

## MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

**Meeting Date:** Tuesday, 5 March 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 – arrived 5.01pm  
Clr Kaye Gartner  
Clr Andrew Guile – arrived 5.10pm  
Clr Mitchell Pakes  
Clr Greg Watson  
Clr Mark Kitchener – left at 7.44pm  
Clr Bob Proudfoot  
Clr Russ Pigg - General Manager

### Apologies / Leave of Absence

An apology was received from Clr Findley.

### Confirmation of the Minutes

**RESOLVED** (Clr Pakes / Clr Levett) MIN19.107

That the Minutes of the Development & Environment Committee held on Tuesday 05 February 2019 be confirmed.

CARRIED

## DEPUTATIONS AND PRESENTATIONS

### DE19.9 Draft citywide Shoalhaven Vegetation Vandalism Strategy

Mr Bruce McKenzie, representing Vincentia Matters, addressed the meeting and spoke in favour of the recommendation.

**DE19.10 Collingwood Beach Surveillance - Vegetation Vandalism**

Mr Bruce McKenzie, representing Vincentia Matters, addressed the meeting to speak in favour of the recommendation.

**DE19.11: Proponent Initiated Planning Proposal - Lot 5 DP 1225356, Sealark Road, Callala Bay**

Mr Patrick Mahedy, representing PRM Architects + Town Planners, addressed the meeting and spoke against the recommendation.

Mr Duncan Marshall, representing Callala Bay Community Association, addressed the meeting and spoke in favour of the recommendation.

**DE19.13 Review - Planning Provisions - Tourist and Visitor Accommodation**

Mr Stuart Coughlan, representing The Berry Forum, addressed the meeting and spoke against the recommendation.

**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Pakes / Clr Digiglio)

MIN19.108

That the matters of the following items be brought forward for consideration:

- DE19.9 - Draft citywide Shoalhaven Vegetation Vandalism Strategy
- DE19.10 - Collingwood Beach Surveillance - Vegetation Vandalism
- DE19.11 - Proponent Initiated Planning Proposal - Lot 5 DP 1225356, Sealark Road, Callala Bay
- DE19.13 - Review - Planning Provisions - Tourist and Visitor Accommodation

CARRIED

**REPORTS**

**DE19.9 Draft citywide Shoalhaven Vegetation Vandalism Strategy**

**HPERM Ref:  
D19/29905**

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

That Council;

1. Adopt the Draft Vegetation Vandalism Strategy for public exhibition;
2. Place the Draft Vegetation Vandalism Strategy on public exhibition for 28 days; and
3. Receive a report following the public exhibition outlining any submissions received and any proposed to the draft Strategy in response to submissions.

**MOTION** (Clr Proudfoot / Clr Guile)

That Council:

1. Not place the Draft Vegetation Vandalism Strategy on public exhibition;
2. Receive the report for information.

AMENDMENT (Clr Watson / Clr Wells)

That the matter be referred to a Councillor Workshop.

Clr Gartner raised Point of Order against Clr Guile for imputing motivations to others. The Chair ruled against.

Clr Levett raised a Point of Order against Clr Guile for deliberately offending certain residents. The Chair ruled against.

Clr Watson raised a Point of Order against Clr Digiglio for suggesting that politicians claim to be experts on scientific matters. Clr Digiglio withdrew her comment.

PROCEDURAL MOTION (Clr Wells / Clr Gartner)

That the AMENDMENT be PUT.

FOR: Clr Gash, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener and Mr Pigg

AGAINST: Clr White, Clr Levett, Clr Guile and Clr Proudfoot

CARRIED

AMENDMENT WAS PUT (RESOLVED) (Clr Watson / Clr Wells)

That the matter be referred to a Councillor Workshop.

FOR: Clr Gash, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener and Mr Pigg

AGAINST: Clr White, Clr Levett, Clr Guile and Clr Proudfoot

CARRIED

**The AMENDMENT became the MOTION and was declared CARRIED**  
(Clr Watson / Clr Wells)

MIN19.109

That the matter be referred to a Councillor Workshop.

FOR: Clr Gash, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Mr Pigg

AGAINST: Clr Levett

CARRIED

**DE19.10 Collingwood Beach Surveillance - Vegetation Vandalism**

**HPERM Ref:  
D18/396803**

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

That Council:

1. Install a combination of surveillance camera devices (approximately 25 in total being 15 poles with 2 cameras per pole at 50 metre intervals and 10 trail cameras) and warning signs at appropriate locations within the Collingwood Beach Foreshore Reserve subject to budget allocation;
2. Purchase some of the surveillance camera devices from any remaining funds in the Collingwood Beach Dune Vegetation Two-Year Trial Action Plan budget (15857) and consider supporting a 2019/20 budget bid to cover the cost of purchasing all 25 surveillance camera devices; and

3. Continue to allocate Ranger Unit resources to compliance and education activities and monitor vegetation vandalism at Collingwood Beach Foreshore Reserve.

**RESOLVED** (Clr Pakes / Clr Guile)

MIN19.110

That Council not install surveillance cameras along Collingwood Beach.

FOR: Clr Gash, Clr White, Clr Wells, Clr Digiglio, Clr Alldrick, Clr Guile, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Mr Pigg

AGAINST: Clr Levett and Clr Gartner

CARRIED

**DE19.11 Proponent Initiated Planning Proposal - Lot 5 DP  
1225356, Sealark Road, Callala Bay**

**HPERM Ref:  
D19/32152**

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

That Council:

1. Not proceed with a Planning Proposal to rezone Lot 5 DP 1225356, Sealark Road, Callala Bay to a mix of residential, recreation and environmental zones.
2. Advise the proponent and submitters of this decision.
3. Advise the proponent of the opportunity to make a submission during the upcoming public exhibition of the Shoalhaven Growth Management Strategy.

**RESOLVED** (Clr Gash / Clr Guile)

MIN19.111

That Council:

1. Support the proponent initiated Planning Proposal request to rezone Lot 5 DP 1225356, Sealark Road, Callala Bay to a mix of residential, recreation and environmental protection zones on the basis that it is considered to be 'minor' in nature and significance in accordance with Council's Planning Proposal (rezoning) Guidelines given the scale of the development that could result.
2. Submit the Planning Proposal to the NSW Department of Planning & Environment requesting the initial Gateway determination, noting that additional and updated studies will be undertaken post Gateway to support the Planning Proposal
3. Dependent on the outcome of the Gateway determination receive a further report on the Planning Proposal
4. Advise the proponents and submitters of this decision.

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

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

CARRIED

**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Watson / Clr Gash)

MIN19.112

That the matter of item DE19.14 -DA18/1700- 57 - 61 Tahnee Street, SANCTUARY POINT - Lots 38 / 39 / 40 DP 1243551 - 90 Place Centre Based Care Facility with Associated Car Parking be brought forward for consideration after item DE19.13.

CARRIED

**DE19.13 Review - Planning Provisions - Tourist and Visitor Accommodation**

**HPERM Ref:  
D19/41203**

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

That Council:

1. Further investigate and consider the possibility of an amendment to Shoalhaven Local Environment Plan 2014 once the outcomes of the NSW Department of Planning and Environment's tourist and visitor accommodation review is released, and any resulting changes to the Standard Instrument LEP are known.
2. Prepare an amendment to Chapter G15: Tourist and Visitor Accommodation of Shoalhaven Development Control Plan (DCP) 2014.
3. Receive a further report on the proposed detail of the draft DCP amendment prior to it proceeding to public exhibition.
4. Advise relevant stakeholders, including CCBs and the Development/Tourism Industry, of this decision and engage with them during the development of the amendment.

**RESOLVED** (Clr Guile / Clr Gartner)

MIN19.113

That Council:

1. Report the scope and content of a Planning Proposal to amend the relevant provisions of the Shoalhaven Local Environmental Plan (LEP) 2014 related to 'tourist and visitor accommodation' back to Council and as part of this carry out initial consultation with relevant stakeholders.
2. Prepare an amendment to Chapter G15: Tourist and Visitor Accommodation of the Shoalhaven Development Control Plan (DCP) 2014 and receive a further report on the proposed amendment prior to it proceeding to public exhibition.
3. Advise relevant stakeholders, including CCBs and the Development/Tourism Industry, of this decision and engage them during the preparation of the Planning Proposal and DCP amendment.
4. Staff, in further reports, consider the submission from the Berry Forum presented in the deputation to this meeting.
5. Convene a Councillor Briefing at an appropriate time.

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 Mr Pigg

Against: Nil

CARRIED

**DE19.14 DA18/1700- 57 - 61 Tahnee Street, SANCTUARY POINT -  
Lots 38 / 39 / 40 DP 1243551 - 90 Place Centre Based  
Care Facility with Associated Car Parking**

**HPERM Ref:  
D18/405415**

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

That the Development Application for construction of a ninety (90) place centre-based child care centre with associated car parking on the land at 157 - 61 Tahnee Street, Sanctuary Point - Lots 38, 39 & 40 DP 1243551 be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

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

MIN19.114

That the Development Application for construction of a ninety (90) place centre-based child care centre with associated car parking on the land at 157 - 61 Tahnee Street, Sanctuary Point - Lots 38, 39 & 40 DP 1243551 be approved subject to the recommended conditions of consent contained in Attachment 2 of 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 Mr Pigg

Against: Nil

CARRIED

Note: The meeting adjourned, the time being 7.44pm

Note: The meeting reconvened, the time being 8.06pm

When the following members were present:

Clr Joanna Gash - Chairperson  
Clr John Wells  
Clr Patricia White  
Clr John Levett  
Clr Nina Digiglio  
Clr Kaye Gartner  
Clr Andrew Guile  
Clr Mitchell Pakes  
Clr Greg Watson  
Clr Mark Kitchener  
Clr Bob Proudfoot

Note: Clr Kitchener left the meeting at 7.44pm.

**DE19.12 Shoalhaven DCP 2014 - Proposed Local Character  
Statements**

**HPERM Ref: D19/4280**

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

That Council:

1. Commence the preparation of an amendment to Shoalhaven Development Control Plan (DCP) 2014 to include Local Character Statements for all towns and villages to which the Low Rise Medium Density Housing Code applies.
2. Receive a further report on the draft DCP amendment prior to it proceeding to public exhibition.

**RESOLVED** (Clr Levett / Clr Wells)

MIN19.115

That Council:

1. Commence the preparation of an amendment to Shoalhaven Development Control Plan (DCP) 2014 to include Local Character Statements for all towns and villages to which the Low Rise Medium Density Housing Code applies.
2. Receive a further report on the draft DCP amendment prior to it proceeding to public exhibition.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Proudfoot and Mr Pigg

AGAINST: Clr Watson

CARRIED

**DE19.14 DA18/1700- 57 - 61 Tahnee Street, Sanctuary Point - Lots 38 / 39 / 40 DP 1243551 - 90 Place Centre Based Care Facility with Associated Car Parking**

**HPERM REF:  
D18/405415**

Item dealt with earlier in the meeting see MIN19.114

**DE19.15 Outcome - Industry Consultation - Design Review Panel Establishment**

**HPERM Ref:  
D19/11649**

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

That Council:

1. Support the expansion of the Wollongong Design Review Panel for use by other Councils in the Illawarra-Shoalhaven region, including Shoalhaven,
2. Trial the referral of certain development applications to the Wollongong Design Review Panel for advice.
3. Receive a 12 month review report on the operation and use of this approach.
4. Thank those who provided feedback and advise them of Council's resolution on this matter.

**RESOLVED** (Clr Wells / Clr Guile)

MIN19.116

That

1. Council defer consideration of the establishment of a design review panel pending an industry forum / information session, the outcome of which will inform a further report to enable Council to determine this matter.
2. The industry forum / information session and subsequent report be held and prepared in a time frame which enables resolution of this matter no later than the April Ordinary meeting of Council.

FOR: Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes and Clr Watson

AGAINST: Clr Gash, Clr Proudfoot and Mr Pigg

CARRIED

**DE19.16 Development Application – 132 Forster Drive, Bawley Point – Lot 21 & DP 1217069**

**HPERM Ref:  
D19/43497**

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

That Council:

1. Confirm that it supports the proposed variation, under clause 4.6 of Shoalhaven Local Environment Plan 2014, to the 11m maximum building height to allow for the lighting facilities to a maximum 19.0m in height,
2. Refer the application back to staff for determination

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

MIN19.117

That Council:

1. Confirm that it supports the proposed variation, under clause 4.6 of Shoalhaven Local Environment Plan 2014, to the 11m maximum building height to allow for the lighting facilities to a maximum 19.0m in height,
2. Refer the application back to staff for determination

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Mr Pigg

AGAINST: Nil

CARRIED

**DE19.17 Draft Sustainable Energy Policy**

**HPERM Ref:  
D19/58555**

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

That the draft Sustainable Energy Policy (attached) be placed on public exhibition for 28 days and a further report be provided to Council on the results of that exhibition.

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

MIN19.118

That the draft Sustainable Energy Policy (attached) be placed on public exhibition for 28 days and a further report be provided to Council on the results of that exhibition.

FOR: Clr Gash, Clr White, Clr Wells, Clr Levett, Clr Digiglio, Clr Alldrick, Clr Gartner, Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Mr Pigg

AGAINST: Nil

CARRIED

There being no further business, the meeting concluded, the time being 8.36pm.

Clr Gash  
CHAIRPERSON