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**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 6<sup>TH</sup> OCTOBER 2009 IN THE COUNCIL CHAMBERS, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 6.09 PM**

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The following members were present:

Clr Ward – Chairperson  
Clr Fergusson  
Clr Bennett  
Clr Miller – left 10.01 pm  
Clr Brumerskyj – left 8.03 pm  
Clr Kearney – left 8.03 pm  
Clr Watson  
Clr Proudfoot  
Clr Young – left 10.00 pm  
Clr Findley  
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Guile

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1. Deputations File

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1. Mr Stuart Dixon, representing Cowman Stoddart Pty Ltd, addressed the Committee in regard to Item 10, Page 32 of the report - Development Application - Commercial Additions - Restoration, Reconstruction, Minor Internal Works, Demolition of Old Bakery and Use of Building as Commercial Premises - Lot 4 DP 631087 - 67 Princes Highway, Milton. Applicant: Cowman Stoddart Pty Ltd. Owner: GP & NE Starkey.
2. Mr Rob Cusack, representing Telstra, and Mr Damien Casserly, concerned resident, addressed the Committee in regard to Item 15, Page 47 of the report - Development Application - Mobile Telecommunication Base Station (comprising a 40m high monopole and associated headframe with 3 panel antennas and 6 tower mounted amplifiers, an equipment building, security fencing and associated landscaping. DP 1113050 Callala Bay Road, Callala Bay. Applicant: NGH Environmental. Owner: Shoalhaven City Council.
3. Mr Peter Hudson, representing the Red Head Villages Association, addressed the Committee in regard to Item 1, Confidential Addendum Report 3 - Land & Environment Court Appeal - DA08/1258 - 75 site Caravan Park, Manyana, Owner/Applicant: Berringer Road Pty Ltd.
4. Mr Lee Carmichael, representing Allen Price & Associates, addressed the Committee in regard to Item 1, Addendum Report 2 - Development Application for Medium Density Development (9 x 3 bedroom single storey dwellings) with associated car parking - Lot 337 DP 1077197 - Sullivan Street, Worrigeer. Applicant: Christopher Robson. Owner: Bayou Land Pty Ltd.

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## CONFIDENTIAL REPORT OF THE GENERAL MANAGER

### CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Land & Environment Court Appeal – DA08/1258 – 75 Site Caravan Park, Manyana, Owner/Applicant: Berringer Road Pty Ltd	Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 10A(2)(g)

Pursuant to section 10A(4), the public were invited to make representations to the Development Committee before any part of the meeting is closed, as to whether that part of the meeting should be closed.

A MOTION was moved by Clr Fergusson, seconded by Clr Bennett, that the Development Committee Meeting exclude the press and public from the Meeting pursuant to section 10A(1)(a) of the Local Government Act, 1993 as it was to consider items of a confidential nature in relation to matters pursuant to Section 10A (2)(g).

The MOTION upon being PUT to the meeting was declared CARRIED.

The meeting moved into confidential the time being 7.06 pm.

The meeting moved into open session, the time being 7.20 pm.

2. Land & Environment Court Appeal – DA08/1258 – 75 Site Caravan Park, Manyana, Owner/Applicant: Berringer Road Pty Ltd File DA08/1258
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This item was brought forward.

At the commencement of the meeting Mr Peter Hudson, representing the Red Head Villages Association, addressed the Committee in regard to this matter.

Clr Watson, Young, Proudfoot, Kearney declared their less than significant, non pecuniary interest in the matter being that a company with the same directorship donated to the Shoalhaven Independents Group. They explained that no further action is necessary as:

- a) the donor is a different entity to the owner and applicant for this Development Application;
- b) that as there were 21 Shoalhaven Independents Group candidates in the election the contribution is not significant;
- c) the contribution was made to a registered political party;
- d) discussions with the Department of Local Government had confirmed this position.

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The following recommendation of the Development Committee, whilst closed to the public, was read to the meeting by the Chairperson.

RECOMMENDED on a MOTION that Council not accept the Applicant's offer.

### **DEVELOPMENT & ENVIRONMENTAL SERVICES**

3. Development Application - Commercial Additions - Restoration, Reconstruction, Minor Internal Works, Demolition of Old Bakery and Use of Building as Commercial Premises - Lot 4 DP 631087 - 67 Princes Highway, Milton. Applicant: Cowman Stoddart Pty Ltd. Owner: GP & NE Starkey. File DA09/1696 (PDR)
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This item was brought forward.

At the commencement of the meeting Mr Stuart Dixon, representing Cowman & Stoddart Pty Ltd, addressed the Committee in regard to this matter.

A MOTION was moved by Clr Findley, seconded Clr Brumerskyj, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in respect of DA09/1696 for Commercial Additions - restoration, reconstruction, minor internal works, demolition of old bakery and use of building as commercial premises, Lot 4 DP 631087, 67 Princes Highway, Milton that:

- a) Council accept the applicant's proposal for existing car parking credits and the proposal to retain the existing two car spaces off the highway as a variation to DCP 18 Car Parking Code and waive the requirement to pay contributions for the additional demand of one car space on the basis of the conservation incentives in the code for heritage items;
- b) The application be determined under delegated authority.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Brumerskyj, Ward, Kearney, Watson, Proudfoot, Young, Findley and Russ Pigg.

The following Councillors voted "No";

Nil

4. Development Application - Mobile Telecommunication Base Station (comprising a 40m high monopole and associated headframe with 3 panel antennas and 6 tower mounted amplifiers, an equipment building, security fencing and associated landscaping. DP 1113050 Callala Bay Road, Callala Bay. Applicant: NGH Environmental. Owner: Shoalhaven City Council. File DA09/1516(PDR)
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This item was brought forward.

At the commencement of the meeting Mr Rob Cusack, representing Telstra, and Mr Damien Casserly, concerned resident, addressed the Committee in regard to this matter.

Clrs Ward, Bennett, Young, Watson, and Russ Pigg declared their less than significant non pecuniary interest in the matter being that they are Directors of Southern Water Services, a company owned by Council, who is the consent authority. They explained that no further action was necessary as no decision was being made.

Clr Brumerskyj declared his pecuniary interest in the matter being that he is employed by Optus, who is in direct competition to Telstra and left the room and did not take part in discussion or vote on this matter.

A MOTION was moved by Clr Ward, seconded Clr Proudfoot, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in respect of DA09/1516 for the proposed mobile telecommunications base station at DP 1113050, Callala Bay, this matter be deferred to the next Development Committee meeting pending advice from the General Manager on any potential conflicts of interest that Council may have with respect to Southern Water Services and Council's role as the determining authority for this application.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Ward, Kearney, Watson, Proudfoot, Young, Findley and Russ Pigg.

The following Councillors voted "No";

Nil

## **ADDENDUM REPORT 2 – DEVELOPMENT & ENVIRONMENTAL SERVICES**

5. Development Application for Medium Density Development (9 x 3 bedroom single storey dwellings) with associated car parking - Lot 337 DP 1077197 - Sullivan Street, Worrigea. Applicant: Christopher Robson. Owner: Bayou Land Pty Ltd. File DA09/1893 (PDR)

This item was brought forward.

Note Clr Brumerskyj returned to the meeting at the commencement of this item.

At the commencement of the meeting Mr Lee Carmichael, representing Allen Price and Associates, addressed the Committee in regard to this item.

A MOTION was moved by Clr Young, seconded Clr Bennett, that the Development Committee make the following recommendation to Council:

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RECOMMENDED that in respect of DA09/1893 for the proposed medium density development (9 x 3 bedroom single storey dwellings) with associated car parking - Lot 337 DP 1077197 Sullivan St, Worrigeer;

- a) A variation of Acceptable Solution A1 in Design Element - 3.1.3 Site Density of Council's Development Control Plan 71 – Medium Density Housing be supported;
- b) A variation of Performance Criteria P6 in Design Element - 3.2.1 Streetscape, Building Appearance and Front Setbacks of Council's Development Control Plan 71 – Medium Density Housing be supported;
- c) A variation of Acceptable Solution A2 in Design Element - 3.2.1 Streetscape, Building Appearance and Front Setbacks of Council's Development Control Plan 71 – Medium Density Housing be supported;
- d) A variation of Acceptable Solution A4 in Design Element - 3.3 Building Siting and Design of Council's Development Control Plan 71 – Medium Density Housing be supported;
- e) A variation of Performance Criteria P2 in Design Element - 3.3.4 Car Parking Provisions and Dimensions of Council's Development Control Plan 71 – Medium Density Housing be supported;
- f) A variation of Performance Criteria P3 in Design Element - 3.3.4 Car Parking Provisions and Dimensions of Council's Development Control Plan 71 – Medium Density Housing be supported;
- g) That the application be determined under delegated authority;
- h) That because of the multiple street frontage to the subject land Council believes the proposed application is the best way to achieve the overall objectives of the DCP.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Bennett, Brumerskyj, Ward, Kearney, Watson, Proudfoot, Young.

The following Councillors voted "No";

Clrs Fergusson, Miller, Findley and Russ Pigg.

## **ADDENDUM REPORT 1 - DEVELOPMENT & ENVIRONMENTAL SERVICES / STRATEGIC PLANNING & INFRASTRUCTURE**

- 6. Development Application - Commercial development containing a supermarket, six (6) retail shops, associated car parking area for seventy five (75) cars, alterations to the existing traffic network, works within the Weston Street road reserve, signage and associated landscaping. Lots 1477, 1478, 1479, 1480, 1482, 1483, 1484 DP12278 and

This item was brought forward.

A MOTION was moved by Clr Watson, seconded Clr Kearney, that the Development Committee make the following recommendation to Council:

RECOMMENDED that;

- a) The variations to Development Control Plan No.30 - Culburra Commercial Area as requested that relate to the internal access road/servicing, building footprint, setbacks and parking for vehicles towing caravans/trailers be supported;
- b) The one way traffic proposal being one way, west to east along Redbank Lane and one way, east to west, along Weston Street, Culburra Beach be supported;
- c) The angled car parking in Weston Street is constructed so it is nose in angled car parking (i.e. as shown on plan reference no MS2078);
- d) The Voluntary Planning Agreement between Shoalhaven City Council and *Siblow Pty Ltd* (dated 15 September 2009) *that is associated with DA09/1144 be supported and Council resolves that due to the following reasons:*
  - i) The developer (being the registered proprietor of the relevant land) is the only entity capable of dedicating that land to Council;
  - ii) The developer is the only entity which can carry out works to provide a material public benefit as an offset against s94 Contributions it will be required to pay; and
  - iii) If Council accepted only land and works equivalent to the amount of the s94 contributions, the works would not be complete and the facilities would not be functional.

It is accepted that 'extenuating circumstances' exist and the Council considers a satisfactory result would not be achieved by inviting tenders for works covered under the Voluntary Planning Agreement.

- e) Council resolves that the Voluntary Planning Agreement with Siblow Pty Ltd (associated with DA09/1144) and any other associated documents may be executed by or on behalf of the Council in accordance with cl 165 of the Local Government Regulation by the General Manager.
- f) The development application be determined under delegated authority in accordance with the conclusions and recommendations contained in this report.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Brumerskyj, Ward, Kearney, Watson, Proudfoot, Young, Findley and Russ Pigg.

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The following Councillors voted “No”;

Nil

A MOTION was moved by Clr Fergusson, seconded Clr Young, that the meeting adjourn for dinner, the time being 8.03 pm.

The meeting reconvened, the time being 8.54 pm

The following members were present:

Clr Ward – Chairperson  
Clr Fergusson  
Clr Bennett  
Clr Miller  
Clr Watson  
Clr Proudfoot  
Clr Young  
Clr Findley  
Russ Pigg – General Manager

## **STRATEGIC PLANNING AND INFRASTRUCTURE**

7. Policy Review – Strategy Planning Section, Strategic Planning & Infrastructure Group.  
File 33571-02, 33363-09 & 18107-09 (PDR)

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Young, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that Council:

- a) Reaffirm the following policies and reconsider them in conjunction with the development and completion of the Shoalhaven LEP 2009, Citywide DCP, Citywide Growth Management Strategy and Community Strategic Plan Process or other work that is underway:

Development – Built Environment (POL08/380, 1444)  
Development – Coastal Areas (POL08/381, 31329)  
Development – Hazardous Industries (POL08/382, 31331)  
Development – Highways & Arterial Roads (POL08/383, 31327)  
Development – Housing in Residential Zones (POL08/384, 1444)  
Development – Main Centre Strategy (POL08/385, 31326)  
Development – Natural Hazards (other than flood or bushfire) (POL08/391, 31330)  
Development – New Development Areas (POL08/392, 31326)  
Development – Nuclear Industries and Activities (POL08/393, 31331)  
Development – Public Utilities – Electricity (POL08/394, 31328)

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Fair Trading – Dedication of Land for Major Infrastructure Project (POL08/398, 5135)  
Kangaroo Valley – Planning Issues & Policies (Min91.3357, 84/2609)  
Lake Conjola Village Zone – Residential Development (POL08/407, 1444)  
Requests for Council Support for Rural Road Closures (POL08/399, 2895)

- b) Rescind the Policy entitled “Development – Land Retention – Canada Street, Cunjurong Point (Min92.495, DA91/2899)” given that intent of this policy will be implemented through Shoalhaven LEP 2009.
- c) Rescind the Policy entitled “*Rezoning – Procedures for Requests (POL08/401, 23426)*” given that it has been superseded by State Government changes to the rezoning process and a future report be submitted to Council on a new process/procedure for dealing with rezoning requests.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Fergusson, Bennett, Miller, Ward, Watson, Proudfoot, Young, Findley and Russ Pigg.

The following Councillors voted “No”;

Nil

8. Draft Local Environmental Plan No. LP 401 – Reclassification of Land at Nowra – Public Exhibition Outcomes File 39248(PDR)

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Young, seconded Clr Watson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in regard to the component of draft LEP No. LP 401 – Reclassification of land at Nowra and Huskisson, that relates to the ‘Civic Precinct’ Nowra, Council:

- a) Adopt that component of the draft plan as exhibited; and
- b) Following consideration of the subsequent report on the Huskisson site, forward the plan to the Department of Planning in accordance with Section 68 & 69 of the Environmental Planning & Assessment Act 1979 requesting its gazettal, assuming the Parliamentary Counsel’s Opinion on the plan does not change its intent and meaning.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:



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The following Councillors voted “Aye”;

Clrs Bennett, Miller, Ward, Watson, Proudfoot, Young and Russ Pigg.

The following Councillors voted “No”;

Clrs Fergusson, Findley.

9. State Environmental Planning Policy (Affordable Rental Housing) 2009 File 31157-07

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Young, seconded Clr Bennett, that the Development Committee make the following recommendation to Council:

RECOMMENDED that the report of the General Manager on the gazettal of the State Environmental Planning Policy (Affordable Rental Housing) 2009, associated Environmental Planning and Assessment Amendment (Site Compatibility Certificates) Regulation 2009 and Standard Instrument (Local Environmental Plans) Amendment (Affordable Rental Housing) Order 2009 be received for information.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Bennett, Miller, Ward, Watson, Proudfoot, Young and Russ Pigg.

The following Councillors voted “No”;

Clrs Fergusson, Findley.

10. Nowra CBD Liaison Committee File 39962

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Findley, seconded Clr Bennett, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in respect to the Nowra CBD Liaison Committee:

- a) The committee be formed as a sunset committee for the purpose of providing feedback on the Draft CBD Strategic Review, Draft Urban Design Master Plan, Development Control PLAN 95 and the accompanying Contributions Plan.
- b) The purpose of the committee would be to provide a forum for exchange of information and opinion during the preparation of the draft Nowra CBD Urban Design Master Plan, Draft Development Control Plan and Draft Contributions Plan.
- c) The objectives of the committee would be:
  - To ensure that desired outcomes and any limitations including budget constraints are ascertained and documented.

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- To ensure that the views of the stakeholders are known and given consideration.
- d) Membership would consist of:
- 1 representative from CBD Promotions Committee
  - 2 representative from the Business Chamber of Shoalhaven
  - 1 representative from Youth
  - 1 representative from Tourism
  - 1 arts / heritage advocate
  - 1 public transport advocate
  - 1 safer by design/police advocate
  - 2 community representatives
  - Available Councillors and the General Manager
- e) Terms of Reference:
- The Committee will make recommendations to Council.
  - The Committee will act at all times in accordance with the relevant legislation Local Govt Act and with any written policies and guidelines of the Council.
  - The committee will meet at the discretion of Council
  - A quorum for the Committee meeting shall be one third of the total number of members excluding Councillors and the General Manager.
  - All decisions of the committee shall be made on the basis of a majority decision of the members present.

The MOTION upon being PUT to the meeting was declared CARRIED.

11. Shoalhaven Contributions Plan Draft Amendment No 99-Ulladulla Town Centre  
File 38142-02 (PDR)

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Note: Clrs Brumerskyj and Kearney had left the meeting.

Clr Young declared her pecuniary interest in the matter being that her family owns property in the area covered by the Shoalhaven Contributions Plan Draft Amendment No 99-Ulladulla Town Centre and left the room and did not take part in discussion or vote on this matter.

A MOTION was moved by Clr Ward, seconded Clr Watson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in relation to the Shoalhaven Contributions Plan Draft Amendment No 99 – Ulladulla Town Centre:

- a) Council adopt the draft Amendment as exhibited (attachment "A") with changes detailed in the report;
- b) Council place a Notice of Adoption in local newspapers and on Council's website within 28 days of adoption of the draft Amendment; and
- c) Council advise those who made submissions on the draft Amendment of this resolution.

The MOTION upon being PUT to the meeting was declared CARRIED.

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THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Ward, Watson, Proudfoot, Findley and Russ Pigg.

The following Councillors voted "No";

Nil

12. Shoalhaven Contributions Plan Draft Amendment No 77.4 - Planning Area 4 Roads  
File 28709-02 (PDR)
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Note: Clrs Brumerskyj and Kearney had left the meeting.

Note Clr Young returned to the meeting at the commencement of this item.

A MOTION was moved by Clr Watson, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in relation to the Shoalhaven Contributions Plan Draft Amendment No 77.4 – Planning Area 4 Roads

- a) Council adopt the Draft Amendment as exhibited; and
- b) Council place a Notice of Adoption in local newspapers and on Council's website within 28 days of adoption of the draft.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Ward, Watson, Proudfoot, Young, Findley and Russ Pigg.

The following Councillors voted "No";

Nil

13. Shoalhaven Contributions Plan Amendment No 77.2 - Planning Area 2 Roads  
File 28709-02 (PDR)
- 

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Watson, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in relation to Shoalhaven Contributions Plan draft Amendment No 77.2 – Planning Area 2 Roads:

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- a) Council adopt the draft Amendment as exhibited; and
  - b) Council place a Notice of Adoption in local newspapers and on Council's website within 28 days of adoption of the draft Amendment.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Ward, Watson, Proudfoot, Young, Findley and Russ Pigg.

The following Councillors voted "No";

Nil

14. Jerberra Estate Rezoning Investigations File 2653-04 (PDR)

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Watson, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that Council

- a) Pursue a Torrens Title outcome;
- b) Proceed with finalising the environmental study and seek a Section 65 certificate from Department of Planning (DoP) to exhibit a draft Local Environmental Plan based on the above;
- c) Provide a written update to the landowners on the status of the rezoning investigations; and
- d) Arrange a briefing for landowners when advice has been received from DoP in relation to the draft Local Environmental Plan.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Ward, Watson, Proudfoot, Young and Russ Pigg.

The following Councillors voted "No";

Clr Findley

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## DEVELOPMENT AND ENVIRONMENTAL SERVICES

15. Policy Review - Development & Environmental Services Group - Reaffirmation of Development Control Plans and Policies to be Incorporated into Shoalhaven Development Control Plan 2009 File 33571-02 (PDR)
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Note: Clrs Brumerskyj and Kearney had left the meeting.

Clr Young declared her pecuniary interest in the matter being that she owns a commercial food business that affected some of the Policies and left and did not take part in discussion or vote on the matter.

Clrs Watson, Findley, and Miller declared their less than significant, non pecuniary interest in the matter being that some of the policies affect them and left the room and did not take part in discussion or vote on this matter

Russ Pigg declared his pecuniary interest in the matter being that some of the policies relate to land in which he has an interest and left the room and did not take part in discussion or vote on this matter

This item couldn't be dealt with because of a lack of quorum.

Note: Clrs Miller, Watson, Young, Findley and Russ Pigg returned to the meeting.

16. Development Application for four (4) new shops and toilet for the disabled to be located within the rear service area of the existing Settlement Shopping Centre - Lot 1 DP 741976 - 97 Princes Highway, Milton. Applicant: ADS Designs. Owner: John Blackburn. File DA08/2767 (PDR)
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Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Miller, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

- a) Council stipulate to the applicant, for the purpose of providing future pedestrian linkage with the Village Green, that a 3m wide pedestrian Right of Way be registered with the Lands Title providing public access from the western boundary of Lot 1 DP 735827 to Wason Street, Milton; and
- b) The application be determined under delegated authority;

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Proudfoot, Findley

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The following Councillors voted "No";

Clrs Ward, Watson, Young and Russ Pigg.

17. Community Consultation Policy for Development Applications (including Subdivisions) and the Formulation of Development Guidelines and Policies (Amendment No 6)

File 8139

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Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Fergusson, seconded Clr Findley, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

- a) The Community Consultation Policy for Development Applications (including Subdivisions) and the Formulation of Development Guidelines and Policies (draft Amendment No 6) be publically exhibited for a period of 30 days;
- b) The public exhibition includes notification to Community Consultative Bodies; and
- c) A further report be made at the conclusion of the exhibition period.

The MOTION upon being PUT to the meeting was declared CARRIED.

18. Development Application for proposed Monthly Produce Markets to be held 2nd Saturday of each month at Jindy Andy Mill Complex - 719 Greenwell Point Road, Pyree - Lot 101 DP 629485. Applicant: Sharnah Coulthart. Owner: Sally Marshman.

File DA09/1995 (PDR)

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Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Findley, seconded Clr Ward, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in respect of DA09/1995 for the proposed monthly produce market to be held 2nd Saturday of each month at Jindy Andy Mill Complex - 719 Greenwell Point Road, Pyree - Lot 101 DP 629485:

- a) A variation of Council's Policy on Operation of Markets specifically in relation to clause 4 - Who May Apply be supported thereby permitting the applicant to conduct the market;
- b) A variation of Council's Policy on Operation of Markets specifically in relation to Attachment C - Economic Considerations be supported allowing a second market in the locality of Pyree in accordance with the Policy requirement that it be a local produce market; and
- c) That the application be determined under delegated authority following the submission of a traffic impact assessment.

The MOTION upon being PUT to the meeting was declared CARRIED.

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THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Miller, Ward, Watson, Findley, Young and Russ Pigg.

The following Councillors voted "No";

Clr Proudfoot

19. Review of Council's Compliance Policy File 34946

Note: Clrs Brumerskyj and Kearney had left the meeting.

A MOTION was moved by Clr Fergusson, seconded Clr Bennett, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

- a) Council adopt the revised Compliance Policy as shown in the Councillors' Information Folder;
- b) The Compliance Policy be reviewed every two years.

The MOTION upon being PUT to the meeting was declared CARRIED.

Note Clrs Young and Miller left the meeting at the conclusion of this matter.

20. Proposed extension to the existing 15 hole Golf Course comprising three additional holes - Lot 7010 DP 1035145, Scott Street (Staples Street), Shoalhaven Heads. Applicant: Shoalhaven Heads Golf Club Limited. Owner: Department of Lands.

File DA08/2312 (PDR)

Note: Clrs Brumerskyj, Kearney, Miller and Young had left the meeting.

A MOTION was moved by Clr Watson, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

- a) The report on the status of Development Application DA08/2312 is submitted for Council's information;
- b) *In accordance with Council's resolution of 16<sup>th</sup> December 2008 (min. 1688), "a full S79C assessment be prepared for Council's consideration" once all the relevant information has been received and assessed*

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

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Clrs Fergusson, Bennett, Ward, Watson, Proudfoot and Russ Pigg.

The following Councillors voted "No";

Clr Findley

21. Additional Item – Change of Council Meeting Commencement Time File 3910

Note: Clrs Brumerskyj, Kearney, Miller and Young had left the meeting.

A MOTION was moved by Clr Watson, seconded Clr Fergusson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that the commencement time for the Regular Committees and the Ordinary Meetings change from 5.00 pm to 4.00 pm.

The MOTION upon being PUT to the meeting was declared CARRIED.

## **STRATEGIC PLANNING AND INFRASTRUCTURE / DEVELOPMENT AND ENVIRONMENTAL SERVICES**

22. Interim Measures - Managing Land Degradation in the Heritage Estates, Worroing Heights File 1446-10

Note: Clrs Brumerskyj, Kearney, Miller and Young had left the meeting.

A MOTION was moved by Clr Fergusson, seconded Clr Proudfoot, that the Development Committee make the following recommendation to Council:

RECOMMENDED that the General Manager (Strategic Planning and Infrastructure) seek input from the relevant stakeholders including DECC and NSW Police regarding possible signage, monitoring and enforcement, educational strategies and associated resourcing issues.

The MOTION upon being PUT to the meeting was declared CARRIED.

23. Draft Shoalhaven Contributions Plan 2010 - Proposed Administrative Changes File 39338-02 (PDR)

Note: Clrs Brumerskyj, Kearney, Miller and Young had left the meeting.

A MOTION was moved by Clr Watson, seconded Clr Ward, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

- a) Council adopt an annual indexation for proposed construction and recoupment of contribution projects based on Sydney CPI for inclusion in the draft Shoalhaven Contributions Plan 2010;



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- b) Council regularly review the land valuations of proposed contribution projects that require land acquisition in the draft Shoalhaven Contributions Plan 2010; and
  - c) Council adopt the changes to the calculation of rates for various forms of development as detailed in this report for inclusion in the draft Shoalhaven Contributions Plan 2010.

The MOTION upon being PUT to the meeting was declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Fergusson, Bennett, Ward, Watson, Proudfoot, Findley and Russ Pigg.

The following Councillors voted "No";

Nil

There being no further business, the meeting concluded, the time being 10.19 pm.

Clr Ward  
CHAIRPERSON