

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 2 April 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Amanda Findley
Clr Joanna Gash - Chairperson
Clr John Wells
Clr John Levett
Clr Nina Digiglio
Clr Annette Alldrick
Clr Kaye Gartner
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Apologies were received from Clr White, Clr Pakes, Clr Kitchener, Clr Guile and Clr Watson.

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr Digiglio) MIN19.204

That the Minutes of the Development & Environment Committee held on Tuesday 05 March 2019 be confirmed.

CARRIED

Declarations of Interest

Nil

Call Over of the Business Paper

RESOLVED (Clr Gash / Clr Wells) MIN19.205

That the Chairperson Call Over all the items on the Agenda.

CARRIED

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

DE19.18 - Update - Planning Proposal - Lot 4 DP83425, Beach Road, Berry

Mr Matt Philpott, representing Allen Price & Scarratts, addressed the meeting and spoke for the recommendation.

DE19.21 - Development Application No.18/1844 – 120 Macleans Point Road, Sanctuary Point – Lot 653 DP 27855

Mr Greg Edwards, representing Basin View Forum and Sanctuary Point Community Pride, addressed and spoke against the recommendation.

Dr Judith Stubbs, representing the owners of the land, addressed the meeting and spoke to the recommendation.

DE19.24 - Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

Dr Shirley Fitzgerald addressed the meeting and spoke for the heritage listing.

Mr Ian Deck, representing the Anglican Church, addressed the meeting and spoke against the recommendation.

Mr Stephen Bartlett, representing Kamsley Pty Ltd, addressed the meeting and spoke against the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Digiglio)

MIN19.206

That the following matters be brought forward for consideration:

- DE19.18 - Update - Planning Proposal - Lot 4 DP83425, Beach Road, Berry
- DE19.21 - Development Application No.18/1844 – 120 Macleans Point Road, Sanctuary Point – Lot 653 DP 27855
- DE19.24 - Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

CARRIED

REPORTS

DE19.18 Update - Planning Proposal - Lot 4 DP83425, Beach Road, Berry

HPERM Ref: D19/40102

Recommendation (Item to be determined under delegated authority)

That Council:

1. Amend the Planning Proposal (PP) for Lot 4 DP83425, Beach Road, Berry to:
 - a. Reflect the revised maps provided with the report; and

- b. List the Aboriginal Scarred Tree identified on the site as an item of Aboriginal Heritage
2. Submit the revised PP to the NSW Department of Planning and Environment for consideration as required by the Gateway determination.
3. Undertake the necessary Government Agency consultation prior to public exhibition as required by the Gateway determination.
4. Prepare a draft site-specific Development Control Plan (DCP) chapter to support the PP.
5. Publicly exhibit the PP and supporting draft DCP chapter, subject to completion of the above matters.
6. Advise the proponent of this resolution.

RESOLVED (Clr Proudfoot / Clr Wells)

MIN19.207

That Council:

1. Amend the Planning Proposal (PP) for Lot 4 DP83425, Beach Road, Berry to:
 - a. Reflect the revised maps provided with the report; and
 - b. List the Aboriginal Scarred Tree identified on the site as an item of Aboriginal Heritage
2. Submit the revised PP to the NSW Department of Planning and Environment for consideration as required by the Gateway determination.
3. Undertake the necessary Government Agency consultation prior to public exhibition as required by the Gateway determination.
4. Prepare a draft site-specific Development Control Plan (DCP) chapter to support the PP.
5. Publicly exhibit the PP and supporting draft DCP chapter, subject to completion of the above matters.
6. Advise the proponent of this resolution.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

Against: Nil

CARRIED

DE19.21 Development Application No.18/1844 – 120 Macleans Point Road, Sanctuary Point – Lot 653 DP 27855

HPERM Ref: D19/70515

Recommendation (Item to be determined under delegated authority)

That Development Application No.18/1844 be determined by way of approval subject to the imposition of suitable conditions of consent as contained in attachment 1.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN19.208

That:

1. Council defer consideration of DA18/1844 120 Macleans Point Road, Sanctuary Point – Lot 653 DP 27855, pending the General Manager providing a supplementary report to Council in respect of
 - a. restrictions on smoking in the area near the nursery/garden centre
 - b. stormwater

- c. the ongoing management of the boarding house
- 2. The report be brought to the April Ordinary meeting of Council.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE19.24 Further Update - Possible Heritage Listing - Former Huskisson Anglican Church

HPERM Ref: D19/99451

Recommendation (Item to be determined under delegated authority)

That Council

- 1. Receive the report for information.
- 2. Note the letter received from the Heritage Council of NSW on 27 March 2019.
- 3. Decide whether it wishes to reconsider its previous resolved position in this regard and consider the possible heritage significance of the site through the LEP listing process.

MOTION (Clr Wells / Clr Gash)

That Council

- 1. Receive the report for information.
- 2. Note the letter received from the Heritage Council of NSW on 27 March 2019.

FOR: Clr Gash, Clr Wells and Russ Pigg

AGAINST: Clr Findley, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner and Clr Proudfoot

LOST

RESOLVED (Clr Levett / Clr Alldrick)

MIN19.209

That Council

- 1. Receive the report for information
- 2. Note the letter received from the Heritage Council of NSW on 27 March 2019
- 3. Seek to list the site in the Local Environmental Plan (LEP) as a Local Heritage Item through the formal planning proposal process.
- 4. Authorise staff to endeavour to add this to the next Housekeeping Amendment dealing with Heritage in June 2019.
- 5. Encourage the proponents (i.e. the land owner and the proposed developer) and the community to come together in an endeavour to reach an agreed outcome.

FOR: Clr Findley, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner and Clr Proudfoot

AGAINST: Clr Gash, Clr Wells and Russ Pigg

CARRIED

Note: A rescission motion was received on this item.

DE19.19 Draft Planning Proposal - Review of Subdivision Provisions - Shoalhaven LEP 2014

**HPERM Ref:
D19/59990**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the Review of Subdivision Provisions Planning Proposal (PP027) (Attachment 1) and submit it to the NSW Department of Planning and Environment for a Gateway determination.
2. Following receipt of the Gateway determination, exhibit PP027 as per legislative and Gateway determination requirements.
3. Receive a further report following the conclusion of the public exhibition period.
4. Advise key stakeholders of this decision, including relevant Community Consultative Bodies and Development Industry representatives.

RESOLVED (Clr Findley / Clr Digiglio)

MIN19.210

That Council:

1. Endorse the Review of Subdivision Provisions Planning Proposal (PP027) (Attachment 1) and submit it to the NSW Department of Planning and Environment for a Gateway determination.
2. Following receipt of the Gateway determination, exhibit PP027 as per legislative and Gateway determination requirements.
3. Receive a further report following the conclusion of the public exhibition period.
4. Advise key stakeholders of this decision, including relevant Community Consultative Bodies and Development Industry representatives.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

DE19.20 Sustainability Program Update

**HPERM Ref:
D19/58433**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the recommendations outlined in the report – Attachment 1.
2. Endorse the development of a Sustainability Policy for Council.
3. Endorse the development of a Sustainability Action Plan for Council.

Authorise the General Manager (Director Planning, Environment & Development) to establish a reference Group consisting of interested Councillors and appropriate staff to advance 1, 2 and 3 above, and that at least quarterly progress reports are provided to Council.

RESOLVED (Clr Wells / Clr Findley)

MIN19.211

That Council:

1. Adopt the recommendations outlined in the report – Attachment 1.
2. Endorse the development of a Sustainability Policy for Council.
3. Endorse the development of a Sustainability Action Plan for Council.

4. Authorise the General Manager (Director Planning, Environment & Development) to establish a reference Group consisting of interested Councillors and appropriate staff to advance 1, 2 and 3 above, and that at least quarterly progress reports are provided to Council.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Aldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE19.21 DEVELOPMENT APPLICATION NO.18/1844 – 120
MACLEANS POINT ROAD, SANCTUARY POINT – LOT
653 DP 27855**

**HPERM REF:
D19/70515**

Item dealt with earlier in the meeting see MIN19.208

**DE19.22 Shoalhaven River Estuary Coastal Management
Program - Acceptance of NSW OEH Grant - Coast and
Estuary Grant Program**

**HPERM Ref:
D19/82267**

Recommendation

That Council:

1. Accept the NSW OEH grant funds of \$75,000, for the preparation of Shoalhaven River Estuary Coastal Management Program, over two (2) years.
2. Provide matching funds of \$75,000 over two (2) years from the existing coastal management planning budget as previously resolved (MIN17.1087) to match the \$75,000 offered by the NSW Government, to prepare Shoalhaven City Council's Coastal Management Program (CMP) for the Shoalhaven River Estuary.
3. Write to the NSW Minister for Environment, Heritage and Local Government, thanking them for the grant funding offer.

Recommendation (Clr Findley / Clr Wells)

That Council:

1. Accept the NSW OEH grant funds of \$75,000, for the preparation of Shoalhaven River Estuary Coastal Management Program, over two (2) years.
2. Provide matching funds of \$75,000 over two (2) years from the existing coastal management planning budget as previously resolved (MIN17.1087) to match the \$75,000 offered by the NSW Government, to prepare Shoalhaven City Council's Coastal Management Program (CMP) for the Shoalhaven River Estuary.
3. Write to the NSW Minister for Environment, Heritage and Local Government, thanking them for the grant funding offer.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Aldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE19.23 Exhibition Outcomes and Proposed Finalisation -
Shoalhaven Contributions Plan 2019**

**HPERM Ref:
D18/375094**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Shoalhaven Contributions Plan 2019 as exhibited with the proposed amendments described in Table 2 of this report and proceed to finalise the plan.
2. Give effect to the Shoalhaven Contributions Plan 2019 by publishing a written notice in local newspapers in accordance with legislation.
3. Notify development industry representatives, Community Consultative Bodies and those who made submissions, of Council's decision.
4. Endorse the position that all funds from deleted projects are to remain within each relevant planning area and be transferred to a "recoupment fund", with those funds used as Council's apportionment towards projects and to provide seed funding for community infrastructure projects identified in the revised contributions plan.
5. Endorse the preparation of a future amendment to the adopted Shoalhaven Contributions Plan 2019 to:
 - a. update project costings, apportionment, and timeframes,
 - b. clarify calculation of credits, when contributions are charged for industrial/commercial subdivision, dedication of land and works in kind, and how merit assessment for miscellaneous development types is to be undertaken; and
 - c. address general housekeeping matters that may arise.

RESOLVED (Clr Findley / Clr Proudfoot)

MIN19.212

That Council:

1. Adopt the Shoalhaven Contributions Plan 2019 as exhibited with the proposed amendments described in Table 2 of this report and proceed to finalise the plan.
2. Give effect to the Shoalhaven Contributions Plan 2019 by publishing a written notice in local newspapers in accordance with legislation.
3. Notify development industry representatives, Community Consultative Bodies and those who made submissions, of Council's decision.
4. Endorse the position that all funds from deleted projects are to remain within each relevant planning area and be transferred to a "recoupment fund", with those funds used as Council's apportionment towards projects and to provide seed funding for community infrastructure projects identified in the revised contributions plan.
5. Endorse the preparation of a future amendment to the adopted Shoalhaven Contributions Plan 2019 to:
 - a. update project costings, apportionment, and timeframes,
 - b. clarify calculation of credits, when contributions are charged for industrial/commercial subdivision, dedication of land and works in kind, and how merit assessment for miscellaneous development types is to be undertaken; and
 - c. address general housekeeping matters that may arise.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

**DE19.24 FURTHER UPDATE - POSSIBLE HERITAGE LISTING -
FORMER HUSKISSON ANGLICAN CHURCH**

**HPERM REF:
D19/99451**

Item dealt with earlier in the meeting see MIN19.209

DE19.25 Two (2) Bushcare Group Action Plans - Review

**HPERM Ref:
D19/99736**

Recommendation (Item to be determined under delegated authority)

That Council adopt the following two (2) reviewed Bushcare Group Action Plans:

1. Warden Head; and
2. Bangalee Reserve.

RESOLVED (Clr Findley / Clr Gash)

MIN19.213

That Council adopt the following two (2) reviewed Bushcare Group Action Plans:

1. Warden Head; and
2. Bangalee Reserve.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

Note: A Rescission Motion was received in relation to DE19.24 - Further Update - Possible Heritage Listing - Former Huskisson Anglican Church signed by Clr Wells, Clr Gash and Clr Pakes.

There being no further business, the meeting concluded, the time being 8.15pm.

Clr Gash
CHAIRPERSON