

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 7 May 2019
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Greg Watson - Chairperson
Clr Amanda Findley
Clr Patricia White
Clr John Levett
Clr Nina Digiglio
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Bob Proudfoot
Stephen Dunshea – Acting General Manager

Procedural Motion

RESOLVED (Clr Pakes / Clr Findley) MIN19.282

That Ms Niki Willdig be permitted to make a deputation in relation to item DE19.33 – Update – Planning Proposal – Warrah Road, Bangalee.

CARRIED

Apologies / Leave of Absence

Apologies were received from Clr Gash, Clr Wells, Clr Guile, Clr Alldrick and Clr Kitchener.

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr Digiglio) MIN19.283

That the Minutes of the Development & Environment Committee held on Tuesday 02 April 2019 be confirmed.

CARRIED

Declarations of Interest

Clr White – DE19.39 New Item - Tree Removal - Power Lines - Endeavour Energy - less than significant non pecuniary interest declaration - her son works for Endeavour Energy – will remain in the room and take part in discussion and vote.

Call Over of the Business Paper

RESOLVED (Clr Gartner / Clr Digiglio)

The following items were called up for debate:

DE19.28, DE19.33, DE19.34, DE19.36. DE19.37, DE.26, DE.27, DE.29, DE.30, DE.31, DE.32, DE.34, DE19.35

The following item was resolved (Clr Gartner / Clr Digiglio) at this time. It is marked with an asterisk (*) in these minutes:

DE19.38

CARRIED

MAYORAL MINUTES

Nil.

DEPUTATIONS AND PRESENTATIONS

DE19.28 - Proposed Review - Shoalhaven LEP 2014 - Clause 2.8 Temporary Use of Land

Mr Stuart Coughlan, representing Berry Forum, addressed the meeting and spoke against the recommendation.

Ms Elizabeth Clark addressed the meeting and spoke against the recommendation.

DE19.30 Public Exhibition Outcomes - Planning Proposal (PP023) - Anson Street, St Georges Basin - Building Heights

Ms Maureen Webb, representing the Basin Villages Forum, addressed the meeting and spoke in favour of the recommendation.

DE19.34 Options - Review of Proposed Service Lane, St Georges Basin Village Centre - Shoalhaven DCP 2014 and Shoalhaven Contributions Plan 2010

Mr Travis Harpley addressed the meeting and spoke against the recommendation.

Mr Russell Byrnes addressed the meeting and spoke against the recommendation.

Mr Peter Chrisafis addressed the meeting and spoke against the recommendation.

DE19.36 RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP 777260

Mr Kim Jones, representing JSA Architects, and Mr Andrew Robinson, representing Andrew Robinson Planning Services, addressed the meeting and spoke against the recommendation.

DE19.33 Update – Planning Proposal – Warrah Road, Bangalee

Ms Niki Willdig addressed the meeting and spoke in relation to Point 6 of the recommendation.

REPORTS

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Gartner) MIN19.284

That the matter of the following items be brought forward for consideration:

- DE19.28 - Proposed Review - Shoalhaven LEP 2014 - Clause 2.8 Temporary Use of Land
- DE19.30 - Public Exhibition Outcomes - Planning Proposal (PP023) - Anson Street, St Georges Basin - Building Heights
- DE19.34 - Options - Review of Proposed Service Lane, St Georges Basin Village Centre - Shoalhaven DCP 2014 and Shoalhaven Contributions Plan 2010
- DE19.36 - RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP 777260
- DE19.33 - Update - Planning Proposal - Warrah Road, Bangalee

CARRIED

DE19.28 Proposed Review - Shoalhaven LEP 2014 - Clause 2.8 Temporary Use of Land	HPERM Ref: D19/109574
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Recommendation (Item to be determined under delegated authority)

That Council:

1. Proceed to review the operation and effect of the current Clause 2.8 (Temporary use of land) in Shoalhaven Local Environmental Plan 2014.
2. Advise relevant stakeholders (all CCBs, Development/Tourism Industry, Shoalhaven Tourism Advisory Group) of this decision and engage them during the Review.
3. Receive a further report outlining the findings of the Review and options to revise the clause as appropriate.

MOTION (Clr White / Clr Proudfoot)

That Council receive the report for information and not adopt the recommendation.

FOR: Clr White, Clr Pakes, Clr Proudfoot and Clr Watson

AGAINST: Clr Findley, Clr Levett, Clr Digiglio, Clr Gartner and Stephen Dunshea

LOST

FORESHADOWED MOTION (RESOLVED) (Clr Findley / Clr Gartner) MIN19.285

That Council:

1. Proceed to review the operation and effect of the current Clause 2.8 (Temporary use of land) in Shoalhaven Local Environmental Plan 2014.
2. Advise relevant stakeholders (all CCBs, Development/Tourism Industry, Shoalhaven Tourism Advisory Group) of this decision and engage them during the Review.

3. Receive a further report outlining the findings of the Review and options to revise the clause as appropriate.

FOR: Clr Findley, Clr Levett, Clr Digiglio, Clr Gartner, and Stephen Dunshea

AGAINST: Clr White, Clr Watson, Clr Pakes and Clr Proudfoot

CARRIED

**DE19.30 Public Exhibition Outcomes - Planning Proposal (PP023)
- Anson Street, St Georges Basin - Building Heights**

**HPERM Ref:
D19/106974**

Recommendation (Item to be determined under delegated authority)

That Council

1. Proceed to organise a Public Hearing for Planning Proposal No. PP023 that applies to part of Lot 1 and Lot 6 DP 1082382, Anson Street, St Georges Basin.
2. Consider a further report on this matter and its possible finalisation following the Public Hearing.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.286

That Council

1. Proceed to organise a Public Hearing for Planning Proposal No. PP023 that applies to part of Lot 1 and Lot 6 DP 1082382, Anson Street, St Georges Basin.
2. Consider a further report on this matter and its possible finalisation following the Public Hearing.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.34 Options - Review of Proposed Service Lane, St Georges Basin Village Centre - Shoalhaven DCP 2014 and Shoalhaven Contributions Plan 2010

**HPERM Ref:
D19/119586**

Recommendation (Item to be determined under delegated authority)

That Council:

1. In recognition of the broader Strategic Plan for St Georges Basin Village Centre, reaffirm the proposed Service Lane identified in Shoalhaven Development Control Plan (DCP) 2014 Chapter N23: St Georges Basin Village Centre with minor changes following design approval of the updated engineering design plans.
2. Prepare an amendment to the Shoalhaven Contributions Plan (CP) 2019 to:
 - a. Delete the project 03ROAD2113 St Georges Basin Service Lane as a standalone project and include the proposed Service Lane in Project 03ROAD2023 St Georges Basin Village Access Road and Traffic Facilities that is part of the Village Road Network required to facilitate the development of the overall B4 Mixed Use zone and support the future population growth in St Georges Basin.
 - b. Include the updated engineering design, land valuation and construction cost estimates in the updated project.

- c. Identify the remaining works for construction in the CP Project 03ROAD2023 Village Access Road and update the project cost estimates for the remaining works.
3. Depending on the outcome of the proposed amendment to Shoalhaven Contributions Plan 2019:
 - a. Fund initial expenditure on the first stage of the service lane works to provide essential rear lane access to the properties 144-152 Island Point Road and land acquisition using recoupment funds that may be available following the adoption of the Shoalhaven Contributions Plan 2019 or through general revenue allocations in the future Capital Works Program of up to \$600,000 (2018/19 Indexed Estimate for 63% of the Project Costs rounded up) and request a further report should more than this amount be required.
 - b. Include the construction of the remaining section of the St Georges Basin Village Centre Service Lane and Village Access Road in Council's capital works planning.
 - c. Recoup the expended funds through Section 7.11 development contributions levied by Shoalhaven Contributions Plan 2010 for future development.
4. Prepare a minor housekeeping amendment to Shoalhaven DCP 2014 Chapter N23: St Georges Basin Village Centre to reflect the updated design for the proposed service lane and include the final design approved engineering plans as a supporting document.
5. Undertake a broader review of Shoalhaven DCP Chapter N23: St Georges Basin Village Centre to complete/update the precinct planning for the "Future Uses" area identified in the DCP Chapter Supporting Map as part of Council's Strategic Planning Works Program.
6. Advise the applicant of DA17/2435 of the intended changes and support a future application under Council's Policy *Payment of Development Contributions and Section 64 Headworks Charges by Deferment or Instalments (under Special Circumstances)* to defer the payment of contributions levied in the development consent for Project 03ROAD2113 of \$45,541.91 (2018/19 Financial Year) until the future of the Service Lane is resolved and consider waiving of the requirement for a bank guarantee given the circumstances incurred by the applicant through this review process.
7. Advise the affected landowners of this resolution and the next steps.

RESOLVED (Clr Proudfoot / Clr Findley)

MIN19.287

That Council

1. Commence the necessary steps to remove the proposed service lane from the Shoalhaven Development Control Plan 2014 and Shoalhaven Contributions Plan 2019 and allow front access from Island Point Road to the four (4) relevant properties, excluding Lot 45 DP 25550 where vehicle access from Island Point Road would not be practical.
2. Request a further urgent report on the options arising from this decision on the possible development of 148 Island Point Road St Georges Basin that is the subject of a recent development approval (DA17/2435).

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

Against: Nil

CARRIED

**DE19.36 RD18/1007 – 315 Princes Highway Bomaderry – Lot 2 DP
777260**

**HPERM Ref:
D19/114426**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Reaffirm the determination (refusal) of DA18/1000, dated 30 November 2018, for the demolition of existing structures and construction of a staged multi-dwelling housing development comprising 40 dwellings at Lot 2 DP 777260, 315 Princes Highway, Bomaderry.
2. Reissue the determination notice removing the first reason for refusal as Endeavour Energy has conditionally supported the proposal.

MOTION (Clr Findley / Clr Gartner)

That Council defer RD18/1007, 315 Princes Highway, for further report to the Meeting of Council on 28 May 2019. In deferring this item, the applicant is to:

1. Submit an acoustic engineers report showing how the proposed development will comply with the provisions of the Division 17 subdivision 2 of State Environmental Planning Policy (Infrastructure) 2007, such report to be provided within 7 days from today's resolution;
2. Provide advice to Council as to how turf cell 'pavement' will be removed from the design and an alternative pavement be incorporated;
3. Confirm that an amended stormwater design and report will be submitted to ensure that drainage will be achieved compliant with Council's requirements for "Sustainable Stormwater Management and Erosion / Sediment Control", Chapter G2 of the Shoalhaven Development Control Plan 2014 in light of the turf cell pavement being removed;
4. Outline modifications to be made to the design to include adequate landscape buffers to the boundaries and increase landscape provision to provide for occupants' and neighbours' residential amenity, to improve outlooks, privacy and private recreation opportunities.

FOR: Clr Findley, Clr Levett, Clr Digiglio, Clr Gartner

AGAINST: Clr Pakes, Clr Proudfoot, Clr White, Clr Watson and Stephen Dunshea

LOST

RESOLVED (Clr Pakes / Clr White)

MIN19.288

That Council defer the determination of this matter to allow the applicant to provide the information required with an addendum report to be submitted to the Council meeting on 28 May 2019.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.33 Update - Planning Proposal - Warrah Road, Bangalee

**HPERM Ref:
D19/39829**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Prepare and submit a revised PP to seek a revised Gateway determination for the Warrah Road PP that:
 - a. Reflects the revised zone and lot size maps provided in this report

- b. Includes provisions relating to the subdivision of the residual environmental and rural land into no more than four allotments
- 2. Apply to the NSW Office of Environment and Heritage to biodiversity certify the PP.
- 3. Not commence the requirements under Part 6 of the LEP to actually release this land for urban development until after BOTH the duplication of the Princes Highway/Shoalhaven River Bridge and the Far North Collector Road are complete.
- 4. Place the PP and biodiversity certification application on public exhibition, subject to the receipt of a satisfactory revised Gateway determination.
- 5. Advise the proponent, affected land owners and previous submitters of this resolution.
- 6. Consider adding the review of the southern component of the Crams Road Urban Release Area as a new project to the Strategic Planning Works Program that is developed for 2019/2020, with a further report back from the General Manager.

RESOLVED (Clr Findley / Clr Gartner)

MIN19.289

That Council:

- 1. Prepare and submit a revised PP to seek a revised Gateway determination for the Warrah Road PP that:
 - a. Reflects the revised zone and lot size maps provided in this report
 - b. Includes provisions relating to the subdivision of the residual environmental and rural land into no more than four allotments
- 2. Apply to the NSW Office of Environment and Heritage to biodiversity certify the PP.
- 3. Not commence the requirements under Part 6 of the LEP to actually release this land for urban development until after BOTH the duplication of the Princes Highway/Shoalhaven River Bridge and the Far North Collector Road are complete.
- 4. Place the PP and biodiversity certification application on public exhibition, subject to the receipt of a satisfactory revised Gateway determination.
- 5. Advise the proponent, affected land owners and previous submitters of this resolution.
- 6. Consider adding the review of the southern component of the Crams Road Urban Release Area as a new project to the Strategic Planning Works Program that is developed for 2019/2020, with a further report back from the General Manager.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.26 Outcomes - Shoalhaven Local Heritage Assistance Fund 2018-2019

HPERM Ref: D19/66849

Recommendation (Item to be determined under delegated authority)

That Council:

- 1. Receive the annual Summary Project Report (Attachment 1), detailing the outcomes of the Local Heritage Assistance Fund Program 2018-2019, for information.
- 2. Adopt the revised Shoalhaven Heritage Strategy 2019-2022 (Attachment 2)

RESOLVED (Clr Findley / Clr Gartner)

MIN19.290

That Council:

1. Receive the annual Summary Project Report (Attachment 1), detailing the outcomes of the Local Heritage Assistance Fund Program 2018-2019, for information.
2. Adopt the revised Shoalhaven Heritage Strategy 2019-2022 (Attachment 2).

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.27 Proposed Amendment - Shoalhaven Development Control Plan 2014 - Low Density Residential

HPERM Ref: D19/106139

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the exhibition of the draft Low Density Residential Amendment to Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft Low Density Residential Amendment following the conclusion of the public exhibition period.
3. Continue to investigate the possibility of an off-site mature tree replacement scheme for Shoalhaven in line with MIN18.955(4) and receive a future report on this matter.
4. Advise key stakeholders, including relevant industry representatives, of this decision.

MOTION (Clr Proudfoot / Clr White)

That Council:

1. Support the exhibition of the draft Low Density Residential Amendment to Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft Low Density Residential Amendment following the conclusion of the public exhibition period.
3. Continue to investigate the possibility of an off-site mature tree replacement scheme for Shoalhaven in line with MIN18.955(4) and receive a future report on this matter, and that an investigation be made as to the inclusion of private rural property owners as potential recipients of an off-site mature tree planting program.
4. Advise key stakeholders, including relevant industry representatives, of this decision.

FOR: Clr White and Clr Proudfoot

AGAINST: Clr Findley, Clr Pakes, Clr Levett, Clr Digiglio, Clr Gartner, Clr Watson and Stephen Dunshea

LOST

FORESHADOWED MOTION (RESOLVED) (Clr Findley / Clr Gartner)

MIN19.291

That Council:

1. Support the exhibition of the draft Low Density Residential Amendment to Shoalhaven Development Control Plan 2014 for a period of 28 days as per legislative requirements.
2. Receive a further report on the draft Low Density Residential Amendment following the

conclusion of the public exhibition period.

3. Continue to investigate the possibility of an off-site mature tree replacement scheme for Shoalhaven in line with MIN18.955(4) and receive a future report on this matter.
4. Advise key stakeholders, including relevant industry representatives, of this decision.

FOR: Clr Findley, Clr Levett, Clr Digiglio, Clr Gartner and Stephen Dunshea

AGAINST: Clr White, Clr Pakes, Clr Watson and Clr Proudfoot

CARRIED

**DE19.28 PROPOSED REVIEW - SHOALHAVEN LEP 2014 -
CLAUSE 2.8 TEMPORARY USE OF LAND**

**HPERM REF:
D19/109574**

Item dealt with earlier in the meeting see MIN19.285

**DE19.29 Proposed Council Submission - Discussion Paper:
Proposed Standard Instrument LEP Local Character
Overlay**

**HPERM Ref:
D19/121980**

Recommendation (Item to be determined under delegated authority)

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning and Environment in relation to its Discussion Paper on a proposed Standard Instrument LEP Local Character Overlay.

RESOLVED (Clr Findley / Clr Digiglio)

MIN19.292

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning and Environment in relation to its Discussion Paper on a proposed Standard Instrument LEP Local Character Overlay.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.30 PUBLIC EXHIBITION OUTCOMES - PLANNING
PROPOSAL (PP023) - ANSON STREET, ST GEORGES
BASIN - BUILDING HEIGHTS**

**HPERM REF:
D19/106974**

Item dealt with earlier in the meeting see MIN19.286

**DE19.31 Exhibition Outcomes - Draft Council Policy - Electric
Vehicle (EV) Charging Stations on Public Land**

**HPERM Ref:
D19/47332**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt and finalise the draft Electric Vehicle Charging Stations on Public Land Policy, as exhibited, with the inclusion of changes identified in **Attachment 2**.
2. Advise key stakeholders and those that made submissions of this decision.

3. Continue to consider Electric Vehicle policy developments and opportunities as they arise.

RESOLVED (Clr Gartner / Clr Digiglio)

MIN19.293

That Council:

1. Adopt and finalise the draft Electric Vehicle Charging Stations on Public Land Policy, as exhibited, with the inclusion of changes identified in **Attachment 2**.
2. Advise key stakeholders and those that made submissions of this decision.
3. Continue to consider Electric Vehicle policy developments and opportunities as they arise.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.32 Proposed Submission - Aboriginal Land Claim No.25421 and Part Claims No.42499, 42454, 42448 and 42485 - Ulladulla

HPERM Ref: D19/103982

Recommendation (Item to be determined under delegated authority)

That Council notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that:

1. In relation to part Claim Numbers 42448 and 42485 over Lot 16 DP 1105304:
 - a. Council has no objection to these claims subject to:
 - i. The exclusion of land identified for the planned future southern extension of St Vincent Street, which also contains Council infrastructure for drainage and wastewater disposal; and
 - ii. The exclusion of land on the western boundary that contains Council infrastructure for wastewater disposal.
2. In relation to Claim No. 25421 and part Claim Numbers 42499 and 42454 over Part Lot 245 DP 755967, and part Claim Numbers 42448 and 42485 over Lots 286 & 287 DP 755967 and Lot 2 DP 631894:
 - a. Council does not support these claims because at the date of claim lodgement:
 - i. The land was likely to be needed for an essential public purpose, being the planned future southern extension of St Vincent Street and connector road and roundabout to the Princes Highway; and
 - ii. The land contains a significant amount of Council infrastructure for drainage, water supply and wastewater disposal that services the southern Ulladulla area.

RESOLVED (Clr White / Clr Digiglio)

MIN19.294

That Council notify the NSW Department of Industry – Crown Lands Aboriginal Land Claims Investigation Unit that:

1. In relation to part Claim Numbers 42448 and 42485 over Lot 16 DP 1105304:
 - a. Council has no objection to these claims subject to:
 - i. The exclusion of land identified for the planned future southern extension of St

Vincent Street, which also contains Council infrastructure for drainage and wastewater disposal; and

- ii. The exclusion of land on the western boundary that contains Council infrastructure for wastewater disposal.

2. In relation to Claim No. 25421 and part Claim Numbers 42499 and 42454 over Part Lot 245 DP 755967, and part Claim Numbers 42448 and 42485 over Lots 286 & 287 DP 755967 and Lot 2 DP 631894:

- a. Council does not support these claims because at the date of claim lodgement:
 - i. The land was likely to be needed for an essential public purpose, being the planned future southern extension of St Vincent Street and connector road and roundabout to the Princes Highway; and
 - ii. The land contains a significant amount of Council infrastructure for drainage, water supply and wastewater disposal that services the southern Ulladulla area.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.33	UPDATE - PLANNING PROPOSAL - WARRAH ROAD, BANGALEE	HPERM REF: D19/39829
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Item dealt with earlier in the meeting see MIN19.289

DE19.34	OPTIONS - REVIEW OF PROPOSED SERVICE LANE, ST GEORGES BASIN VILLAGE CENTRE - SHOALHAVEN DCP 2014 AND SHOALHAVEN CONTRIBUTIONS PLAN 2010	HPERM REF: D19/119586
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Item dealt with earlier in the meeting see MIN19.287

DE19.35	Development Application – SF10671 proposed 2 lot subdivision at Lot 9 DP792386 (no.96) Princes Hwy Milton	HPERM Ref: D19/84342
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Recommendation (Item to be determined under delegated authority)

Council resolve with respect to the development application SF10671, proposed 2 lot subdivision of Lot 9 DP792386 Gumley Lane, Milton, to:

1. Support the variation to Council Interim Policy 18/55, and use of Gumley Lane for access,
2. Support the development and determine the application by way of approval subject to conditions of consent, as outlined in the attached Draft Consent, Attachment 1.

RESOLVED (Clr White / Clr Findley) MIN19.295

Council resolve with respect to the development application SF10671, proposed 2 lot subdivision of Lot 9 DP792386 Gumley Lane, Milton, to:

1. Support the variation to Council Interim Policy 18/55, and use of Gumley Lane for access,

2. Support the development and determine the application by way of approval subject to conditions of consent, as outlined in the attached Draft Consent, Attachment 1.

CARRIED

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.36 RD18/1007 – 315 PRINCES HIGHWAY BOMADERRY –
LOT 2 DP 777260**

**HPERM REF:
D19/114426**

Item dealt with earlier in the meeting see MIN19.288

DE19.37 Lake Tabourie Boardwalk Replacement

**HPERM Ref:
D19/119129**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Commit to revoting \$212,520 from Coastal Foreshore Erosion Works (75742) capital works budget from 2018/19 financial year to 2019/20 financial year to fund the design and construction of the replacement boardwalk.
2. Progress to design of a replacement boardwalk, to a standard that increases the asset resilience to future coastal hazards, and includes:
 - a. Geotechnical assessments and land survey
 - b. Review of Environmental Factors including
 - i. Aboriginal Heritage assessment
 - ii. Native Title claim assessment
3. Commit to construction of a new boardwalk at Lake Tabourie, to replace the previously destroyed one, using Fibreglass Reinforced Polymer (FPR) materials.

RESOLVED (Clr Findley / Clr White)

MIN19.296

That Council:

1. Commit to revoting \$212,520 from Coastal Foreshore Erosion Works (75742) capital works budget from 2018/19 financial year to 2019/20 financial year to fund the design and construction of the replacement boardwalk.
2. Progress to design of a replacement boardwalk, to a standard that increases the asset resilience to future coastal hazards, and includes:
 - a. Geotechnical assessments and land survey
 - b. Review of Environmental Factors including
 - i. Aboriginal Heritage assessment
 - ii. Native Title claim assessment
3. Commit to construction of a new boardwalk at Lake Tabourie, to replace the previously destroyed one, using Fibreglass Reinforced Polymer (FPR) materials.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea
AGAINST: Nil
CARRIED

DE19.38 Timeframes and Status for Lake Conjola Coastal Management Program Application - NSW Coast and Estuary Grant Program **HPERM Ref: D19/124684**

Recommendation (Item to be determined under delegated authority)

That Council receive the Lake Conjola Coastal Management Program Application report for information.

RESOLVED* (Clr Gartner / Clr Digiglio) MIN19.297

That Council receive the Lake Conjola Coastal Management Program Application report for information.

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr White / Clr Proudfoot) MIN19.298

That an additional item Tree Removal – Power Lines be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent as consideration is in the public interest.

DE19.39 New Item - Tree Removal - Power Lines - Endeavour Energy

Clr White – less than significant non pecuniary interest declaration - her son works for Endeavour Energy – remained in the room and took part in discussion and voted.

RESOLVED (Clr White / Clr Proudfoot) MIN19.299

That Council

1. Note the Press Release regarding tree removal - power lines.
2. Note that consent was not granted by Council for the removal of each individual tree or removal of trees that were not deemed high risk.
3. Be provided with a definition from Endeavour Energy as to what is a high-risk tree.
4. Note that the tree removals currently being undertaken by Endeavour Energy are outside of the scope of the discussions with Council.
5. Request that Endeavour Energy suspend the removal of trees and stop work.
6. Prior to any further works occurring, request that a comprehensive list of proposed tree removals be provided by Endeavour Energy.

7. Note the reference to Council's consent will be removed from future letters delivered to residents by Endeavour Energy.
8. Report back on discussions with Endeavour Energy to request that property owners be provided with tube stock (trees/shrubs) that would be suitable to plant in their private property as a replacement.
9. Request Endeavour Energy to grind the stumps of trees they have removed in the Shoalhaven.
10. Make representations to our State Members regarding the legislation under which the trees are being removed.
11. Congratulate staff and especially the Director, Assets & Works for their response to residents on this matter.

FOR: Clr Findley, Clr White, Clr Levett, Clr Digiglio, Clr Gartner, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 8.21pm.

Clr Watson
CHAIRPERSON