

## MINUTES OF THE DEVELOPMENT COMMITTEE

**Meeting Date:** Tuesday, 13 February 2018  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.02pm

The following members were present:

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

### Apologies / Leave of Absence

Apologies were received from Clr Guile and Clr Alldrick.

### Confirmation of the Minutes

**RESOLVED** (Clr Wells / Clr White) MIN18.77

That the Minutes of the Development Committee held on Monday 22 January 2018 be confirmed.

CARRIED

### Declarations of Interest

Clr Watson – less than significant non pecuniary declaration of interest - DE18.8 Worrowing Heights Precinct Plan and Strategic Directions Report - Public Exhibition Outcomes – Clr Watson may be called in as a witness to matters in court that are alleged to involve one of the property owners — will leave room and will not take part in the discussion or vote.

## DEPUTATIONS AND PRESENTATIONS

Mr Daniel McConell addressed the Committee in relation to DE18.8 Worrowing Heights Precinct Plan and Strategic Directions Report - Public Exhibition Outcomes

Mr Gavin Maberly-Smith – representing Rest Point Holdings P/L addressed the Committee in relation to DE18.10 Planning Proposal - 9 Browns Road South Nowra – Caravan Park

Mr John Willmott – representing Mr Babington addressed the Committee in relation to DE18.11 Planning Proposal - Building Height Review - Southern Part of Ulladulla CBD

Dr Morgan Sant addressed the Committee in relation to DE18.12 Aboriginal Land Claims 7780, 7781 and 41110 – Rose Street, Hyams Beach

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Pakes / Clr Proudfoot)

MIN18.78

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

- DE18.8 Worrowing Heights Precinct Plan and Strategic Directions Report - Public Exhibition Outcomes
- DE18.10 Planning Proposal - 9 Browns Road South Nowra – Caravan Park
- DE18.11 Planning Proposal - Building Height Review - Southern Part of Ulladulla CBD
- DE18.12 Aboriginal Land Claims 7780, 7781 and 41110 – Rose Street, Hyams Beach

CARRIED

**DE18.8 Worrowing Heights Precinct Plan and Strategic  
Directions Report - Public Exhibition Outcomes**

**HPERM Ref:  
D17/392947**

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

That

1. Council receive the submissions provided in respect of the draft Worrowing Heights Precinct Plan and Strategic Directions Report for information.
2. Council adopt the Worrowing Heights Precinct Plan and Strategic Directions Report as exhibited and with the following changes:
  - a. Insert a new section “2.2 Regional Context” including an explanation of the Illawarra-Shoalhaven Regional Plan and Jervis Bay Settlement Strategy;
  - b. Insert comments with respect to European, Australian and Aboriginal Cultural Heritage within Section 2.4.1 General Features – Land Use Planning;
  - c. Insert comments with respect to biodiversity values and corridors within Section 2.4.3 Precinct Flora and Fauna;
  - d. Insert comments with respect to environmental impacts of bushfire hazard risk management within Section 2.4.4 Bushfire;
  - e. Revise Figure 9: Preferred Precinct Plan to note that the retention of habitat/biodiversity corridor (width and extent) and the extent and nature of any developable land will be subject to the outcome of detailed studies; and
  - f. Insert two extra Suggested Additional Detailed Studies within Section 4.4; Aboriginal Cultural Heritage Assessment and European & Australian Cultural Heritage Assessment.
3. Council write to the NSW Department of Planning & Environment to seek endorsement of the

## Worowing Heights Precinct Plan and Strategic Directions Report.

4. The review of the Jervis Bay Settlement Strategy continues to be undertaken in accordance with Council's adopted Strategic Planning works program and as part of this consider the incorporation of the Worowing Heights Precinct Plan and Strategic Directions Report as an input into the review of the Jervis Bay Settlement Strategy.
5. The proponent initiated request for Planning Proposal for 1310 Naval College Road, Worowing Heights, which seeks to amend Shoalhaven Local Environmental Plan 2014 to change the zone from RU2 Rural Landscape to SP3 Tourist and increase the height limit to 18 metres to enable the development of a six-storey hotel resort/serviced apartment complex not be supported by Council.
6. Council advise landowners, submitters and State Government Agencies to the Draft Worowing Heights Precinct Plan and Strategic Directions Report of Council's resolution in this regard.

**RESOLVED** (Clr Gartner / Clr Cheyne)

MIN18.79

That:

1. Council receive the submissions provided in respect of the draft Worowing Heights Precinct Plan and Strategic Directions Report for information.
2. Council adopt the Worowing Heights Precinct Plan and Strategic Directions Report as exhibited and with the following changes:
  - a. Insert a new section "2.2 Regional Context" including an explanation of the Illawarra-Shoalhaven Regional Plan and Jervis Bay Settlement Strategy;
  - b. Insert comments with respect to European, Australian and Aboriginal Cultural Heritage within Section 2.4.1 General Features – Land Use Planning;
  - c. Insert comments with respect to biodiversity values and corridors within Section 2.4.3 Precinct Flora and Fauna;
  - d. Insert comments with respect to environmental impacts of bushfire hazard risk management within Section 2.4.4 Bushfire;
  - e. Revise Figure 9: Preferred Precinct Plan to note that the retention of habitat/biodiversity corridor (width and extent) and the extent and nature of any developable land will be subject to the outcome of detailed studies; and
  - f. Insert two extra Suggested Additional Detailed Studies within Section 4.4; Aboriginal Cultural Heritage Assessment and European & Australian Cultural Heritage Assessment.
3. Council write to the NSW Department of Planning & Environment to seek endorsement of the Worowing Heights Precinct Plan and Strategic Directions Report.
4. The review of the Jervis Bay Settlement Strategy continue to be undertaken in accordance with Council's adopted Strategic Planning works program and as part of this consider the incorporation of the Worowing Heights Precinct Plan and Strategic Directions Report as an input into the review of the Jervis Bay Settlement Strategy.
5. Council to defer consideration of the Planning Proposal for 1310 Naval College Road, Worowing Heights, to enable the matter to be discussed with the proponent.
6. Council advise landowners, submitters and State Government Agencies to the Draft Worowing Heights Precinct Plan and Strategic Directions Report of Council's resolution in this regard.

Clr Watson – less than significant non pecuniary declaration of interest - DE18.8 Worowing Heights Precinct Plan and Strategic Directions Report - Public Exhibition Outcomes – Clr Watson may be called in as a witness to matters in court that are alleged to involve one of the property

owners — will leave room and will not take part in the discussion or vote.

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

AGAINST: Clr Kitchener

CARRIED

**DE18.10 Planning Proposal Request - Proponent Initiated - 9  
Browns Road, South Nowra - Caravan Park**

**HPERM Ref:  
D17/421697**

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

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to permit caravan parks as an additional permitted use for Lot 1 DP 1079345, No. 9 Browns Road South Nowra.
2. Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and if granted proceed to exhibition in accordance with its requirements, following which the matter be reported back to Council.
3. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of any necessary specialist studies be borne by the proponent.

**RESOLVED** (Clr Cheyne / Clr Gartner)

MIN18.80

That Council:

1. Prepare a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014 to permit caravan parks as an additional permitted use for Lot 1 DP 1079345, No. 9 Browns Road South Nowra.
2. Forward this Planning Proposal to the NSW Department of Planning and Environment for a Gateway determination and if granted proceed to exhibition in accordance with its requirements, following which the matter be reported back to Council.
3. Advise the proponent of this resolution and that the proposal will be subject to fees and charges for proponent initiated Planning Proposals, including a requirement that the full cost of any necessary specialist studies be borne by the proponent.

Note: Clr Watson returned to the meeting, the time being 6.11pm.

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

AGAINST: Nil

CARRIED

**DE18.11 Planning Proposal - Building Height Review - Southern  
Part of Ulladulla CBD**

**HPERM Ref:  
D18/17734**

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

That Council:

1. Endorse Planning Proposal (PP030) Building Height Review – Southern Part of Ulladulla CBD (**Attachment 1**) and submit to the NSW Department of Planning & Environment for a Gateway determination.

2. Notify Ulladulla & Districts Community Forum, affected landowners and key stakeholders of this decision and of further opportunities to be involved as this matter progresses.

**RESOLVED** (Clr White / Clr Gash)

MIN18.81

That Council:

1. Endorse Planning Proposal (PP030) Building Height Review – Southern Part of Ulladulla CBD (**Attachment 1**) with the following change:
  - a) Include the land that is covered by the proponent initiated PP025 (i.e. land known as Lots 1-7, 9 DP 21597 and Lot CP SP 42583, St Vincent and Deering Streets, Ulladulla) with a mapped height of 11m in line with the outcomes of the Review of Building Heights Report endorsed by Council on 14 November 2017 (MIN17.954).
2. Submit the modified Planning Proposal to the NSW Department of Planning & Environment for a Gateway determination.
3. Notify Ulladulla & Districts Community Forum, affected landowners and key stakeholders of this decision and of further opportunities to be involved as this matter progresses.

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

AGAINST: Nil

CARRIED

**DE18.12 Aboriginal Land Claims Numbers 7780, 7781 and 41110 -  
Rose Street, Hyams Beach**

**HPERM Ref:  
D18/18069**

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

That Council notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that Council:

1. Does not support the granting of ALC Numbers 7780 and 7781 over Lot 79 DP 755907 and two Part Lots 78 DP 755907 at Rose Street, Hyams Beach.
2. Has no objection to the granting of ALC Number 41110 over the two Part Lots 78 DP 755907 at Rose Street, Hyams Beach, subject to any agreements, easements of rights of way required by Council being excluded from the claims, or being resolved as part of the determination of the Claim.

**RESOLVED** (Clr Watson / Clr Pakes)

MIN18.82

That Council

1. Notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that Council:
  - a. Does not support the granting of ALC Numbers 7780 and 7781 over Lot 79 DP 755907 and two Part Lots 78 DP 755907 at Rose Street, Hyams Beach.
  - b. Has no objection to the granting of ALC Number 41110 over the two Part Lots 78 DP 755907 at Rose Street, Hyams Beach, subject to any agreements, easements of rights of way required by Council being excluded from the claims, or being resolved as part of the determination of the Claim.
2. Once the land claim has been dealt with, that the General Manager immediately report back to Council

- a. On the options to change the reservation to permit community use over Lot 79
- b. Opportunities to appoint a community group to undertake the restoration and renovations of the building

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

AGAINST: Clr Cheyne and Clr Gartner

CARRIED

## REPORTS

<b>DE18.7</b>	<b>Proposed Submission - Draft Greener Places Policy</b>	<b>HPERM Ref: D18/19106</b>
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### **Recommendation (Item to be determined under delegated authority)**

That Council make a submission to the Government Architect NSW on the draft *Greener Places* policy based on the content of this report.

**RESOLVED** (Clr Findley / Clr Wells) MIN18.83

That Council make a submission to the Government Architect NSW on the draft *Greener Places* policy based on the content of this report.

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

AGAINST: Clr Pakes

CARRIED

<b>DE18.8</b>	<b>WORROWING HEIGHTS PRECINCT PLAN AND STRATEGIC DIRECTIONS REPORT - PUBLIC EXHIBITION OUTCOMES</b>	<b>HPERM REF: D17/392947</b>
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Item dealt with earlier in the meeting see MIN18.79

<b>DE18.9</b>	<b>Shoalhaven DCP 2014 - Amendment No. 8 - Flood Chapters G9 and G10</b>	<b>HPERM Ref: D17/419590</b>
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### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Adopt for exhibition purposes draft Amendment No. 8 to Shoalhaven Development Control Plan 2014 which includes amendments to Chapter 9 Development on Flood Prone Land, Chapter G10 Caravan Parks in Flood Prone Areas, and the Dictionary (detailed in Attachment 1); and
2. Exhibit the draft Amendment together with the associated Planning Proposal (PP012) – Review of Flood Controls for a minimum period of 28 days in accordance with legislation; and
3. Receive a further report after public exhibition to consider any submissions and to adopt the amendment for finalisation.

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

MIN18.84

That Council:

1. Adopt for exhibition purposes draft Amendment No. 8 to Shoalhaven Development Control Plan 2014 which includes amendments to Chapter 9 Development on Flood Prone Land, Chapter G10 Caravan Parks in Flood Prone Areas, and the Dictionary (detailed in Attachment 1); and
2. Exhibit the draft Amendment together with the associated Planning Proposal (PP012) – Review of Flood Controls for a minimum period of 28 days in accordance with legislation; and
3. Receive a further report after public exhibition to consider any submissions and to adopt the amendment for finalisation.

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

AGAINST: Clr Pakes and Clr Watson

CARRIED

**DE18.10 PLANNING PROPOSAL REQUEST - PROPONENT INITIATED - 9 BROWNS ROAD, SOUTH NOWRA - CARAVAN PARK**

**HPERM REF: D17/421697**

Item dealt with earlier in the meeting see MIN18.80

**DE18.11 PLANNING PROPOSAL - BUILDING HEIGHT REVIEW - SOUTHERN PART OF ULLADULLA CBD**

**HPERM REF: D18/17734**

Item dealt with earlier in the meeting see MIN18.81

**DE18.12 ABORIGINAL LAND CLAIMS NUMBERS 7780, 7781 AND 41110 - ROSE STREET, HYAMS BEACH**

**HPERM REF: D18/18069**

Item dealt with earlier in the meeting see MIN18.82

**DE18.13 Development Application DA17/1958 – 99 Sunset Strip, Manyana – Lot 115 DP 31711**

**HPERM Ref: D18/23344**

### **Recommendation**

That the Development Committee recommends:

1. Council exercise the Secretary's assumed concurrence under clause 4.6 and support the 60% variation to the maximum building height development standard of 7.5m set by clause 4.3 of Shoalhaven LEP 2014 for alterations and additions to existing residence on Lot 115 DP 31711, 99 Sunset Strip, Manyana to a maximum building height of 12m;
2. The application be referred back to staff for determination.

**RECOMMENDATION** (Clr Wells / Clr White)

That the Development Committee recommends:

1. Council exercise the Secretary's assumed concurrence under clause 4.6 and support the 60% variation to the maximum building height development standard of 7.5m set by clause 4.3 of Shoalhaven LEP 2014 for alterations and additions to existing residence on Lot 115 DP 31711, 99 Sunset Strip, Manyana to a maximum building height of 12m;
2. The application be referred back to staff for determination.

CARRIED

**DE18.14 Development Application – 56 Red Gum Drive Ulladulla  
– Lot 506 DP 1235307**

**HPERM Ref:  
D18/24118**

**Recommendation**

That the Development Committee recommends that:

1. Council exercise the Secretary's assumed concurrence under clause 4.6 and support the 11.3% variation to the 500m<sup>2</sup> minimum lot size set by clause 4.1 of Shoalhaven Local Environmental Plan 2014 for Lot 2 at 443.6 m<sup>2</sup> (555.7m<sup>2</sup> with the access handle) for subdivision of the dual occupancy to be erected at Lot 506 DP 1235307, 56 Red Gum Drive Ulladulla; and
2. The mapping anomaly in relation to clause 4.1A in this location is included in a future housekeeping planning proposal to amend Shoalhaven Local Environmental Plan 2014; and
3. The application be referred back to staff for determination.

**RECOMMENDATION (Clr Wells / Clr White)**

That the Development Committee recommends that:

1. Council exercise the Secretary's assumed concurrence under clause 4.6 and support the 11.3% variation to the 500m<sup>2</sup> minimum lot size set by clause 4.1 of Shoalhaven Local Environmental Plan 2014 for Lot 2 at 443.6 m<sup>2</sup> (555.7m<sup>2</sup> with the access handle) for subdivision of the dual occupancy to be erected at Lot 506 DP 1235307, 56 Red Gum Drive Ulladulla; and
2. The mapping anomaly in relation to clause 4.1A in this location is included in a future housekeeping planning proposal to amend Shoalhaven Local Environmental Plan 2014; and
3. The application be referred back to staff for determination.

CARRIED

There being no further business, the meeting concluded, the time being 6.49pm.

Clr Gash  
CHAIRPERSON