

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 4 June 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 Patricia White – arrived 5.01pm
Clr John Wells
Clr John Levett
Clr Annette Alldrick
Clr Kaye Gartner
Clr Andrew Guile – arrived 5.07pm
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Acting General Manager

Apologies / Leave of Absence

An apology was received from Clr Digiglio.

Confirmation of the Minutes

Note: Clr White arrived at 5.01pm

RESOLVED (Clr Findley / Clr Pakes)

MIN19.366

That the Minutes of the Development & Environment Committee held on Tuesday 07 May 2019 be confirmed.

CARRIED

Declarations of Interest

Nil

Call Over of the Business Paper

RESOLVED (Clr Gartner / Clr Alldrick)

MIN19.367

That no call over of the agenda be carried out and all items be dealt with individually.

CARRIED

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

DE19.40 - Development Application – 17 Hawke Street & 22 Currambene Street, Huskisson - Lot 7 & 8 DP 758530 Sec 3E - Relocation of the former church on the subject site and demolition of the existing associated hall and shed (page 15)

Mr George Brown, representing the Save Husky Church group, addressed the meeting and spoke against the recommendation.

Note: Clr Guile arrived at 5.07pm

Mr Stephen Bartlett addressed the meeting and spoke for the recommendation

DE19.48 - Jerberra and Verons Estates - Biodiversity Assessment - Clause 34A Certification (page 110)

Ms Mary-Jean Lewis, representing Jerberra Committee land owners, addressed the meeting and spoke for the recommendation.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells)

MIN19.368

That Item DE19.48 - Jerberra and Verons Estates - Biodiversity Assessment - Clause 34A Certification be brought forward for consideration.

CARRIED

DE19.48 Jerberra and Verons Estates - Biodiversity Assessment - Clause 34A Certification

**HPERM Ref:
D19/140355**

Recommendation (Item to be determined under delegated authority)

1. Receive the update on the Clause 34A certification provided for Jerberra and Verons Estates for information.
2. As a way of removing uncertainty, adopt a policy position for Jerberra Estate that requires appropriate covenants to be registered on property titles as part of the development approval process to ensure the areas listed below are managed for conservation into the future:
 - a. Bushland Management Area (BMA)
 - b. Bushland Conservation Area (BCA)
 - c. Orchid Management Area (OMA)

3. Commence to amend the Shoalhaven Development Control Plan (DCP) 2014 to update Chapter N20 (Jerberra Estate) and S1 (Verons Estate) because of the Clause 34A certification for each Estate, including the following:
 - a. the addition of a specific provision in Chapter N20 to establish covenants outlined in part 1. to ensure the clause 34A certification remains legally valid in Jerberra Estate
 - b. update references to legislation
 - c. make other changes as required to improve the effectiveness and readability of both chapters.

RESOLVED (Clr Guile / Clr Wells)

MIN19.369

1. Receive the update on the Clause 34A certification provided for Jerberra and Verons Estates for information.
2. As a way of removing uncertainty, adopt a policy position for Jerberra Estate that requires appropriate covenants to be registered on property titles as part of the development approval process to ensure the areas listed below are managed for conservation into the future:
 - a. Bushland Management Area (BMA)
 - b. Bushland Conservation Area (BCA)
 - c. Orchid Management Area (OMA)
3. Commence to amend the Shoalhaven Development Control Plan (DCP) 2014 to update Chapter N20 (Jerberra Estate) and S1 (Verons Estate) because of the Clause 34A certification for each Estate, including the following:
 - a. the addition of a specific provision in Chapter N20 to establish covenants outlined in part 1. to ensure the clause 34A certification remains legally valid in Jerberra Estate
 - b. update references to legislation
 - c. make other changes as required to improve the effectiveness and readability of both chapters.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

REPORTS

DE19.40 Development Application – 17 Hawke Street & 22 Currumbene Street, Huskisson - Lot 7 & 8 DP 758530 Sec 3E - Relocation of the former church on the subject site and demolition of the existing associated hall and shed

**HPERM Ref:
D19/145092**

Recommendation (Item to be determined under delegated authority)

That Council approve Development Application DA18/2102 for the relocation of the former church and demolition of the existing associated hall and shed on the land at 17 Hawke Street and 22 Currumbene Street, Huskisson - Lots 7 and 8 DP 758530 Sec 3E subject to the recommended conditions of consent contained in Attachment 1 to this report.

RESOLVED (Clr Guile / Clr Watson)

MIN19.370

That:

1. Council approve Development Application DA18/2102 for the relocation of the former church and demolition of the existing associated hall and shed on the land at 17 Hawke Street and 22 Currambene Street, Huskisson - Lots 7 and 8 DP 758530 Sec 3E subject to the recommended conditions of consent contained in Attachment 1 to this report.
2. The consent be structured to enable demolition to occur independent to the Church relocation.

FOR: Clr Gash, Clr White, Clr Wells, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener and Stephen Dunshea

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

CARRIED

**DE19.41 Development Application – 43 Willowford Road
WOOLLAMIA – Lot 80 & DP 9289**

HPERM Ref: D19/6384

Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve Development Application DA18/2020 subject to the conditions provided at Attachment 1; and
2. Officers give notice of its intention to serve a “Demolish Works Order” under Section 9.34 of the Environmental Planning and Assessment Act 1979 in respect of the Blacksmith’s Shed and the pergola. The order that follows any representations received will be suitably aligned with the recommended conditions of approval.

RESOLVED (Clr Findley / Clr Alldrick)

MIN19.371

That Council:

1. Approve Development Application DA18/2020 subject to the conditions provided at Attachment 1; and
2. Officers give notice of its intention to serve a “Demolish Works Order” under Section 9.34 of the Environmental Planning and Assessment Act 1979 in respect of the Blacksmith’s Shed and the pergola. The order that follows any representations received will be suitably aligned with the recommended conditions of approval.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Note: This item was re-introduced later in the meeting for final resolution see MIN19.375

DE19.42 Collingwood Beach - Action Plan Progress Report

**HPERM Ref:
D19/77369**

Note: Cllr Proudfoot left the meeting at 6.16pm

Recommendation (Item to be determined under delegated authority)

That Council

1. Receive the report on the progress of the Collingwood Beach Dune Vegetation Two-Year Trial Action Plan for information; and
2. Revote any of the remaining funds in job number 15857 to the 2019/20 budget to allow implementation of the Collingwood Beach Dune Vegetation Two-Year Trial Action Plan until the end of the two-year trial period.

RESOLVED (Cllr Levett / Cllr Gartner)

MIN19.372

That Council:

1. Receive the report on the progress of the Collingwood Beach Dune Vegetation Two-Year Trial Action Plan for information; and
2. Revote any of the remaining funds in job number 15857 to the 2019/20 budget to allow implementation of the Collingwood Beach Dune Vegetation Two-Year Trial Action Plan until the end of the two-year trial period.

FOR: Cllr Findley, Cllr Gash, Cllr White, Cllr Wells, Cllr Levett, Cllr Alldrick, Cllr Gartner, Cllr Guile, Cllr Pakes, Cllr Watson, Cllr Kitchener and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.43 Two (2) Bushcare Group Action Plans - Review

**HPERM Ref:
D19/124016**

Recommendation (Item to be determined under delegated authority)

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

1. The Grotto; and
2. Camp Quality.

RESOLVED (Cllr Findley / Cllr Wells)

MIN19.373

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

1. The Grotto; and
2. Camp Quality.

CARRIED

DE19.44 Strategic Planning Works Program - Proposed 2019-2020 Version

**HPERM Ref:
D19/94513**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt and finalise Attachment 2 as Council's 2019-2020 Strategic Planning Works Program.
2. Receive a report on the 2020-2021 Strategic Planning Works Program in June 2020 to coincide with the new financial year.
3. Make future changes or additions to the Strategic Planning Works Program only after considering the current program, project priority, staff workload and resources.

RESOLVED (Clr Watson / Clr Gartner)

MIN19.374

That Council:

1. Adopt and finalise Attachment 2 as Council's 2019-2020 Strategic Planning Works Program.
2. Receive a report on the 2020-2021 Strategic Planning Works Program in June 2020 to coincide with the new financial year.
3. Make future changes or additions to the Strategic Planning Works Program only after considering the current program, project priority, staff workload and resources.

CARRIED

DE19.45 Draft Medium Density Amendment (Chapter G13) - Shoalhaven DCP 2014 - Post Exhibition Consideration and Finalisation

**HPERM Ref:
D19/132724**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the amendment to Chapter G13: Medium Density and Other Residential Development of Shoalhaven Development Control Plan 2014 (the Amendment) as exhibited, with the changes outlined in **Attachment 2**.
2. Notify the adoption of the Amendment in local newspapers in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Advise key stakeholders, including all Community Consultative Bodies, relevant industry representatives and those who made a submission, of this decision, and when the Amendment will be made effective.

MOTION (Clr Guile / Clr Gash)

That Council:

1. Defer this matter until the June 2019 Ordinary Meeting.
2. Advise the key stakeholders (including landowners, submitters and relevant CCBs) of this decision and of the upcoming Council meeting arrangements.

Note: Debate on this item was not completed at this time – refer MIN19.376 for resolution.

Procedural Motion - Reintroduction of Item

PROCEDURAL MOTION (Clr Watson / Clr Guile)

That DE19.41 - Development Application – 43 Willowford Road WOOLLAMIA – Lot 80 & DP 9289 be reintroduced for clarification of the recommendation.

PROCEDURAL MOTION CARRIED

Note: Clr Proudfoot returned to the meeting at 6.20pm

**DE19.41 Development Application – 43 Willowford Road
WOOLLAMIA – Lot 80 & DP 9289**

**HPERM Ref:
D19/6384**

This item was re-introduced for clarification of the recommendation.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve Development Application DA18/2020 subject to the conditions provided at Attachment 1; and
2. Officers give notice of its intention to serve a “Demolish Works Order” under Section 9.34 of the Environmental Planning and Assessment Act 1979 in respect of the Blacksmith’s Shed and the pergola. The order that follows any representations received will be suitably aligned with the recommended conditions of approval.

RESOLVED (Clr Findley / Clr Wells)

MIN19.375

That Council:

1. Approve Development Application DA18/2020 subject to the conditions provided at Attachment 1; and
2. Officers give notice of its intention to serve a “Demolish Works Order” under Section 9.34 of the Environmental Planning and Assessment Act 1979 in respect of the Blacksmith’s Shed and the pergola. The order that follows any representations received will be suitably aligned with the recommended conditions of approval.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.45 Draft Medium Density Amendment (Chapter G13) -
Shoalhaven DCP 2014 - Post Exhibition Consideration
and Finalisation**

**HPERM Ref:
D19/132724**

The previous motion was not put and carried.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the amendment to Chapter G13: Medium Density and Other Residential Development of Shoalhaven Development Control Plan 2014 (the Amendment) as exhibited, with the changes outlined in **Attachment 2**.
2. Notify the adoption of the Amendment in local newspapers in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulations.
3. Advise key stakeholders, including all Community Consultative Bodies, relevant industry representatives and those who made a submission, of this decision, and when the Amendment will be made effective.

RESOLVED (Clr Guile / Clr Gash)

MIN19.376

That Council:

1. Defer this matter until the June 2019 Ordinary Meeting.
2. Advise the key stakeholders (including landowners, submitters and relevant CCBs) of this decision and of the upcoming Council meeting arrangements.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.46 Public Exhibition Outcomes - Coastal Hazard Review
Planning Proposal and Coastal Management Areas DCP
Amendment**

**HPERM Ref:
D19/113261**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Planning Proposal (PP026) as exhibited and forward to the NSW Department of Planning and Environment for finalisation.
2. Adopt and finalise Shoalhaven Development Control Plan 2014 Chapter G6: Coastal Management Areas Amendment as exhibited, with the inclusion of the changes highlighted in Attachment 2.
3. Advise key stakeholders, including all CCBs, relevant industry representatives and those who made a submission, of this decision, and when the LEP and DCP amendments will be made effective.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN19.377

That Council:

1. Defer this matter until the July 2019 Development & Environment Committee meeting.

2. Advise the key stakeholders (including submitters and relevant CCBs) of this decision and of the upcoming Council meeting arrangements.

CARRIED

Note: At Page 99 in the report in the background, “some” should be inserted with reference to Public and private properties.

DE19.47 New Proponent Initiated Planning Proposal - Appleberry Close, Meroo Meadow

HPERM Ref: D19/130924

Recommendation (Item to be determined under delegated authority)

That Council:

1. Support the Planning Proposal to permit a boundary adjustment between Lots 21 and 22 in DP 1113675 and Lot 202 in DP 1180659 provided no additional lots or dwelling entitlements will be created, and the mechanism to achieve this outcome be determined in consultation with the NSW Department of Planning and Environment.
2. Prepare and submit the PP documentation to the NSW Department of Planning and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advance as a ‘minor’ proponent-initiated Planning Proposal and fees be charged in accordance with Council’s adopted Fees and Charges.
4. Advise the proponent of this resolution.

RESOLVED (Clr Wells / Clr Gartner)

MIN19.378

That Council:

1. Support the Planning Proposal to permit a boundary adjustment between Lots 21 and 22 in DP 1113675 and Lot 202 in DP 1180659 provided no additional lots or dwelling entitlements will be created, and the mechanism to achieve this outcome be determined in consultation with the NSW Department of Planning and Environment.
2. Prepare and submit the Planning Proposal documentation to the NSW Department of Planning and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advance as a ‘minor’ proponent-initiated Planning Proposal and fees be charged in accordance with Council’s adopted Fees and Charges.
4. Advise the proponent of this resolution.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Aldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

DE19.48 Jerberra and Verons Estates - Biodiversity Assessment - Clause 34A Certification

HPERM REF: D19/140355

Item dealt with earlier in the meeting see MIN19.369

GENERAL BUSINESS

Procedural Motion - Matters of Urgency

RESOLVED (Clr White) MIN19.379

That an additional item regarding urgent matters regarding Lake Conjola be introduced as a matter of urgency due to the current weather conditions.

CARRIED

The Chairperson ruled the matter as urgent as it relates to public interest.

DE19.49 Additional Item - Lake Conjola - Rising Water Levels - Water Gauges

Clr White raised concerns regarding the water levels at Lake Conjola in the current weather and the residents are concerned for their safety.

RESOLVED (Clr White / Clr Proudfoot) MIN19.380

That Council:

1. Immediately install manual water gauges/devices in 2 locations, one at the top end of the lake and one near the Manly Hydraulic device as a matter of urgency.
2. Provide the community with an emergency plan that contains emergency phone numbers of who to contact in emergency situations related to the lake.
3. A briefing be provided to Councillors on Council's protocols for emergencies related to the lake.
4. Request the Mayor to make representations to the Member for South Coast – The Hon Shelley Hancock regarding the Council's safety concerns relating to the Lake.

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr White) MIN19.381

That an additional item DA18/2175 – 38 Lyrebird Drive, Nowra be introduced as a matter of urgency.

CARRIED

The chairperson ruled the matter as urgent as it relates to public interest.

DE19.50 Additional Item - Call in Development Application

RESOLVED (Clr White / Clr Proudfoot) MIN19.382

That the matter of DA18/2175 – 38 Lyrebird Drive, Nowra be called in due to the public interest and Policy.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

Procedural Motion - Matters of Urgency

RESOLVED (Clr Pakes) MIN19.383

That an additional item regarding the pathway structure at Orient Point be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent as it relates to public interest.

DE19.51 Additional Item - Pathway Infrastructure - Orient Point

Clr Pakes raised concerns regarding the newly constructed pathway infrastructure at Orient Point.

RESOLVED (Clr Pakes / Clr Gash) MIN19.384

That with respect to the recently constructed pathway structure at Orient Point, Council:

1. Take immediate steps to isolate or barricade the structure for concerns of public safety;
2. Provide an urgent report on the new pathway and the report include:
 - a. The total cost of the project
 - b. Who in the Community was consulted
 - c. If the pathway meets current standards

CARRIED

There being no further business, the meeting concluded, the time being 7.00pm.

Clr Gash
CHAIRPERSON