
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON MONDAY 18 JANUARY 2016 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.02 PM

The following members were present:

- Clr White - Chairperson
- Clr Tribe
- Clr Robertson
- Clr Kearney
- Clr Anstiss
- Clr Gash
- Clr Baptist
- Clr Wells
- Clr Findley
- Clr Guile
- Clr Watson
- Clr Kitchener
- Clr McCrudden – arrived 4.13pm
- Carmel Krogh – Acting General Manager

1. Confirmation of the Minutes of the Development Committee meeting held on Tuesday 1 December 2015
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MOTION: Moved: Baptist / Second: Kearney

(MIN16.1) RESOLVED that the Minutes of the Development Committee meeting held on Tuesday 1 December 2015 be confirmed.

CARRIED

2. Deputations
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Mr Mark Pashfield/Richard Hall addressed the meeting in relation to Item 8, Page 31 - Planning Proposal (Rezoning) - Lot 4 DP 834254 Beach Road, Berry

Note: Clr McCrudden arrived at the meeting.

Ms Barbara Khalifa addressed the meeting in relation to Item 8, Page 31 - Planning Proposal (Rezoning) - Lot 4 DP 834254 Beach Road, Berry

Mr Will Armitage addressed the meeting in relation to Item 8, Page 31 - Planning Proposal (Rezoning) - Lot 4 DP 834254 Beach Road, Berry

3. Procedural Motion – Bring Forward Item

MOTION: Moved: Robertson / Second: Guile

That the matter of Item 8 - Planning Proposal (Rezoning) - Lot 4 DP 834254 Beach Road, Berry be brought forward.

CARRIED

PLANNING AND DEVELOPMENT

4. Planning Proposal (Rezoning) - Lot 4 DP 834254 Beach Road, Berry File 52163e (PDR)

MOTION: Moved: Anstiss / Second: Gash

(MIN16.2) RESOLVED That in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Give in principle support for the proposed rezoning of Lot 4 DP 834254, Beach Road, Berry and submit a revised Planning Proposal to the NSW Department of Planning and Environment for Gateway determination, subject to:
 - i) Revision of the proposed minimum lot size to ensure the size of future lots is consistent with adjacent subdivisions and can adequately accommodate on site effluent disposal;
 - ii) Revision of the proposed zoning to ensure appropriate environmental zoning for the swamp and buffer area and other ecologically significant areas on the subject land including, but not limited to, protection of Coomonderry Swamp/SEPP 14 wetland and ecologically significant areas such as the patch of forest known as "Jim's Forest" and Berry Wildlife Corridor.
 - iii) Development to be limited to the north of the ridgeline (i.e. no dwellings south of the ridge) to minimise any potential impact on Coomonderry Swamp, to maintain the integrity of the ridgeline, and to be consistent with the planning outcomes of the adjacent sites
 - iv) Resolution of the proposed transfer of land to National Parks and Wildlife Service, and the possible need for a Voluntary Planning Agreement.
- b) Advise the proponent and those who submitted comments of this resolution, noting the opportunity for formal comment later in the process; and
- c) Receive a further report following the Gateway determination, if necessary.

AMENDMENT: Moved: Watson / Second: Kitchener

That in accordance with the Committee's delegated authority from Council, that the Committee:

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- a) Give in principle support for the proposed rezoning of Lot 4 DP 834254, Beach Road, Berry and submit a revised Planning Proposal to the NSW Department of Planning and Environment for Gateway determination, subject to:
 - i) Revision of the proposed minimum lot size to ensure the size of future lots is consistent with adjacent subdivisions and can adequately accommodate on site effluent disposal;
 - ii) Revision of the proposed zoning to ensure appropriate environmental zoning for the swamp and buffer area and other ecologically significant areas on the subject land including, but not limited to, protection of Coomonderry Swamp/SEPP 14 wetland and ecologically significant areas such as the patch of forest known as “Jim’s Forest” and Berry Wildlife Corridor.
 - iii) Development to be limited to the north of the ridgeline (i.e. no dwellings south of the ridge) to minimise any potential impact on Coomonderry Swamp, to maintain the integrity of the ridgeline, and to be consistent with the planning outcomes of the adjacent sites
 - iv) Resolution of the proposed transfer of land to National Parks and Wildlife Service, and the possible need for a Voluntary Planning Agreement.
 - b) Advise the proponent and those who submitted comments of this resolution, noting the opportunity for formal comment later in the process;
 - c) Prior to the proposal being submitted to Gateway for determination, Council seek the view of OEH towards the proposal;
 - d) Receive a further report following the Gateway determination, if necessary.

AMENDMENT LOST

FOR: Watson, Kitchener, McCrudden

AGAINST: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, White and Carmel Krogh

PROCEDURAL MOTION:

Moved: Gash / Second: Baptist

That the MOTION be PUT.

PROCEDURAL MOTION CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, White and Carmel Krogh

AGAINST: Findley, Guile, Watson, Kitchener, McCrudden

MOTION CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, White and Carmel Krogh

AGAINST: Findley, Guile, Watson, Kitchener, McCrudden

REPORT OF GENERAL MANAGER

PLANNING AND DEVELOPMENT

5. Illawarra-Shoalhaven Regional Plan - Release

File 29118e

MOTION:

Moved: Wells / Second: Baptist

(MIN16.3) RESOLVED that in accordance with the Committee's delegated authority from Council, that the report on the release of the Illawarra-Shoalhaven Regional Plan be received for information.

AMENDMENT:

Moved: Guile / Second: Findley

That in accordance with the Committee's delegated authority from Council, that:

- a) The report on the release of the Illawarra-Shoalhaven Regional Plan be received for information;
- b) Council notes that the Illawarra-Shoalhaven Regional Plan is not consistent with the State Government plan for a merger of Shoalhaven and Kiama and that on this basis Council resolves to oppose the merger.

The Chairperson advised the meeting that it would be adjourned to allow for clarification of the Code of Meeting Practice.

PROCEDURAL MOTION:

Moved: White / Second: Gash

That the meeting be adjourned.

PROCEDURAL MOTION CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, White and Carmel Krogh

AGAINST: Findley, Guile, Watson, Kitchener, McCrudden

The meeting adjourned for 5 minutes the time being 5.29pm.

The meeting reconvened the time being 5.36pm

The following members were present:

Clr White - Chairperson
Clr Tribe
Clr Robertson
Clr Kearney
Clr Anstiss
Clr Gash
Clr Baptist
Clr Wells
Clr Findley
Clr Guile
Clr Watson
Clr Kitchener
Clr McCrudden
Carmel Krogh – Acting General Manager

Point of Order – Clr Gash advised the Chairperson that Clr Guile said that it is negligent of Council being supported by the Mayor to not pass a resolution on the Council’s position on the proposed merger. The Chairperson ruled in favour of the Point of Order and requested that Councillor Guile apologise.

Councillor Guile did not apologise

Point of Order – Clr Findley advised the Chairperson that she was insulted by the comments Clr Wells had made about politicising the issue of the Council merger. The Chairperson ruled in favour of the Point of Order.

Clr Wells apologised.

Note: The Acting General Manager, Carmel Krogh advised the Committee that the proposed amendment may fall outside the delegations of the Development Committee.

AMENDMENT LOST

FOR: Findley, Guile, Watson, Kitchener, McCrudden

AGAINST: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, White and Carmel Krogh

MOTION CARRIED

6. Procedural Motion – Bring Forward Item

MOTION: Moved: Robertson / Second: Guile

That the matter of Item 10 - Development Application – 28 Gardner Road, Falls Creek – Micro Distillery Brewery & Machinery Shed be brought forward.

CARRIED

NOTICES OF MOTION

7. Development Application – 28 Gardner Road, Falls Creek – Micro Distillery Brewery & Machinery Shed File DA15/2525 (PDR)

Clr Watson presented a petition containing approximately 51 signatures from residents expressing concern that the owners of 28 Gardner Road have claimed they have “Discussed the proposal with neighbours & local residents and have quite a number on board with the idea”. Local Gardner & Mortimer Road residents disagree with this claim as were not aware of such a proposal until a selected few received the DA application from Shoalhaven City Council on the 24 December 2015.

MOTION: Moved: Watson / Second: White

(MIN16.4) RESOLVED that DA15/2525 be called in for determination by Council.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, McCrudden, White and Carmel Krogh

AGAINST: Nil

PLANNING AND DEVELOPMENT

8. Operational Review - Council’s Planning Proposal Process. File 23426E & 31157E

MOTION: Moved: Wells / Second: Baptist

(MIN16.5) RESOLVED that in accordance with the Committee’s delegated authority from Council, that the Committee:

- a) Adopt the revised Planning Proposal (Rezoning) Guidelines; and
- b) Establish a panel of suitable planning consultants to help process planning proposals on behalf of Council when required due to staff workload and time constraints.

CARRIED

9. Planning Proposal (PP017) – Shoalhaven LEP 2014 – Shoalhaven Animal Shelter Relocation File 52000E (PDR)

MOTION: Moved: Wells / Second: Baptist

(MIN16.6) RESOLVED, in accordance with the Committee’s delegated authority from Council, the Planning Proposal (PP017) – Shoalhaven Animal Shelter be submitted to the NSW Department of Planning and Environment for initial Gateway determination.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Baptist, Wells, Findley, Guile, Watson, Kitchener, McCrudden, White and Carmel Krogh

AGAINST: Nil

10. Shoalhaven LEP 2014 Housekeeping Amendment Stage 3A - Consideration of submissions post exhibition File 51735e (PDR)

MOTION: Moved: Baptist / Second: Findley

(MIN16.7) RESOLVED that in accordance with the Committee’s delegated authority from Council, that the Committee

- a) Adopt the Planning Proposal with the minor wording change outlined in this report.
- b) Forward the Planning Proposal to the NSW Department of Planning & Environment requesting that they make the resulting amendment to Shoalhaven LEP 2014.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, McCrudden, White and Carmel Krogh

AGAINST: Nil

11. Development Application - Proposed Strata Title Subdivision of Attached Dual Occupancy Development at Lot 221 DP1185909 (No 53) Gordon Street, Milton.
Applicant/Owner: Shane P Larsen File DA14/1662 (PDR)

MOTION: Moved: Findley / Second: Guile

That in accordance with the Committee’s delegated authority from Council, that the Committee not support the proposed exception (variation) to the development standard until a policy review has been complete.

LOST

FOR: Robertson, Baptist, Findley, McCrudden

AGAINST: Tribe, Kearney, Anstiss, Gash, Wells, Guile, Watson, Kitchener, White and Carmel Krogh

FORESHADOWED MOTION: Moved: Watson / Second: Gash

(MIN16.8) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Confirm that it supports the proposed exception; and
- b) That Council's policy position on locations where subdivision of dual occupancy can be permitted be reviewed, and that this review include consideration of strata subdivision options where more appropriate; and
- c) The application be determined under delegated authority.

FORESHADOWED MOTION CARRIED

FOR: Tribe, Kearney, Anstiss, Gash, Wells, Guile, Watson, Kitchener, White and Carmel Krogh

AGAINST: Robertson, Baptist, Findley, McCrudden

12. Development Application - Proposed Strata Title Subdivision of Approved Dual Occupancy at Lot 16 DP37996 (No.125) Camden Street, Ulladulla. Applicant: Rygate & West. Owner: Woden. File SF10485 (PDR)
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MOTION: Moved: Wells / Second: Gash

(MIN16.9) 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, McCrudden, White and Carmel Krogh

AGAINST: Nil

13. NSW Government Inquiry into the Regulation of Brothels - Outcomes File 1379e

MOTION: Moved: Tribe / Second: Anstiss

(MIN16.10) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Receive the report on the NSW Government Inquiry into the Regulation of Brothels for information;
- b) That Council write to the State Government to support the recommendations in the report and urge them to include State funded exit strategies for sex workers who want to leave the industry as part of any policy the Government adopts in response to this inquiry/report.

CARRIED

14. Planning Proposal (Rezoning) - Lot 4 DP 834254 Beach Road, Berry File 52163e (PDR)

This item was brought forward and dealt with earlier in the meeting.

15. Development Application - Proposed Neighbourhood Title Subdivision of Dual Occupancy Development at Lot 3 DP 38171, No. 60 Journal Street, Nowra. Applicant: Allen Price & Scarratts. Owner: David Lovett File SF10484 (PDR)

MOTION: Moved: Wells / Second: Gash

(MIN16.11) RESOLVED that in accordance with the Committee's delegated authority from Council, that the Committee:

- a) Confirm that it supports the proposed exception; and
- b) The applications be determined under delegated authority.

CARRIED

FOR: Tribe, Robertson, Kearney, Anstiss, Gash, Wells, Baptist, Findley, Guile, Watson, Kitchener, McCrudden, White and Carmel Krogh

AGAINST: Nil

NOTICES OF MOTION

16. Development Application – 28 Gardner Road, Falls Creek – Micro Distillery Brewery & Machinery Shed File DA15/2525

This item was brought forward and dealt with earlier in the meeting.

There being no further business, the meeting concluded, the time being 6.51pm.

Clr White
CHAIRPERSON