

## MINUTES OF THE DEVELOPMENT COMMITTEE

**Meeting Date:** Monday, 11 December 2017  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.05pm

The following members were present:

Clr Joanna Gash - Chairperson  
Clr Amanda Findley – left the meeting, the time being 6.28pm  
Clr Patricia White  
Clr John Levett  
Clr Nina Cheyne  
Clr Annette Alldrick  
Clr Andrew Guile  
Clr Mitchell Pakes – left the meeting the time being 6.51pm  
Clr Greg Watson  
Clr Mark Kitchener  
Clr Bob Proudfoot  
Mr Russ Pigg - General Manager

### Apologies / Leave of Absence

A Leave of Absence was previously granted for Clr Wells and apologies were received from Clr Gartner and Clr Guile.

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Cheyne) MIN17.1037

That the Minutes of the Development Committee held on Tuesday 14 November 2017 be confirmed with the following amendment:

Clr Pakes was an apology, he was noted as both an apology and as attending.

CARRIED

### Declarations of Interest

Nil

## MAYORAL MINUTES

Nil.

Note: The following achievements awarded at the NSW Local Government Conference were discussed:

- That Cllr White was awarded the Elected Members Certificate
- That Cllr Gash congratulated on Emeritus Mayor Award

## DEPUTATIONS AND PRESENTATIONS

Mr Adam Collison (representing Southern Cross Housing) provided a deputation to the Development Committee in relation to DE17.90 Exhibition Outcomes & Adoption - Shoalhaven Affordable Housing Strategy

Mr Lee Carmichael provided a deputation to the Development Committee in relation to DE17.98 DA17/1533 – 150 North Street, Berry – Lot A DP 402291

Ms Leal provided a written and verbal deputation to the Development Committee in relation to DE17.98 DA17/1533 – 150 North Street, Berry – Lot A DP 402291

Ms Jenny McDonald provided a deputation to the Development Committee in relation to DE17.99 DS17/1233 – 12 Currumbene Street, Huskisson – Lot 2 DP 662583

### Motion

**RESOLVED** (Cllr Pakes / Cllr White)

MIN17.1038

That the matters of the following items be brought forward for consideration:

- DE17.90 Exhibition Outcomes & Adoption - Shoalhaven Affordable Housing Strategy
- DE17.98 DA17/1533 – 150 North Street, Berry – Lot A DP 402291
- DE17.99 DS17/1233 – 12 Currumbene Street, Huskisson – Lot 2 DP 662583

CARRIED

## REPORTS

### DE17.90 Exhibition Outcomes & Adoption - Shoalhaven Affordable Housing Strategy

HPERM Ref:  
D17/346785

Mr Adam Collison (representing Southern Cross Housing) provided a deputation to the Development Committee in relation to this item earlier in the meeting.

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

That Council adopt the Shoalhaven Affordable Housing Strategy as exhibited (Attachment 1) with the following changes:

1. Recognise the need for culturally appropriate housing for Shoalhaven's Aboriginal community.
2. Include/amend the following definitions:
  - a. Expand the definition of 'Socially Sustainable' to include housing designed to meet the future expectations and preferences of prospective residents.

- b. Include a definition of 'affordable rental housing' which encompasses its management by a community housing provider.
3. Investigate temporary affordable housing opportunities on NSW Government land that is awaiting future development.
4. Advocate for the NSW Government to revise:
  - a. The Affordable Rental Housing State Environmental Planning Policy (SEPP) so that housing built under this SEPP remains affordable in perpetuity.
  - b. SEPP 70 Affordable Housing (Revised Schemes) to include Shoalhaven to effectively mandate provision of contributions for affordable housing where appropriate/required.
5. Provide measurable targets, where appropriate, for the relevant key performance criteria.
  - a. Specify that boarding houses should provide temporary to medium-term accommodation and that they should not become a long-term accommodation option.
  - b. Investigate the:
    - i. Inclusion of provisions in Shoalhaven Development Control Plan 2014 to incentivise the creation of land for affordable housing and provision of affordable housing generally.
    - ii. Size of secondary dwellings in Clause 5.4(9) of Shoalhaven Local Environmental Plan 2014 to ensure standards do not hinder affordability.
6. Request endorsement of the adopted Strategy by the NSW Department of Planning and Environment.
7. Advise those who made a submission and other relevant stakeholders of this resolution.
8. Continue to advance the Bomaderry Affordable Housing project which is identified in the Strategy as an initial key short term strategy and in this regard:
  - a. Thank the workshop participants for their involvement in the process and for helping to make it a success;
  - b. Invite representatives from the Property Council of Australia to brief Council on the collaborative design exercise and its outcomes; and
  - c. Consider a subsequent more detailed report that presents a partnership model to realise an affordable housing development on the Council site at 42-46 Coomea Street, Bomaderry to enable it to be considered for funding under Round No.2 of the Social and Affordable Housing Fund that opens early 2018.

**RESOLVED** (Clr Findley / Clr White)

MIN17.1039

That Council adopt the Shoalhaven Affordable Housing Strategy as exhibited (Attachment 1) with the following changes:

1. Recognise the need for culturally appropriate housing for Shoalhaven's Aboriginal community.
2. Include/amend the following definitions:
  - a. Expand the definition of 'Socially Sustainable' to include housing designed to meet the future expectations and preferences of prospective residents.
  - b. Include a definition of 'affordable rental housing' which encompasses its management by a community housing provider.
3. Investigate temporary affordable housing opportunities on NSW Government land that is awaiting future development.
4. Advocate for the NSW Government to revise:

- a. The Affordable Rental Housing State Environmental Planning Policy (SEPP) so that housing built under this SEPP remains affordable in perpetuity.
- b. SEPP 70 Affordable Housing (Revised Schemes) to include Shoalhaven to effectively mandate provision of contributions for affordable housing where appropriate/required.
5. Provide measurable targets, where appropriate, for the relevant key performance criteria.
  - a. Specify that boarding houses should provide temporary to medium-term accommodation and that they should not become a long-term accommodation option.
  - b. Investigate the:
    - i. Inclusion of provisions in Shoalhaven Development Control Plan 2014 to incentivise the creation of land for affordable housing and provision of affordable housing generally.
    - ii. Size of secondary dwellings in Clause 5.4(9) of Shoalhaven Local Environmental Plan 2014 to ensure standards do not hinder affordability.
6. Request endorsement of the adopted Strategy by the NSW Department of Planning and Environment.
7. Advise those who made a submission and other relevant stakeholders of this resolution.
8. Continue to advance the Bomaderry Affordable Housing project which is identified in the Strategy as an initial key short term strategy, thank the workshop participants for their involvement in the process that helped make it a success and Invite representatives from the Property Council of Australia (Illawarra) to brief Council on the collaborative design exercise and its outcomes.
9. Consider a subsequent more detailed report that presents a partnership model between Council and Southern Cross Housing to realise affordable housing on Council owned land, including 42-46 Coomea Street, Bomaderry and to enable an application to be submitted under Round No.2 of the NSW Social and Affordable Housing Fund that opens in early 2018.
10. Not proceed to make an application under the Building Better Regions Fund – Infrastructure Projects Stream for the ‘affordable housing/emergency housing project’ at Bomaderry (MIN17.1028) and instead submit the Paringa Park Development.

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

AGAINST: Nil

CARRIED

Note: Clr White commended Allan Baptist, Alan Blackshaw and Gordon Clark for their work on this project

**DE17.98 DA17/1533 – 150 North Street, Berry – Lot A DP 402291**

**HPERM Ref:  
D17/383769**

Mr Lee Carmichael provided a deputation to the Development Committee in relation to this item earlier in the meeting.

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

That Council resolve to refuse Development Application DA17/1533 for subdivision to create four (4) lots and construction of an attached dual occupancy on each lot at Lot A DP 402291, 150 North Street, Berry for reasons relating to:

1. The development proposes substantial departure to acceptable solution A1.1 of Control 5.1 Minimum Lot Size, Chapter G13 Dual Occupancy Development, SDCP 2014 requiring a

minimum 1000sqm for 'battle-axe' lots that accommodate dual occupancies. This departure is not considered to be acceptable in the circumstances. (Section 79C(1)(a)(iii) of Environmental Planning and Assessment Act, 1979)

2. The development is considered unsuitable having regard to inadequate provision being made for the intended dual occupancy on the 'battle-axe' lot and associated works and services; along with potential adverse residential amenity impact, particularly with regard to privacy and solar access. (Section 79C(1)(b) and (c) of Environmental Planning and Assessment Act, 1979)
3. Having regard to insufficient information being submitted with the application to satisfy the relevant provisions of Environmental Planning and Assessment Act, 1979, along with amenity impacts, the granting of development consent is not considered to be in the public interest. (Section 79C(1)(e) of Environmental Planning and Assessment Act, 1979)

**RESOLVED** (Clr Pakes / Clr White)

MIN17.1040

That the Development Committee, under its delegated authority from Council:

1. Support the 22.5% variation to the minimum lot size for the 'battle-axe' / rear lot and the reduced private recreation areas for the dual occupancies, for the Torrens title subdivision, dual occupancies and dwelling house development (DA17/1533), at Lot A in DP 402291, 150 North Street Berry on the basis that it provides additional housing choice and a suitable design consistent with the character of the Berry Township; and
2. Refer the application back to staff for determination.

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

AGAINST: Clr Levett

CARRIED

**DE17.99 DS17/1233 – 12 Currumbene Street, Huskisson – Lot 2  
DP 662583**

**HPERM Ref:  
D17/389787**

Ms Jenny McDonald provided a deputation to the Development Committee in relation to this item earlier in the meeting.

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

That Council resolve to refuse Application DS17/1233 to modify Development Consent DA15/2561 to extend stairs and lift to the rooftop (to facilitate access for maintenance) at Lot 2 DP 662583, 12 Currumbene Street, Huskisson for reasons relating to:

1. Insufficient information submitted with the application to satisfactorily demonstrate that the development (as modified) conforms to the provisions of section 96(3) of Environmental Planning and Assessment Act, 1979 in relation to consideration of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development. (Section 79C(1)(a)(i) of Environmental Planning and Assessment Act, 1979)
2. A statement by a qualified designer has not been submitted with the application to satisfy that required by clause 115(3A) of Environmental Planning and Assessment Regulation, 2000. (Section 79C(1)(a)(iv) of Environmental Planning and Assessment Act, 1979)
3. The development (as modified) is considered unsuitable having regard to potential adverse amenity impacts including visual impact and residential amenity, including privacy and solar access. (Section 79C(1)(b) and (c) of Environmental Planning and Assessment Act, 1979)
4. Having regard to insufficient information being submitted with the application to satisfy the relevant provisions of Environmental Planning and Assessment Act, 1979 and Environmental Planning and Assessment Regulation, 2000, along with amenity impacts, the granting of

modification to Development Consent DA15/2561 is not considered to be in the public interest.  
(Section 79C(1)(e) of Environmental Planning and Assessment Act, 1979)

Note: Cllr Findley left the meeting the time being 6.28pm.

**RESOLVED** (Cllr Watson / Cllr Levett)

MIN17.1041

That the report DS17/1233 – 12 Currumbene Street, Huskisson – Lot 2 DP 662583 be received for information as the application has been withdrawn.

FOR: Cllr Gash, Cllr White, Cllr Levett, Cllr Cheyne, Cllr Aldrick, Cllr Pakes, Cllr Watson, Cllr Kitchener, Cllr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.91 Establishment of a Design Review Panel for Shoalhaven**

**HPERM Ref:  
D17/364387**

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

That Council:

1. Resolve to proceed to establish a Design Review Panel for Shoalhaven.
2. Explore the possibility of establishing a joint Design Review Panel for the Illawarra-Shoalhaven region.
3. Apply the Design Review Panel to all development citywide that is covered under State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and development in the Nowra and Ulladulla CBD's that is at least 3 or more storeys in height.
4. Endorse the nine (9) Design Quality Principles defined in Attachment 1 for the consideration of development referred to the Design Review Panel.
5. Receive a subsequent report on the Terms of Reference and proposed budget and fee structure for the Design Review Panel.

**RESOLVED** (Cllr Watson / Cllr White)

MIN17.1042

That Council:

1. Supports in principle the establishment of a Design Review Panel for Shoalhaven subject to receiving the report outlined in number 5.
2. Explore the possibility of establishing a joint Design Review Panel for the Illawarra-Shoalhaven region.
3. Apply the Design Review Panel to all development citywide that is covered under State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and development in the Nowra and Ulladulla CBD's that is at least 3 or more storeys in height.
4. Endorse the nine (9) Design Quality Principles defined in Attachment 1 for the consideration of development referred to the Design Review Panel.
5. Receive a subsequent report on the Terms of Reference and proposed budget and fee structure for the Design Review Panel.

FOR: Cllr Gash, Cllr White, Cllr Levett, Cllr Cheyne, Cllr Aldrick, Cllr Pakes, Cllr Watson, Cllr Kitchener, Cllr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.92 Proposed Submission - Repeal of two operational State Environmental Planning Policies**

**HPERM Ref:  
D17/374106**

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

That Council make a submission to the NSW Department of Planning & Environment on the proposed repeal of the *State Environmental Planning Policy No. 1 – Development Standards* and *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* based on the content of this report.

Note: Clr Pakes left the meeting the time being 6.51pm.

**RESOLVED** (Clr Watson / Clr Alldrick)

MIN17.1043

That Council make a submission to the NSW Department of Planning & Environment on the proposed repeal of the *State Environmental Planning Policy No. 1 – Development Standards* and *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* based on the content of this report.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.93 Exhibition Outcomes/Finalisation - Draft Amendment No. 21 - Shoalhaven Development Control Plan 2014 - Chapter G4: Tree and Vegetation Management**

**HPERM Ref:  
D17/374917**

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

That Council:

1. Adopt Amendment No. 21 to Shoalhaven Development Control Plan 2014 as exhibited, with minor amendments as outlined in this report.
2. Notify the adoption of Amendment No.21 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; and
3. Notify the NSW Department of Planning & Environment of the adoption of Amendment No.21 to Shoalhaven Development Control Plan 2014.

**RESOLVED** (Clr Watson / Clr White)

MIN17.1044

That Council:

1. Adopt Amendment No. 21 to Shoalhaven Development Control Plan 2014 as exhibited, with minor amendments as outlined in this report.
2. Notify the adoption of Amendment No.21 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; and
3. Notify the NSW Department of Planning & Environment of the adoption of Amendment No.21 to Shoalhaven Development Control Plan 2014.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener,

Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.94 Moss Vale Road South Urban Release Area - Proposed Public Exhibition - Planning Proposal, Development Control Plan and Contributions Plan**

**HPERM Ref:  
D17/375583**

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

That Council:

1. Proceed to publicly exhibit in accordance with relevant legislation the Planning Proposal, Draft Development Control Plan Chapter and Contributions Plan as a package for the Moss Vale Road South Urban Release Area for a minimum of 54 days.
2. Advise landowners, relevant Community Consultative Bodies and the NSW Office of Environment and Heritage of the public exhibition.
3. Receive a further report after the public exhibition period.

**RESOLVED** (Clr Watson / Clr Cheyne)

MIN17.1045

That Council:

1. Proceed to publicly exhibit in accordance with relevant legislation the Planning Proposal, Draft Development Control Plan Chapter and Contributions Plan as a package for the Moss Vale Road South Urban Release Area for a minimum of 54 days.
2. Advise landowners, relevant Community Consultative Bodies and the NSW Office of Environment and Heritage of the public exhibition.
3. Receive a further report after the public exhibition period.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener,  
Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.95 Proposed Submission - Proposed Amendment to Bulky Goods Premise Definition - Standard Instrument LEP**

**HPERM Ref:  
D17/376937**

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

That Council:

1. Make a submission to the NSW Department of Planning and Environment on the proposed amendment to the Standard Instrument Local Environmental Plan definition of 'bulky goods premises' based on the following issues:
  - a. The potential safety and traffic issues associated with the removal of the requirement to provide loading facilities; and
  - b. The potential for small format 'bulky goods premises' in industrial areas to impact on the viability of retail centres and the availability of industrial land; and
  - c. Request that a change to the definition is to be pursued that they consider retaining the requirement to have a large floor area, and introduce flexibility with the inclusion of the following wording (or similar): 'and may or may not include direct vehicular access to the



site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire’.

2. Should the definition of ‘bulky goods premises’ be amended as exhibited, as a separate exercise, Council reconsider the appropriateness of ‘bulky goods premises’ as a permissible use in the IN1 General Industrial and IN2 Light Industrial zones in the Shoalhaven Local Environmental Plan 2014.

**RESOLVED** (Clr Watson / Clr White)

MIN17.1046

That Council:

1. Make a submission to the NSW Department of Planning and Environment on the proposed amendment to the Standard Instrument Local Environmental Plan definition of ‘bulky goods premises’ based on the following issues:
  - a. The potential safety and traffic issues associated with the removal of the requirement to provide loading facilities; and
  - b. The potential for small format ‘bulky goods premises’ in industrial areas to impact on the viability of retail centres and the availability of industrial land; and
  - c. Request that a change to the definition is to be pursued that they consider retaining the requirement to have a large floor area, and introduce flexibility with the inclusion of the following wording (or similar): ‘and may or may not include direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire’.
2. Should the definition of ‘bulky goods premises’ be amended as exhibited, as a separate exercise, the General Manager reconsider the appropriateness of ‘bulky goods premises’ as a permissible use in the IN1 General Industrial and IN2 Light Industrial zones in the Shoalhaven Local Environmental Plan 2014 and report back to council if necessary.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.96 Proposed Submission - SEPP Review Program - Primary Production and Rural Development Planning Reform Package**

**HPERM Ref: D17/380097**

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

That Council make a submission to the NSW Department of Planning and Environment on the Primary Production and Rural Development Explanation of Intended Effect and Draft Planning Guidelines – Intensive Livestock Agriculture Development based on the issues outlined in **Attachment 1** to this report.

**RESOLVED** (Clr Watson / Clr Proudfoot)

MIN17.1047

That Council make a submission to the NSW Department of Planning and Environment on the Primary Production and Rural Development Explanation of Intended Effect and Draft Planning Guidelines – Intensive Livestock Agriculture Development based on the issues outlined in **Attachment 1** to this report.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.97 Proposed Submission - Proposed SEPP (Environment)**

**HPERM Ref:  
D17/382647**

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

That Council make a submission to the NSW Department of Planning & Environment on the proposed *State Environmental Planning Policy (Environment)* based on the content of this report.

**RESOLVED** (Clr Watson / Clr White)

MIN17.1048

That Council make a submission to the NSW Department of Planning & Environment on the proposed *State Environmental Planning Policy (Environment)* based on the content of this report.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener,  
Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE17.98 DA17/1533 – 150 North Street, Berry – Lot A DP 402291**

**HPERM REF:  
D17/383769**

Item dealt with earlier in the meeting see MIN17.1040.

**DE17.99 DS17/1233 – 12 Currumbene Street, Huskisson – Lot 2  
DP 662583**

**HPERM REF:  
D17/389787**

Item dealt with earlier in the meeting see MIN17.1041.

**DE17.100 DA17/1904 – Moss Vale Road & Broughton Street,  
Kangaroo Valley – Lot 1 DP 775132 & Lot 2 DP 748146**

**HPERM Ref:  
D17/397201**

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

That Development Application DA17/1904 for alterations and additions to the Rural Fire Service Brigade Station at Lot 1 DP 775132 and Lot 2 DP 748146, Moss Vale Road and Broughton Street, Kangaroo Valley be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

**RESOLVED** (Clr Proudfoot / Clr Alldrick)

MIN17.1049

That Development Application DA17/1904 for alterations and additions to the Rural Fire Service Brigade Station at Lot 1 DP 775132 and Lot 2 DP 748146, Moss Vale Road and Broughton Street, Kangaroo Valley be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

FOR: Clr Gash, Clr White, Clr Levett, Clr Cheyne, Clr Alldrick, Clr Watson, Clr Kitchener,  
Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 7.04pm.

Clr Gash  
CHAIRPERSON