

## MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

**Meeting Date:** Tuesday, 6 August 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  
Clr John Wells  
Clr John Levett  
Clr Nina Digiglio  
Clr Annette Alldrick  
Clr Kaye Gartner  
Clr Mitchell Pakes  
Clr Mark Kitchener – arrived 5.10pm  
Clr Bob Proudfoot  
Stephen Dunshea - Chief Executive Officer

### Apologies / Leave of Absence

Apologies were received from Clr Watson, Clr Guile, and Clr Kitchener (arrived late).

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Digiglio) MIN19.530

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

CARRIED

### Declarations of Interest

Nil

## Call Over of the Business Paper

The following items were called up for debate:

DE19.64, DE19.65, DE19.66, DE19.69, DE19.72, DE19.73, DE19.74, 19.75, 19.76.

The remaining items were resolved en bloc (Clr White / Clr Wells) at this time. They are marked with an asterisk (\*) in these Minutes.

## MAYORAL MINUTES

Nil

## DEPUTATIONS AND PRESENTATIONS

### DE19.64 SF10541 - C130 Princes Hwy MEROO MEADOW - Lot 502 DP 1221372

Mr Matt Philpott, of Allen Price & Scarratts, addressed the meeting and spoke in favour of the recommendation.

### DE19.66 Moss Vale Road North Urban Release Area - Detailed Supporting Plans

Mr Matt Philpott, of Allen Price & Scarratts, addressed the meeting and spoke in favour of the recommendation.

Note: Clr Kitchener arrived at 5.10pm.

## Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Pakes / Clr White)

MIN19.531

That the following matters be brought forward for consideration:

- DE19.64 - SF10541 - C130 Princes Hwy MEROO MEADOW - Lot 502 DP 1221372
- DE19.66 - Moss Vale Road North Urban Release Area - Detailed Supporting Plans

CARRIED

## REPORTS

**DE19.64 SF10541 - C130 Princes Hwy MEROO MEADOW - Lot 502 DP 1221372**

**HPERM Ref:  
D19/187428**

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve Development Application SF10541 for a fifteen (15) lot Torrens title subdivision and associated site works at C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 by way of *Deferred Commencement* consent, subject to the recommended conditions of consent contained in Attachment 2 to this report.
2. Support the preparation of a planning proposal over C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 to amend *Shoalhaven Local Environmental Plan 2014* (SLEP 2014) to

rezone the current R1 General Residential component of the land to R5 Large Lot Residential and also apply a 1,500m<sup>2</sup> minimum lot size and 8.5m height limit to that part of the land.

3. Submit the Planning Proposal to the NSW Department of Planning, Industry and Environment (PIE) to request a 'Gateway determination'. If a favourable determination is received, proceed to public exhibition and report back to Council with the outcomes of the exhibition period.

**RESOLVED** (Clr Gartner / Clr Digiglio)

MIN19.532

That Council:

1. Approve Development Application SF10541 for a fifteen (15) lot Torrens title subdivision and associated site works at C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 by way of *Deferred Commencement* consent, subject to the recommended conditions of consent contained in Attachment 2 to this report.
2. Support the preparation of a planning proposal over C130 Princes Highway, Meroo Meadow - Lot 502 DP 1221372 to amend *Shoalhaven Local Environmental Plan 2014* (SLEP 2014) to rezone the current R1 General Residential component of the land to R5 Large Lot Residential and also apply a 1,500m<sup>2</sup> minimum lot size and 8.5m height limit to that part of the land.
3. Submit the Planning Proposal to the NSW Department of Planning, Industry and Environment (PIE) to request a 'Gateway determination'. If a favourable determination is received, proceed to public exhibition and report back to Council with the outcomes of the exhibition period.

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

AGAINST: Clr Wells and Clr Alldrick

CARRIED

**DE19.66 Moss Vale Road North Urban Release Area - Detailed Supporting Plans**

**HPERM Ref: D19/214378**

**Recommendation (Item to be determined under delegated authority)**

That Council

1. Acknowledge the work undertaken by the proponent group and give 'in-principle' support to the current package of information for the Moss Vale Road North Urban Release Area being used as the basis for the detailed supporting plans, including the Planning Proposal Background Report being used as the basis for preparing a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014.
2. Prepare and submit the Planning Proposal to the NSW Department of Planning, Industry and Environment for Gateway determination and if necessary, receive a further report following receipt of the Gateway determination.
3. Formally commence the preparation of a Development Control Plan Chapter and Contributions Plan for the Moss Vale Road North Urban Release Area as required by Part 6 of Shoalhaven Local Environmental Plan 2014.
4. Continue to work with the Moss Vale Road North Owners Group to discuss opportunities highlighted in the report and resolve the issues identified in this report and through initial staff referrals as the Planning Proposal, Development Control Plan Chapter and Contributions Plan are advanced and prepared.
5. Investigate biodiversity certification for the Urban Release Area with a further report to be provided to Council in due course.
6. Investigate the preparation of an affordable housing contribution scheme under the SEPP 70

Affordable Housing (Revised Schemes) for the Urban Release Area and opportunities more generally to ensure affordable housing outcomes in the area.

7. Investigate and report back on potential suburb naming options for the Moss Vale Road North and Moss Vale Road South Urban Release Areas.

Note: Clr Proudfoot left the meeting at 5.50pm

**RESOLVED** (Clr Gartner / Clr Alldrick)

MIN19.533

That Council

1. Acknowledge the work undertaken by the proponent group and give 'in-principle' support to the current package of information for the Moss Vale Road North Urban Release Area being used as the basis for the detailed supporting plans, including the Planning Proposal Background Report being used as the basis for preparing a Planning Proposal to amend Shoalhaven Local Environmental Plan 2014.
2. Prepare and submit the Planning Proposal to the NSW Department of Planning, Industry and Environment for Gateway determination and if necessary, receive a further report following receipt of the Gateway determination.
3. Formally commence the preparation of a Development Control Plan Chapter and Contributions Plan for the Moss Vale Road North Urban Release Area as required by Part 6 of Shoalhaven Local Environmental Plan 2014.
4. Continue to work with the Moss Vale Road North Owners Group to discuss opportunities highlighted in the report and resolve the issues identified in this report and through initial staff referrals as the Planning Proposal, Development Control Plan Chapter and Contributions Plan are advanced and prepared.
5. Investigate biodiversity certification for the Urban Release Area with a further report to be provided to Council in due course.
6. Investigate the preparation of an affordable housing contribution scheme under the SEPP 70 Affordable Housing (Revised Schemes) for the Urban Release Area and opportunities more generally to ensure affordable housing outcomes in the area.
7. Investigate and report back on potential suburb naming options for the Moss Vale Road North and Moss Vale Road South Urban Release Areas.

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

Against: Nil

CARRIED

Note: Clr Proudfoot returned to the meeting at 5.53pm

**DE19.65 Development Application – 38 Lyrebird Drive Nowra -  
Lot 74 DP 1198691 DA18/2175**

**HPERM Ref:  
D19/228785**

**Recommendation (Item to be determined under delegated authority)**

That Council consider the conditions of consent as shown in Attachment 4.

**RESOLVED** (Clr Pakes / Clr White)

MIN19.534

That Council endorse the conditions of consent as shown in Attachment 4, with Part B, Condition 5 (d) of the Consent amended to:

*Demonstrating that permanent, fail-safe, maintenance-free measures are incorporated in the*

development to ensure the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community of the NSW State Emergency Services (SES).

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

AGAINST: Clr Findley and Clr Digiglio

CARRIED

**DE19.66 MOSS VALE ROAD NORTH URBAN RELEASE AREA - DETAILED SUPPORTING PLANS** **HPERM REF: D19/214378**

Item dealt with earlier in the meeting see MIN19.533

**DE19.67 Update - Planning Proposal - Inyadda Drive, Manyana** **HPERM Ref: D19/234274**

**RESOLVED\*** (Clr White / Clr Wells) MIN19.535

That Council receive the report on the Planning Proposal – Inyadda Drive, Manyana, for information.

CARRIED

**DE19.68 Update - Halloran Trust Lands Planning Proposal - Biodiversity Certification** **HPERM Ref: D19/208445**

**RESOLVED\*** (Clr White / Clr Wells) MIN19.536

That Council receive this report on the progress of bio-certifying the Halloran Trust Lands Planning Proposals for information, noting that the biodiversity certification reports will be submitted to the NSW Office of Environment and Heritage by 25 August 2019.

CARRIED

**DE19.69 Public Hearing Outcome and Proposed Finalisation - Planning Proposal (PP023) - Anson Street, St. Georges Basin** **HPERM Ref: D19/219918**

**Recommendation (Item to be determined under delegated authority)**

That Council

1. Receive the Independent Chairperson’s Report on the Public Hearing held on 1 July 2019 regarding Planning Proposal PP023 for information.
2. Adopt and finalise Planning Proposal PP023 as exhibited.
3. Forward PP023 to the NSW Parliamentary Counsel’s Office to draft the amendment to Shoalhaven Local Environmental Plan 2014.
4. Give effect to the decision by making the resulting amendment to the Shoalhaven Local Environmental Plan 2014 using Council’s delegation, through arranging for the instrument to be notified on the NSW Legislation Website.
5. Write to the affected landowner, relevant community groups/individuals and advise them of this decision.

6. Proceed to separately review the building height controls for the adjacent B4 and R1 zoned land to the north and south of the subject land to consider establishing a consistent outcome (8.5 metre maximum mapped height) and advise the affected landowners in this regard.

**RESOLVED** (Clr Findley / Clr Proudfoot)

MIN19.537

That Council

1. Receive the Independent Chairperson's Report on the Public Hearing held on 1 July 2019 regarding Planning Proposal PP023 for information.
2. Adopt and finalise Planning Proposal PP023 as exhibited.
3. Forward PP023 to the NSW Parliamentary Counsel's Office to draft the amendment to Shoalhaven Local Environmental Plan 2014.
4. Give effect to the decision by making the resulting amendment to the Shoalhaven Local Environmental Plan 2014 using Council's delegation, through arranging for the instrument to be notified on the NSW Legislation Website.
5. Write to the affected landowner, relevant community groups/individuals and advise them of this decision.
6. Proceed to separately review the building height controls for the adjacent B4 and R1 zoned land to the north and south of the subject land to consider establishing a consistent outcome (8.5 metre maximum mapped height) and advise the affected landowners in this regard.

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

Against: Nil

CARRIED

**DE19.70 Audit by NSW Planning Industry & Environment - use clause 4.6 of Shoalhaven Local Environmental Plan 2014**

**HPERM Ref: D19/242003**

**RESOLVED\*** (Clr White / Clr Wells)

MIN19.538

That the report on the Department of Planning Industry and Environment's Audit be received for information.

CARRIED

**DE19.71 Home modifications to permit elderly and injured residents to return to their dwellings**

**HPERM Ref: D19/240753**

**RESOLVED\*** (Clr White / Clr Wells)

MIN19.539

That Council adopt the draft policy as presented as Attachment 1 to this report.

CARRIED

**DE19.72 Quarterly review for compliance matters**

**HPERM Ref: D19/219965**

**Recommendation (Item to be determined under delegated authority)**

That Council receive the quarterly report on compliance matters for information.

**RESOLVED** (Clr Proudfoot / Clr White)

MIN19.540

That Council receive the quarterly report on compliance matters for information.

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

AGAINST: Nil

CARRIED

**DE19.73 Bomaderry Grey-headed Flying Fox Community Education Grant from Local Government NSW**

**HPERM Ref: D19/214637**

**Recommendation (Item to be determined under delegated authority)**

That Council

1. Receive the report for information regarding the \$10,000 grant (excl. GST) received from NSW Office of Environment and Heritage and Local Government NSW for the Bomaderry Grey-headed Flying-fox Community Education project; and
2. Write to the NSW Office of Environment and Heritage and Local Government NSW thanking them for the grant and their support of the project.

**RESOLVED** (Clr Proudfoot / Clr Gartner)

MIN19.541

That Council

1. Receive the report for information regarding the \$10,000 grant (excl. GST) received from NSW Office of Environment and Heritage and Local Government NSW for the Bomaderry Grey-headed Flying-fox Community Education project; and
2. Write to the NSW Office of Environment and Heritage and Local Government NSW thanking them for the grant and their support of the project.

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

AGAINST: Nil

CARRIED

**DE19.74 Grant Application: Coastal & Estuary Grants Program 2018-19**

**HPERM Ref: D19/230517**

**Recommendation (Item to be determined under delegated authority)**

That Council

1. Accept the grant offer of \$105,000 (ex GST) from NSW Department of Planning, Industry and Environment (DPIE) for Protecting and Enhancing the Shoalhaven's Coastal Wetlands and Bushland Reserves project, over 3 years.
2. Provide matching funding, from the existing operational budget (job #15817).
3. Write a letter of thanks to the Member for the South Coast and NSW Minister for Local Government, the Hon. Shelley Hancock, for the grant.

**RESOLVED** (Clr Proudfoot / Clr Findley)

MIN19.542

That Council

1. Accept the grant offer of \$105,000 (ex GST) from NSW Department of Planning, Industry and Environment (DPIE) for Protecting and Enhancing the Shoalhaven's Coastal Wetlands and Bushland Reserves project, over 3 years.
2. Provide matching funding, from the existing operational budget (job #15817).
3. Write a letter of thanks to the Member for the South Coast and NSW Minister for Local Government, the Hon. Shelley Hancock, for the grant.

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

AGAINST: Nil

CARRIED

**DE19.75 Lake Conjola Entrance Opening and other Matters  
Relating to Mayoral Minute MIN19.143**

**HPERM Ref:  
D19/246757**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Write to The Honourable Melinda Pavey MP, Minister for Water, Property and Housing, to thank her for her assistance in the granting of a licence to carry out "Access and Environmental Protection Work" (Conjola Lake entrance opening works).
2. Write to The Honourable Shelley Hancock MP, Minister for Local Government, to thank her for her assistance and support in making representations for the Licence application for Lake Conjola entrance opening works.
3. Receive a briefing regarding the formulation of a "dry notch" management policy for Lake Conjola.

**RESOLVED** (Clr White / Clr Kitchener)

MIN19.543

That Council:

1. Write to The Honourable Melinda Pavey MP, Minister for Water, Property and Housing, to thank her for her assistance in the granting of a licence to carry out "Access and Environmental Protection Work" (Conjola Lake entrance opening works).
2. Write to The Honourable Shelley Hancock MP, Minister for Local Government, to thank her for her assistance and support in making representations for the Licence application for Lake Conjola entrance opening works.
3. Receive a briefing regarding the formulation of a "dry notch" management policy for Lake Conjola.

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

AGAINST: Nil

CARRIED



**DE19.76 Orient Point Wetland Bushwalk**

**HPERM Ref:  
D19/191949**

**Recommendation (Item to be determined under delegated authority)**

That Council continue to maintain the newly constructed Orient Point Wetland duck board bushwalk, provided the following works are undertaken, prior to re-opening the bushwalk:

1. Track head area to be landscaped (Orama Crescent entrance);
2. Move the star picket, inserted on the outward side of the bearers (as per photo) to secure the structure, to the inside where they pose less risk to the user;
3. Installation of track head signage, stating that the bushwalk is rated as a Grade 3 (as per Australian Standards), with a narrow (380mm) width.

**RESOLVED** (Clr Pakes / Clr Findley)

MIN19.544

That Council continue to maintain the newly constructed Orient Point Wetland duck board bushwalk, provided the following works are undertaken, prior to re-opening the bushwalk:

1. Track head area to be landscaped (Orama Crescent entrance);
2. Move the star picket, inserted on the outward side of the bearers (as per photo) to secure the structure, to the inside where they pose less risk to the user;
3. Installation of track head signage, stating that the bushwalk is rated as a Grade 3 (as per Australian Standards), with a narrow (380mm) width;
4. Council undertake regular inspections of Orient Point Wetland bushland tracks for a period of 6 months;
5. Installation of signage, handrails, and a formalised entrance to the Wetland;
6. The access points to the Wetland remain closed until the works are completed.

FOR: Clr Findley, Clr Gash, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Kitchener and Stephen Dunshea

AGAINST: Clr White and Clr Proudfoot

CARRIED

**DE19.77 Review of Environmental Factors - Woollamia and St Andrews Way - Berrys Bay- Pressure Sewer Scheme**

**HPERM Ref:  
D19/202563**

**RESOLVED\*** (Clr White / Clr Wells)

MIN19.545

That

1. After consideration of the REF for Woollamia Pressure Sewerage System, June 2019,
  - a. Council determine that it is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is therefore not required for the proposed activity.
  - b. The proposed mitigation measures and controls outlined in the REF be adopted and implemented.
2. After consideration of the REF for St Andrews Way, Berrys Bay Pressure Sewerage System, June 2019,
  - a. Council determine that it is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is therefore not required for the proposed activity.

- b. The proposed mitigation measures and controls outlined in the REF be adopted and implemented.

CARRIED

There being no further business, the meeting concluded, the time being 6.31pm.

Clr Gash  
CHAIRPERSON