

# Planning and Environment

## Standing Committee Meeting Minutes

Held on Tuesday 26 May 2009

at the Council Chambers, Bega commencing at 2.35 pm

**PRESENT** Councillor Campbell (CHAIRPERSON) and Councillors Allen, Britten, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

**IN ATTENDANCE** Ms Leanne Barnes – Acting General Manager, Mr Andrew Woodley – Group Manager Planning and Environment, Mr Jim Collins – Acting Group Manager Infrastructure Waste & Water, Ms Michelle Preo – Minute Secretary

### 1. Confirmation of minutes

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RESOLVED on the motion of Crs Britten and Allen

That the Minutes of the Planning and Environment Committee meeting held on 5 May 2009, as circulated, be taken as read and confirmed.

**IN FAVOUR:** Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

**AGAINST:** Nil

**ABSENT:** Nil

### 2. Apologies

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There were no apologies.

### 3. DA No. 2008.0207: Staged concessional lot subdivision – Princes Highway, Frogs Hollow

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RESOLVED on the motion of Crs Allen and Britten

1. That Development Application 2007.0261 for the staged subdivision of land to create eight concessional lots and one residue allotment on Lots 1-5 DP910032, Lots 9, 30, 89, 167, 168, 169, 170 & 232 DP750211, Lots 11, 14, 16 & 17 DP787822, Lot 1 DP772257, Lot 1 DP772316, Lot 10 DP740849, Lots 1 & 2 DP772310, Lots 1, 2 & 3 DP772305, Lot 1 DP772315, Lot 1 DP245789 and Lot 1 DP1100637 – Princes Highway, Frogs Hollow, be approved in accordance with the report submitted to Council on 26 May 2009 and the draft consent attached to the report, subject to condition 12 being amended to include:

- c) That any future dwelling house shall be constructed to comply with AS2021-2000 'Acoustics – Aircraft Noise Intrusion – Building Siting and Construction'.

2. That Council add the 1.4km section of Crown public road, from the Princes Highway to its road maintenance schedule.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

ABSENT: Nil

#### **4. DA No. 2008.0215: Five lot subdivision – Lot 41 DP739306, 1291 Upper Brogo Road, Upper Brogo**

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It was moved by Crs Britten and Wykes

1. That Development Application 2008.0215 for the five lot subdivision of Lot 41 DP739306, 1291 Upper Brogo Road, Upper Brogo be approved subject to the conditions outlined in the draft consent submitted to Council on 26 May 2009.
2. That Policy 4.1.1(q) "Extension of Council Maintained Roads" be varied to permit a gravel road standard.
3. That Council add that 125m section of Crown Public Road, from its intersection with Upper Brogo Road to the boundary of proposed Lot 5 in the subdivision of Lot 41 DP 739306, Upper Brogo Road, Upper Brogo to its road maintenance schedule.

An amendment was moved by Cr Allen

1. That Development Application 2008.0215 for the five lot subdivision of Lot 41 DP739306, 1291 Upper Brogo Road, Upper Brogo be approved subject to the conditions outlined in the draft consent submitted to Council on 26 May 2009.
2. That Council add that 125m section of Crown Public Road, from its intersection with Upper Brogo Road to the boundary of proposed Lot 5 in the subdivision of Lot 41 DP 739306, Upper Brogo Road, Upper Brogo to its road maintenance schedule.
3. That draft condition 23 be amended to conform with Council's existing "Extension of Council Maintained Roads" Policy.

The amendment was seconded by Cr Hughes and on being put to the vote it was DECLARED LOST.

IN FAVOUR: Crs Allen, Hughes, Pincini and Seckold

AGAINST: Crs Britten, Campbell, Hede, Sandrey and Wykes

ABSENT: Nil

The motion was put to the vote and it was

RESOLVED on the motion of Crs Britten and Wykes

1. That Development Application 2008.0215 for the five lot subdivision of Lot 41 DP739306, 1291 Upper Brogo Road, Upper Brogo be approved subject to the conditions outlined in the draft consent submitted to Council on 26 May 2009.
2. That Policy 4.1.1(q) "Extension of Council Maintained Roads" be varied to permit a gravel road standard.
3. That Council add that 125m section of Crown Public Road, from its intersection with Upper Brogo Road to the boundary of proposed Lot 5 in the subdivision of Lot 41 DP 739306, Upper Brogo Road, Upper Brogo to its road maintenance schedule.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey and Wykes

AGAINST: Crs Hughes and Seckold

ABSENT: Nil

**5. DA No. 2008.0416: Multi unit housing development – Lot 2 DP18927, Beach Street, Tathra**

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**Adjournment**

3:00 pm The Chairman adjourned the meeting, reconvening at 3.15 pm

It was moved by Crs Britten and Allen

1. That Development Application 2008.0416 for multi unit housing development and strata subdivision in two stages on Lot 2 DP18927, No. 2 Beach Street, Tathra be approved subject to the conditions outlined in the attached Draft Development Consent.
2. That those persons who made a submission be formally notified of Council's determination.
3. That Council initiate action to change the function of East Lane, Tathra to one way traffic only and that the associated costs be apportioned between the developers/owners of Lot 2 DP 18927, No. 2 Beach Street, Tathra and Lot 3 DP17280, No. 32 Bega Street, Tathra.

**Planning and Environment**  
STANDING COMMITTEE MINUTES  
26 May 2009

4. That the applicant for Development Application 2008.0749 also be advised of Council's resolution in respect to the change in traffic conditions in East Lane and Council's intent to apportion the associated costs between the owners/developers of Lot 2 DP18927, No. 2 Beach Street, Tathra and Lot 3 DP17280, No. 32 Bega Street, Tathra.
5. That condition 16 be deleted.

An amendment was moved by Crs Campbell and Seckold

1. That Development Application 2008.0416 for multi unit housing development and strata subdivision in two stages on Lot 2 DP18927, No. 2 Beach Street, Tathra be approved subject to the conditions outlined in the attached Draft Development Consent with alterations to the conditions as follows:-
  - a) A new condition be added that the balcony of Unit 1 shall be increased to a minimum area of 50m<sup>2</sup>. Amended plans shall be submitted for approval of the Group Manager Planning and Environment prior to issue of the Construction Certificate by the Principal Certifying Authority.
  - b) Condition 5 be amended to read:

The landscape concept plan shall be amended to include screen planting along the eastern boundary for the length of the proposed building. The purpose of the planting is to provide visual privacy to the rear yards of the dwellings to the east from the east facing dining room window.

The amended plan shall provide a detailed description of the plantings proposed including maturity at height and growth time to maturity and be submitted for approval of the Group Manager Planning and Environment prior to issue of the Construction Certificate by the Principal Certifying Authority.
  - c) Condition 10 be amended to include:

Or

Each Unit be provided with a heat operated mechanical dryer.
  - d) Condition 18 be deleted.
  - e) Condition 16 be deleted.
  - f) Condition 44(a) be deleted.
2. That those persons who made a submission be formally notified of Council's determination.

A foreshadowed amendment was moved by Cr Hede

1. That Development Application 2008.0416 for multi unit housing development and strata subdivision in two stages on Lot 2 DP18927, No. 2 Beach Street, Tathra be approved subject to the conditions outlined in the attached Draft Development Consent with alterations to the conditions as follows:-
  - a) A new condition be added that the balcony of Unit 1 shall be increased to a minimum area of 50m<sup>2</sup>. Amended plans shall be submitted for approval of the Group Manager Planning and Environment prior to issue of the Construction Certificate by the Principal Certifying Authority.
  - b) Condition 5 be amended to read:

The landscape concept plan shall be amended to include screen planting along the eastern boundary for the length of the proposed building. The purpose of the planting is to provide visual privacy to the rear yards of the dwellings to the east from the east facing dining room window.

The amended plan shall provide a detailed description of the plantings proposed including maturity at height and growth time to maturity and be submitted for approval of the Group Manager Planning and Environment prior to issue of the Construction Certificate by the Principal Certifying Authority.
  - c) Condition 10 be amended to include:

Or

Each Unit be provided with a heat operated mechanical dryer.
  - d) Condition 18 be deleted.
  - e) Condition 15 be deleted.
  - f) Condition 44(a) be deleted.
2. That those persons who made a submission be formally notified of Council's determination.

The amendment was put to the vote and it was DECLARED CARRIED.

IN FAVOUR: Crs Allen, Britten, Campbell, Pincini and Seckold

AGAINST: Cr Wykes, Hede, Hughes and Sandrey

ABSENT: Nil

The amendment became the motion and on being put to the vote it was

**Planning and Environment**  
STANDING COMMITTEE MINUTES  
26 May 2009

RESOLVED on the motion of Crs Campbell and Britten

1. That Development Application 2008.0416 for multi unit housing development and strata subdivision in two stages on Lot 2 DP18927, No. 2 Beach Street, Tathra be approved subject to the conditions outlined in the attached Draft Development Consent with alterations to the conditions as follows:-

a) A new condition be added that the balcony of Unit 1 shall be increased to a minimum area of 50m<sup>2</sup>. Amended plans shall be submitted for approval of the Group Manager Planning and Environment prior to issue of the Construction Certificate by the Principal Certifying Authority.

b) Condition 5 be amended to read:

The landscape concept plan shall be amended to include screen planting along the eastern boundary for the length of the proposed building. The purpose of the planting is to provide visual privacy to the rear yards of the dwellings to the east from the east facing dining room window.

The amended plan shall provide a detailed description of the plantings proposed including maturity at height and growth time to maturity and be submitted for approval of the Group Manager Planning and Environment prior to issue of the Construction Certificate by the Principal Certifying Authority.

c) Condition 10 be amended to include:

Or

Each Unit be provided with a heat operated mechanical dryer.

d) Condition 18 be deleted.

e) Condition 16 be deleted.

f) Condition 44(a) be deleted.

2. That those persons who made a submission be formally notified of Council's determination.

IN FAVOUR: Crs Allen, Britten, Campbell, Pincini, Sandrey, Seckold and Wykes

AGAINST: Crs Hughes and Hede

ABSENT: Nil

## **6. Request for nominations for the Joint Regional Planning Panels**

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A motion was moved by Crs Britten and Allen

That in accordance with the request from the Minister for Planning, The Hon. Kristina Keneally, Council:

- (a) nominate Councillors Campbell and Britten to be members of the Joint Regional Planning Panel to be reviewed after a period of twelve months;
- (b) nominate Councillor Allen as the first alternative and Councillor Pincini as the second alternative, should the nominated members referred to in (a) above be unavailable to attend a Joint Regional Planning Panel meeting;
- (c) formally advise the Minister for Planning of Council's decision.

An amendment was moved by Crs Hede and Wykes

That in accordance with the request from the Minister for Planning, The Hon. Kristina Keneally, Council:

- (a) nominate Councillors Campbell and Britten to be members of the Joint Regional Planning Panel for a period of six months;
- (b) nominate Councillor Allen as the first alternative and Councillor Pincini as the second alternative, should the nominated members referred to in (a) above be unavailable to attend a Joint Regional Planning Panel meeting;
- (c) formally advise the Minister for Planning of Council's decision.

The amendment was put to the vote and it was DECLARED CARRIED.

IN FAVOUR: Crs Campbell, Hede, Hughes, Sandrey, Seckold and Wykes

AGAINST: Crs Allen, Britten and Pincini

ABSENT: Nil

The amendment became the motion and on being put to the vote it was

RESOLVED on the motion of Crs Hede and Wykes

That in accordance with the request from the Minister for Planning, The Hon. Kristina Keneally, Council:

- (a) nominate Councillors Campbell and Britten to be members of the Joint Regional Planning Panel for a period of six months;
- (b) nominate Councillor Allen as the first alternative and Councillor Pincini as the second alternative, should the nominated members referred to in (a) above be unavailable to attend a Joint Regional Planning Panel meeting;

(c) formally advise the Minister for Planning of Council's decision.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Pincini, Sandrey, Seckold and Wykes

AGAINST: Cr Hughes

ABSENT: Nil

## **7. Exhibition of Eurobodalla Shire Council Draft Local Environmental Plan**

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RESOLVED on the motion of Crs Britten and Wykes

That the exhibition of the Eurobodalla Draft Local Environmental Plan be noted and that the Eurobodalla Shire Council be congratulated for the significant work they have undertaken.

IN FAVOUR: Crs Allen, Britten, Campbell, Hede, Hughes, Pincini, Sandrey, Seckold and Wykes

AGAINST: Nil

ABSENT: Nil

## **Closure**

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There being no further business the Chairperson closed the meeting at 4.10 pm.

CONFIRMED .....

CHAIRPERSON