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**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 5 APRIL, 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.00 PM**

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The following members were present:

Clr Baptist - Chairperson  
Clr Tribe  
Clr Robertson  
Clr Kearney  
Clr Gash  
Clr Wells  
Clr Findley  
Clr Guile – arrived 4.36pm  
Clr Watson  
Clr Kitchener  
Clr McCrudden  
Ben Stewart – Acting General Manager

1. Election of Acting Chairperson

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MOTION: Moved: Gash / Second: Kearney

That Clr Baptist be appointed as the Acting Chairperson for the meeting of Development Committee, held on Tuesday 5 April 2015.

CARRIED

Apologies:

Apologies were received from Clr White and Clr Anstiss.

2. Confirmation of the Minutes of the Development Committee meeting held on Tuesday 1 March 2016

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MOTION: Moved: Wells / Second: Robertson

(MIN16.224) RESOLVED that the Minutes of the Development Committee meeting held on Tuesday 1 March 2016 be confirmed.

CARRIED

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3. Declarations of Interest

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Conflict of Interest Declaration - Clr Watson - Pecuniary interest – Item 2, this matter relates to a rezoning proposal for Falls Creek/Woollamia area where both he and his wife own property which could lead to a positive or negative gain – left the room, did not take part in discussion or vote.

4. Deputations

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Conflict of Interest Declaration - Clr Watson - Pecuniary interest – Item 2, this matter relates to a rezoning proposal for Falls Creek/Woollamia area where both he and his wife own property which could lead to a positive or negative gain - left the room, did not take part in discussion.

**Item 2 – Update - Planning Proposal - Falls Creek/Woollamia Deferred Rural Residential Area - Rezoning investigations**

- Mr Leigh Carmichael spoke against the recommendation.
- Ms Narelle Day spoke against recommendation

5. Procedural Motion – Bring item forward

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MOTION: Moved: Gash / Second: McCrudden

That Item 2, Page 7 – Update – Planning Proposal – Falls Creek/Woollamia Deferred Rural Residential Area – Rezoning investigation be brought forward.

CARRIED

6. (Item 2, Page 7) Update - Planning Proposal - Falls Creek/Woollamia Deferred Rural Residential Area - Rezoning investigations File 38279E

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Item 2 Brought forward

Note: Clr Guile was absent from the meeting.

Conflict of Interest Declaration - Clr Watson - Pecuniary interest – this matter relates to a rezoning proposal for Falls Creek/Woollamia area where both he and his wife own property which could lead to a positive or negative gain - left the room, did not take part in discussion or vote.

MOTION: Moved: Robertson / Second: Wells

(MIN16.225) RESOLVED that, in accordance with the Committee’s delegated authority from Council, that the Committee:

1. Provide an eight (8) week period for the landowners in each of the five (5) clusters of properties to collectively provide their own detailed bushfire report prepared by a

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suitably qualified consultant, addressing PBP 2006 and the RFS specific comments/concerns with the aim of maximising the lot yield.

2. Where full cooperation of land owners in the respective clusters cannot be achieved part clusters or individual fire reports be considered subject to the reports satisfying PBP 2006 requirements for protection from bushfire.
3. Council seek a further extension from the Department of Planning and if that extension is not forthcoming then Council revert to Option 1 (staff recommendation outlined in report).

CARRIED

FOR: Tribe, Robertson, Kearney, Wells, Findley, Kitchener, McCrudden, Baptist

AGAINST: Gash and Ben Stewart

7. Deputations Continued

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**Item 6 – Stage 3 Housekeeping Amendment Planning Proposal – Shoalhaven Local Environmental Plan 2014 – Consideration of submissions**

Note: Clr Watson returned to the meeting.

- Ms Kerry Rourke addressed the Committee to speak against the recommendation

8. Procedural Motion – Bring item forward

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MOTION: Moved: Gash / Second: Kearney

That Item 6 be brought forward for consideration.

CARRIED

9. (Item 6, Page 33) Stage 3 Housekeeping Amendment Planning Proposal – Shoalhaven Local Environmental Plan 2014 Consideration of submissions File 50828E

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Item 6 brought forward

Note: Clr Guile arrived at the meeting.

MOTION: Moved: Watson / Second: Tribe

(MIN16.226) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Adopt the Planning Proposal with the amendments outlined in this report, with the exception of the following:

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- i) Defer the changes proposed in regard to Instrument change No.2 (Battle Axe Blocks) for further consideration and report back to Council on this item;
  - ii) Amend the proposed wording of Instrument change No.4 (Boundary Adjustment Clause) to read “considers” connectivity of riparian and vegetation corridors rather than “does not affect”
- b) Forward the Planning Proposal to the Parliamentary Counsel to draft the required amendment to Shoalhaven Local Environmental Plan 2014; and
  - c) Make the resulting amendment to the Local Environmental Plan using the delegations issued under Section 23 of the NSW Environmental Planning & Assessment Act 1979 related to plan making.

CARRIED

FOR: Tribe, Robertson, Kearney, Gash, Wells, Guile, Watson, Kitchener, McCrudden, Baptist and Ben Stewart

AGAINST: Findley

## **PLANNING AND DEVELOPMENT**

10. Update on land use at Lot 2, DP1154597 Woncor Avenue, Nowra Hill File ON2016/4099

MOTION: Moved: Robertson / Second: Wells

(MIN16.227) RESOLVED that in accordance with Committee’s delegated authority from Council, the Committee receive the report for information.

CARRIED

11. Update - Planning Proposal - Falls Creek/Woollamia Deferred Rural Residential Area - Rezoning investigations File 38279E

This item was brought forward for consideration.

12. Draft Planning Proposal (PP010) - Council Land Reclassification (Housekeeping) File 50767e

MOTION: Moved: Wells / Second: Tribe

(MIN16.228) RESOLVED that, in accordance with the Committee’s delegated authority from Council, the Committee

- a) Reclassify the following parcels of land from “operational” to “community” in accordance with Section 33 of the Local Government Act 1993:
  - Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
  - Lot 12 DP 617101 – Bolong Road, Coolangatta

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- Lot 3 DP 597223 – Bolong Road, Coolangatta
  - Lot 4 DP 550354 – Island Point Road, St Georges Basin
  - Lot 2081 DP 216860 – Lively Street, Vincentia
- b) Prepare an LEP amendment in accordance with Section 73A of the EP&A Act to reclassify the following parcels of land from “community” to “operational”, with interests removed:
- Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
  - Lot 12 DP 617101 – Bolong Road, Coolangatta
  - Lot 3 DP 597223 – Bolong Road, Coolangatta
  - Lot 4 DP 550354 – Island Point Road, St Georges Basin
  - Lot 2081 DP 216860 – Lively Street, Vincentia (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street, Vincentia only)
- c) Write to the NSW Minister for Planning to request the LEP amendment be made in accordance with Section 73A(1)(c) of the EP&A Act for the following reasons:
1. An error occurred in the drafting of Shoalhaven Local Environmental Plan 2014 whereby the following parcels of land (subject land) were inadvertently listed in Schedule 4 Part 1 – ‘Part 2 - Land classified, or reclassified, as operational land—no interests changed’ instead of ‘Part 2 - Land classified, or reclassified, as operational land—interests changed’:
    - Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
    - Lot 12 DP 617101 – Bolong Road, Coolangatta
    - Lot 3 DP 597223 – Bolong Road, Coolangatta
    - Lot 4 DP 550354 – Island Point Road, St Georges Basin
    - Lot 2081 DP 216860 – Lively Street, Vincentia

In addition, only part of Lot 2081 DP 216860 (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street, Vincentia) was meant to be reclassified to operational and the remainder of the lot should have remained as “community”.
  2. Council needs to extinguish the interests in the subject land to enable the sale, lease or licensing of the land.
  3. The LEP is proposed to be amended to include Lot 21 DP 252581, Lot 12 DP 617101, Lot 3 DP 597223, Lot 4 DP 550354, Lot 2081 DP 216860 (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street only) at Schedule 4 ‘Part 2 - Land classified, or reclassified, as operational land—interests changed’.
  4. The proposed amendment is suitable to be made in accordance with s73A due to it being of a minor nature and not having any adverse impact on the environment or adjoining land.
- d) If the Minister for Planning does not agree to make the LEP amendment under Section 73A, prepare a Planning Proposal to reclassify the following parcels of land to “operational” with interests removed under Section 30 of the Local Government Act:
1. Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
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2. Lot 12 DP 617101 – Bolong Road, Coolangatta
  3. Lot 3 DP597223 – Bolong Road, Coolangatta
  4. Lot 4 DP 550354 – Island Point Road, St Georges Basin
  5. Lot 2081 DP 216860 – Lively Street, Vincentia (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street only).

- e) Write to the NSW Government and raise Council's concerns with the land reclassification process, and suggest associated changes to the Local Government Act 1993 which is currently under review.

CARRIED

13. Nowra CBD Urban Design Development Controls Report - Adoption and next steps File 48168E
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MOTION:

Moved: Wells / Second: Gash

(MIN16.229) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee

- a) Adopt the Nowra CBD Urban Design Development Controls Report as exhibited with the following minor changes:
  - i) Include a note in Section 3.2 of the report to ensure corner building setbacks do not impact on planned intersection upgrades in the CBD.
  - ii) Include a note in Section 3.9 of the report that outlines the requirements for active ground floor uses under Clause 7.16 of Shoalhaven Local Environmental Plan 2014.
- b) Advise the NSW Department of Planning and Environment and those who made submissions on the draft report of Council's resolution in this regard.
- c) Report back to Council following the public exhibition of the resulting Nowra CBD Planning Proposal and Shoalhaven Development Control Plan 2014 chapter.

CARRIED

14. Nebraska Estate Planning Proposal - Landowner Survey Outcomes File 1013E
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MOTION:

Moved: Wells / Second: Robertson

(MIN16.230) RESOLVED that, in accordance with the Committee's delegated authority from Council, that the Committee

- a) Adopt revised version 2 of Option 1 – Lower Density Residential Development outlined in this report and provided in Attachment D, as the preferred option to move forward with, and the Planning Proposal be amended accordingly.
- b) Prepare the required water cycle assessment.
- c) On completion of a) and b) publicly exhibit the Planning Proposal.

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CARRIED

15. Stage 3 Housekeeping Amendment Planning Proposal – Shoalhaven Local Environmental Plan 2014 Consideration of submissions File 50828E
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This item was brought forward for consideration.

**CONFIDENTIAL REPORT**

**PLANNING AND DEVELOPMENT**

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Legal Advice – Draft Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)	Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 10A(2)(g)

Pursuant to Section 10(A)(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: Wells / Second: Kearney

That the Development Committee Meeting exclude the press and public from the Meeting pursuant to Section 10(A)(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 10(A)(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.

- Legal Advice – Draft Planning Proposal (PP010) – Council Land Reclassification (Housekeeping)

CARRIED

The meeting moved into confidential the time being 5.05pm.

The meeting moved into open session, the time being 5.08pm.

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16. Legal Advice - Draft Planning Proposal (PP010) - Council Land Reclassification  
(Housekeeping) File 50767e

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The following resolution of the Confidential Development Committee Meeting was made public.

(MIN16.231) RESOLVED in accordance with the Committee's delegated authority from Council, the Committee receive the report for information.

There being no further business, the meeting concluded, the time being 5.08pm.

Clr Baptist  
CHAIRPERSON