

## MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

**Meeting Date:** Tuesday, 3 September 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 Greg Watson  
Clr Bob Proudfoot  
Mr Stephen Dunshea - Chief Executive Officer

### Apologies / Leave of Absence

Apologies were received from Clr Kitchener and Clr Guile.

### Confirmation of the Minutes

**RESOLVED** (Clr White / Clr Pakes) MIN19.609

That the Minutes of the Development & Environment Committee held on Tuesday 06 August 2019 be confirmed.

CARRIED

### Declarations of Interest

Nil.

## Call Over of the Business Paper

The following items were called up for debate:

DE19.78, DE19.79, DE19.80, DE19.81, DE19.82, DE19.83, DE19.84, DE19.85, DE19.86, DE19.87, DE19.88, DE19.90, DE19.91.

The remaining item (DE19.89) was resolved en bloc (Clr Wells / Clr Gash) at this time. It is marked with an asterisk (\*) in these Minutes.

## DEPUTATIONS AND PRESENTATIONS

### **DE19.78 - Notice of Motion - Gravel Quarry - Termeil & Tomerong (Page 11)**

Ms Kate Child, representing Tomerong Community Forum, addressed the meeting and spoke in favour of the recommendation.

### **DE19.79 - Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment (page 13)**

Sue Malley, representing Shoalhaven Netball Association, addressed the meeting and spoke in favour of the recommendation.

### **DE19.86 - Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra (Page 47)**

Mr Michael Park, representing Cambewarra Ventures, addressed the meeting and spoke in favour of the recommendation.

Mr Terry Barratt, representing the Shoalhaven Branch of the Australian Conservation Foundation, addressed the meeting and spoke in favour of the recommendation.

### **DE19.88 - Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight (Page 76)**

Ms Monica Mudge, representing Treading Lightly in the Mud, wishes to address the meeting and spoke in favour of the recommendation.

## Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Pakes / Clr Wells)

MIN19.610

That the following matters be brought forward for consideration:

- DE19.79 - Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment
- DE19.88 - Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight
- DE19.78 - Notice of Motion - Gravel Quarry - Termeil & Tomerong
- DE19.86 - Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra

CARRIED

## NOTICES OF MOTION / QUESTIONS ON NOTICE

**DE19.79 Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment**

**HPERM Ref:  
D19/296544**

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

That it be noted that the Chief Executive Officer will provide a letter of support for the Shoalhaven Netball Association grant applications to the Office of Sport Clubs Grant and an infrastructure grant with the NSW Government, for the refurbishment of their courts located at the corner of Park Road and John Purcell Way, Nowra.

**RESOLVED** (Clr Gash / Clr Pakes)

MIN19.611

That it be noted that the Chief Executive Officer will provide a letter of support for the Shoalhaven Netball Association grant applications to the Office of Sport Clubs Grant and an infrastructure grant with the NSW Government, for the refurbishment of their courts located at the corner of Park Road and John Purcell Way, Nowra.

CARRIED

**DE19.88 Presentation of petition in opposition to exploratory drilling/mining for fossil fuels in the Great Australian Bight**

**HPERM Ref:  
D19/289312**

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

That having considered the petition and background information presented in the report, Council determine its position on the matter.

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

MIN19.612

That Council:

1. Join other councils to protect the Great Australian Bight and oppose all exploratory drilling and mining for fossil fuels in the Great Australian Bight;
2. Write to relevant State and Federal Members of Parliament;
3. Write to Victorian councils that have already opposed this to express Council's support for their position;
4. Request that the Federal Government treat Shoalhaven City Council as a stakeholder and inform us duly of the progress of Equinor's application; and
5. Write to all Coastal Councils in NSW, NSW Coastal Council (NSW Department of Planning, Industry and Environment) and the Australian Coastal Councils Association Incorporated to advise them of Council's decision and encourage their support.

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

AGAINST: Nil

CARRIED

**DE19.78 Notice of Motion - Gravel Quarry - Termeil & Tomerong**

**HPERM Ref:  
D19/293256**

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

That Staff compile a report on the following in relation to the Non Designated Extractive Industry – Gravel Quarry at Portion 42, Parish of Termeil, Monkey Mountain Road, Termeil and the mooted intention of the Operators of that Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

1. Monkey Mountain Road Quarry DA 95/3365

Consent to operate was apparently for five years from 29<sup>th</sup> April 1996 to 29<sup>th</sup> April 2001 with an extraction rate not to exceed 30,000 cubic metres per annum.

- a. Is an EPA Licence required for crushing and grinding at this or any quarry if the extraction rate exceeds 30,000 cubic metres per annum.
- b. What evidence does Council have that this extraction rate was not exceeded at the Monkey Mountain Quarry in any 12 month period since approval was given in April 1996.
- c. On what legal basis or consent was the Quarry operating after 29<sup>th</sup> April 2001.
- d. Is the Council satisfied that there has been no illegal clearing of trees on the site.
- e. Given the proximity of the site to Termeil Creek, are particular licences required from the Office of Water or the EPA to protect the catchment.
- f. Can Council provide assurance that the operators are complying with all Approved Regulatory Authority documents.
- g. Can Council confirm that the Quarry has not operated beyond the 2 hectare extraction area described in the General Conditions of Consent.

2. Tomerong Quarry DA90/1912

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.
- b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15<sup>th</sup> May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23<sup>rd</sup> January 2018.
- c. Can Council provide a summary of investigation and testing for pollution in and around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.
- d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.

**MOTION (Clr Levett / Clr Digiglio)**

That Staff compile a report on the following in relation to the Non Designated Extractive Industry – Gravel Quarry at Portion 42, Parish of Termeil, Monkey Mountain Road, Termeil and the mooted intention of the Operators of that Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

1. Monkey Mountain Road Quarry DA 95/3365

Consent to operate was apparently for five years from 29<sup>th</sup> April 1996 to 29<sup>th</sup> April 2001 with an extraction rate not to exceed 30,000 cubic metres per annum.

- a. Is an EPA Licence required for crushing and grinding at this or any quarry if the extraction rate exceeds 30,000 cubic metres per annum.
- b. What evidence does Council have that this extraction rate was not exceeded at the Monkey Mountain Quarry in any 12 month period since approval was given in April 1996.
- c. On what legal basis or consent was the Quarry operating after 29<sup>th</sup> April 2001.
- d. Is the Council satisfied that there has been no illegal clearing of trees on the site.
- e. Given the proximity of the site to Termeil Creek, are particular licences required from the Office of Water or the EPA to protect the catchment.
- f. Can Council provide assurance that the operators are complying with all Approved Regulatory Authority documents.
- g. Can Council confirm that the Quarry has not operated beyond the 2 hectare extraction area described in the General Conditions of Consent.

2. Tomerong Quarry DA90/1912

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.
  - b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15<sup>th</sup> May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23<sup>rd</sup> January 2018.
  - c. Can Council provide a summary of investigation and testing for pollution in and around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.
  - d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.
3. That staff investigate the possibility of introducing a planning proposal to rezone so that "extractive industries" are no longer permissible at the site.
  4. That Council communicate regularly with the community with respect to developments at the Tomerong quarry site.

AMENDMENT (**RESOLVED**) (Clr Watson / Clr Wells)

MIN19.613

That:

1. Staff compile a report on the following in relation to the mooted intention of the Operators of the Quarry to begin gravel extraction at Tomerong Quarry Lot 4 DP 775296 Parnell Road Tomerong under existing DA90/1912:

Tomerong Quarry ceased operating in July 2017 and the DA and EPA Licence were surrendered in February 2018.

- a. Can Council give written assurance that compliance with DA90/1912 and subsequent modifications will be strictly enforced before any operator is permitted to resume extraction of material at the Tomerong site.

- b. Can Council provide an update on the progress of rehabilitation at the Quarry as required in the original consent, and has the former operator of the quarry, Shoalhaven Quarries, been subject to enforcement of this condition as was promised in a report to Council at the Strategy and Assets Committee Meeting on 15<sup>th</sup> May 2018 in response to a resolution at the Strategy and Assets Committee Meeting on 23<sup>rd</sup> January 2018.
  - c. Can Council provide a summary of investigation and testing for pollution in and around the Tomerong Quarry site including the dumping of asbestos and in particular an allegation brought to Council in April 2018 that a significant amount of asbestos has been buried under a long mound on the south eastern side of the quarrying area and other places.
  - d. Have the owners of Lot 4 DP 775296 Parnell Road Tomerong been informed of this alleged illegal asbestos dumping outside the quarry area on their land and can Council confirm that the site has been registered as contaminated.
- 2. Staff investigate the possibility of introducing a planning proposal to rezone so that “extractive industries” are no longer permissible at the site.
  - 3. Council communicate regularly with the community with respect to operations at the Tomerong quarry site.

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

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

CARRIED on the CASTING VOTE of the Chair

The AMENDMENT became the MOTION.

THE MOTION WAS PUT

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

Against: Nil

CARRIED

**DE19.79 Notice of Motion - Support for Shoalhaven Netball Association - Court Refurbishment**

**HPERM REF:  
D19/296544**

Item dealt with earlier in the meeting see MIN19.611.

## REPORTS

Note: Clr Gartner left the meeting at 6.57pm.

**DE19.86 Proponent Initiated Planning Proposal - Lot 1 DP 949932 - Taylors Lane, Cambewarra**

**HPERM Ref:  
D19/271794**

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

That Council:

- 1. Accept the proponent initiated Planning Proposal for land within Lot 1 DP 949932, Taylors Lane, Cambewarra as a possible ‘major’ Planning Proposal that Council will take forward dependent of the outcome of Part (2) of this resolution.

2. Undertake an independent Riparian Lands Study for the subject land, at the proponent's expense, that includes rigorous assessment of the riparian land function and watercourse classification.
3. If the outcome of the Riparian Lands Study shows the PP has merit to proceed, develop a Planning Proposal in Council's format, for submission to the NSW Department of Planning, Industry and Environment (DPIE) for initial Gateway determination, and report back to Council when a response is received.
4. Receive a further report to determine how to proceed, if the Riparian Lands Study does not provide clear justification for the Planning Proposal.

**RESOLVED** (Clr Wells / Clr Pakes)

MIN19.614

That Council:

1. Accept the proponent initiated Planning Proposal for land within Lot 1 DP 949932, Taylors Lane, Cambewarra as a possible 'major' Planning Proposal that Council will take forward dependent of the outcome of Part (2) of this resolution.
2. Undertake an independent Riparian Lands Study for the subject land, at the proponent's expense, that includes rigorous assessment of the riparian land function and watercourse classification.
3. If the outcome of the Riparian Lands Study shows the PP has merit to proceed, develop a Planning Proposal in Council's format, for submission to the NSW Department of Planning, Industry and Environment (DPIE) for initial Gateway determination, and report back to Council when a response is received.
4. Receive a further report to determine how to proceed, if the Riparian Lands Study does not provide clear justification for the Planning Proposal.

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

AGAINST: Nil

CARRIED

Note: Clr Levett left the meeting at 6.58pm.

**DE19.80 Exhibition - Proposed Development Control Plan and Contribution Plan Amendments - St Georges Basin Village Centre**

**HPERM Ref:  
D19/150814**

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

That Council:

1. Endorse the preparation of the housekeeping amendment to Chapter N23: St Georges Basin Village Centre of Shoalhaven Development Control Plan (DCP) 2014 (Attachment 1) which in part includes the changes resolved by Council on 7 May 2019 (MIN19.287).
2. Exhibit the following for a minimum period of 28 days in accordance with legislation:
  - a. Housekeeping amendments to Chapter N23: St Georges Basin Village Centre of Shoalhaven DCP 2014 (Attachment 1).
  - b. Deletion of the Shoalhaven Contributions Plan 2019 project 03ROAD2113 (St Georges Basin Village Centre Service Lane).
3. Receive a further report following the public exhibition to consider submissions received and to consider finalisation of the draft Amendment.

4. Notify affected landowners and the Basin Villages Forum of this resolution and future exhibition arrangements.

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

MIN19.615

That Council:

1. Endorse the preparation of the housekeeping amendment to Chapter N23: St Georges Basin Village Centre of Shoalhaven Development Control Plan (DCP) 2014 (Attachment 1) which in part includes the changes resolved by Council on 7 May 2019 (MIN19.287).
2. Exhibit the following for a minimum period of 28 days in accordance with legislation:
  - a. Housekeeping amendments to Chapter N23: St Georges Basin Village Centre of Shoalhaven DCP 2014 (Attachment 1).
  - b. Deletion of the Shoalhaven Contributions Plan 2019 project 03ROAD2113 (St Georges Basin Village Centre Service Lane).
3. Receive a further report following the public exhibition to consider submissions received and to consider finalisation of the draft Amendment.
4. Notify affected landowners and the Basin Villages Forum of this resolution and future exhibition arrangements.

FOR: Clr Findley, Clr Gash, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Pakes, Clr Watson, Clr Proudfoot and Stephen Dunshea

AGAINST: Nil

CARRIED

**DE19.81 Draft Low Density Residential Amendment - Shoalhaven DCP 2014 (DCP2014.25) - Post Exhibition Consideration and Finalisation**

**HPERM Ref: D19/256782**

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

That Council:

1. Adopt the draft Low Density Residential Amendment (the Amendment) as exhibited, with the inclusion of the changes to draft Chapter G12 as highlighted in Attachment 1 and shown 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. Rescind existing Chapter G12: Dwelling Houses, Rural Worker's Dwellings, Additions and Ancillary Structures of Shoalhaven Development Control 2014 when the Amendment is made effective.
4. Advise key stakeholders, including relevant industry representatives, of this decision, and when the Amendment will be made effective.

Note: Clr Gartner returned to the meeting at 6.58pm and Clr Levett returned to the meeting at 6.59pm.

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

MIN19.616

That this Item be deferred to a Councillor briefing to allow consideration and discussion of Clr Pakes' proposed amendments prior to the next Council meeting.



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

<b>DE19.82 Planning Proposal - Land Use Zones &amp; Building Height Controls - Ulladulla Town Centre</b>	<b>HPERM Ref: D19/261192</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Resubmit the Planning Proposal proposing changes to the planning controls in part of the Ulladulla Town Centre to the NSW Department of Planning, Industry and Environment as required by the Gateway Determination.
2. Proceed to place the Planning Proposal on public exhibition and invite community feedback in accordance with the Gateway Determination.
3. Receive a subsequent report on the outcome of the public exhibition period and to enable the Planning Proposal to be finalised.

**RESOLVED** (Clr Proudfoot / Clr Wells) MIN19.617

That Council:

1. Resubmit the Planning Proposal proposing changes to the planning controls in part of the Ulladulla Town Centre to the NSW Department of Planning, Industry and Environment as required by the Gateway Determination.
2. Proceed to place the Planning Proposal on public exhibition and invite community feedback in accordance with the Gateway Determination.
3. Receive a subsequent report on the outcome of the public exhibition period and to enable the Planning Proposal to be finalised.

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

<b>DE19.83 Update - The Review of Subdivision Provisions Planning Proposal (PP027)</b>	<b>HPERM Ref: D19/262580</b>
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**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Endorse the continuation of the Review of Subdivision Provisions Planning Proposal (PP027) and proceed to exhibit PP027 (as amended by the Gateway determination) as per the legislative and Gateway determination requirements.
2. Receive a further report following the conclusion of the public exhibition period.
3. Receive a further report on the outcomes of the review being undertaken by Professor Ryan and the options available (if any) to progress the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North from the Low-Rise Medium Density

Housing Code.

4. Advise key stakeholders of this decision and the resultant exhibition arrangements, including relevant Community Consultative Bodies and Development Industry representatives.

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

MIN19.618

That Council:

1. Endorse the continuation of the Review of Subdivision Provisions Planning Proposal (PP027) and proceed to exhibit PP027 (as amended by the Gateway determination) as per the legislative and Gateway determination requirements.
2. Receive a further report following the conclusion of the public exhibition period.
3. Receive a further report on the outcomes of the review being undertaken by Professor Ryan and the options available (if any) to progress the exclusion of Greenwell Point, Kangaroo Valley, Bawley Point, Kioloa, Depot Beach, Durras North from the Low-Rise Medium Density Housing Code.
4. Advise key stakeholders of this decision and the resultant exhibition arrangements, including relevant Community Consultative Bodies and Development Industry representatives.

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

AGAINST: Nil

CARRIED

**DE19.84 Proposed Housekeeping Amendment - Shoalhaven  
Development Control Plan 2014 - Chapter G2:  
Sustainable Stormwater Management and  
Erosion/Sediment Control**

**HPERM Ref:  
D19/263024**

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

That Council:

1. Endorse the initial draft Housekeeping Amendment to Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control and the Dictionary of Shoalhaven Development Control Plan 2014 (draft Amendment) at Attachment 1 and support the exhibition of the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Advise key stakeholders, including relevant industry representatives, of this decision and the exhibition arrangements in due course.
3. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider feedback received, any necessary adjustments and the finalisation of the amendment.

**RESOLVED** (Clr Proudfoot / Clr Alldrick)

MIN19.619

That Council:

1. Endorse the initial draft Housekeeping Amendment to Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control and the Dictionary of Shoalhaven Development Control Plan 2014 (draft Amendment) at Attachment 1 and support the exhibition of the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Advise key stakeholders, including relevant industry representatives, of this decision and the exhibition arrangements in due course.

3. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider feedback received, any necessary adjustments and the finalisation of the amendment.

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

AGAINST: Nil

CARRIED

**DE19.85 Biosecurity Act 2015 - Weed Management Plans**

**HPERM Ref:  
D19/268306**

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

That Council endorse the following Weed Management Plans:

1. Alligator weed
2. Blackberry
3. Coolatai Grass
4. Giant Parramatta Grass
5. Salvinia
6. Bitou bush
7. Boneseed
8. Fireweed
9. Lantana
10. Water hyacinth

**RESOLVED** (Clr Digiglio / Clr Wells)

MIN19.620

That Council:

1. Endorse the following Weed Management Plans:
  - a. Alligator weed
  - b. Blackberry
  - c. Coolatai Grass
  - d. Giant Parramatta Grass
  - e. Salvinia
  - f. Bitou bush
  - g. Boneseed
  - h. Fireweed
  - i. Lantana
  - j. Water hyacinth
2. Continue to look for alternative methods to improve weed management that are safer into the future.

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

AGAINST: Nil

CARRIED

**DE19.86 Proponent Initiated Planning Proposal - Lot 1 DP 949932  
- Taylors Lane, Cambewarra**

**HPERM REF:  
D19/271794**

Item dealt with earlier in the meeting see MIN19.614.

**DE19.87 Novation Request - Voluntary Planning Agreement -  
Seaspray Close - Narrawallee**

**HPERM Ref:  
D19/279715**

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

That Council agree to the amended Deed of Novation, presented as Attachment 1 to this report, related to the Voluntary Planning Agreement that is in place for land at Narrawallee owned by Hanson South Coast Pty Ltd.

**RESOLVED** (Clr Findley / Clr Wells)

MIN19.621

That Council:

1. Agree to the amended Deed of Novation, presented as Attachment 1 to this report, related to the Voluntary Planning Agreement that is in place for land at Narrawallee owned by Hanson South Coast Pty Ltd.
2. Approach the Biodiversity Conservation Trust to seek the purchase of Seaspray Close, Narrawallee as an addition to the Garrads Reserve.

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

AGAINST: Nil

CARRIED

**DE19.88 Presentation of Petition in Opposition to Exploratory  
Drilling/Mining for Fossil Fuels in the Great Australian  
Bight**

**HPERM REF:  
D19/289312**

Item dealt with earlier in the meeting see MIN19.612.

**Items marked with an \* were resolved 'en block'.**

**DE19.89 Grant application - Grey Headed Flying Fox Berry Camp**

**HPERM Ref:  
D19/259892**

**RECOMMENDATION\*** (Clr Wells / Clr Gash)

That Council:

1. Accept the maximum grant of \$50,000 from Local Government NSW, if the application is successful.
2. Provide an in-kind contribution from existing operational budgets, a maximum of \$50,000, of Environmental Services officers time; and

3. Write to Local Government NSW thanking them for the grant funding, if the application is successful.

**DE19.90 West Culburra Development Proposal - NSW Land & Environment Court Matter**

**HPERM Ref:  
D19/292580**

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

That Council consider the separate confidential report on this matter in accordance with Section 10A(2)(g) of the NSW Local Government Act 1993.

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

MIN19.622

That Council consider the separate confidential report on this matter in accordance with Section 10A(2)(g) of the NSW Local Government Act 1993.

CARRIED

**DE19.91 Drought Impact on Shoalhaven Water Supplies**

**HPERM Ref:  
D19/277621**

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

That Council note:

1. The current water supply situation with Shoalhaven storages and Shoalhaven River flows.
2. The proposed strategy to implement Level 1 water restrictions on 23 September 2019, in accordance with Council's Drought Management Plan, should no significant rainfall be experienced and the outlook for rain remains low.

**RESOLVED** (Clr Findley / Clr Wells)

MIN19.623

That Council:

1. Note the current water supply situation with Shoalhaven storages and Shoalhaven River flows.
2. Note the proposed strategy to implement Level 1 water restrictions on 23 September 2019, in accordance with Council's Drought Management Plan, should no significant rainfall be experienced and the outlook for rain remains low.
3. Write to the Hon Shelley Hancock, MP, Member for South Coast and the Hon Gareth Ward, MP, Member for Kiama seeking their support in approaching the Minister for Water, Property and Housing with respect to the Shoalhaven Water Sharing Plan.
4. At the appropriate time, write to the Hon Melinda Pavey, MP, Minister for Water, Property and Housing, requesting a meeting to discuss aspects of the review of the Shoalhaven Water Sharing Plan.

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

AGAINST: Nil

CARRIED

**Procedural Motion - Matters of Urgency**

**MOTION** (Clr Findley / Clr Gash)

That the following additional items be introduced as a matter of urgency:

1. The following Development Applications:
  - a. DA19/1102 - 252 Princes Hwy Ulladulla (Cnr of Pitman Ave) – Manufactured Home Estate
  - b. DA19/1692 - Princes Hwy Ulladulla (Cnr of Ilett St Mollymook) – Aged Care Facility
2. Intersection of Pitman Avenue and Princes Highway.

The Chairperson ruled the matters as urgent due to the level of public interest.

**DE19.92 Additional Item - Development Applications - Ulladulla - Extension of public submission period**

**RESOLVED** (Clr Findley / Clr Pakes) MIN19.624

That Council extend the public submission period on the following Development Applications for 21 days AFTER the Roads and Maritime Service have issued their response to the applications:

- DA19/1102 - 252 Princes Hwy Ulladulla (Cnr of Pitman Ave) – Manufactured Home Estate
- DA19/1692 - Princes Hwy Ulladulla (Cnr of Ilett St Mollymook) – Aged Care Facility

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

AGAINST: Nil

CARRIED

**DE19.93 Additional Item - Intersection of Pitman Avenue and Princes Highway, Ulladulla**

**RESOLVED** (Clr Findley / Clr Gash) MIN19.625

That the Chief Executive Officer undertake an investigation into historical correspondence in respect to the Pitman Ave and Princes Hwy intersection treatment. The purpose of the investigation is to give background to the Roads and Maritime Service to build their understanding of the community's desires for a safe and passable intersection with some consideration for a roundabout or other treatment that makes access and egress from Pitman Ave timely and safe.

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

AGAINST: Nil

CARRIED

**CONFIDENTIAL REPORTS**

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

**RESOLVED** (Clr Wells / Clr Pakes)

MIN19.626

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CDE19.1 West Culburra Development Proposal - NSW Land & Environment Court Matter

*Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. 10(A)(2)(g)*

*There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.*

CARRIED

The meeting moved into confidential the time being 7.47pm.

The meeting moved into open session, the time being 7.57pm.

## **REPORT FROM CONFIDENTIAL SESSION**

The following resolutions of the meeting, whilst closed to the public, were made public.

**CDE19.1 West Culburra Development Proposal - NSW Land & Environment Court Matter**

**HPERM Ref:  
D19/277454**

**RESOLVED**

MIN19.627C

That Council:

1. Not proceed to apply to join the Land and Environment Court (LEC) proceedings regarding the refusal of the West Culburra development proposal.
2. Be represented at the Conciliation Conference on 14/15 November 2019 by senior member(s) of Council Staff or Councillor Watson. The focus of such representation is to reflect the presentation previously made to the Independent Planning Commission.
3. Continue to work cooperatively with the applicant on solutions required to achieve stated outcomes in regard to the subject proposal and subsequent reports be provided to Council if needed in this regard.

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

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

CARRIED

There being no further business, the meeting concluded, the time being 7.59pm.

Clr Gash  
CHAIRPERSON