

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Monday, 18 January 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.04pm

The following members were present:

Clr Mitchell Pakes - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr John Wells
Clr Patricia White
Clr Kaye Gartner – (Remotely)
Clr Nina Digiglio
Clr John Levett
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Apologies were received from Clr Alldrick and Clr Guile.

Confirmation of the Minutes

RESOLVED (Clr Findley / Clr Levett) MIN21.1

That the Minutes of the Development & Environment Committee held on Tuesday 01 December 2020 be confirmed.

CARRIED

Declarations of Interest

Nil

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

Nil

REPORTS

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| DE21.1 | Post Exhibition Finalisation - Voluntary Planning Agreement Policy and Works in Kind Policy Package | HPERM Ref: D20/424616 |
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Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the draft Voluntary Planning Agreement (VPA) and Works in Kind Agreement (WIKA) Policy Package as exhibited, with changes shown in Attachment 2 to the report.
2. Endorse the exhibition of the proposed new fee structure for VPA and WIKA applications (\$280 per agreement) as part of the 2021/22 Fees and Charges process and review the fee amount after a 12-month period.
3. Delegate the management of the VPAs and WIKAs outlined in Table 2 of this report to the Chief Executive Officer (or his delegate) for consideration and resolution, with the following VPAs and WIKAs being reported to Council:
 - Those that fall outside the criteria in Table 2 in this report, or
 - As a result of negotiations, additional or different provisions or credit arrangements were required to be included, or substantial objections or issues were raised as a result of public notification.
4. Advise the Development Industry Representatives and those who made a submission of this resolution.

RESOLVED (Clr Findley / Clr Digiglio)

MIN21.2

That Council:

1. Adopt the draft Voluntary Planning Agreement (VPA) and Works in Kind Agreement (WIKA) Policy Package as exhibited, with changes shown in Attachment 2 to the report.
2. Endorse the exhibition of the proposed new fee structure for VPA and WIKA applications (\$280 per agreement) as part of the 2021/22 Fees and Charges process and review the fee amount after a 12-month period.
3. Delegate the management of the VPAs and WIKAs outlined in Table 2 of this report to the Chief Executive Officer (or his delegate) for consideration and resolution, with the following VPAs and WIKAs being reported to Council:
 - Those that fall outside the criteria in Table 2 in this report, or
 - As a result of negotiations, additional or different provisions or credit arrangements were required to be included, or substantial objections or issues were raised as a result of public notification.
4. Advise the Development Industry Representatives and those who made a submission of this resolution.

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

AGAINST: Nil

CARRIED

**DE21.2 Post Exhibition Finalisation - Shoalhaven Contribution
Plan 2019 - Amendment No.1 (CP2019.1)**

**HPERM Ref:
D20/519119**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt Amendment No.1 (CP2019.1) to Shoalhaven Contributions Plan 2019 as exhibited and proceed to finalise it.
2. Advise relevant industry representatives of this decision and when the amendment to Shoalhaven Contributions Plan 2019 will be made effective.

RESOLVED (Clr Findley / Clr Gash)

MIN21.3

That Council:

1. Adopt Amendment No.1 (CP2019.1) to Shoalhaven Contributions Plan 2019 as exhibited and proceed to finalise it.
2. Advise relevant industry representatives of this decision and when the amendment to Shoalhaven Contributions Plan 2019 will be made effective.

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

AGAINST: Nil

CARRIED

**DE21.3 Proposed Natural Disaster Clause - NSW Standard
Instrument Local Environmental Plan**

**HPERM Ref:
D20/522846**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Not opt-in to the new Standard Instrument Local Environmental Plan Natural Disaster clause and advise the NSW Department of Planning, Industry and Environment accordingly (by 15 February 2021) based on the content of this report.
2. Consider including a different version of the clause, that better meets Shoalhaven's needs, via the standard Planning Proposal process at the appropriate point in time and receive a future report.

RESOLVED (Clr Watson / Clr Levett)

MIN21.4

That Council:

1. Not opt-in to the new Standard Instrument Local Environmental Plan Natural Disaster clause and advise the NSW Department of Planning, Industry and Environment accordingly (by 15 February 2021) based on the content of this report.
2. Consider including a different version of the clause, that better meets Shoalhaven's needs, via

the standard Planning Proposal process at the appropriate point in time and receive a future report.

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

AGAINST: Nil

CARRIED

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| DE21.4 Proposed Planning Proposal - Riverview Road Precinct (Nowra) and Huntingdale Park Estate Precinct (Berry) | HPERM Ref: D20/538996 |
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Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the preparation of a Planning Proposal with the following scope, and proceed to submit it to the NSW Government for a Gateway determination, and if this is favourable, proceed to exhibition as per the legislative and any determination requirements:
 - a. Riverview Road Precinct (Nowra):
 - i. Insert a new local clause (similar to clause 4.1A) setting a parent lot size for the erection of a dual occupancy development that is 1,500m².
 - ii. Establish a clause map to identify the land to which the local clause would apply (the land in Figure 1 of this report).
 - iii. Amend clause 4.6(8) to ensure that the parent lot size set in the new local clause could not be varied.
 - b. Huntingdale Park Estate Precinct (Berry):
 - i. Rezone the subject land to R5 Large Lot Residential.
 - ii. Set a 2,000m² minimum lot size for the entirety of the subject land.
2. Receive a further report following the conclusion of the public exhibition period or if the Gateway determination is not favourable.
3. Advise key stakeholders of this decision and the resultant exhibition arrangements, including affected landowners, relevant Community Consultative Bodies and Development Industry representatives.

RESOLVED (Clr Watson / Clr Wells)

MIN21.5

That Council:

1. Endorse the preparation of a Planning Proposal with the following scope, and proceed to submit it to the NSW Government for a Gateway determination, and if this is favourable, proceed to exhibition as per the legislative and any determination requirements:
 - a. Huntingdale Park Estate Precinct (Berry):
 - i. Rezone the subject land to R5 Large Lot Residential.
 - ii. Set a 2,000m² minimum lot size for the entirety of the subject land.
2. Receive a further report following the conclusion of the public exhibition period or if the Gateway determination is not favourable.
3. Advise key stakeholders of this decision and the resultant exhibition arrangements, including affected landowners, relevant Community Consultative Bodies and Development Industry representatives.

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

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

CARRIED

DE21.5 Update - 'Legacy' Planning Proposals - Timing and Progression - NSW Government Direction

HPERM Ref: D21/936

Recommendation (Item to be determined under delegated authority)

That Council

1. Acknowledge that the Gateway determinations for the Planning Proposals (PPs) in question were terminated by the NSW Department of Planning, Industry & Environment (DPIE) on 15 December 2020.
2. Continue to progress each PP as follows:
 - a. Warrah Road, Bangalee (PP005): seek a new Gateway determination immediately and if the outcome is favourable, place the PP and supporting documentation on public exhibition.
 - b. Halloran Trust Land, Culburra (PP006): seek a new Gateway determination at the appropriate point once potential development footprint is more fully resolved in consultation with the proponent and DPIE.
 - c. Nebraska Estate, St Georges Basin (LP145.1): seek a new Gateway determination at the appropriate point once the policy is adopted that will help resolve the tenure and management of the proposed E2 land (as per Council resolution MIN20.885) to help secure certification for the new planning controls under Clause 34A of the NSW Biodiversity Conservation (Savings and Transitional) Regulation 2017.
 - d. Badgee Lagoon Deferred Areas, Sussex Inlet (LP407): seek a new Gateway determination for each 'deferred' area at the appropriate point, subject to considering a new PP request that will include land adjacent to the northern deferred area and an accompanying overall draft Biodiversity Certification Assessment Report (BCAR).
 - e. Inyadda Drive, Manyana (PP007): seek a new Gateway determination at the appropriate point once the outcome of the proponent's upcoming referral under the Commonwealth's *Environment Protection and Biodiversity Conservation Act* (EPBC Act) is known.
3. Receive further reports on the above matters as appropriate.
4. Receive a future report on revising/updating Council's Planning Proposal Guidelines once DPIE has updated it is relevant guidelines and the revised Planning Proposal process is clearer.

RESOLVED (Clr Watson / Clr Wells)

MIN21.6

That Council:

1. Acknowledge that the Gateway determinations for the Planning Proposals (PPs) in question were terminated by the NSW Department of Planning, Industry & Environment (DPIE) on 15 December 2020.
2. Continue to progress each PP as follows:
 - a. Warrah Road, Bangalee (PP005): seek a new Gateway determination immediately and if the outcome is favourable, place the PP and supporting documentation on public exhibition.

- b. Halloran Trust Land, Culburra (PP006): seek a new Gateway determination at the appropriate point once potential development footprint is more fully resolved in consultation with the proponent and DPIE.
 - c. Nebraska Estate, St Georges Basin (LP145.1): seek a new Gateway determination at the appropriate point once the policy is adopted that will help resolve the tenure and management of the proposed E2 land (as per Council resolution MIN20.885) to help secure certification for the new planning controls under Clause 34A of the NSW Biodiversity Conservation (Savings and Transitional) Regulation 2017.
 - d. Badgee Lagoon Deferred Areas, Sussex Inlet (LP407): seek a new Gateway determination for each 'deferred' area at the appropriate point, subject to considering a new PP request that will include land adjacent to the northern deferred area and an accompanying overall draft Biodiversity Certification Assessment Report (BCAR).
 - e. Inyadda Drive, Manyana (PP007): seek a new Gateway determination at the appropriate point once the outcome of the proponent's upcoming referral under the Commonwealth's *Environment Protection and Biodiversity Conservation Act* (EPBC Act) is known.
3. Receive further reports on the above matters as appropriate.
4. Receive a future report on revising/updating Council's Planning Proposal Guidelines once DPIE has updated it is relevant guidelines and the revised Planning Proposal process is clearer.

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

AGAINST: Nil

CARRIED

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| DE21.6 | Proposed Council Submission - Draft Local Character Clause - Local Environmental Plan | HPERM Ref: D20/548440 |
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Recommendation (Item to be determined under delegated authority)

That Council make a submission (Attachment 1 to this report) to the NSW Department of Planning, Industry and Environment in relation to its draft Standard Instrument LEP Local Character Clause.

RESOLVED (Clr Wells / Clr White) MIN21.7

That Council make a submission (Attachment 1 to this report) to the NSW Department of Planning, Industry and Environment in relation to its draft Standard Instrument LEP Local Character Clause.

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

AGAINST: Clr Watson

CARRIED

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| DE21.7 | Information Report - NSW Productivity Commission Report - Infrastructure Contributions System | HPERM Ref: D20/563814 |
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Recommendation (Item to be determined under delegated authority)

That Council receive the report on the release of the NSW Productivity Commission's report on the NSW Infrastructure Contributions System for information.

RESOLVED (Clr Watson / Clr White)

MIN21.8

That Council receive the report on the release of the NSW Productivity Commission's report on the NSW Infrastructure Contributions System for information.

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

AGAINST: Nil

CARRIED

DE21.8 Companion Animals - Activities for 2019-20

**HPERM Ref:
D20/435757**

Recommendation (Item to be determined under delegated authority)

That Council receives the report Companion Animals – Activities for 2019-2020 for information.

RESOLVED (Clr Wells / Clr Gash)

MIN21.9

That Council receives the report Companion Animals – Activities for 2019-2020 for information.

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

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 6.29pm.

Clr Pakes
CHAIRPERSON