
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 7TH APRIL, 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 5.19 PM

The following members were present:

Clr Ward – Chairperson
Clr Green – left 5.36 pm
Clr Findley
Clr Bennett
Clr Miller
Clr Fergusson
Clr Brumerskyj
Clr Guile
Clr Watson
Clr Proudfoot

REPORT OF THE GENERAL MANAGER

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Status of Contribution Plans File 39338
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Note: Clr Green left the meeting during discussion and did not vote on this matter.

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

RECOMMENDED that:

- a) The report on the status of Contributions Planning be received for information;
- b) A Councillor Briefing and further report to Council be made after the Department of Planning's Practice Notes for Local Contributions Plans have been published; and
- c) Priority in Contributions Planning be given to Contributions Plan Amendments already resolved by Council and the preparation of the new Contributions Plan as required by changes to legislation.

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 Ward, Findley, Bennett, Miller, Fergusson, Brumerskyj, Guile, Watson, Proudfoot.

The following Councillors voted "No";

Nil

DEVELOPMENT AND ENVIRONMENTAL SERVICES

2. Adult Shops Policy (Draft Amendment No 1) File 16748

Note: Cllr Green was absent from the meeting and did not vote on this item.

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

RECOMMENDED that:

- a) Council adopt Amendment No 1 to the Adult Shops Policy (POL08/165) as publicly exhibited; and
- b) The adopted policy be notified to Community Consultative Bodies and be included on Council's website.

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 Ward, Findley, Bennett, Miller, Fergusson, Brumerskyj, Guile, Watson, Proudfoot.

The following Councillors voted "No";

Nil

3. Review of the Clear Air Regulations File 9398

Note: Cllr Green was absent from the meeting and did not vote on this item.

Note: Cllr Guile left the meeting during discussion and did not vote on this item.

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

RECOMMENDED that Council replies to the Department of Environment and Climate Change, requesting that it be added to Part 3 of Schedule 8 of the Clean Air Regulation.

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 Ward, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Cllr Findley

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4. Development Control Plan 57 (Draft Amendment No 5) - Dual Occupancy Guidelines and Development Control Plan 100 (Draft Amendment No 2) - Subdivision Code (Element DO1) File 5262, 34829, 5034 (PDR)
-

Mr Steve Richardson, representing Cowman and Stoddart, addressed the Committee on this issue.

Note: Clrs Green and Guile were absent from the meeting and did not vote on this item.

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

RECOMMENDED that DCP 57 - Dual Occupancy Guidelines (Amendment No 5) and DCP 100 - Subdivision Code (Amendment No 2), be deferred pending a Councillor Briefing on the matter that will include consideration of the issues raised by Mr Richardson at the meeting.

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 Ward, Findley, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Nil.

5. Food Regulation Partnership - Enforcement activities of Council for the first six monthly reporting period from 1 July 2008 to 31 December 2008. File 7467-05
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Note: Clrs Green and Guile were absent from the meeting and did not vote on this item.

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

RECOMMENDED that the report of the general Manager (Development and Environmental Services) regarding Food Regulation Partnership - Enforcement activities of Council for the first six monthly reporting period from 1 July 2008 to 31 December 2008 be received for information.

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 Ward, Findley, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Nil.

6. Section 96 Application to Modify Development Consent for Home Activity - Refreshment Room, Mrs Top Bed and Breakfast - Lot B DP 159214, 63 Wason Street, Milton. Applicant/Owner: Antolij and Vanessa Slabaspyckyj. File DA07/3174 (PDR)

Note: Clr Green was absent from the meeting and did not vote on this item.

Note: Clr Guile returned to the meeting during discussion on this item.

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

RECOMMENDED that in respect to the application to modify Development Consent 07/3174 for Home Activity - Refreshment Room:

- a) The classification of the building under the Building Code of Australia be amended on the consent from Class 4 and 6 to Class 3 and 6;
- b) Condition 32 to be amended to delete the reference to condition 22;
- c) Condition 4 be replaced with a condition requiring the provision of fire extinguishers, smoke detectors and emergency lighting in accordance with Part E of the Building Code of Australia;
- d) Condition 5 be deleted; and
- e) All other conditions remain unchanged.

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 Ward, Guile, Findley, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Nil.

7. Development Applications for the construction of a hotel/retail development and associated application for consolidation of lots and boundary adjustment. File DA08/1467-02, SF10022 (PDR)

A presentation on this matter was given to the Committee by independent Planning Consultant, Cardno Forbes Rigby, prior to the meeting.

Note: Clr Green was absent from the meeting and did not vote on this matter.

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

RECOMMENDED that:

- a) Council endorse the recommendations of the independent assessment reports prepared by Cardno Forbes Rigby Pty Ltd; and
- b) The subject applications (DA08/1467 and SF10022) 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 Ward, Guile, Findley, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Nil.

8. Review of Development and Environmental Services Group Policies 2008 - Round 1 - Following Request for Councillor Briefing.
Files: 5266, 8397-02, 5297, 15164, 23618, 1422-03, 31533, 31509, 23139, 17432

Note: Clr Green was absent from the meeting and did not vote on this item.

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

RECOMMENDED that:

- a) Council rescind the following policies:
 - Tasman Park Estate (DP 8082) - Building Lines - (File 5266, POL8/196)
 - Termite Protection Policy - (File 8397-02, POL08/197)
 - Determination of Development Applications - Draft Policies and Development Control Plans (File 5297, POL08/175)
 - Dual Occupancy Development - Subdivision Restriction (File 15164, POL08/176)
- b) Council reaffirm the following policies, subject to certain minor updates being made for consistency purposes (as attached), as described in this report :
 - Fees - Waiving of Development Application and Other Fees for Charitable Organisations and Community Groups (File 23618, POL08/178)
 - Verons Estate - Sussex Inlet (File 1422-03, POL08/198)
- c) Council reaffirm the following policy until such time that SLEP 2009 is gazetted, upon which this policy will be automatically rescinded:
 - Crematoriums in Funeral Parlours (File 31533, POL08/172)

d) Council reaffirm the following policies:

- Private Burial Grounds - (File 31509, POL08/189)
- Companion Animals (Impacts on Native Fauna) - Conditions of Development Consent - (File 23139, POL08/188)
- Parking of Caravans for Commercial or Community Activities - (File 17432, POL08/187)

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 Ward, Guile, Findley, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Nil.

9. Development Application for Rural Shed for the Conduct of a Rural Industry - Lot 1 DP 112860, 5 Nobblers Lane, Terara. Applicant: Cowman Stoddart Pty Ltd. Owner: David Anstiss. File DA08/1785 (PDR)

Mr Stuart Dixon, on behalf of the proponent, addressed the Committee on this issue.

Mrs Chivers, on behalf of the local residents addressed the Committee on this issue.

Note: Clr Green was absent from the meeting and did not vote on this item.

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

RECOMMENDED that in relation to Development Application No DA08/1785 on Lot 1 in DP 112860, 5 Nobblers Lane, Terara, Council determine that the impact/issues outlined in the Section 79C Assessment associated with the development proposal as proposed on the subject land are acceptable and resolve to determine the application by way of approval subject to appropriate conditions of consent as set out in Attachment 'A'.

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 Guile, Bennett, Miller, Brumerskyj, Proudfoot

The following Councillors voted "No";

Clrs Ward Fergusson, Findley, Watson

GENERAL BUSINESS

10. Additional Item - Membership of the Development Committee File 1753

Note: Clr Green was absent from the meeting and did not 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 the General Manager or his nominee be appointed as a member of the Development 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 Ward, Guile, Findley, Bennett, Miller, Fergusson, Brumerskyj, Watson, Proudfoot.

The following Councillors voted "No";

Nil.

There being no further business, the meeting concluded, the time being 6.51pm.

Clr Ward
CHAIRPERSON