
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 7 JUNE 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM

The following members were present:

Clr White - Chairperson
Clr Gash
Clr Tribe
Clr Robertson
Clr Kearney
Clr Baptist
Clr Wells
Clr Anstiss
Clr Findley
Clr Guile – arrived 4.02pm
Clr Watson
Clr Kitchener
Russ Pigg – General Manager

1. Apologies/ Leave of Absence

Clr McCrudden was an apology as he has requested a leave of absence for the month of June.

MOTION: Moved: Baptist / Second: Kearney

(MIN16.437) RESOLVED that the request from Clr McCrudden for a leave of absence for June 2016 be granted.

CARRIED

2. Confirmation of the Minutes of the Development Committee meeting held on Tuesday 3 May 2016

MOTION: Moved: Baptist / Second: Wells

(MIN16.438) RESOLVED that the Minutes of the Development Committee meeting held on Tuesday 3 May 2016 be confirmed.

CARRIED

3. Declarations of Interest

Conflict of Interest Declaration – Russ Pigg - pecuniary interest – Item 7 - Development Application 16/1444 - Proposed alterations and additions at Lot 1 DP748780, 62 Basin View Parade, Basin View – he is the land owner – will leave the room, will not take part in discussion or vote.

Conflict of Interest Declaration - Clr Watson – less than significant non pecuniary interest – Item 7 – Development Application 16/1444 – Proposed alterations and additions at Lot 1 DP748780, 62 Basin View Parade, Basin View – in the position of Councillor and previously as Mayor, he has worked professionally with Mr Pigg - will remain in the room.

REPORT OF GENERAL MANAGER

PLANNING AND DEVELOPMENT

4. Development Application for proposed Men’s Shed at Lot 2625 DP 235029 Clifton St, Sanctuary Point. Applicant: Sanctuary Point Men’s Shed Incorporated. Owner: Shoalhaven City Council. File DA15/2646 (PDR)
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Note: Clr Guile arrived – 4.02pm

MOTION:

Moved: Tribe / Second: Robertson

RECOMMENDED that Council resolve to support the application for a proposed men’s shed in accordance with the conditions detailed in Attachment “A”.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

5. Development Application - Proposed Strata Subdivision of Multi Dwelling Housing Development (3 units) at Lot 41 DP807870 (no.57) Argyle Street, Vincentia. Applicant: Rygate & West. Owner: Sandygate Pty Ltd. File SF10500 (PDR)
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MOTION:

Moved: Watson / Second: Wells

(MIN16.440) RESOLVED that in accordance with the Committee’s delegated authority from Council, that the Committee;

- a) Confirms support for the proposed exception; and
- b) The application be determined under delegated authority.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

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6. Development Application - Proposed Community Title Subdivision of Multi Dwelling Housing Development (3 units) at Lot 8 DP2886 Sec 22 (no.15) Karowa Street, Bomaderry. Applicant: Allen Price & Scarratts. Owner: SE Milligan File SF10503 (PDR)

MOTION:

Moved: Guile / Second: Wells

(MIN16.441) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee:-

- a) Confirms support for the proposed exception; and
- b) The application be determined under delegated authority.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

7. Huskisson Town Centre - Service Lanes Review File 10132E (PDR)

MOTION:

Moved: Gash / Second: Baptist

(MIN16.442) RESOLVED in accordance with the Committee's delegated authority from Council, that this matter be deferred pending further investigation by staff on costing and funding options to facilitate the implementation of the service lanes.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

8. Aboriginal Land Claim's No's 25422, 25858 and 26700 - Ulladulla File 2214E

MOTION:

Moved: Baptist / Second: Anstiss

(MIN16.443) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee advise the NSW Department of Primary Industries – Lands that Council has no objection to Aboriginal Land Claims Nos. 25422, 25858 and 26700 at Ulladulla, subject to any agreements, easements or rights of way required by Council being excluded from the claims or being resolved as part of the resolution of the Claims.

CARRIED

9. Shoalhaven DCP 2014 Chapter G4 Removal AND Amenity of Trees –
Review File 51354E (PDR)

MOTION:

Moved: Wells / Second: Anstiss

(MIN16.444) RESOLVED in accordance with the Committee's delegated authority from Council, that the Committee

- a) Adopt the draft revised Shoalhaven DCP 2014 Chapter G4 Removal and Amenity of Trees for public exhibition and exhibit for a minimum period of 28 days; and
- b) Commence the preparation of a Planning Proposal to amend Shoalhaven LEP 2014 Clauses Map to ensure the Clause 5.9 mapping is consistent with the DCP Chapter G4 maps and submit to State Government for initial Gateway determination.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

REPORT OF DIRECTOR PLANNING AND DEVELOPMENT SERVICES

10. Development Application 16/1444 - Proposed alterations and additions at Lot 1 DP748780, 62 Basin View Parade, Basin View. Applicant: Freelance Home Improvements (North Nowra). Owner: R and N Pigg File DA16/1444 (PDR)

Conflict of Interest Declaration – Russ Pigg - pecuniary interest – Item 7 - Development Application 16/1444 - Proposed alterations and additions at Lot 1 DP748780, 62 Basin View Parade, Basin View – he is the land owner – left the room, did not take part in discussion or vote.

Conflict of Interest Declaration - Clr Watson – less than significant non pecuniary interest – Item 7 - Development Application 16/1444 - Proposed alterations and additions at Lot 1 DP748780, 62 Basin View Parade, Basin View – in the position of Councillor and previously as Mayor, he has worked professionally with Mr Pigg – remained in the room.

MOTION:

Moved: Robertson / Second: Kearney

(MIN16.445) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Confirm support for the variation of the building line to Basin View Parade to 3.5m for the proposed garage, the side setback to 200mm for the proposed carport, and the variation of the side setback under section 5.2.3 of Chapter G6 of Shoalhaven DCP 2014; and
- b) The application be determined under delegated authority.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White

AGAINST: Nil

NOTICES OF MOTION

11. Proposed Strategic Planning & Urban Design Overlay - Nowra-Bomaderry File 53422E

Note: Russ Pigg returned to the meeting.

MOTION: Moved: Baptist / Second: White

(MIN16.446) RESOLVED that the General Manager develop a report for Council's consideration on the creation of a resource document that is 'visual' in nature and shows the Future Vision of Nowra-Bomaderry Urban Area in the form of a Strategic Overlay that presents desired urban design, land use planning, heritage conservation and other outcomes for the various precincts that make up this key area.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Watson, Kitchener, White and Russ Pigg

AGAINST: Guile

GENERAL BUSINESS

12. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Watson / Second: Gash

RESOLVED that the matter of the Mollymook Golf Club Road Closure be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as it commenced two years ago and is not progressing and allowed its introduction.

MOTION:

Moved: Watson / Second: Gash

(MIN16.447) RESOLVED that the following wording be considered for the Mollymook Golf Club Road Consolidation and a report be provided back to Council to facilitate the resolution of this matter.

“Amend the Deed of Covenant in the contract for sale by:

1. *Amending the definition of development in section 1.1 to the following:*

Development *‘means the subdivision of the subject land (except by the dedication of land as public road or public reserve) so as to extract the land or any part of the land, or any construction, development or use of the land for a use other than a permitted use’.*

2. *Amending the definition of permitted use in section 1.1 to the following:*

Permitted use *means the use of the subject land for one or more of the following purposes:*

a) *an asset protection zone; and*

b) *a fire management plan to avoid the escape of fire onto neighbouring land; and*

c) *dedication of the land or part of the land as public road or public reserve; and*

d) *rehabilitation of the land.*

3. *Amending section 2.1 by the addition of the following words ‘except for a permitted use and*

4. *Also amend the Deed of Option and pre-emption by amending clause 2.1 by the addition of the following words ‘except for a Permitted Use’”*

CARRIED

14. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION:

Moved: Wells / Second: Anstiss

RESOLVED that the matter of Disaster Relief following the storm event from 3-6 June 2016 be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as one of urgency as it related to urgent Council business and allowed its introduction.

15. Additional Item - Relief Funds Update and Congratulations to Staff File 53449E, 1829E

Note: Director Assets and Works provided an update on the storm event advising that relief funding had been made available. The Local Emergency Management Committee will be meeting this week. Mr Stewart noted the exceptional efforts by staff (Shoalhaven Water and Assets & Works) during and following the event.

MOTION: Moved: Gash / Second: White

(MIN16.448) RESOLVED that staff be thanked for their efforts in response to the storm event on 6-9 June 2016.

CARRIED

16. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Findley / Second: White

RESOLVED that the matter of the Milton Ulladulla Men's Shed Proposal for the Playing Field be introduced as a matter of urgency.

The Chairperson ruled the matter as one of urgency due to the public's interest and allowed its introduction.

17. Additional Item - Milton Ulladulla Men's Shed Proposal located on Playing Field – Frogs Holla File DA16/1371 (PDR)

MOTION: Moved: Findley / Second: White

(MIN16.449) RESOLVED that the Milton Ulladulla Men's Shed Proposal located on Playing Field be called in to the Development Committee for determination, for the reason that, it is a development subject of much public interest.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, White and Russ Pigg

AGAINST: Nil

18. Procedural Motion - Introduction of Item as a Matter of Urgency

MOTION: Moved: Findley / Second: White

RESOLVED that the matter of a potential request for acquisition and boundary adjustment to a Right of Way located within Valley View CI, Milton be introduced as a matter of urgency.

The Chairperson ruled the matter as one of urgency due to the matter coming to the attention of Councillors arising from the impact on the property as a result of the storm event of 6-9 June 2016 and allowed its introduction.

19. Additional Item - Potential Request for Acquisition and Boundary Adjustment to a Right Of Way Located Within Valley View Cl, Milton File

MOTION:

Moved: Findley / Second: White

(MIN16.450) RESOLVED that a report be submitted back to the Development Committee related to consideration on how a request for an acquisition and boundary adjustment may be achieved, regarding the Right of Way at Valley View Close, Milton, as the neighbour would like to acquire land from Council to allow its better management. The neighbour be requested to put his request in writing.

CARRIED

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

PLANNING & DEVELOPMENT SERVICES

| Item | Reason |
|---|--|
| Regional Development Application for an eco-tourist facility, function centre and associated infrastructure - Lot 13 DP 707955 (No.801) Kangaroo Valley Road, Bellawongarah – Class 1 Appeal lodged with the Land and Environment Court of NSW. Applicant/Owner: Camberlee Investments Pty Limited | Section 10A(2)(g) - Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. It is not in the public interest to disclose this information as it may impact on the ability of Council to conduct appropriate legal proceedings. |

Pursuant to section 10A(4), the public were invited to make representations to the Development Committee before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

MOTION:

Moved: Baptist / Second: Kearney

That the Development Committee exclude the press and public from the Meeting pursuant to section 10A(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10A(2)(g).

The public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision making, as it may impact on the ability of Council to conduct appropriate legal proceedings.

- Regional Development Application for an eco-tourist facility, function centre and associated infrastructure - Lot 13 DP 707955 (No.801) Kangaroo Valley Road, Bellawongarah – Class 1 Appeal lodged with the Land and Environment Court of NSW. Applicant/Owner: Camberlee Investments Pty Limited

CARRIED

The meeting moved into confidential the time being 4.37 pm.

The meeting moved into open session, the time being 5.19 pm.

20. Regional Development Application for an eco-tourist facility, function centre and associated infrastructure - Lot 13 DP 707955 (No.801) Kangaroo Valley Road, Bellawongarah – Class 1 Appeal lodged with the Land and Environment Court of NSW. Applicant/Owner: Camberlee Investments Pty Limited File RA14/1004 (PDR)

The following resolution of the Development Committee was made public.

(MIN16.451) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Confirm support for Staff to instruct and partake in the Class 1 Appeal lodged with the Land and Environment Court of NSW with respect to Case number 10356 of 2016, Camberlee Investments Pty Limited v Shoalhaven City Council inclusive of participation in the section 34 conference and ensuing a full hearing should a hearing eventuate; and that
- b) The authority includes ability to make decisions based on legal advice and consultation with relevant experts.
- c) The staff in representing Council to the Court, reinforce the position of the Council by restating the reasons for the Council's lack of support for the application.

There being no further business, the meeting concluded, the time being 5.20 pm.

Clr White
CHAIRPERSON