

MINUTES OF THE DEVELOPMENT & ENVIRONMENT COMMITTEE

Meeting Date: Tuesday, 13 July 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 – (Remotely)
Clr Patricia White
Clr Kaye Gartner – (Remotely)
Clr Nina Digiglio
Clr Annette Alldrick
Clr John Levett
Clr Andrew Guile – arrived at 5.31pm
Clr Greg Watson
Clr Mark Kitchener
Mr Stephen Dunshea - Chief Executive Officer

Apologies / Leave of Absence

An apology was received from Clr Proudfoot.

Confirmation of the Minutes

RESOLVED (Clr Gash / Clr Digiglio) MIN21.432

That the Minutes of the Development & Environment Committee held on Tuesday 01 June 2021 be confirmed.

CARRIED

Declarations of Interest

Mr Stephen Dunshea - CEO – DE21.77 - DA20/2172 - 8 Homestead Lane Berry - Lot 101 DP 1057897 – less than significant non pecuniary interest declaration – In the capacity of CEO of this Council he has been required to respond to and determine a number of administrative matters related to the subject property, and considers that the needs of the organisation would be best met if he does not participate in the determination of this application. In the absence of another senior staff member to provide detailed meeting process advice to the Chairperson, he will remain in the

room to respond to any procedural questions directed to him by the Chairperson, but will not take part in discussion or vote.

MAYORAL MINUTES

Nil

DEPUTATIONS AND PRESENTATIONS

DE21.76 - Community Participation Plan – Review

Ms Lissa Barnum (representative of Bomaderry Community Inc.) addressed the meeting to speak against the recommendation.

DE21.77 - DA20/2172 - 8 Homestead Lane Berry - Lot 101 DP 1057897

Mr Paul Johns (Pulman Street Heritage Conservation Area) addressed the meeting to speak in favour of the recommendation.

Ms Julie Quinn addressed the meeting to speak against the recommendation.

Note: Mr Ronald Carberry was not present at this time and made his deputation later in the meeting.

DE21.78 - DA20/1621 – 260 Mount Hay Road (Private), Broughton Vale – Lot 2 DP 4498 177

Mr Stuart Coughlan (Representing Robyn & Richard Baxendale, neighbours in Mount Hay Road) addressed the meeting to speak for the recommendation.

Note: Clr Guile arrived at 5.31pm

Mr Anthony Houghton addressed the meeting to speak against the recommendation.

DE21.80 - DA21/1370 – 3 Cumberland Ave South Nowra – Lot 2 DP 260264

Mr Damien Radburn addressed the meeting to speak against the recommendation.

DE21.82 - DA19/1102 & DA21/1304 - 252 Princes Highway Ulladulla – Lot 1 DP 784732

Mr David Cannon (Set Consultants - Representing the Applicant) addressed the meeting to speak for the recommendation.

Mr Derek Fraser addressed the meeting to speak against the recommendation.

DE21.83 - DA20/2061 – 60 Macleay Street Narrawallee – Lot 145 DP718994

Garry & Narelle Eagles (representing a group of residents) addressed the meeting to speak against the recommendation.

David Cannon (Set Consultants - Representing the Applicant) addressed the meeting to speak for the recommendation.

Procedural Motion - Bring Items Forward and Resolved En Bloc

RESOLVED (Clr White / Clr Findley)

MIN21.433

That:

1. The following matters be brought forward for consideration:

- DE21.76 – Community Participation Plan – Review
- DE21.77 – DA20/2172 - 8 Homestead Lane Berry - Lot 101 DP 1057897

- DE21.78 – DA20/1621 – 260 Mount Hay Road (Private), Broughton Vale – Lot 2 DP 4498
- DE21.79 – DA21/1333 – 23 Parker Crescent Berry – Lot 331 DP 1226462
- DE21.80 – DA21/1370 – 3 Cumberland Ave South Nowra – Lot 2 DP 260264
- DE21.82 – DA19/1102 & DA21/1304 - 252 Princes Highway Ulladulla – Lot 1 DP 784732
- DE21.83 – DA20/2061 – 60 Macleay Street Narrawallee – Lot 145 DP718994

2. The following items were resolved en-bloc:

- DE21.64 - Draft Amendment No. 45 - Shoalhaven Development Control Plan 2014 Chapter S8: Ulladulla Town Centre
- DE21.65 - Progressing the Planning - Moss Vale Road North Urban Release Area
- DE21.66 - Proposed Planning Agreement - Stage 1 Moss Vale Road South Urban Release Area - Lot 1 DP 949932 - SF10632
- DE21.67 - Proposed Planning Agreement - Construction of Kent Lane, Huskisson
- DE21.68 - Proposed Finalisation - Voluntary Planning Agreement (VPA15): Landscape Screen, South of Hitchcocks Lane, Berry
- DE21.69 - Exhibition Outcomes and Finalisation - Planning Proposal - Huntingdale Park Estate Large Lot Residential Areas, Berry (PP060)
- DE21.70 - Post Exhibition & Finalisation Report - Planning Proposal (PP040) - Housekeeping Amendment 2018 (Mapping) - Shoalhaven LEP 2014
- DE21.73 - Strategic Planning Works Program - Proposed 2021-2022 Version
- DE21.74 - Proposed Submission - NSW Planning Reforms - Employment Zones Framework
- DE21.75 - Proposed Submission - Review of NSW Heritage Legislation
- DE21.76 - Community Participation Plan - Review

CARRIED

DE21.76 Community Participation Plan - Review

**HPERM Ref:
D21/247506**

Recommendation (Item to be determined under delegated authority)

That Council

1. Commence a review of the 2019 Community Participation Plan and the preparation of a revised version; and
2. Receive a further report at the appropriate point on the revised version prior to its public exhibition.

RESOLVED (Clr White / Clr Findley)

MIN21.434

That Council:

1. Commence a review of the 2019 Community Participation Plan and the preparation of a revised version; and
2. Receive a further report at the appropriate point on the revised version prior to its public exhibition.

CARRIED

**DE21.77 DA20/2172 - 8 Homestead Lane Berry - Lot 101 DP
1057897**

**HPERM Ref:
D21/72971**

Mr Stephen Dunshea - CEO – less than significant non pecuniary interest declaration – In the capacity of CEO of this Council he has been required to respond to and determine a number of administrative matters related to the subject property, and considered that the needs of the organisation would be best met if he did not participate in the determination of this application. In the absence of another senior staff member to provide detailed meeting process advice to the Chairperson, he received permission to remain in the room to respond to any procedural questions directed to him, and did not take part in discussion or vote.

Recommendation (Item to be determined under delegated authority)

The Development Application DA20/2172, for alterations and additions to an existing building and use as a function centre at 8 Homestead Lane Berry - Lot 101 DP 1057897, be determined by way of refusal for the reasons set out in the Notice of Determination, Attachment 2 to this report.

MOTION (Clr Guile / Clr Gash)

That Council approves DA20/2172 for alterations and additions to an existing building and its use as a function centre subject to the following conditions:

1. General

This consent relates to the **alterations and additions to an existing building and its use as a function centre** as documented in the following stamped plans and documents, as altered by the conditions below. If there is inconsistency between the stamped plans and documents and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Plan/Document	Reference	Prepared By	Dated
Site Plan	531	Molnar Freeman	September 2020
Plans and Elevations	1956	Precision Plans	2 February 2021
BCA Report	277/20	AIS Certifiers	October 2020
Conservation Management Plan	210049	Navin Officer	April 2021
Environmental Noise Impact Assessment	2008005E	Harwood Acoustics	1 February 2021

2. Car Parking Design Standards

Prior to the issue of a Construction Certificate, design plans and specifications must be prepared and approved by the Certifier in respect of car bays 1 to 3 and car bays 12 to 21 on the Site Plan to an all-weather gravel standard.

3. Car Parking

A minimum of 24 car spaces are to be provided for the exclusive use by patrons, clients and employees during operating hours comprising:

- a. The 8 all-weather car bays in the existing car park shown on the Site Plan, including 2 accessible bays.
- b. An additional 12 all-weather car bays (bays 1 to 3 and bays 12 to 21 on the Site Plan).
- c. A minimum of 4 informal car bays as shown on the Site Plan

4. Operating Rules

The operation of the function centre must comply with the following rules:

- a. A maximum of 40 commercial functions per year.

- b. A maximum of 10 charitable functions per year.
- c. A maximum of 120 guests per function.

5. Traffic Plan of Management

Prior to the issue of an Occupation Certificate, a traffic plan of management shall be prepared for approval by the Certifier to ensure the safe and efficient transportation of patrons to and from the function centre, including the use of a minimum of two 11-seater minibuses.

6. Toilets

A minimum of 7 unisex toilets are to be provided, including one accessible toilet.

7. Noise

The noise mitigation measures as detailed in the Environmental Noise Impact Assessment, Reference: 2008005E, prepared by Harwood Acoustics, dated 1 February 2021 must be maintained for the life of the development, and the following rules must apply:

- a. Amplified music must cease by 10.30pm
- b. All functions must finish by 11pm.

8. Conservation Management Plan

The approved use is to be in accordance with the Conservation Management Plan prepared by Navin Officer, Reference No. 210049 dated April 2021. All conservation works identified in the Conservation Management Plan are to be carried out as required for the life of the development.

9. All Other Conditions in Annexure A

Annexure A - Other Conditions

1. Prescribed Conditions

The development must comply with the Prescribed Conditions of Development Consent, Division 8A, *Environmental Planning and Assessment Regulation 2000*, as applicable.

2. Occupation / Use

The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.

PRIOR TO THE COMMENCEMENT OF WORKS

3. Appointment of Principal Certifier

Prior to the commencement of building work, a Principal Certifier must be appointed.

4. Construction Certificate

A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.

5. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building work by completing and returning the form 'Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority'

6. Toilet Facilities - Temporary

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must be a standard flushing toilet connected to a public sewer or have an on-site effluent disposal system approved under the *Local Government Act 1993* or be a temporary chemical closet approved under the *Local Government Act 1993*.

7. Runoff and Erosion Controls

Prior to the commencement of site works, runoff and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a. diverting uncontaminated runoff around cleared or disturbed areas.
- b. erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c. preventing the tracking of sediment by vehicles onto roads.
- d. stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

8. Shoalhaven Water – Prior to the Commencement of the Approved Use

Prior to the commencement of the approved use, all conditions listed on the Shoalhaven Water Notice of Requirements under the heading “Prior to the Commencement of the Approved Use” must be complied with and accepted by Shoalhaven Water. Written notification must be issued by Shoalhaven Water and provided to the Certifier.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Local Infrastructure Contributions

This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and the total contribution in relation to this development must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.

Contributions Plan 2019 can be accessed on Council’s website www.shoalhaven.nsw.gov.au or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra.

10. Evidence

A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.

11. Long Service Levy

Prior to the issue of a Construction Certificate any long service levy payable under the *Building and Construction Industry Long Service Payments Act 1986* and prescribed by the *Building and Construction Industry Long Service Payments Regulation 2017* must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.

12. Local Government Act 1993 – Section 68 Approval

Approval for water, sewer and *drainage* works is required to be obtained under Section 68 of the Local Government Act prior to the issue of a Construction Certificate.

13. Car Parking Design Standards

Prior to the issue of a Construction Certificate, design plans and specifications must be prepared and approved by the Certifier. The car parking and access design must comply with the following:

- i) the provisions of A.S. 2890 - Parking facilities,
- ii) for light vehicular loading,
- iii) to an all-weather gravel standard.

DURING WORKS

14. Hours for Construction

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

Proposed changes to hours of construction must be approved by Council in writing.

15. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a. All excavation or disturbance of the area must stop immediately
- b. The Office of Environment, Energy and Science must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

16. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a. All work must stop immediately in that area
- b. In accordance with the *Heritage Act 1997*, the Office of Environment, Energy and Science must be advised of the discovery.

17. Waste Management Plan

All waste must be contained within the site during construction and then be recycled or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance must be demonstrated by the submission of tip receipts to the Certifier.

18. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a. All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c. Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.
- d. The developer must maintain the approved erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e. During construction, all vehicles entering or leaving the site must have their loads covered, and all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f. At the completion of the works, the work site must be left clear of waste and debris.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

19. Compliance

The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with council.

20. Fire Safety

Prior to the issue of an Occupation Certificate the Certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.

21. Certificate of Compliance – Shoalhaven Water

A Certificate of Compliance (CC) under Section 307 of Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Development Application Notice and prior to the issue of an Occupation Certificate.

ONGOING USE OF THE DEVELOPMENT

22. Fire Safety – Annual Statement

A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An application form is available on Council's website.

Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that a competent fire safety practitioner (CFSP) has:

- a. assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building
- b. inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 7 of Part 9 of the *Environmental Planning and Assessment Regulation 2000*.

Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the *Environmental Planning and Assessment Act 1979*.

23. Food Business Regulations

Any premises used for the preparation and storage of food for sale to the general public must (where relevant) comply with:

- a. Shoalhaven City Council's Food Premises Policy
- b. Chapter 3 of the Australia/New Zealand Food Standards Code
- c. Food Act 2003 (NSW)
- d. Food Regulation 2015
- e. AS 4674 Construction and fit out of food premises
- f. AS 1668.2 The use of ventilation and air conditioning in buildings-Mechanical ventilation in buildings.

24. Loading/Unloading Operations

All loading/unloading operations are to take place wholly within the confines of the site.

PROCEDURAL MOTION – ADJOURNMENT (Clr Guile / Clr Watson)

That the meeting be adjourned for 15 minutes to allow Councillors the opportunity to examine the Motion.

FOR: Clr Pakes, Clr Gash, Clr Wells, Clr Guile and Clr Watson

AGAINST: Clr Findley, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett, Clr Kitchener

PROCEDURAL MOTION LOST

Clr Findley raised a Point of Order, under clause 15.1.3 of the Code of Meeting Practice, against Clr Watson regarding his comments about an alleged interest in the matter and asked that he withdraw his comments.

The Chairperson ruled against the Point of Order.

Clr Watson withdrew comments.

PROCEDURAL MOTION – DEPUTATION (Clr Findley / Clr Digiglio)

That Mr Ron Carberry's Deputation be heard.

PROCEDURAL MOTION CARRIED

Mr Ron Carberry addressed the meeting to speak in relation to this matter.

THE MOTION WAS PUT (Clr Guile / Clr Gash)

FOR: Clr Pakes, Clr Gash, Clr Wells, Clr Guile and Clr Watson

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

MOTION LOST

FORESHADOWED MOTION (RESOLVED) (Clr Findley / Clr Gartner) MIN21.435

That the matter be deferred and the motion moved by Clr Guile be referred to the Ordinary Meeting 27 July 2021.

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

AGAINST: Nil

FORESHADOWED MOTION CARRIED

Note: This item was reintroduced, see MIN21.436

PROCEDURAL MOTION - REINTRODUCTION OF ITEM (Clr Findley / Clr Pakes)

That the matter be reintroduced to allow for clarification of the wording of the resolution.

PROCEDURAL MOTION CARRIED

RESOLVED (Clr Findley / Clr Gartner) MIN21.436

That consideration of the report presented in Item DE21.77 be deferred to the Ordinary Meeting on 27 July 2021 to enable Councillors and staff to consider in detail the substance of the above defeated Motion moved by Councillor Guile.

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

AGAINST: Nil

CARRIED

DE21.78 DA20/1621 – 260 Mount Hay Road (Private), Broughton Vale – Lot 2 DP 4498

**HPERM Ref:
D21/252358**

Recommendation (Item to be determined under delegated authority)

That Development Application DA20/1621 for primitive camping grounds comprising six (6) tent sites and a communal camp kitchen building at Lot 2 DP 4498, 260 Mount Hay Road (Private), Broughton Vale be refused having regard to the reasons contained in Attachment 2 of this report.

RESOLVED (Clr Findley / Clr Gartner) MIN21.437

That Development Application DA20/1621 for primitive camping grounds comprising six (6) tent sites and a communal camp kitchen building at Lot 2 DP 4498, 260 Mount Hay Road (Private), Broughton Vale be refused having regard to the reasons contained in Attachment 2 of this report.

FOR: Clr Findley, Clr White, Clr Gartner, Clr Digiglio, Clr Alldrick, Clr Levett and Stephen Dunshea

AGAINST: Clr Pakes, Clr Gash, Clr Wells, Clr Guile, Clr Watson and Clr Kitchener

CARRIED

DE21.79 DA21/1333 – 23 Parker Crescent Berry – Lot 331 DP 1226462 **HPERM Ref: D21/245046**

Recommendation (Item to be determined under delegated authority)

That Development Application DA21/1333 to construct a multi dwelling housing development comprising three (3) two-storey dwellings, and Strata title subdivision, at Lot 311 DP 1226462, 23 Parker Crescent, Berry be determined by way of refusal, for the reasons contained in the Notice of Determination, Attachment 2 of this report.

RESOLVED (Clr Gash / Clr Digiglio) MIN21.438

That Development Application DA21/1333 to construct a multi dwelling housing development comprising three (3) two-storey dwellings, and Strata title subdivision, at Lot 311 DP 1226462, 23 Parker Crescent, Berry be determined by way of refusal, for the reasons contained in the Notice of Determination, Attachment 2 of this report.

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

AGAINST: Nil

CARRIED

DE21.80 DA21/1370 – 3 Cumberland Ave South Nowra – Lot 2 DP 260264 **HPERM Ref: D21/248840**

Recommendation (Item to be determined under delegated authority)

That Development Application No. DA21/1370 for Alterations and Additions to existing Industrial Development, at Lot 2 DP 260264, 3 Cumberland Ave South Nowra be determined by way of refusal for the reasons contained in Attachment 1 of this report.

RESOLVED (Clr Findley / Clr Pakes) MIN21.439

That in relation to DA21/1370 the matter be referred back to staff to enable the applicant to provide additional information required to assess the application.

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

Against: Nil

CARRIED

DE21.82 DA19/1102 & DA21/1304 - 252 Princes Highway Ulladulla – Lot 1 DP 784732 **HPERM Ref: D21/153385**

Recommendation (Item to be determined under delegated authority)

That:

1. Development Application DA19/1102 to demolish existing buildings and construct a manufactured home estate comprising (49) dwelling sites and associated infrastructure including new roundabout to the intersection of Princes Highway and Pitman Ave and associated civil infrastructure at Lot 1 DP 784732, 252 Princes Highway Ulladulla be approved subject to the recommended conditions of consent contained in (Attachment 3) of this report.

2. That Development Application DA21/1304 to demolish existing buildings and construct a manufactured home estate comprising (49) dwelling sites and associated infrastructure including new roundabout to the intersection of Princes Highway and Pitman Ave and associated civil infrastructure at Lot 1 DP 784732, 252 Princes Highway Ulladulla be approved subject to the recommended deferred commencement conditions of consent contained in (Attachment 4) of this report.

RESOLVED (Clr White / Clr Kitchener)

MIN21.440

That in relation to DA19/1102 & DA21/1304 - 252 Princes Highway Ulladulla – Lot 1 DP 784732 the application be refused for the following reasons:

1. The proposed development is not in the public interest;
2. The character of the proposed streetscape is not appropriate for the current residential houses;
3. The bulk and scale within the proposed development is not appropriate; and
4. The proposed Manufactured Homes Estate type of development is in conflict with the SP3 Zone.

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

Against: Nil

CARRIED

**DE21.83 DA20/2061 – 60 Macleay Street Narrawallee – Lot 145
DP718994**

**HPERM Ref:
D21/245863**

Recommendation (Item to be determined under delegated authority)

That the Development Application for new two storey dwelling, carport, and swimming pools on the land at 60 Macleay Street Narrawallee – Lot 145 DP718994 be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

RESOLVED (Clr White / Clr Findley)

MIN21.441

That Development Application DA20/2061 for new two storey dwelling carport and 5 swimming pools be determined by way of refusal for the reasons set out as follows:

1. The proposed dwelling plans characterizes tourist accommodation.
2. The bushfire assessment does not address tourist development.
3. Part of the proposed development intrudes outside the dwelling envelope and this is unacceptable.
4. Council does not support the variation to the 88B instrument without the consent of other parties i.e. shared driveway
5. The proposed development is not in the public interest.

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

Against: Nil

CARRIED

Procedural Motion - Bring Item Forward

RESOLVED (Clr Pakes / Clr Guile)

MIN21.442

That the matter of item DE21.81 - DA20/2322 – 12-16 The Wool Road & 5 Burton Street, Vincentia – Lots 1779 & 1780 DP 26434, Lot 5 DP 539867 & Lot 1 DP 615796 be brought forward for consideration.

CARRIED

DE21.81 DA20/2322 – 12-16 The Wool Road & 5 Burton Street, Vincentia – Lots 1779 & 1780 DP 26434, Lot 5 DP 539867 & Lot 1 DP 615796

**HPERM Ref:
D21/245916**

Recommendation (Item to be determined under delegated authority)

That Development Application DA20/2322 for demolition of existing structures and construction of hotel accommodation with ancillary bar / bistro and function centre at Lots 1779 & 1780 DP 26434, Lot 5 DP 539867 & Lot 1 DP 615796, 12-16 The Wool Road & 5 Burton Street, Vincentia be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

RESOLVED (Clr Wells / Clr White)

MIN21.443

That Development Application DA20/2322 for demolition of existing structures and construction of hotel accommodation with ancillary bar / bistro and function centre at Lots 1779 & 1780 DP 26434, Lot 5 DP 539867 & Lot 1 DP 615796, 12-16 The Wool Road & 5 Burton Street, Vincentia be approved subject to the recommended conditions of consent contained in Attachment 2 of this report.

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

Against: Nil

CARRIED

NOTICES OF MOTION / QUESTIONS ON NOTICE

DE21.62 Notice of Motion - Companion Animals Act - Cats

**HPERM Ref:
D21/280734**

Recommendation (Item to be determined under delegated authority)

That the CEO write to Premier Gladys Berejiklian, the Member for South Coast and Minister for Local Government Shelley Hancock, the Minister for Energy and Environment Matt Kean and the Member for Kiama Gareth Ward urging that the Companion Animals Act 1998 be reviewed so that domestic and feral cats are no longer “free to roam” outside the boundary of the owner’s property and empower individual local councils to:

1. Introduce and police new regulations in relation to cat control that are deemed appropriate in their local government area for the protection of native species, the suppression of diseases carried by cats, and for the health and safety of cats generally.
2. Introduce curfews on cats on a trial basis for the hours between sunset and sunrise and consult with the community with a view to eventually introducing a 24 hour curfew.

3. Bring regulations applying to cats into line with those applying to dogs in NSW, to streamline them and make them easier to police.
4. Make 24 hour curfews a condition of consent on all new greenfield development sites.

RESOLVED (Clr Levett / Clr Digiglio)

MIN21.444

That the CEO write to Premier Gladys Berejiklian, the Member for South Coast and Minister for Local Government Shelley Hancock, the Minister for Energy and Environment Matt Kean and the Member for Kiama Gareth Ward urging that the Companion Animals Act 1998 be reviewed so that domestic and feral cats are no longer “free to roam” outside the boundary of the owner’s property and empower individual local councils to:

1. Introduce and police new regulations in relation to cat control that are deemed appropriate in their local government area for the protection of native species, the suppression of diseases carried by cats, and for the health and safety of cats generally.
2. Introduce curfews on cats on a trial basis for the hours between sunset and sunrise and consult with the community with a view to eventually introducing a 24 hour curfew.
3. Bring regulations applying to cats into line with those applying to dogs in NSW, to streamline them and make them easier to police.
4. Make 24 hour curfews a condition of consent on all new greenfield development sites.
5. Refer this motion to Local Government NSW for inclusion in their action to address management of cats in NSW.

CARRIED

DE21.63 Notice of Motion - Nowra CBD - Parks Audit

**HPERM Ref:
D21/281411**

Recommendation (Item to be determined under delegated authority)

That the manager of the appropriate Council Department undertake an audit of CBD parks, in particular Harry Sawkins Park, and report back to Council in relation to:

1. Lighting for the purposes of night time security
2. Adequacy of maintenance schedules and rubbish receptacles
3. The water quality of any lakes, ponds or streams within the parks and advise on and cost any improvements necessary to bring them up to standard.

RESOLVED (Clr Levett / Clr Pakes)

MIN21.445

That the manager of the appropriate Council Department undertake an audit of CBD parks, in particular Harry Sawkins Park, and report back to Council in relation to:

1. Lighting for the purposes of night time security
2. Adequacy of maintenance schedules and rubbish receptacles
3. The water quality of any lakes, ponds or streams within the parks and advise on and cost any improvements necessary to bring them up to standard.

CARRIED

REPORTS

Items marked with an * were resolved 'en bloc'.

DE21.64 Draft Amendment No. 45 - Shoalhaven Development Control Plan 2014 Chapter S8: Ulladulla Town Centre	HPERM Ref: D21/165066
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RESOLVED* (Clr White / Clr Findley) MIN21.446

That Council

1. Endorse the draft proposed Amendment to Shoalhaven Development Control Plan 2014 Chapter S8: Ulladulla Town Centre, as provided in Attachment 1 and place the Draft Amendment on public exhibition 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 feedback received, any necessary adjustments, and the finalisation of the Amendment.
3. Advise key stakeholders, including affected and adjoining landowners, the Ulladulla & Districts Community Forum and development industry representatives, of this decision and the public exhibition arrangements in due course.
4. Endorse the preparation of a further housekeeping amendment to Chapter S8 to review and update other matters that are relevant to the broader Ulladulla town centre area including general context, built form and desired character, maps and figures, and other minor matters identified during the review, with the Draft Amendment to be reported to Council for consideration prior to public exhibition.

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

Against: Nil

CARRIED

DE21.65 Progressing the Planning - Moss Vale Road North Urban Release Area	HPERM Ref: D21/221014
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RESOLVED* (Clr White / Clr Findley) MIN21.447

That Council:

1. Endorse the continued preparation and advancement of a Planning Proposal, draft Development Control Plan, and proposed Development Contributions Framework, including consultation with relevant NSW Government Agencies (NSW Rural Fire Service & NSW Natural Resources Access Regulator).
2. Delegate authority to the CEO (Director – City Futures) to make necessary changes to the Planning Proposal and draft Development Control Plan to reflect the outcomes of the remaining Agency Consultation and technical studies as they are completed.
3. Receive a further detailed report on the proposed Development Contributions Framework (list of costed infrastructure and options to secure funding) when prepared.
4. Publicly exhibit the Planning Proposal and draft Development Control Plan, as amended, for a minimum of 28 days.
5. Receive a further report on the results of the public exhibition of the Planning Proposal and draft Development Control Plan and the work required to finalise these documents.
6. Endorse the public exhibition of suburb naming options (Badagarang and Gumbeengang) for a

minimum of 28 days and receive a further report on the results of the public exhibition and the work required to settle new suburb arrangements.

7. Advise affected and adjoining landowners and relevant Community Consultative Bodies of this decision and associated public exhibitions).

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

Against: Nil

CARRIED

DE21.66 Proposed Planning Agreement - Stage 1 Moss Vale Road South Urban Release Area - Lot 1 DP 949932 - SF10632

HPERM Ref: D21/252061

RESOLVED* (Clr White / Clr Findley)

MIN21.448

That Council:

1. Provide 'in-principle' support to finalise negotiations and enter into a Voluntary Planning Agreement (VPA) with the Owner/Developer of Lot 1 DP 949932, Taylors Lane Cambewarra for the following; except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to finalisation:
 - a. Acquisition of a drainage reserve (Lot 29) and wetland construction
 - b. Construction of the roundabout at the intersection of Road01 and Road02.
 - c. Construction of part of Road01, including access from Moss Vale Road to the Road01 and Road02 roundabout, associated pathways and the kerb returns and pavement construction at the intersection of Road01 and Taylors Lane, adjacent to Lots 37 and 51.
 - d. Offset conditioned s7.11 contributions for SF10632 relating to 01DRAI0006 and 01ROAD0154 against the relevant construction costs, and reimbursement of the balance of construction works undertaken above.
 - e. Waiver of 01DRAI0006 contributions relating to approved Lots 38-51 and 53.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to:
 - a. Prepare the draft VPA and associated Explanatory Note, including the addition of a provisional clause encompassing the security of indexation in line with the Shoalhaven Contributions Plan 2019 to compensate for inflation and the potential timing of the VPA.
 - b. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum period of 28 days as required by legislation.
 - c. Enter into the Agreement consistent with the detailed key terms, except where objections or substantial issues are raised as a result of public notification, in which case the Agreement is to be reported to Council before it is entered into.
3. Notify landowners adjacent to the subject land of the public exhibition arrangements in due course.

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

Against: Nil

CARRIED

DE21.67 Proposed Planning Agreement - Construction of Kent Lane, Huskisson	HPERM Ref: D21/235221
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RESOLVED* (Clr White / Clr Findley) MIN21.449

That Council:

1. Provide 'in-principle' support to enter into a Voluntary Planning Agreement (VPA) with the owner and developers of Lots A and B DP 390332, 15-17 Fegen Street, Huskisson for the construction of Kent Lane, Huskisson as detailed in the letter of offer at Attachment 1 and in accordance with the design drawings specified in the Amended Engineer Design Approval issued by Council on 4 May 2021.
2. Endorse the allocation of 'deleted funds' to cover the shortfall in funds available (approximately \$108,572.34 in 2020-21 Financial Year).
3. Delegate authority to Council's Chief Executive Officer, or his delegate, to:
 - a. Prepare the draft VPA and associated Explanatory Note, including the addition of a provisional clause encompassing the security of indexation in line with the Shoalhaven Contributions Plan 2019 to compensate for inflation and the potential timing of the VPA.
 - b. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum period of 28 days as required by legislation.
 - c. Enter into the Planning Agreement consistent with the detailed key terms, except where objections or substantial issues are raised as a result of public notification, in which case the Planning Agreement is to be reported to Council before it is entered into.
4. Notify landowners adjacent to Kent Lane of the public exhibition arrangements in due course.

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

Against: Nil

CARRIED

DE21.68 Proposed Finalisation - Voluntary Planning Agreement (VPA15): Landscape Screen, South of Hitchcocks Lane, Berry	HPERM Ref: D21/237140
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RESOLVED* (Clr White / Clr Findley) MIN21.450

That Council:

1. Enter into Voluntary Planning Agreement (VPA15), as exhibited, with the landowners of Lot 762 DP 1224932 and Lot 763 DP 1224932 (land south of Hitchcocks Lane at Berry) for the establishment and maintenance of a landscape screen on these properties.
2. Advise relevant stakeholders when VPA15 is registered on title and the land has been rezoned.

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

Against: Nil

CARRIED

DE21.69 Exhibition Outcomes and Finalisation - Planning Proposal - Huntingdale Park Estate Large Lot Residential Areas, Berry (PP060) **HPERM Ref: D21/228774**

RESOLVED* (Clr White / Clr Findley) MIN21.451

That Council:

1. Adopt Planning Proposal (PP060 - Huntingdale Park Estate Large Lot Residential Areas) as exhibited, with the minor changes outlined in this report, and proceed to amend the Shoalhaven LEP 2014 to rezone the large lot areas of Huntingdale Park Estate in Berry to R5 Large Lot Residential and amend the minimum subdivision lot size to 2000m².
2. Advise submitters and key stakeholders of this decision when the LEP has been amended.

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

AGAINST: Nil

CARRIED

DE21.70 Post Exhibition & Finalisation Report - Planning Proposal (PP040) - Housekeeping Amendment 2018 (Mapping) - Shoalhaven LEP 2014 **HPERM Ref: D21/236166**

RESOLVED* (Clr White / Clr Findley) MIN21.452

That Council:

1. Adopt and finalise Planning Proposal (PP040) as exhibited, with the changes outlined in Table 3 of this report, and forward it to the NSW Department of Planning, Industry and Environment to draft the amendment to Shoalhaven Local Environmental Plan 2014.
2. Advise key stakeholders, including all Community Consultative Bodies, relevant industry representatives and those who made a submission, of this decision, and when the Amendment will be made effective.

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

Against: Nil

CARRIED

DE21.71 Post Exhibition and Finalisation - Planning Proposal - Berry Heritage (PP056) **HPERM Ref: D21/241446**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt Shoalhaven LEP 2014 – Berry Heritage Planning Proposal (PP056) as exhibited, and using Council’s delegation, forward to the NSW Parliamentary Counsel’s Office to draft the amendment to Shoalhaven LEP 2014.
2. Advise key stakeholders, including those who made a submission, of this decision and when the Amendment will be made effective.

RESOLVED (Clr White / Clr Findley)

MIN21.453

That:

1. Council adopt Shoalhaven LEP 2014 – Berry Heritage Planning Proposal (PP056) as exhibited, and using Council’s delegation, forward to the NSW Parliamentary Counsel’s Office to draft the amendment to Shoalhaven LEP 2014.
2. Council advise key stakeholders, including those who made a submission, of this decision and when the Amendment will be made effective.
3. The Strategic Planning Working Party be requested to consider the inclusion of a DCP for Berry in the Strategic Planning Works Program for 2021/22 or 2022/23.

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

AGAINST: Nil

CARRIED

DE21.72 Funding Offer & Commencement - Shoalhaven Local Heritage Assistance Fund 2021-2023

HPERM Ref: D21/208808

Recommendation (Item to be determined under delegated authority)

That Council:

1. Accept the NSW Heritage Grant funding offers for the 2021–2022 and 2022–2023 financial years.
2. Endorse a tourism theme for the 2021-2022 Local Heritage Assistance Fund Program.
3. Commence the Shoalhaven Local Heritage Assistance Fund for the coming 2021-2022 year and reallocate any declined offers amongst the remaining successful and eligible applicants, if required.
4. Extend the review date in the Shoalhaven Heritage Strategy 2019-2022 to 31 July 2024 and change the operating period to 2021-2024.

RESOLVED (Clr Levett / Clr Findley)

MIN21.454

That Council:

1. Accept the NSW Heritage Grant funding offers for the 2021–2022 and 2022–2023 financial years.
2. Endorse a tourism theme for the 2021-2022 Local Heritage Assistance Fund Program.
3. Commence the Shoalhaven Local Heritage Assistance Fund for the coming 2021-2022 year and reallocate any declined offers amongst the remaining successful and eligible applicants, if required.
4. Extend the review date in the Shoalhaven Heritage Strategy 2019-2022 to 31 July 2024 and change the operating period to 2021-2024.

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

AGAINST: Nil

CARRIED

DE21.73 Strategic Planning Works Program - Proposed 2021-2022 Version **HPERM Ref: D21/171582**

RESOLVED* (Clr White / Clr Findley) MIN21.455

That Council:

1. Adopt and finalise Attachment 2 as Council’s 2021-2022 Strategic Planning Works Program.
2. Receive a report on the 2022-2023 Strategic Planning Works Program in June / July 2022 to coincide with the new financial year.
3. Make future changes or additions to the Strategic Planning Works Program only after considering the current program, project priority, staff workload and resources.

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

AGAINST: Nil

CARRIED

DE21.74 Proposed Submission - NSW Planning Reforms - Employment Zones Framework **HPERM Ref: D21/228844**

RESOLVED* (Clr White / Clr Findley) MIN21.456

That Council:

1. Endorse the draft submission on the proposed planning reforms relating to the proposed employment zones framework (**Attachment 1**) so it can be finalised and sent to the NSW Department of Planning, Industry & Environment for consideration.
2. Request further consultation and dialogue from the NSW Department of Planning, Industry & Environment on the proposed reforms before they are finalised.
3. Receive future reports, if required, to enable further comment on the detail of the proposed planning reforms.

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

AGAINST: Nil

CARRIED

DE21.75 Proposed Submission - Review of NSW Heritage Legislation **HPERM Ref: D21/241947**

RESOLVED* (Clr White / Clr Findley) MIN21.457

That Council:

1. Endorse the draft submission on the proposed planning reforms relating to the Review of NSW Heritage Legislation (**Attachment 1**) so it can be finalised and submitted to the Standing Committee on Social Issues.
2. Request further consultation and dialogue on the proposed amendments to the *Heritage Act 1977* before the amendments are finalised.
3. Receive future reports, if required, to enable further comment on the detail of the proposed amendments to the *Heritage Act 1977*.

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

AGAINST: Nil

CARRIED

DE21.76 Community Participation Plan - Review **HPERM REF: D21/247506**

Item dealt with earlier in the meeting see MIN.434

DE21.77 DA20/2172 - 8 Homestead Lane Berry - Lot 101 DP 1057897 **HPERM REF: D21/72971**

Item dealt with earlier in the meeting see MIN21.436

DE21.78 DA20/1621 – 260 Mount Hay Road (Private), Broughton Vale – Lot 2 DP 4498 **HPERM REF: D21/252358**

Item dealt with earlier in the meeting see MIN21.437

DE21.79 DA21/1333 – 23 Parker Crescent Berry – Lot 331 DP 1226462 **HPERM REF: D21/245046**

Item dealt with earlier in the meeting see MIN21.438

DE21.80 DA21/1370 – 3 Cumberland Ave South Nowra – Lot 2 DP 260264 **HPERM REF: D21/248840**

Item dealt with earlier in the meeting see MIN21.439

DE21.81 DA20/2322 – 12-16 The Wool Road & 5 Burton Street, Vincentia – Lots 1779 & 1780 DP 26434, Lot 5 DP 539867 & Lot 1 DP 615796 **HPERM REF: D21/245916**

Item dealt with earlier in the meeting see MIN21.443

DE21.82 DA19/1102 & DA21/1304 - 252 Princes Highway Ulladulla – Lot 1 DP 784732 **HPERM REF: D21/153385**

Item dealt with earlier in the meeting see MIN21.440

DE21.83 DA20/2061 – 60 Macleay Street Narrawallee – Lot 145 DP718994 **HPERM REF: D21/245863**

Item dealt with earlier in the meeting see MIN21.441.

Procedural Motion - Matters of Urgency

MOTION (Clr White)

That an additional item Call in of Development Application D20/1466 be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent due to due to the public interest and the large number of submissions.

DE21.84 Additional Item - Call in of Development Application DA20/1466

RESOLVED (Clr White / Clr Pakes)

MIN21.458

That the matter of Development Application DA20/1466 be called in for determination due to the public interest and the large number of submissions.

CARRIED

There being no further business, the meeting concluded, the time being 8.19pm.

Clr Pakes
CHAIRPERSON