

## Regional Development Committee

**Meeting Date:** Tuesday, 26 April, 2022  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

**Please note:** Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

### Agenda

1. **Apologies**
2. **Confirmation of Minutes**
  - Regional Development Committee - 27 July 2021 .....1
3. **Declarations of Interest**
4. **Reports**
  - RD22.1 RA17/1000 - Anson Street St Georges Basin - Lot 1 & 6 DP 1082382  
- Concept Development Application .....3
  - RD22.2 SF10633 - 169 Hockeys Lane (Lot 1 DP 1281124), 121 Taylors Lane  
(Lot 2 DP 1281124) - Lot 5 DP 1256748 Taylors Lane - Cambewarra  
- Staged residential subdivision to create 126 Torrens Title allotments .....10

**Membership**

Clr Findley - Chairperson

All Councillors

Chief Executive Officer or nominee

**Quorum** – Three (3)

**Objective:**

To Consider staff reports sent to the Southern Regional Planning Panel

**Delegated Authority:**

To make determinations in support or otherwise in relation to reports sent to the Southern Regional Planning Panel, including making representations to the Southern Regional Planning Panel.

# MINUTES OF THE REGIONAL DEVELOPMENT COMMITTEE

**Meeting Date:** Tuesday, 27 July 2021  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 4.01pm

The following members were present:

Clr Mitchell Pakes - Chairperson  
Clr Amanda Findley  
Clr Joanna Gash  
Clr Nina Digiglio  
Clr Kaye Gartner  
Clr Mark Kitchener  
Clr John Levett  
Clr John Wells  
Mr Stephen Dunshea - Chief Executive Officer

## Apologies / Leave of Absence

Apologies were received from Clr Watson, Clr Guile & Clr Proudfoot.

## Confirmation of the Minutes

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

That the Minutes of the Regional Development Committee held on Tuesday 08 December 2020 be confirmed.

CARRIED

## Declarations of Interest

Nil.

## DEPUTATIONS AND PRESENTATIONS

### **RD21.1 – 135 Wogamia Road Longreach – Part Lot 2 DP 865094 – Expansion of Quarrying and Composting Facility**

Mr Neal Marshall addressed the meeting and spoke against the recommendation.

### **RD21.1 – 135 Wogamia Road Longreach – Part Lot 2 DP 865094 – Expansion of Quarrying and Composting Facility**

Mr David Schumacher representing Soilco Pty Ltd addressed the meeting and spoke for the recommendation.

## REPORTS

|        |   |                              |
|--------|---|------------------------------|
| RD21.1 | <b>RA20/1001 - 135 Wogamia Rd Longreach - Part Lot 2 DP 865094 - Expansion of Quarrying and Composting Facility</b> | <b>HPERM Ref: D21/305352</b> |
|--------|---|------------------------------|

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

The report and determination document are submitted for consideration.

### **RESOLVED** (Clr Wells / Clr Gash)

That Council support the staff recommendation to the Southern Regional Planning Panel (SRPP) for approval of the application with the request that the SRPP particularly review recommended hours of operation and speed limitations in response to resident representation.

FOR: Clr Findley, Clr Gash, Clr Digiglio, Clr Gartner, Clr Kitchener, Clr Wells, Stephen Dunshea

AGAINST: Clr Pakes and Clr Levett

CARRIED

There being no further business, the meeting concluded, the time being 5:02pm.

Clr Mitchell Pakes  
CHAIRPERSON

## **RD22.1 RA17/1000 - Anson Street St Georges Basin - Lot 1 & 6 DP 1082382 - Concept Development Application**

**HPERM Ref:** D22/163122

**Department:** Development Services

**Approver:** James Ruprai, Director - City Development

**Attachments:** 1. Section 4.15 Planning Assessment Report (under separate cover) [⇒](#)  
2. Concept Masterplan Plans and Yield Analysis (under separate cover) [⇒](#)

### **Reason for Report**

To review the section 4.15 assessment report and determination prepared by Council staff which has been submitted to the Southern Regional Planning Panel for consideration at its meeting on 4 May 2022.

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

The report and determination document are submitted for consideration.

### **Options**

1. Support the staff recommendation to the Southern Regional Planning Panel (SRPP) for refusal of the application and advise the SRPP accordingly.

Implications: The recommendation would be provided to the SRPP for their information as part of their consideration of the regional application.

2. Make an alternative resolution and make a separate submission to the SRPP.

Implications: The alternative resolution would be provided to the SRPP for their consideration. The SRPP will be the determining authority for the application.

## Location map



Figure 1. Aerial site photo

## Background

### (a) Application History

Since lodgement on 30 March 2017, the application was the subject of a “Deemed Refusal” appeal in the Land and Environment Court. The proceedings were however discontinued, leaving the application undetermined. To resolve the application, the application is now reported to the Regional Planning Panel to finalise the matter.

### (b) Proposed Development

#### • Concept Development Application

The application as lodged sought consent for a staged development application under then Section 4.22 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) seeking consent for maximum building envelopes, land uses including estimated apartment unit mix, allocation of parking across the site and minor adjustments to property boundaries to facilitate the siting of proposed buildings.

In accordance with the requirements of this section of the EP&A Act, the application seeks consent for the Concept Master Plan (CMP) across the site for 15 new buildings as shown at **Figure 2**. The submitted Statement of Environmental Effects (SEE) states, “*detailed proposals for each of the buildings identified in the [concept DA to] be the subject of separate development applications and will contain more details associated with these subsequent stages of the application*” (p.9).

The applicant has requested that the proposal be treated as a concept DA, however it is noted that it has not set out detailed proposals for the first stage of development nor does it seek consent for the staging of any future development for the site.





Figure 2. Site Plan of proposed development with Building Footprint (Dwg No. M02, Revision D, 17-Jul-20)

RD22.1

- **Proposed concept masterplan (as amended)**

The concept masterplan makes provision for a total of 15 buildings:

- One (1) building comprising a mixture of lower level commercial (retail and business premises) & upper level shop top housing (Building J); and
- Fourteen (14) residential flat buildings containing a mixture of 1, 2 and 3 bedroom apartments.

The two buildings which form part of the concept masterplan, described as Buildings A & B, have received separate development consent (Development Consent No DA16/1830). These buildings are four storey residential apartment buildings comprising a total of 54 residential units (2 x 1 bedroom units, 19 x 2 bedroom units, and 33 x 3 bedroom units) and two levels of basement parking providing car parking for 100 vehicles and 2 car wash bays. It is noted Buildings A & B were approved by the Land and Environment Court with a height of 13m which was compliant with the applicable maximum height controls at the time.

The other 13 buildings are estimated to provide:

- approximately 14 x 1 bedroom apartments;
- approximately 92 x 2 bedroom apartments;
- approximately 131 x 3 bedroom apartments;
- an approximate total of 237 apartments;
- one ground floor level of retail/commercial use, approximately 1990m<sup>2</sup> in gross floor area;
- 485 car parking spaces (419 residential, 66 retail/commercial).

The indicative buildings will vary in height between 2 storeys to 4 storeys. as follows:

- Buildings A and B (approved) - 4 storeys;
- Buildings C, D, E, F, G, H, I, K, L, M, N, O – 3 storeys;
- Building J – 2 storeys.

The proposal also includes minor boundary adjustments of the subdivision allotments approved under SF10111. These adjustments are proposed to ensure building separation compliance under the Apartment Design Guideline (ADG).

### **Subject Land and Surrounds**

The subject site is located to the south of the St Georges Basin village, and has frontage to Anson Street and Crowea Street. The site is made up of two allotments, Lots 1 and 6 DP 1082382 which are separated by Anson Street.

The subject land comprises two rectangular parcels of land that are severed by Anson Street. The site comprises an area of 3.59 hectares (lot 1 being 1.62ha and lot 6 being 1.97ha).

The site consists of largely cleared of understorey vegetation and most trees. There are scattered trees and isolated patches of undisturbed vegetation. The site contains a local population of *Melaleuca Biconvexa*, a threatened species under the NSW *Biodiversity Conservation Act 2016*.

There are no buildings on the site except a metal shed which is located on the western boundary of lot 1.

The site is located adjacent to the St Georges Basin town centre which is located generally north of the subject land along Island Point Road.

The surrounding development comprises of the following:

- To the north: Forested vegetation.
- To the east: Residential development with the predominant residential housing being typified by single detached dwellings on individual allotments.



- To the south: A manufactured home estate.
- To the west of Lot 6: Predominantly detached single dwelling houses.
- To the west of Lot 1: A mix of commercial and industrial development with buildings limited to two storeys in height.

### Community Engagement

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on two occasions, the first being from 12 April to 15 May 2017 (Rev A plans). In response 250 submissions were received by Council, objecting to or raising concerns with the proposal. A further notification of the amended proposal was undertaken from 11 August 2020 to 11 September 2020 (Rev B plans) as part of the court appeal process. In response 83 submissions were received to the second notification of the application.

Key objections in both instances relate to:

- Development is out of character with the Basin area.
- Traffic impacts – safety, increased volume.
- Lack of public transport.
- Adverse visual impact.
- Appearance.
- Unsuitable development that sets a precedent.
- Adverse environmental impacts on the Basin and local flora and fauna.
- Adverse social impacts due to significant population increase in the area
- Lack of adequate utilities and facilities including water supply, sewage, transport, school and roads.
- Increase and changes in flow of storm water that would adversely impact the Basin.
- Does not meet the requirement of SEPP 65 in that the proposed development does not respond to or enhance the quality and identity of the area.
- Does not meet the requirements of SEPP 71.
- Adverse impact on the visual amenity and scenic qualities of the area.
- Overshadowing on neighbouring properties.
- Inadequate parking for residents and visitors.
- Loss of privacy.

### Financial Implications

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending any appeal in the Land and Environment Court, should the applicant utilise appeal rights afforded under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

### Risk Implications

Pursuant to section 8.2 of the EP&A Act, a decision of the SRPP may be the subject of a review by the applicant in the event of approval or refusal. If such a review is ultimately pursued, the matter would be put to the SRPP for consideration.

Alternatively, an applicant may also appeal to the Court against the determination pursuant to section 8.7 of the EP&A Act.

### Summary and Conclusion

This application has been assessed having regard for section 4.15 (Matters for consideration) under the EP&A Act. Based upon the recommendations of the s4.15

Assessment Report (**Attachment 1**), Development Application No. RA17/1001 be refused for the following reasons:

1. The application will have adverse impacts when considering the likely impacts of the critical matters to be assessed for the subject concept development application (s4.22(5) of the EPA Act).
  - (a) Compliance with the respective environmental planning instruments applying to the site;
  - (b) The visual compatibility of the development to surrounding development and neighbourhood character;
  - (c) Traffic impacts from the proposed parking spaces and the development's siting within the road network;
  - (d) The impact of the development on surrounding properties and the public domain;
  - (e) Social impacts of the development;
  - (f) The streetscape and urban design issues relating to the building heights, footprints and separations, traffic, accessibility and safety; and
  - (g) The shadow impacts of the development on the public domain and private properties.
2. Non-compliance with SEPP 65 in relation to the Design Quality Principles and Apartment Design Guide (s4.15(1)(a)(i) of the EPA Act).
  - (a) The development does not meet the design quality principles per section 28(2)(b) of SEPP 65 (Principle 1: Context and Neighbourhood Character, Principle 2: Built form and scale; Principle 3: Density; Principle 4: Sustainability; Principle 5: Landscape; Principle 6: Amenity, Principle 7: Safety, Principle 8: Housing Diversity and social interaction and Principle 9: Aesthetics),
  - (b) The development fails to satisfy the preconditions of clause 30(2)(a) and (b) of SEPP 65, in that the development does not demonstrate that adequate regard has been given to:
    - i. the design quality principles; and
    - ii. the objectives specified in the Apartment Design Guide for the relevant design criteria (3A-1 Site Analysis; 3B-1 and 3B-2 – Orientation; 3C-1 and 3C-2 Public Domain Interface, 3D-3 Communal and Public Open Space, 3E-1 Deep Soil Zones, 3F-1 Visual Privacy, 3G-1 and 3G-2 Pedestrian Access and Entries, 3H-1 Vehicle Access, 3J-4 Bicycle and Car Parking, 4A-1, 4A-2 and 4A-3 Solar and Daylight Access, 4B-1 and 4B-2 Natural Ventilation, 4C-1 and 4C-2 Ceiling Heights, 4E-1 Private Open Space and Balconies, 4D-1 and 4D-2 Apartment Size and Layout, 4H-1 Acoustic Privacy, 4K-1 and 4K-2 Apartment Mix, 4L-1 and 4L-2 Ground Floor Apartments and 4W-1 Waste Management).
3. The proposed concept development application proposes a development which will be unable to comply with the maximum building height development standard under clause 4.3 of SLEP 2014. No written request to vary the maximum building height development standard under clause 4.6 of SLEP 2014 has been submitted. (s4.15(1)(a)(i) of the EPA Act).
4. The proposed development does not meet the zone objectives of the SLEP 2014 B4 Mixed Use and R1 General Residential (s4.15(1)(a)(i) of the EPA Act).
5. The proposed development is not consistent with the objectives of SLEP 2014 clause 7.20 Development in the Jervis Bay Region as it is considered the development will

have a detrimental impact and will not contribute to the natural and cultural values of the Jervis Bay Region (s4.15(1)(a)(i) of the EPA Act).

6. The proposed concept development application has not demonstrated it is able to provide all essential services under clause 7.11 of SLEP 2014. (s4.15(1)(a)(i) of the EPA Act).
7. The proposed development is inconsistent with the Objectives, Performance Criteria and Acceptable Solutions as they relate to the following provisions of Chapter G21: Car Parking and Traffic Shoalhaven Development Control Plan 2014 (SDCP 2014) (s4.15(1)(a)(iii) of the EPA Act):
  - (a) 5.1 Car Parking Schedule.
8. The proposed development is inconsistent with the Objectives, Performance Criteria and Acceptable Solutions as they relate to the following provisions of Chapter N23: St Georges Basin Village Centre Shoalhaven Development Control Plan 2014 (SDCP 2014) (s4.15(1)(a)(iii) of the EPA Act):
  - (a) 5.1.1 Traffic, facilities, access, pedestrians and car parking
  - (b) 5.2 Civic Domain
  - (c) 5.3.1 Design and siting
  - (d) 5.3.2 Landscaping
9. The development is likely to have adverse impacts on the built environment (s4.15(1)(b) of the EPA Act).
10. The site is not suitable for the development as proposed (s4.15(1)(c) of the EPA Act).
11. The development is not in the public interest (s4.15(1)(e) of the EPA Act).

**RD22.2 SF10633 - 169 Hockeys Lane (Lot 1 DP 1281124), 121 Taylors Lane (Lot 2 DP 1281124) - Lot 5 DP 1256748 Taylors Lane - Cambewarra - Staged residential subdivision to create 126 Torrens Title allotments**

**HPERM Ref:** D22/163264

**Department:** Development Services

**Approver:** James Ruprai, Director - City Development

**Attachments:**

1. Council Section 4.15 Planning Assessment Report (under separate cover) [⇒](#)
2. Draft Notice of Determination - Development Consent (under separate cover) [⇒](#)
3. Proposed Subdivision Plans [↓](#)

**Reason for Report**

To review the section 4.15 assessment report and determination prepared by Council staff which has been submitted to the Southern Regional Planning Panel for consideration at its meeting on 4 May 2022.

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

The report and determination document are submitted for consideration.

**Options**

1. Support the staff recommendation to the Southern Regional Planning Panel (SRPP) for approval of the application and advise the SRPP accordingly.

Implications: The recommendation would be provided to the SRPP for their information as part of their consideration of the regional application.

2. Make an alternative resolution and make a separate submission to the SRPP.

Implications: The alternative resolution would be provided to the SRPP for their consideration. The SRPP will be the determining authority for the application.

## Location map



*Figure 1 – Site location / aerial view*

## Background

### **Proposed Development**

Council is in receipt of a development application which seeks approval for staged residential subdivision to create 126 Torrens Title allotments, including 124 residential allotments; one (1) drainage reserve; one (1) residue lot; and provision of roads, drainage and utility infrastructure along with associated landscaping works.

As the development includes bulk earthworks that encroach Council-owned land (being Lot 5 DP 1256748) and the capital investment value (CIV) is more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

The proposed general arrangement key plan and subdivision plan are provided in **Figures 2 and 3**.

Access to the development is proposed to Taylors Lane via the roads approved under the adjoining subdivision to the east, being Development Consent SF10656 for “*Residential subdivision to create 57 Torrens Title allotments, including 55 residential allotments, one (1) drainage reserve, one (1) residue lot, and provision of roads, drainage and utility infrastructure along with associated landscaping works*”.



Figure 3– Subdivision Plan (with zoning overlay) by Maker ENG (dated 16/07/2021)



### **Subject Land and Surrounds**

The subject site is approximately 1km southeast of the edge of Cambewarra village and is within Stage 3 of the Moss Vale Road South Urban Release Area (URA). The site contains scattered trees and vegetation. Historically, the site has been used for agricultural purposes, predominantly grazing. Good Dog Creek, identified as “Watercourse Category 1”, traverses the southern section of the site.

The land is legally identified as Lot 2 DP 1281124 (known as 121 Taylors Lane, Cambewarra), Lot 1 DP 1281124 (known as 169 Hockeys Lane, Cambewarra) and Lot 5 DP 1256748 (known as Taylors Lane, Cambewarra).

The site is identified as being bush fire prone land. However, this follows a recent change to mapping. The current mapping is only to be used in the assessment of applications lodged on or after 14 October 2021. As this application was lodged prior to this date, the old mapping applies, on which the site was not identified as bush fire prone land.

The site is also identified as being flood prone land and of aboriginal cultural heritage significance.

It is noted that on 11 April 2022, Council resolved to grant partial approval of Development Application SF10656 for residential subdivision and associated works to the east of the subject site. Council also resolved to defer consideration of proposed allotments fronting Taylors Lane and any construction within the Taylors Lane road reserve until a decision has been made on the upgrade of Taylors Lane as part of the Far North Collector Road project and completion of a review of the zoning and planning controls applicable to land around Taylors Lane, as previously resolved by Council (per MIN20.419).

The consent required that:

*“No access is permitted to Taylors Lane, with the exception of access across Road 01, at this time given Council's resolution to defer a decision on the upgrade of Taylors Lane as part of the Far North Collector Road project and undertake a review of the zoning and planning controls applicable to land around Taylors Lane.”*  
(MIN22.260)

### **Community Engagement**

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from **20 December 2017 to 2 March 2018**. Three (3) submissions were received by Council, objecting to or raising concerns with the proposal.

Key objections relate to the design of proposed allotments, lack of existing infrastructure, tree removal and proposed removal of tree nominated as No. 20, noise and amenity impacts, lack of area for visitor parking, housing density, timing of the development to allow completion of the loop road, construction traffic, use of Taylors and Hockeys Lanes, importation of fill and flooding requirements.

These issues have been assessed as being either acceptable matters on their merits or matters that are capable of being resolved via conditions.

### **Financial Implications**

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court, should the applicant utilise appeal rights afforded under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

**Risk Implications**

Pursuant to section 8.2 of the EP&A Act, a decision of the SRPP may be the subject of a review by the applicant in the event of approval or refusal. If such a review is ultimately pursued, the matter would be put to the SRPP for consideration.

Alternatively, an applicant may also appeal to the Court against the determination pursuant to section 8.7 of the EP&A Act.

**Summary and Conclusion**

This application has been assessed having regard for section 4.15 (Matters for consideration) under the EP&A Act. Based upon the recommendations of the s4.15 Assessment Report (**Attachment 1**), Development Application No. SF10633 be approved subject to the draft conditions of development consent contained in **Attachment 2**.





