
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 7TH JULY 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.57 PM

The following members were present:

Clr Ward – Chairperson
Clr Fergusson
Clr Bennett
Clr Guile
Clr Miller
Clr Brumerskyj
Clr Watson – left 6.46pm
Clr Findley
Clr Young
Russ Pigg - General Manager

REPORT OF THE GENERAL MANAGER

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Use of Voluntary Planning Agreements for Waiving or Deferred Long-Term Payment of Development Contributions Outside Council Policy File 1057-02, 34468

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

RECOMMENDED that Council use a Voluntary Planning Agreement to detail waiving or long-term deferred payment of Development Contributions outside Council Policy.

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

2. Tenure Resolution - Heritage Estates, Worroving Heights File 1446-10

Ms June Espesito addressed the Committee in regard to this matter.

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

RECOMMENDED that Council:

- a) Advise landowners of the outcome of representations and meet with landowner representatives to discuss possible options;
- b) Again make further strenuous representations to relevant State and Federal Ministers pointing out that the property owners in the Heritage Estates, Worroving Heights, are being treated unfairly and being denied natural justice by not having the provision of compensation.

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

3. Residential Development at Manyana - Development Contributions
File 39746, SF9787 & SF9747 (PDR)

Clrs Proudfoot, Young and Watson declared their less than significant non pecuniary interest in the matter being that a donation of \$2,000 was made to a political party (Shoalhaven Independents Group) by Malbec Properties. They explained that no further action is necessary as:

1. The donor is a different entity to the owner of the site of this development application;
2. That there was 21 Shoalhaven Independents Group candidates in the election the contribution is not significant;
3. The contribution was made to a registered political party;
4. Discussions with the Department of Local Government had confirmed this position.

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

RECOMMENDED that:

- a) Council accept the additional development contributions as detailed in the consent issued by the Minister for Planning to Malbec Properties and Manyana Estates Pty Ltd subdivision of Lot 172 DP 755923 and Lot 823 DP 247285, and commence the process to enter a Voluntary Planning Agreement with Malbec Properties and Manyana Estates Pty Ltd;
- b) Council require Malbec Properties and Manyana Estates Pty Ltd to design and cost the intersection upgrade of Bendalong Road and Inyadda Drive, Manyana as a requirement of the Voluntary Planning Agreement;
- c) Council negotiate with Vacenta (proposed developer of Lot 810 DP 247285, Lot 705 DP 613881 & Lot 682 DP 568678) on identical development contributions approved by Minister for Planning for Malbec Properties and Manyana Estates Pty Ltd (Lot 172 DP 755923 and Lot 823 DP 247285) on a pro-rata basis; and
- d) Any Voluntary Planning Agreement be consistent with Council's Voluntary Planning Agreement Policy and template with costs of preparing Agreements borne by the Developer.

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, Guile, Miller, Brumerskyj, Ward, Watson, Young.

The following Councillors voted "No";

Clr Findley

4. Shoalhaven Contributions Plan Amendments No 77.2 & No 77.4 - Planning Areas 2 & 4 Roads
File 28709-02 (PDR)

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

RECOMMENDED that:

- a) Council endorse draft Shoalhaven Contributions Plan Amendments No. 77.2 & No. 77.4 for public exhibition for a minimum period of 28 days;
- b) Notice of exhibition of draft Shoalhaven Contributions Plan Amendments No. 77.2 & No. 77.4 be placed in local newspapers;
- c) The draft Shoalhaven Contributions Plan Amendments No. 77.2 & No. 77.4 be placed on Council's internet site with easy links to make the comments electronically;
- d) The draft Shoalhaven Contributions Plan Amendments No. 77.2 & No. 77.4 be forwarded to relevant Community Consultative Bodies and Department of Planning; and
- e) A further report on draft Shoalhaven Contributions Plan Amendments No 77.2 & No 77.4 be submitted to Council after the public exhibition period.

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, Guile, Miller, Brumerskyj, Ward, Watson, Young, Findley.

The following Councillors voted "No";

Nil

5. Review of Nowra CBD Strategy and Development Control Plan No 95
File 17377 & 2537-09 (PDR)

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

RECOMMENDED that in regard to the review of the Nowra CBD Strategy and DCP No 95:

- a) Expressions of Interest be invited from suitably qualified consultants to prepare a Masterplan for the CBD for the next 25 years to address the planning issues, principles and objectives outlined in attachment "A" and from which a Draft DCP and a Draft Contributions Plan could be developed; and
- b) The Masterplanning process include:

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- i. Two workshops, including community, business, Councillor and Council staff involvement, with a view to providing a desired future character statement and feedback on the draft Masterplan;
 - ii. A financial analysis to quantify costs associated with implementing key outcomes of the Masterplan in the short, medium and long term life of the Plan; and
 - iii. The preparations of urban design and architecture based development concept plans for key development sites.
- c) Council call for expressions of interest for membership of a Nowra CBD Liaison Committee.

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, Guile, Miller, Brumerskyj, Ward, Watson, Young, Findley.

The following Councillors voted "No";

Nil

6. Draft Ulladulla Town Centre Contributions Plan File 38142-02 (PDR)

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

RECOMMENDED that:

- a) Council endorse the draft Ulladulla Town Centre Contributions Plan for public exhibition for a minimum period of 28 days;
- b) Notice of exhibition be placed in relevant local newspapers;
- c) The draft Ulladulla Town Centre Contributions Plan be placed on Council's internet site with easy links to make the comments electronically;
- d) The draft Ulladulla Town Centre Contributions Plan be forwarded to the relevant Community Consultative Bodies and the Department of Planning; and
- e) A further report on the draft Ulladulla Town Centre Contributions Plan be submitted to Council after the public exhibition period.

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, Guile, Miller, Brumerskyj, Ward, Watson, Young, Findley.

The following Councillors voted "No";

Nil

DEVELOPMENT AND ENVIRONMENTAL SERVICES

7. Development application for a two lot residential subdivision and demolition of outbuilding/weatherboard garage - Lot 26 DP 19900 - 13 Catherine Street, Myola. Applicant: Allen Price and Associates. Owner: Cape Leveque Investments Pty Ltd and Sterling Works Investments Pty Ltd. File SF10052 (PDR)
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A MOTION was moved by Clr Fergusson, seconded Clr Brumerskyj, that the Development Committee make the following recommendation to Council:

RECOMMENDED that this report on the development application for a two lot residential subdivision and demolition of outbuilding/weatherboard garage on Lot 26 DP 19900, 13 Catherine Street, Myola, be received for information and the Development 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, Guile, Miller, Brumerskyj, Ward, Watson, Young, Findley.

The following Councillors voted "No";

Nil

8. Subdivision Application - 2 Lot Residential Subdivision - Lot 6 Section H DP27358, 2 Sir Henry Crescent, Callala Beach. Applicant: Allen Price and Associates. Owner: Slater. File SF10053 (PDR)
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Mr Colin Moore, objector, addressed the Committee on this matter.

Mrs Julie Slater, owner, addressed the Committee on this matter.

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

RECOMMENDED that:

- a) The applicant be advised the alternative solutions to DCP 100 and DCP 91, as outlined in this report for this application as proposed on the subject land, are unacceptable, in that the cumulative impact will have an adverse effect on surrounding residential amenity and therefore be contrary to the public interest; and

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- b) The applicant, on behalf of the landholder, be invited to prepare a dual occupancy application for Council's consideration, to be assessed in accordance with Development Control Plan 57 - Dual Occupancy Code and Shoalhaven Planning Policy 5 - Subdivision of Dual Occupancy.

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, Guile, Miller, Brumerskyj, Ward, Watson, Young, Findley.

The following Councillors voted "No";

Nil

9. Proposed Attached Rural Dual Occupancy Development - Lot 16 DP 1129347 - 151 Golden Flats Lane, Conjola. Applicant: Cowman Stoddart. Owner: B and E Willett.
File DA09/1123 (PDR)
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A MOTION was moved by Clr Ward, seconded Clr Watson, that the Development Committee make the following recommendation to Council:

RECOMMENDED that with respect to Development Application DA09/1123 for a proposed Attached Rural Dual Occupancy on Lot 16 DP 1129347 - 151 Golden Flats Lane, Conjola:

- a) The application is consistent with the definition of "attached dual occupancy" in Shoalhaven Local Environmental Plan 1985;
- b) The variation to the rural dual occupancy provisions in relation to tree removal be supported; and
- c) 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, Guile, Miller, Brumerskyj, Ward, Watson, Findley.

The following Councillors voted "No";

Clr Young

10. Council Nominations to the Shoalhaven Joint Regional Planning Panel and Operational Arrangements for Assessing Regional Development Applications. File 39782 (PDR)

Note Cllr Watson left the meeting during discussion on this matter.

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

RECOMMENDED that:

- a) In expressing Council's opposition to the removal of local planning powers by the NSW Government, Council refuses the request to nominate representatives to the Joint Regional Planning Panel;
- b) Council endorse the operational procedures contained in the report as interim measures, with a further report being presented on draft amendments to the current Policy, "Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies" subject to the amendments to the *Environmental Planning and Assessment Act, 1979*, and the *Environmental Planning and Assessment Regulation 2000*;
- c) Council establish a Regional Development Committee and delegate authority to the committee to consider staff briefings on regional development applications and provide comment and make representation when necessary to the Joint Regional Planning Panel, independently of the Section 79C Assessment Report, as required under the provisions for Regional Development applications;
- d) Council endorse the membership and quorum of the Regional Development Committee as all Councillors with a quorum of three (3);
- e) Council write to the Member for Kiama and the Member for South Coast requesting that they make representation to the Minister for Planning regarding the removal of local planning powers.

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";

Cllrs Fergusson, Bennett, Guile, Miller, Brumerskyj, Ward, Young, Findley.

The following Councillors voted "No";

Nil

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11. Proposed Shopping Centre - Lot 1 DP 745326, Lot 2 DP 1057008, Lot Y DP 208594 and Lot X DP 208594 - 119 to 123 Princes Highway Ulladulla. Applicant: Planning Workshop Australia. Owner: Fabcot Pty Ltd. File DA08/2630 (PDR)
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Mr Stephen Cook, representing the Ulladulla and Districts Community Forum, addressed the meeting on this matter.

A MOTION was moved by Clr Proudfoot, seconded Clr Brumerskyj, that an extension of time be granted for the deputation.

The MOTION upon being PUT to the meeting was declared CARRIED

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

RECOMMENDED that

- a) This matter be deferred pending further advice from Woolworths
- b) The applicant be advised that the design fails to adequately meet the expectations of Council with regard to the aims and objectives, performance criteria and acceptable solutions of DCP 56 Ulladulla Town Centre and Harbour and Council would encourage a re-design which better addresses these issues

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, Guile, Miller, Brumerskyj, Ward, Young, Findley.

The following Councillors voted "No";

Nil

Note: Clr Watson was absent from the meeting

GENERAL BUSINESS

12. Additional Item – Reporting of Heritage Items File 3621
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A MOTION was moved by Clr Ward, seconded by Clr Guile, that the Development Committee make the following recommendation to Council.

RECOMMENDED that Minute 08.859 *"that in future Development Applications relating to Heritage items not determined within three (3) months of the date of the application being lodged are to have the heritage issues reported to the Development Committee for consideration."* be rescinded.

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

Note: Cllr Watson was absent from the meeting

There being no further business, the meeting concluded, the time being 7.22 pm.

Cllr Ward
CHAIRPERSON