

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 6 April 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

The following members were present:

Clr Mitchell Pakes - Chairperson
Clr Amanda Findley
Clr Joanna Gash
Clr John Wells – left 8.37pm
Clr Patricia White
Clr Kaye Gartner
Clr Nina Digiglio
Clr Annette Alldrick – joined 5.17pm
Clr John Levett
Clr Andrew Guile – joined 6.02pm (remotely) – left 8.37pm
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

Nil

Confirmation of the Minutes

RESOLVED (Clr White / Clr Findley) MIN21.169

That the Minutes of the Development & Environment Committee held on Tuesday 2 March 2021 be confirmed.

CARRIED

Declarations of Interest

Nil

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

DE21.31 - Modification Application - DS20/1619 - 2 Lawrence Ave & 61 Kinghorne St Nowra - Lot 2 DP 1264717 (formerly known as Lot 2 DP 1243710) & Lot 1 DP 1243710

Mr Adrian Turnbull addressed the meeting and spoke in favour of the recommendation.

DE21.33 - Development Application - DA20/1494 – 25 Sunnymede Lane, Berry – Lot 3 DP 713138

Ms Melissa Scarr addressed the meeting and spoke in favour of the recommendation.

Note: Clr Alldrick joined the meeting at 5.17pm

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Gartner)

MIN21.170

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

- DE21.31 – Modification Application - DS20/1619 - 2 Lawrence Ave & 61 Kinghorne St Nowra - Lot 2 DP 1264717 (formerly known as Lot 2 DP 1243710) & Lot 1 DP 1243710
- DE21.33 – Development Application - DA20/1494 – 25 Sunnymede Lane, Berry – Lot 3 DP 713138

CARRIED

DE21.31 Modification Application - DS20/1619 - 2 Lawrence Ave & 61 Kinghorne St Nowra - Lot 2 DP 1264717 (formerly known as Lot 2 DP 1243710) & Lot 1 DP 1243710

HPERM Ref: D21/70921

Recommendation (Item to be determined under delegated authority)

That Modified Development Application No. DS20/1619 seeking minor alterations and modification to conditions of Development Consent No. DA18/2326 be determined by way of part approval as set out in the Draft Notice of Determination (Attachment 1) and part refusal for the reasons outlined in this Report.

RESOLVED (Clr Findley / Clr Digiglio)

MIN21.171

That Council:

1. Determine by way of approval the proposed modifications to conditions of consent other than Conditions 17 and 33.
2. That in respect of Condition 17 a further report be submitted to Council in respect of contributions and any discount conditions applicable or other legal issues arising from State legislation or case law in respect of varying the car parking.
3. That in respect of Condition 33, access design standards for Lawrence Avenue, a further report be submitted to the next meeting of the Development & Environment Committee proposing an interim solution to pedestrian access issues (including disability access).

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

AGAINST: Nil

CARRIED

Note: Clr Guile joined the meeting at 6.02pm

DE21.33 Development Application - DA20/1494 – 25 Sunnymede Lane, Berry – Lot 3 DP 713138

HPERM Ref: D21/79136

Recommendation (Item to be determined under delegated authority)

That Council determine Development Application DA20/1495 by way of approval subject to the conditions at attachment 10.

RESOLVED (Clr Gash / Clr Pakes)

MIN21.172

That Council determine Development Application DA20/1495 by way of approval subject to the conditions at attachment 10.

FOR: Clr Pakes, Clr Findley, Clr Gash, Clr Gartner, , Clr Watson, Clr Kitchener, Clr Proudfoot and Stephen Dunshea

AGAINST: Clr Wells, Clr White, Clr Digiglio, Clr Alldrick, Clr Guile and Clr Levett

CARRIED

Note: A Rescission Motion was received on this item.

NOTICES OF MOTION / QUESTIONS ON NOTICE

DE21.22 Notice of Motion - DA20/2284 - Island Point Rd St Georges Basin - Lot 11 DP 1143842 - Extension of Time

HPERM Ref: D21/117811

Recommendation (Item to be determined under delegated authority)

That the time for submission of additional changes to Development Application DA20/2284 - Island Point Rd St Georges Basin - Lot 11 DP 1143842 by the applicant be extended by 5 weeks from today's date, and Council provide advice as to whether, subject to the requested changes being made, it could support an approval potentially against RFS advice.

RESOLVED (Clr Watson / Clr Pakes)

MIN21.173

That the time for submission of additional changes to Development Application DA20/2284 - Island Point Rd St Georges Basin - Lot 11 DP 1143842 by the applicant be extended by 5 weeks from today's date.

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

AGAINST: Clr Digiglio and Clr Levett

CARRIED

**DE21.23 Notice of Motion - Biodiversity Conservation Act
Exemption for Employment Lands**

**HPERM Ref:
D21/122033**

Recommendation (Item to be determined under delegated authority)

That:

1. The CEO and other appropriate staff take part in a joint Deputation with the property owners of 13 Central Avenue South Nowra (Lot 36 DP 19407) to the Minister for the Environment The Hon. Matt Kean MP with a view to having the NSW Government introduce a general exemption from the biodiversity offset scheme for zoned employment lands in NSW.
2. The deputation be organised through the Member for South Coast the Hon. Shelley Hancock MP.

RESOLVED (Clr Watson / Clr Wells)

MIN21.174

That:

1. The CEO and other appropriate staff take part in a joint Deputation with representatives of affected owners in the South Nowra Industrial Lands to the Minister for the Environment The Hon. Matt Kean MP with a view to having the NSW Government introduce a general exemption from the biodiversity offset scheme for zoned employment lands.
2. The deputation be organised through the Member for South Coast the Hon. Shelley Hancock MP.

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

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

CARRIED

Note: A Rescission Motion was received on this item.

Clr Watson raised a Point of Order against Clr Levett for making assertions about Clr Watson's relationship with the property owners and potential non-pecuniary conflicts of interest, and asked Clr Levett to withdraw the comment and apologise unreservedly. The Chairperson cautioned Clr Levett asked Clr Levett to withdraw his comments and apologise, and issued a reminder that all Councillors are individually responsible for disclosure of any conflicts of interest. Clr Levett withdrew the comments.

Clr Watson requested that Clr Levett also make an apology.

Clr Watson raised a Point of Order against Clr Levett for being disorderly. The Chairperson clarified that under Paragraph 15.11(d) of the Code of Meeting Practice, he had upheld the earlier Point of Order and required Clr Levett to withdraw the comments and apologise unreservedly. Clr Levett apologised unreservedly for the comments.

Procedural Motion - Bring Item Forward

RESOLVED (Clr Wells / Clr Proudfoot)

MIN21.175

That the matter of item DE21.30 - Draft Collingwood Beach Dunecare Action Plan be brought forward for consideration.

CARRIED

DE21.30 Draft Collingwood Beach Dunecare Action Plan

**HPERM Ref:
D21/93736**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Collingwood Beach Dunecare Action Plan (see attachment 1).
2. Endorse the Collingwood Beach maintenance standard for cycleways and beach accessways (see attachment 2).
3. Note that \$37,700 has been allocated in the 2021/22 budget as Council's contribution for the 2020 Collingwood Beach Coastal and Estuary Grant.
4. Note that \$15,000 has been allocated in the 2021/22 Operational Budget and onwards to implement Council's Vegetation Prevention Vandalism Policy across the Shoalhaven.
5. Note that replacement trees planted will be on the approved re-vegetation species listed in the Collingwood Beach Dunecare Action Plan (attachment 1).
6. Note that Council is awaiting advice from the Department of Planning Industry and Environment on the outcome of its grant application in relation to preparation of the Jervis Bay CMP.

RESOLVED (Clr White / Clr Proudfoot)

MIN21.176

That Council:

1. Adopt the Collingwood Beach Dunecare Action Plan (see attachment 1).
2. Endorse the Collingwood Beach maintenance standard for cycleways and beach accessways (see attachment 2).
3. Note that \$37,700 has been allocated in the 2021/22 budget as Council's contribution for the 2020 Collingwood Beach Coastal and Estuary Grant.
4. Note that \$15,000 has been allocated in the 2021/22 Operational Budget and onwards to implement Council's Vegetation Prevention Vandalism Policy across the Shoalhaven.
5. Note that replacement trees planted will be on the approved re-vegetation species listed in the Collingwood Beach Dunecare Action Plan (attachment 1).
6. Note that Council is awaiting advice from the Department of Planning Industry and Environment on the outcome of its grant application in relation to preparation of the Jervis Bay Coastal Management Plan.

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

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

CARRIED

DE21.24 Notice of Motion - Call In - DA21/1145 - DA20/2061

**HPERM Ref:
D21/127571**

Recommendation (Item to be determined under delegated authority)

That Council call in the following Development Applications for determination by the Development & Environment Committee:

1. DA21/1145 - 59 Journal St, Nowra – Lot 21 DP 2607 due to public interest.

2. DA20/2061 – 60 Macleay Street Narrawallee – Lot 145 DP 718994 due to public interest – Garrads Reserve & E2 land.

RESOLVED (Clr White / Clr Wells)

MIN21.177

That Council call in the following Development Applications for determination by the Development & Environment Committee:

1. DA21/1145 - 59 Journal St, Nowra – Lot 21 DP 2607 due to public interest.
2. DA20/2061 – 60 Macleay Street Narrawallee – Lot 145 DP 718994 due to public interest – Garrads Reserve & E2 land.

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

AGAINST: Nil

CARRIED

Procedural Motion - Adjournment of Meeting

MOTION (Clr Pakes / Clr Gash)

That the meeting be adjourned until 8.37pm.

Note: The meeting adjourned, the time being 8.07pm

Note: The meeting reconvened, the time being 8.37pm

When the following members were present:

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

REPORTS

**DE21.25 Public Exhibition Outcomes and Finalisation - Planning
Proposal: Jervis Bay Road, Falls Creek (PP035)**

**HPERM Ref:
D21/83338**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt Planning Proposal (PP035) as exhibited.
2. Liaise with the Office of the NSW Parliamentary Counsel's Office (PCO) to amend the Shoalhaven LEP 2014.

3. Ensure that Aboriginal cultural heritage values are considered and addressed as part of the development application to undertake the community title subdivision that will be permitted by the proposed LEP amendment.
4. Advise key stakeholders of this decision when the LEP has been amended.

RESOLVED (Clr Gash / Clr Digiglio)

MIN21.178

That Council:

1. Adopt Planning Proposal (PP035) as exhibited.
2. Liaise with the Office of the NSW Parliamentary Counsel's Office (PCO) to amend the Shoalhaven LEP 2014.
3. Ensure that Aboriginal cultural heritage values are considered and addressed as part of the development application to undertake the community title subdivision that will be permitted by the proposed LEP amendment.
4. Advise key stakeholders of this decision when the LEP has been amended.

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

AGAINST: Nil

CARRIED

DE21.26 Proposed Housekeeping Amendment - Encourage Renewable Investment and Protect Rooftop Solar Systems – Shoalhaven DCP 2014 Amendment (DCP 2014.48)

**HPERM Ref:
D21/95097**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse and proceed to exhibit the initial draft Housekeeping Amendments (the draft Amendment) to the following chapters of Shoalhaven Development Control Plan 2014 as outlined in Attachment 1 for a period of at least 28 days as per legislative requirements.
 - a. Chapter G13: Medium Density and Other Residential Development.
 - b. Chapter G17: Business, Commercial and Retail Activities.
 - c. Chapter G20: Industrial Development.
 - d. The Dictionary.
2. Receive a further report on the draft Amendments following the conclusion of the public exhibition period to consider feedback received and enable finalisation of the Amendments.
3. Notify key stakeholders (including CCBs and Development Industry Representatives) of the exhibition arrangements in due course.

RESOLVED (Clr Findley / Clr Levett)

MIN21.179

That Council:

1. Endorse and proceed to exhibit the initial draft Housekeeping Amendments (the draft Amendment) to the following chapters of Shoalhaven Development Control Plan 2014 as outlined in Attachment 1 for a period of at least 28 days as per legislative requirements.

- a. Chapter G13: Medium Density and Other Residential Development.
 - b. Chapter G17: Business, Commercial and Retail Activities.
 - c. Chapter G20: Industrial Development.
 - d. The Dictionary.
2. Receive a further report on the draft Amendments following the conclusion of the public exhibition period to consider feedback received and enable finalisation of the Amendments.
 3. Notify key stakeholders (including CCBs and Development Industry Representatives) of the exhibition arrangements in due course.

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

AGAINST: Nil

CARRIED

**DE21.27 Proposed Housekeeping Amendment No. 8 -
Shoalhaven Contributions Plan 2019 (CP2019.8)**

**HPERM Ref:
D21/95878**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Endorse the draft Housekeeping Amendment (draft Amendment) to Schedule 2 (Old Subdivision Properties) in the Shoalhaven Contributions Plan 2019 at Attachment 1 and proceed to exhibit the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider any feedback received, as well as any necessary adjustments and the finalisation of the amendment. If no submissions are received, resolve to adopt Amendment No. 8 as exhibited and proceed to finalise the draft Amendment.
3. Notify key stakeholders (including Development Industry Representatives) of the exhibition arrangements in due course.

RESOLVED (Clr Gash / Clr White)

MIN21.180

That Council:

1. Endorse the draft Housekeeping Amendment (draft Amendment) to Schedule 2 (Old Subdivision Properties) in the Shoalhaven Contributions Plan 2019 at Attachment 1 and proceed to exhibit the draft Amendment for a period of at least 28 days as per legislative requirements.
2. Receive a further report on the draft Amendment following the conclusion of the public exhibition period to consider any feedback received, as well as any necessary adjustments and the finalisation of the amendment. If no submissions are received, resolve to adopt Amendment No. 8 as exhibited and proceed to finalise the draft Amendment.
3. Notify key stakeholders (including Development Industry Representatives) of the exhibition arrangements in due course.

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

AGAINST: Nil

CARRIED

**DE21.28 Proposed Submission - Design and Place SEPP -
Explanation of Intended Effects**

**HPERM Ref:
D21/107753**

Recommendation (Item to be determined under delegated authority)

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning, Industry and Environment in relation to the proposed Design and Place State Environmental Planning Policy (SEPP).

RESOLVED (Clr Gartner / Clr Digiglio)

MIN21.181

That Council make a submission (Attachment 1 of this report) to the NSW Department of Planning, Industry and Environment in relation to the proposed Design and Place State Environmental Planning Policy (SEPP).

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

AGAINST: Nil

CARRIED

DE21.29 Wetland Walking Tracks CL20.308

**HPERM Ref:
D21/69683**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the report and await the outcome of the reclassification of the Bherewerre Wetlands site.
2. Await representations from community groups and/or from Council staff on areas that may be enhanced by the construction of wetland boardwalks.

RESOLVED (Clr Proudfoot / Clr White)

MIN21.182

That Council:

1. Note the report and await the outcome of the reclassification of the Bherewerre Wetlands site.
2. Encourage representations from community groups and/or from Council staff on areas that may be enhanced by the construction of wetland boardwalks.
3. Should the owner (Vincentia Nominees Pty Ltd) be desirous of creating a wetland walking track, assist by providing preliminary advice for the project.

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

AGAINST: Nil

CARRIED

DE21.30 Draft Collingwood Beach Dunecare Action Plan

**HPERM REF:
D21/93736**

Item dealt with earlier in the meeting see MIN21.176

DE21.31 Modification Application - DS20/1619 - 2 Lawrence Ave & 61 Kinghorne St Nowra - Lot 2 DP 1264717 (Formerly Known as LOT 2 DP 1243710) & Lot 1 DP 1243710	HPERM REF: D21/70921
---	---------------------------------

Item dealt with earlier in the meeting see MIN21.171

DE21.32 Development Application - DA20/2152 - 1282 Naval College Rd Worroing Heights - Lot 1749 DP 28785	HPERM Ref: D21/70916
---	---------------------------------

Recommendation (Item to be determined under delegated authority)

That Development Application No. DA20/2152 for use of the land as Rural Industry (Sawmill and Log Processing Works) and Depot pursuant to the Shoalhaven Local Environmental Plan (SLEP) 2014 at Lot 1749 DP 28785, 128 Naval College Rd, Worroing Heights be determined by way of refusal for the reasons contained in Attachment 1 of this report.

RESOLVED (Clr Gartner / Clr Digiglio) MIN21.183

That Development Application No. DA20/2152 for use of the land as Rural Industry (Sawmill and Log Processing Works) and Depot pursuant to the Shoalhaven Local Environmental Plan (SLEP) 2014 at Lot 1749 DP 28785, 128 Naval College Rd, Worroing Heights be determined by way of refusal for the reasons contained in Attachment 1 of this report.

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

AGAINST: Clr Watson

CARRIED

DE21.33 Development Application - DA20/1494 – 25 Sunnymede Lane, Berry – Lot 3 DP 713138	HPERM REF: D21/79136
---	---------------------------------

Item dealt with earlier in the meeting see MIN21.172

DE21.34 Development Application - DA20/2280 - 95 Greenbank Gr Culburra Beach - Lot 214 DP 11892	HPERM Ref: D21/95023
--	---------------------------------

Recommendation (Item to be determined under delegated authority)

That Development Application DA20/2280 to construct one (1) single dwelling house to create a dual occupancy (detached) and a single carport for the existing dwelling house and subdivide the land into two (2) Torrens Title lots at Lot 214 DP 11892, 95 Greenbank Grove, Culburra Beach be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

RESOLVED (Clr Pakes / Clr Gartner) MIN21.184

That Development Application DA20/2280 to construct one (1) single dwelling house to create a dual occupancy (detached) and a single carport for the existing dwelling house and subdivide the land into two (2) Torrens Title lots at Lot 214 DP 11892, 95 Greenbank Grove, Culburra Beach be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

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

Against: Nil
CARRIED

**DE21.35 CL21.30 - Response to Question on Notice - West
Culburra Development**

**HPERM Ref:
D21/81267**

Recommendation (Item to be determined under delegated authority)

That the Response to Question on Notice – West Culburra Development report be received for information.

RESOLVED (Clr Findley / Clr Levett)

MIN21.185

That the Response to Question on Notice – West Culburra Development report be received for information.

CARRIED

Note: A Rescission Motion was received in relation to DE21.23 – Notice of Motion - Biodiversity Conservation Act Exemption for Employment Lands signed by Clr Findley, Clr Gartner, and Clr Levett.

Note: A Rescission Motion was received in relation to DE21.33 – Development Application – DA20/1494 – 25 Sunnymede Lane, Berry – Lot 3 DP 713138 signed by Clr Guile, Clr Wells, and Clr White.

They will be considered at the Ordinary Meeting on Tuesday 27 April 2021 at 5.00pm in the Council Chambers.

There being no further business, the meeting concluded, the time being 9.15pm.

Clr Pakes
CHAIRPERSON