

## MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

**Meeting Date:** Tuesday, 1 October 2019  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.00pm

The following members were present:

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 Mark Kitchener  
Clr Bob Proudfoot  
Mr Stephen Dunshea - Chief Executive Officer

### Apologies / Leave of Absence

Apologies were received from Clr Findley and Clr Guile.

### Confirmation of the Minutes

**RESOLVED** (Clr Pakes / Clr White) MIN19.712

That the Minutes of the Development & Environment Committee held on Tuesday 03 September 2019 be confirmed.

CARRIED

### Declarations of Interest

Clr Gartner – DE19.105 – Submission – Proposed New Regulatory Framework – Short Term Rental Accommodation - pecuniary interest declaration – owns a short term rental property with spouse – will leave the room and will not take part in discussion or vote.

**Call Over of the Business Paper**

The following items were called up for debate:

DE19.94, DE19.95, DE19.96, DE19.97, DE19.98, DE19.99, DE19.100, DE19.102, DE19.103, DE19.104, DE19.105, DE19.106.

The remaining item (DE19.101) was resolved en-block (Clr Proudfoot / Clr Wells) at this time. It is marked with an asterisk (\*) in these Minutes.

**DEPUTATIONS AND PRESENTATIONS**

**DE19.94 Notice of Motion - Call In DA19/1841 - 44 Duncan Street, Huskisson** (Page 11)

Ms Susan Smith, representing the Huskisson Woollamia Community Voice CCB, spoke for the recommendation.

**DE19.95 Development Application 18/2115 – 171B Strongs Rd, Jaspers Brush – Lot 2 & DP 778594** (Page 18)

Mr Stuart Coughlan, representing the Berry Forum, spoke for the recommendation.

**DE19.104 Tomerong Quarry - Lot 4 DP 775296 Parnell Rd DA90/1912** (Page 115)

Mr Peter Allison, representing the Tomerong Community Forum, spoke to the recommendation.

**Procedural Motion - Bring Item Forward**

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

MIN19.713

That the following matters be brought forward for consideration:

- DE19.94 - Notice of Motion - Call In DA19/1841 - 44 Duncan Street, Huskisson
- DE19.95 - Development Application 18/2115 – 171B Strongs Rd JASPERS BRUSH – Lot 2 & DP 778594
- DE19.104 - Tomerong Quarry - Lot 4 DP 775296 Parnell Rd DA90/1912

CARRIED

**NOTICES OF MOTION / QUESTIONS ON NOTICE**

**DE19.94 Notice of Motion - Call In DA19/1841 - 44 Duncan Street, Huskisson**

**HPERM Ref: D19/316168**

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

That Council call in the Development Application DA19/1841 - 44 Duncan Street, Huskisson due to public interest.

**RESOLVED** (Clr Levett / Clr Pakes)

MIN19.714

That Council call in the Development Application DA19/1841 - 44 Duncan Street, Huskisson due to public interest.

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

AGAINST: Nil

CARRIED

## REPORTS

**DE19.95 Development Application 18/2115 – 171B Strongs Rd HPERM Ref:**  
**JASPERS BRUSH – Lot 2 DP 778594 D19/240144**

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

That Development Application No. 18/2115 for the ‘temporary use of land for events/functions including weddings’ be determined by way of refusal for the reasons set out in the Notice of Determination **Attachment 1** to this report.

**RESOLVED** (Clr Proudfoot / Clr Wells) MIN19.715

That Development Application No. 18/2115 for the ‘temporary use of land for events/functions including weddings’ be determined by way of refusal for the reasons set out in the Notice of Determination **Attachment 1** to this report.

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

AGAINST: Nil

CARRIED

**DE19.104 Tomerong Quarry - Lot 4 DP 775296 Parnell Rd HPERM Ref:**  
**DA90/1912 D19/315873**

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

That Council receive this report on Tomerong Quarry for information.

**RESOLVED** (Clr Levett / Clr Digiglio) MIN19.716

That Council receive this report on Tomerong Quarry for information.

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

AGAINST: Nil

CARRIED

**DE19.96 Development Application – No. 20, Lot 3 in DP 539866,  
The Wool Road Vincentia**

**HPERM Ref:  
D19/213103**

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

That Council refuse Development Application DA18/1736 for change of use to dual occupancy and strata subdivision at lot 3 DP539866, 20 The Wool Road Vincentia, for the reasons set out in **Attachment 1**.

**RESOLVED** (Clr Proudfoot / Clr Wells)

MIN19.717

That the matter of Development Application – No. 20, Lot 3 in DP 539866, The Wool Road Vincentia be deferred at the request of the Applicant.

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

AGAINST: Nil

CARRIED

**DE19.97 Proposed Public Exhibition - Planning Proposal (PP043)  
- Additional Permitted Use - South Nowra Industrial  
Expansion Zone**

**HPERM Ref:  
D19/284727**

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

That Council:

1. Endorse Planning Proposal (PP043) – Additional Permitted Use – South Nowra Industrial Expansion Zone, updated to include the responses of Public Agency Consultation, for Public Exhibition for a minimum period of 28 days.
2. Receive a further report that provides the results of the Public Exhibition period and recommends the next steps to finalise the Planning Proposal.

**RESOLVED** (Clr Watson / Clr Digiglio)

MIN19.718

That Council:

1. Endorse Planning Proposal (PP043) – Additional Permitted Use – South Nowra Industrial Expansion Zone, updated to include the responses of Public Agency Consultation, for Public Exhibition for a minimum period of 28 days.
2. Receive a further report that provides the results of the Public Exhibition period and recommends the next steps to finalise the Planning Proposal.

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

AGAINST: Nil

CARRIED

**DE19.98 Urban Greening Strategy and Voluntary Compensatory Tree Planting Policy**

**HPERM Ref: D19/266523**

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

That Council

1. Commence development of an overarching urban greening strategy in-line with other Australian and regional Councils to meet objectives within the Community Strategic Plan 2027, Integrated Strategic Plan 2018, Delivery Program and Operational Plan 2019-2020 and Illawarra Shoalhaven Regional Plan, that includes a compensatory tree replacement policy (except where a development application has triggered entry into the NSW Biodiversity Offset Scheme).
2. Hold a Councillor workshop so that Councillors can provide input into the development of the draft Strategy and Policy.
3. Following the Councillor workshop report back to Council the draft Strategy and Policy for endorsement for public exhibition.
4. Endorse the NSW LGA *Increasing Resilience to Climate Change* grant applied for in September 2019 to enable Council to undertake a tree canopy audit within urban areas to determine tree canopy and land use distributions, vegetation change and priority areas for potential planting and urban greening to assist in implementation of Council resolution (MIN18.955).

**RESOLVED** (Clr Proudfoot / Clr Pakes)

MIN19.719

That the matter of Urban Greening Strategy and Voluntary Compensatory Tree Planting Policy be withdrawn pending a Councillor briefing and report back to Council.

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

AGAINST: Nil

CARRIED

**DE19.99 NSW Heritage Grants 2019-2020: Shoalhaven Local Heritage Assistance Fund**

**HPERM Ref: D19/289172**

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

That Council endorse the allocation of the Shoalhaven Local Heritage Assistance Funds for the 2019-2020 program as listed in **Table 1** within the report; and reallocate any declined offers amongst the remaining successful and eligible applicants if required.

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

MIN19.720

That Council endorse the allocation of the Shoalhaven Local Heritage Assistance Funds for the 2019-2020 program as listed in **Table 1** within the report; and reallocate any declined offers amongst the remaining successful and eligible applicants if required.

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

AGAINST: Nil

CARRIED

**DE19.100 Nowra-Bomaderry Retail Review - Exhibition Outcomes and Proposed Implementation**

**HPERM Ref: D19/293966**

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

That Council:

1. Commission a detailed, city-wide retail supply and demand analysis modelled on forecast future population growth to inform its strategic land use planning activities.
2. Prepare a Planning Proposal to enable consideration of amendments to *Shoalhaven Local Environmental Plan 2014* to:
  - a. Introduce a new local provision to support retail activity in Nowra CBD.
  - b. Change the zone objectives for B3 Commercial Core and B4 Mixed Use zones to support retail activity in Nowra CBD, and
  - c. Exclude general and speciality shops from the South Nowra bulky goods retail area.
3. Commence a detailed project to examine the location, size and function of the planned retail centres intended to service the Moss Vale Road Urban Release Areas and the land use zones associated with the southern centre.
4. Identify Planning Priorities in its Local Strategic Planning Statement to:
  - a. Develop a city-wide retail strategy to identify the amount and type of retail floor space required across all retail zones and centres, and
  - b. Develop place-based strategies to guide the future growth and development of Nowra CBD and Bomaderry.

**RESOLVED** (Clr Proudfoot / Clr Pakes)

MIN19.721

That Council not proceed with the implementation of selected recommendations from the *Nowra-Bomaderry Centres – Retail & Centres Planning Assessment*.

FOR: Clr Gash, Clr White, Clr Wells, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

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

CARRIED

**Items marked with an \* were resolved ‘en block’.**

**DE19.101 St Andrews Way/Berry's Bay & Woollamia Sewerage Schemes - Waiving of Fees for Approval to Operate On-site Sewerage Systems**

**HPERM Ref: D19/305033**

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

MIN19.722

1. That Council endorse the waiving of “Approval to Operate Systems of Sewerage Management” and associated inspection fees for property owners within the St Andrews Way/Berry's Bay and Woollamia Sewerage Schemes, during the construction phase of the schemes.
2. Any annual risk inspections required through the construction of the schemes be funded from Council's sewer fund.

CARRIED

**DE19.102 Formation of Collingwood Beach Dunecare Group -  
Progress Report**

**HPERM Ref:  
D19/308998**

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

That Council receive the progress report, regarding the formation of the Collingwood Beach Dunecare Group, as per Council resolution (MIN19.318).

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

MIN19.723

That:

1. As part of the Natural Area Volunteers Group, a Dunecare Group be formed at Collingwood Beach prior to the Ordinary Meeting of council on 29 October 2019.
2. A draft Collingwood Beach Dunecare Management Plan be presented to the Ordinary Meeting of Council on 29 October 2019. This plan be formulated taking into consideration the submission by Coordinator, Dawn Thompson's group, the Collingwood Beach Reserve Bushcare Action Plan (2008) and the Collingwood Beach Dune Vegetation Action Two-year Trial Plan.

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

AGAINST: Clr Levett and Clr Alldrick

CARRIED

**DE19.103 Initial Consideration - Proponent Initiated Planning  
Proposal - Danjera Dam Camping & Recreation Area**

**HPERM Ref:  
D19/309365**

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

That Council:

1. Support the Planning Proposal request for the Danjera Dam Camping & Recreation Area submitted for Shoalhaven Water.
2. Prepare and submit the required Planning Proposal documentation to the NSW Department of Planning, Industry and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advise the proponent of this resolution.

**RESOLVED** (Clr Watson / Clr Kitchener)

MIN19.724

That Council:

1. Support the Planning Proposal request for the Danjera Dam Camping & Recreation Area submitted for Shoalhaven Water.
2. Prepare and submit the required Planning Proposal documentation to the NSW Department of Planning, Industry and Environment for Gateway determination, and dependent on the outcome proceed to exhibit the PP and report back to Council post-exhibition.
3. Advise the proponent of this resolution.

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

AGAINST: Nil

CARRIED

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| <b>DE19.104 Tomerong Quarry - Lot 4 DP 775296 Parnell Rd<br/>DA90/1912</b> | <b>HPERM REF:<br/>D19/315873</b> |
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Item dealt with earlier in the meeting see MIN19.716.

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| <b>DE19.105 Submission - Proposed New Regulatory Framework -<br/>Short Term Rental Accommodation</b> | <b>HPERM Ref:<br/>D19/316058</b> |
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**Recommendation (Item to be determined under delegated authority)**

That Council

1. Endorse the draft submission that was made on the proposed Short Term Rental Accommodation reform package (provided as **Attachment 1** to this report) and advise the NSW Government accordingly.
2. Continue to play an active role, as required, in this important matter and received future reports as needed.

Clr Gartner - pecuniary interest declaration - owns a short term rental property with spouse – left the room and did not take part in discussion or vote.

Note: Clr Gartner left the meeting at 6.17pm.

**RESOLVED** (Clr Proudfoot / Clr White) MIN19.725

That Council:

1. Endorse the draft submission that was made on the proposed Short Term Rental Accommodation reform package (provided as **Attachment 1** to this report) and advise the NSW Government accordingly.
2. Continue to play an active role, as required, in this important matter and received future reports as needed.

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

AGAINST: Nil

CARRIED

Note: Clr Gartner returned to the meeting at 6.34pm.

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| <b>DE19.106 Ministerial Representations - Chapter G4 Tree &amp;<br/>Vegetation Management - Shoalhaven DCP2014</b> | <b>HPERM Ref:<br/>D19/316102</b> |
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**Recommendation (Item to be determined under delegated authority)**

That Council

1. Determine relevant action having regard to options provided below or other appropriate actions,
2. Advise the NSW Minister for Planning & Public Spaces of this decision and keep him advised of the progress of the review/possible amendment to the DCP.

Clr Gartner raised a Point of Order against Clr Pakes for suggesting that some Councillors made accusations about illegal and wrong doing work taking place at the Huskisson Anglican Church site and those accusations haven't been made by her.

The Chair did not rule as a Point of Order as accusations were made by signs being put up at Huskisson, that Clr Gash, Clr Watson and Clr Pakes had "ruined Huskisson" because of the trees.

Clr Gartner raised a Point of Order against Clr Pakes for saying that the Hon Justin Field, MLC was unfamiliar with the area and stated that he lives in the Shoalhaven. The Chair did not rule as a Point of Order.

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

MIN19.726

That Council:

1. Note the request received from the Minister that essentially requests that Council reconsider the current provisions in this regard and advise the Minister of Council's decision to retain the current provisions for the overriding reason of public safety, noting that Council is also considering policy options to address tree loss within the City more generally.
2. Write to all tree lopping and tree removal contractors on an annual basis to explain their obligations before a tree is removed, under the "45 degree rule". In addition, that the maximum penalties for any breaches be clearly outlined in the correspondence.
3. Advise the NSW Minister for Planning & Public Spaces of this decision.

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

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

CARRIED

**Note:** A Rescission Motion was received on this Item.

### **Procedural Motion - Matters of Urgency**

**MOTION** (Clr White / Clr Pakes)

That an additional item in relation to DA16/1465, corner of Albatross Road and Kinghorne Street, Nowra be introduced as a matter of urgency.

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

### **DE19.107 Additional Item - Development Application - Residential Units and Commercial Space - 173 Kinghorne Street, Nowra**

**RESOLVED** (Clr Watson / Clr Pakes)

MIN19.727

That DA16/1465 – Residential Units and Commercial Space – 173 Kinghorne Street, Nowra be called in to Council for determination due to significant public interest.

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

AGAINST: Nil

CARRIED

Note: A Rescission Motion was received in relation to DE19.106 – Ministerial Representations – Chapter G4 Tree & Vegetation Management – Shoalhaven DCP2014 signed by Clr Gartner, Clr Digiglio and Clr Levett. *It will be considered at the Ordinary Meeting on Tuesday 29 October 2019 at 5pm in the Council Chambers.*

There being no further business, the meeting concluded, the time being 7.42pm.

Clr Gash  
CHAIRPERSON