MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 3RD NOVEMBER 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 5.18 PM

The following members were present:

Clr Ward – Chairperson
Clr Soames – arrived 5.47 pm
Clr Fergusson
Clr Bennett
Clr Guile
Clr Miller
Clr Brumerskyj
Clr Kearney
Clr Watson
Clr Proudfoot
Clr Findley
Russ Pigg – General Manager

Apologies:

Apologies were received from Clr Green and Clr Young.

REPORT OF THE GENERAL MANAGER

STRATEGIC PLANNING & INFRASTRUCTURE

1. Review of the Native Vegetation Act and the Catchment Authorities Act File 33115E

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

RECOMMENDED that Council make a more detailed submission and representations be made to the State Government and the Opposition on the requirement for dual consent.

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

2. Shoalhaven Contributions Plan Draft Amendment No 76.1 – Drainage File 28708 (PDR)

Clr Watson declared his pecuniary interest in the matter being that he is a joint owner of properties in the South Nowra industrial estate that are within the catchment area and left the room and did not take part in discussion or vote 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 in relation to the Shoalhaven Contributions Plan Draft Amendment No 76.1 – Drainage:

a) Council endorse the public exhibition for a minimum of 28 days;

b) Notice of exhibition be placed in local newspapers and on Council's intranet site with easy links to make comments electronically;

c) Community Consultative Bodies in Ulladulla be made aware of the draft document; and

d) A further report 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, Kearney, Proudfoot, Findley and Russ Pigg

The following Councillors voted "No";

Nil

3. Draft Shoalhaven Contributions Plan Amendment No 73. - Active Recreation
File 28705E (PDR)

Note: Clr Watson returned to the meeting.

A MOTION was moved by Clr Brumerskyj, 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 7. – Active Recreation:

a) Council endorse public exhibition for a minimum period of 28 days;

b) Notice of exhibition be placed in local newspapers and on Council's internet site with easy links to make comments electronically;

c) All Community Consultative Bodies be made aware of the draft document;

d) A further report be submitted to Council after the public exhibition period; and

e) A further report be submitted to Council on options for alternative use of Council land no longer required for sporting facilities.

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, Kearney, Watson, Proudfoot, Findley and Russ Pigg

The following Councillors voted “No”;

Nil

4. Shoalhaven Contributions Plan Draft Amendment No 74.1 - Car Parking
File 28706E (PDR)

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

RECOMMENDED that in relation to the Shoalhaven Contributions Plan Draft Amendment No 74.1 – Car Parking:

a) Council endorse public exhibition for a minimum of 28 days;

b) Notice of exhibition be placed in local newspapers and on Council’s internet site with easy links to make comments electronically;

c) Community Consultative Bodies where car parking contributions change (ie Kangaroo Valley, St Georges Basin, Sanctuary Point, Sussex Inlet, Culburra, and Milton/Ulladulla) be made aware of the draft document; and

d) A further report 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, Kearney, Watson, Proudfoot, Findley and Russ Pigg

The following Councillors voted “No”;

Nil

5. Development Control Plan (DCP) No 56 Ulladulla Town Centre and Harbour Review - Draft Amendment No 5 File 13767E (PDR)

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

RECOMMENDED that Development Control Plan (DCP) No. 56 Ulladulla Town Centre and Harbour Review - Draft Amendment No. 5 be prepared, with recommendations as outlined hereunder and that after the document has been amended, the revised Plan be reported to Council with the intention of placing the draft plan on exhibition for a period of 6 weeks and in accordance with the requirements of the EP&A Act and Council’s Community Consultation Policy.

a) The accelerated growth strategy be retained to assist with the revitalisation of the town centre and that all major retail development including DDS, supermarkets etc, be contained within the commercial core.

b) The minimum site area within the commercial core to qualify as a key development site be increased to 6000m².

c) Delete the infrastructure requirement to provide a library in key development precincts 2 & 3.

d) Council initiate dialogue between with applicants for the proposed Woolworths supermarket and the Country Target Developments with the view to encouraging the creation of a key development site that would allow the provision of essential major infrastructure, a future DDS and residential accommodation.

e) The EOI for the development of Council car parks be structured to reflect the principles of the accelerated growth strategy.

f) Maps 5b and 6b relating to heights and FSR's in key development precincts be replaced with Table 1.

g) Architectural roof features above the height limit be permitted in accordance with the standard LEP template definition.

h) Combine the Key development Precincts for the Ulladulla Harbour Triangle and the Marlin Hotel into one precinct and include the small lots on Wason Street; and

i) Vary the maximum building heights FSR's and minimum site areas in the combined key development precincts as shown in the Table 1.

j) For the Harbour Triangle precinct building depths above the first storey should not exceed 15 metres.

k) The number of storeys in Burrill Street South be reduced from four to three to correct an anomaly.

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, Guile, Brumerskyj, Ward, Kearney, Watson, Proudfoot and Russ Pigg

The following Councillors voted "No";

Clrs Fergusson, Miller, Findley

DEVELOPMENT & ENVIRONMENTAL SERVICES

6. State of the Environment Report 2008/2009. File 30842E

Note Clr Soames arrived during discussion 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 this report be received for information.

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

7. Current Part 3A Major Projects Applications. File 3167E

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

RECOMMENDED that:

a) The report of the General Manager (Development & Environmental Services) regarding Current 3A Major Projects Applications be received for information;

b) Should approval be granted for 3A08/1001 – Nowra Brickworks Quarry – P07_0123, Council make strenuous representation, at the appropriate times, regarding a mandatory requirement, from its perspective, that a wheel washing facility be provided.

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

8. 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)

Mr John Blackburn, owner, addressed the Committee in regard to this matter.

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

RECOMMENDED that:

a) Council permit the applicant to utilise the existing covered awning located north of the proposed shops for the purpose of providing for informal pedestrian linkage with the adjoining property Lot 1 DP 735827, 105 Princes Highway, 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 Soames, Fergusson, Bennett, Brumerskyj, Ward, Kearney, Watson, Proudfoot and Russ Pigg.

The following Councillors voted “No”;

Clrs Guile, Miller, Findley

9. S96 Modification Application - Request to extend the approved hours of operation for an existing home activity - "Hair Salon" - Lot 127 DP 245378 - 86 Suncrest Avenue, Sussex Inlet. Owner/Applicant: Joanne Donovan. File DS09/1228 (PDR)

Ms Vicky Boyd, concerned resident, addressed the Committee in regard to this matter.

Ms Joanne Donovan, owner/applicant addressed the Committee in regard to this matter.

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

RECOMMENDED that in respect of DS09/1228 for the modification of hours of operation of the existing home activity (hair salon) at Lot 127 DP245378, 86 Suncrest Avenue, Sussex Inlet:

a) The request to vary from normal business hours (acceptable solution) on the basis of addressing the performance criteria be deemed to be satisfied providing there is provision of greater screening in the form of a 1.8 metre high fence (on top of the retaining wall) adjacent to the adjoining dwellings which will mitigate any potential loss of privacy and noise impacts from the operations of the salon; In addition all operations on Saturdays to cease at 1pm, with no extensions;

b) the application be determined under delegated authority.

An AMENDMENT was moved by Clr Brumerskyj, seconded by Clr Guile, that the Development Committee make the following recommendation to Council:

RECOMMENDED that in respect of DS09/1228 for the modification of hours of operation of the existing home activity (hair salon) at Lot 127 DP245378, 86 Suncrest Avenue, Sussex Inlet:

a) The request to vary from normal business hours (acceptable solution) on the basis of addressing the performance criteria be deemed to be satisfied providing there is provision of greater screening in the form of a 1.8 metre high fence (on top of the retaining wall) adjacent to the adjoining dwellings which will mitigate any potential loss of privacy and noise impacts from the operations of the salon;

b) In addition, Council allow operations on Saturdays from 8.am to 1.00pm with provision to open until 4.00 pm on a maximum of 6 occasions during the year;

c) the application be determined under delegated authority.

The AMENDMENT upon being PUT to the meeting was declared CARRIED on the casting vote of the Chairperson.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Clrs Bennett, Guile, Brumerskyj, Ward, Watson, Kearney.

The following Councillors voted “No”;

Clrs Soames, Fergusson, Miller, Proudfoot, Findley and Russ Pigg

The AMENDMENT upon becoming the MOTION was PUT to the meeting and declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Soames, Bennett, Guile, Miller, Brumerskyj, Ward, Kearney, Watson, Findley.

The following Councillors voted “No”;

Clrs Fergusson, Proudfoot and Russ Pigg.

10. Development Control Plan 99 (Draft Amendment No 1) - Huskisson Business 3(g) Zone Development Precincts - Urban Design Guidelines and Development Controls - POL09/61. File 20891E (PDR)

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

RECOMMENDED that:

a) Council adopt draft Amendment No 1 to Development Control Plan 99 and place the draft document on public exhibition, in accordance with Clause 18 of the *Environmental Planning and Assessment (EP&A) Regulation 2000;*

b) Amendments to the Contributions Plan be prepared (under Section 94 of the EP&A Act 1979), to allow the levying of developers’ contribution relating to the service lanes affecting Precincts 1, 2 and 3 associated within DCP 99 (draft Amendment No 1), and be reported to Council separately for their inclusion into Council’s draft 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 Soames, Fergusson, Bennett, Guile, Miller, Brumerskyj, Ward, Kearney, Watson, Proudfoot, Findley and Russ Pigg

The following Councillors voted “No”;

Nil

11. Draft Development Control Plan 118 - Areas of Coastal Hazards - POL08/455.
File 35859E (PDR)

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

RECOMMENDED that:

a) Council adopt draft Development Control Plan (DCP) No 118 and place the draft document on public exhibition, in accordance with Clause 18 of the *Environmental Planning and Assessment (EP&A) Regulation 2000;*

b) All Development Applications affected by Council's resolution of 28 July 2009 for deferment, be generally assessed and determined in accordance with the provisions of the publicly exhibited draft DCP 118 and the specific recommendations for each application set out in Attachment 'A';

c) Other Council DCPs affected by draft DCP 118 outlined in this report, will be amended to be consistent with the provisions of this draft DCP and separately reported to Council; and

d) During its public exhibition period, the draft DCP 118 be referred to Council's insurers for review and comments.

An AMENDMENT was moved by Clr Ward, seconded Clr Guile, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

a) Council adopt draft Development Control Plan (DCP) No 118 and place the draft document on public exhibition, in accordance with Clause 18 of the *Environmental Planning and Assessment (EP&A) Regulation 2000;*

b) All Development Applications affected by Council's resolution of 28 July 2009 for deferment, be generally assessed and determined in accordance with the provisions of the publicly exhibited draft DCP 118 and the specific recommendations for each application set out in Attachment 'A';

c) Other Council DCPs affected by draft DCP 118 outlined in this report, will be amended to be consistent with the provisions of this draft DCP and separately reported to Council;

d) During its public exhibition period, the draft DCP 118 be referred to Council's insurers for review and comments;

e) The terminology for Coastal Hazards be changed to Coastal Managment

The AMENDMENT 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 Soames, Bennett, Guile, Brumerskyj, Ward, Kearney, Proudfoot.

The following Councillors voted “No”;

Clrs Fergusson, Miller, Watson, Findley and Russ Pigg

The AMENDMENT upon becoming the MOTION was PUT to the meeting and declared CARRIED.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted “Aye”;

Clrs Soames, Bennett, Guile, Brumerskyj, Ward, Kearney, Proudfoot.

The following Councillors voted “No”;

Clrs Fergusson, Miller, Watson, Findley and Russ Pigg.

STRATEGIC PLANNING & INFRASTRUCTURE / DEVELOPMENT & ENVIRONMENTAL SERVICES

12. Commonwealth Nation Building Economic Stimulus Plan: SEPP Infrastructure Changes - Housing NSW File File 31157E

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

RECOMMENDED that Council:

a) Receive the report for information and request that staff continue to monitor the situation and report back if necessary once we have been involved in a number of Department of Housing development under the SEPP;

b) Continue to lobby the State Government for changes to the SEPP that require the Department of Housing to carry out more widespread community consultation (not just with adjoining occupants);

c) Send out a notification letters as per the current Council policy advising where the Department of Housing plans can be viewed, the deadline date for comment and who to provide comment to (not Council) and allow for proposed plans to be available to view at Council offices (subject to them being supplied by the Department of Housing).

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

ADDENDUM REPORT 1 - DEVELOPMENT & ENVIRONEMTAL SERVICES

13. Proposed refurbishment of the existing basketball stadium and the construction of a new three-court indoor sports stadium, together with the provision of public and management facilities, car parking and associated landscaping - 84 Cambewarra Road, Bomaderry - Lot 2 DP 130891 - Council Reserve NBO091 - Artie Smith Oval. Applicant and owner: Shoalhaven City Council. File DA09/1829 (PDR)

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

RECOMMENDED that in respect of DA09/1829 for the proposed refurbishment and expansion of the existing basket ball stadium at Lot 2 DP 130891, Cambewarra Road, Bomaderry, the application be approved subject to the imposition of suitable consent conditions outlined 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 Soames, Fergusson, Bennett, Guile, Miller, Brumerskyj, Ward, Kearney, Watson, Proudfoot, Findley and Russ Pigg

The following Councillors voted "No";

Nil

There being no further business, the meeting concluded, the time being 7.39 pm.

Clr Ward
CHAIRPERSON