Counsel Office with instructions to prepare an amendment to Shoalhaven Local Environmental Plan 2014 under Section 59(1) of the Environmental Planning and Assessment Act 1979.
3. Adopt the draft Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter as exhibited with the following changes:
 - a. Remove the ‘Council owned land’ key from the Area Specific Controls Maps;
 - b. Reduce the area shown as “indicative consolidated deep soil zone” for the Council owned site on the corner of Worrigea Street and Berry Street in Figure 11;
 - c. Remove the proposed ‘desired future connection’ shown over privately owned land in Figure 13;
 - d. Include clarification that site coverage is calculated across a development site and on a lot by lot basis in relation to Area E1;
 - e. Amend the maximum building depth in Area E1 to 180m;
 - f. Revise the character area description of Area E1 to reflect the land uses permissible in the zone;
 - g. Revise the map ‘key’ in Figure 14 to clarify that the desired link is over privately owned land; and
 - h. Include the additional controls outlined in Attachment 3 to address active frontages and amend numbering of controls accordingly.
4. Notify the adoption of Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter in the local newspaper in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its Regulations, noting that it will commence when the related LEP Amendment is notified.
5. Repeal Chapters N8 – Nowra CBD Urban Fringe and N9 – Bulky Goods Precinct East Street Nowra in the Shoalhaven Development Control Plan 2014 in association with the commencement of the new Chapter in the DCP.
6. Advise the NSW Department of Planning and Environment (DP&E) and the people/agencies who made submissions on the Planning Proposal of Council’s resolution.

7. Separately consider the establishment of a Design Review Panel to assist in the assessment of Development Applications for certain land uses and scales within Shoalhaven through a separate report to Council.
8. Council receive a further report to consider a wider Heritage Conservation Area to the west of the Nowra CBD Commercial Core Area as part of the project that is underway in this regard.

RESOLVED (Clr Wells / Clr Gash)

MIN17.685

That the Committee:

1. Adopt the Nowra CBD Height of Buildings Planning Proposal as exhibited, with the following change:
 - a. Amend the Planning Proposal Report in respect to the number of storeys possible with a 15 metre building height limit to 4 storeys.
2. Submit the amended Planning Proposal for the Nowra CBD Height of Buildings to the NSW Parliamentary Counsel Office with instructions to prepare an amendment to Shoalhaven Local Environmental Plan 2014 under Section 59(1) of the Environmental Planning and Assessment Act 1979.
3. Adopt the draft Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter as exhibited with the following changes:
 - a. Remove the ‘Council owned land’ key from the Area Specific Controls Maps;
 - b. Reduce the area shown as “indicative consolidated deep soil zone” for the Council owned site on the corner of Worrigea Street and Berry Street in Figure 11;
 - c. Remove the proposed ‘desired future connection’ shown over privately owned land in Figure 13;
 - d. Include clarification that site coverage is calculated across a development site and on a lot by lot basis in relation to Area E1;
 - e. Amend the maximum building depth in Area E1 to 180m;
 - f. Revise the character area description of Area E1 to reflect the land uses permissible in the zone;
 - g. Revise the map ‘key’ in Figure 14 to clarify that the desired link is over privately owned land; and
 - h. Include the additional controls outlined in Attachment 3 to address active frontages and amend numbering of controls accordingly.
4. Notify the adoption of Shoalhaven Development Control Plan 2014 – Nowra CBD Urban Design Development Controls Chapter in the local newspaper in accordance with the requirement of the Environmental Planning and Assessment Act 1979 and its Regulations, noting that it will commence when the related LEP Amendment is notified.
5. Repeal Chapters N8 – Nowra CBD Urban Fringe and N9 – Bulky Goods Precinct East Street Nowra in the Shoalhaven Development Control Plan 2014 in association with the commencement of the new Chapter in the DCP.
6. Advise the NSW Department of Planning and Environment (DP&E) and the people/agencies who made submissions on the Planning Proposal of Council’s resolution.
7. Separately consider the establishment of a Design Review Panel to assist in the assessment of Development Applications for certain land uses and scales within Shoalhaven through a separate report to Council.
8. Council receive a further report to consider a wider Heritage Conservation Area to the west of the Nowra CBD Commercial Core Area as part of the project that is underway in this regard.

9. In adopting the urban design controls embodied in the current planning proposal and development control plan chapter, Council recognises the need to potentially revisit these controls should proposals come forward that have merit and are sufficiently justified.

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

AGAINST: Nil

CARRIED

DE17.55 Planning Proposal (Rezoning) - Warrah Road Bangalee - Finalisation Of Development Footprint

**HPERM REF:
D17/213879**

Item dealt with earlier in the meeting see MIN17.677.

DE17.56 Moss Vale Road North Urban Release Area - Resourcing And Funding

**HPERM REF:
D17/216422**

Item dealt with earlier in the meeting.

DE17.57 Clause 4.6 Variation Report - 71 Meroo St, Bomaderry - Lot 1 DP 732712

**HPERM REF:
D17/234650**

Item dealt with earlier in the meeting see MIN17.683

DE17.58 Development Application – 123 Forster Drive Bawley Point – Lot 3 DP 527264

**HPERM Ref:
D17/240746**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Confirm that it supports the proposed variation, under clause 4.6 of Shoalhaven Local Environment Plan 2014, to the 11m maximum building height to allow for the metal sculpture 13m in height and for the stockyards/camping area entry 11.7m in height;
2. Refer the application back to staff for determination by delegation;

RESOLVED (Clr Wells / Clr Gartner)

MIN17.686

That Council:

1. Confirm that it supports the proposed variation, under clause 4.6 of Shoalhaven Local Environment Plan 2014, to the 11m maximum building height to allow for the metal sculpture 13m in height and for the stockyards/camping area entry 11.7m in height;
2. Refer the application back to staff for determination by delegation;

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

Against: Nil

CARRIED

**DE17.59 Exhibition Outcomes - Planning Proposal LP406 and
DCP Chapter N16 - Falls Creek / Woollamia Deferred
Areas**

**HPERM REF:
D17/187131**

Item dealt with earlier in the meeting.

**DE17.60 Development Application – 23 Seasongood Road,
Woollamia – Lot 113A DP 15266**

**HPERM REF:
D17/230792**

Item dealt with earlier in the meeting see MIN17.684.

There being no further business, the meeting concluded, the time being 8.19pm.

Clr White
CHAIRPERSON