
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 1ST DECEMBER, 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.09 PM

The following members were present:

Clr Ward – Chairperson
Clr Fergusson
Clr Bennett
Clr Guile – arrived 4.15pm
Clr Miller
Clr Brumerskyj
Clr Kearney
Clr Watson
Clr Proudfoot
Clr Young – arrived 4:44pm
Clr Findley – arrived 4.12pm
Russ Pigg – General Manager

Apologies:

Apologies were received from Clrs Green and Soames

REPORT OF THE GENERAL MANAGER

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Shoalhaven Contributions Plan Draft Amendment No 77.3 - Planning Area 3 Roads
File 28709E (PDR)
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A MOTION was moved by Clr Bennett, 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 77.3 – Planning Area 3 Roads:

- a) Council adopt the draft Amendment as exhibited;
- b) Council place a Notice of Adoption in local newspapers and on Council's website within 28days of adoption of the draft Amendment;
- c) Council seek approval from the Minister for Planning for roads contributions project 03ROAD2016 to exceed the \$20,000 residential contribution threshold through the public exhibition of the draft Shoalhaven Contributions Plan 2010; and
- d) A further report be submitted to Council on the reallocation of Development Contributions for contributions projects deleted in the Shoalhaven Contributions Plan Amendment No 77.3 – Planning Area 3 Roads.

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 and Russ Pigg

The following Councillors voted "No";

Nil

2. Status Report - Verons Estate Rezoning Investigations and Budget Issues File 1422E (PDR)

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

RECOMMENDED that the status report on Verons Estate be deferred to the next Development Committee 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 Fergusson, Bennett, Miller, Brumerskyj, Ward, Kearney, Watson, Proudfoot and Russ Pigg

The following Councillors voted "No";

Nil

3. Quarterly Report - Planning Work Program (Environmental Planning & Assessment Act Projects) File 28283

Note: Clr Findley arrived at the commencement of this item.

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

RECOMMENDED that the Quarterly Report of the General Manager (Strategic Planning & Infrastructure Group) in relation to the Planning Work Program (Environmental Planning & Assessment Act Projects) be received for information.

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

4. Council Policy - Rezoning Request Guidelines File 23426E, 14690E (PDR)

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

RECOMMENDED that Council adopt the proposed Rezoning Request Guidelines for public release.

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, Findley and Russ Pigg

The following Councillors voted "No";

Nil

5. Nebraska Estate Rezoning Investigations File 35174E, 1013E (PDR)

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

RECOMMENDED that the Nebraska Estate Rezoning Investigations be deferred to the next Development Committee meeting.

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

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

The following Councillors voted "No";

Nil

DEVELOPMENT AND ENVIRONMENTAL SERVICES

6. Abolishment of Places of Public Entertainment Licences File 3167E

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

RECOMMENDED that:

- a) Council receives this report for information; and
- b) Council continues to monitor fire safety matters in venues where Places of Public Entertainment licence conditions no longer apply.

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

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7. Request to waive outstanding court imposed fine - Greg Jones. File 25415E

Note: Clr Guile arrived at the commencement of this item.

Note: This item was deferred to the confidential session and dealt with at item 12.

8. Draft Development Control Plan 120 - Commercial Use of Public Footpaths and Development Control Plan 18 - Car Parking Code (Draft Amendment No 3).
File 39733E, 7481E (PDR)

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

RECOMMENDED that:

- a) Council adopts draft Development Control Plan 120 - Commercial Use of Public Footpaths as publically exhibited subject to further amendments outlined in this report and that public notice be given on its adoption pursuant to Clause 21 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*;
- b) Council adopts DCP 18 - Car Parking Code, (draft Amendment No 3) as publically exhibited and that public notice be given on its adoption pursuant to Clause 21 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*;
- c) In relation to Recommendation a) and b), notice be given to submitters, Community Consultative Bodies and Chambers of Commerce; and
- d) The adopted draft DCP 120 and DCP 18 (draft Amendment No 3) be incorporated into the draft citywide Shoalhaven DCP 2009.

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

9. Tourist Cabin Development (1 x 1 bedroom cabin and change of use of 1 bedroom within dwelling to a bed and breakfast room) - Lot 4 DP 875541 - 21 Wattamolla Road, Woodhill. Applicant: Adrian Turnbull. Owner: Adrian and Kerry Turnbull.
File DA09/2339 (PDR)

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

RECOMMENDED that in respect of DA09/2339 for the proposed Tourist Cabin Development (1 x 1 bedroom cabin) and additional Bed and Breakfast room - Lot 4 DP 875541 - 21 Wattamolla Rd, Woodhill:

- a) A variation of the acceptable solution related to density standards for tourist cabins in Design Element - 2.2 Density Standards of Council's *Development Control Plan 63 - Tourist Development in Rural Areas* Amendment No 5 be supported;
- b) A variation of performance standard P5 related to density standards for tourist facilities in Design Element - 2.2 Density Standards of Council's *Development Control Plan 63 - Tourist Development in Rural Areas* Amendment No 5 permitting an additional bed and breakfast room be supported; and
- c) That 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, Kearney, Watson, Proudfoot, Findley and Russ Pigg

The following Councillors voted "No";

Nil

STRATEGIC PLANNING AND INFRASTRUCTURE / DEVELOPMENT AND ENVIRONMENTAL SERVICES

10. Shoalhaven Contributions Plan draft Amendment No 101 – Huskisson Business 3(g) Zone Development Precincts File 40529E (PDR)

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 101 – Huskisson Business 3(g) Zone Development Precincts:

- 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) Huskisson Woollamia Community Voice and local Business Chamber 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

CONFIDENTIAL REPORT

DEVELOPMENT AND ENVIRONMENTAL SERVICES

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Request to waive outstanding court imposed fine – Greg Jones	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 4.21 pm.

The meeting moved into open session, the time being 4.50 pm.

11. Request to waive outstanding court imposed fine – Greg Jones File 25415

Note: Clr Young arrived during consideration of this item in confidential session.

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 this recommendation remain confidential in accordance with Section 10A(2)(g) of the Local Government Act 1993.

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12. Request to waive outstanding court imposed fine - Greg Jones. File 25415E

Note: This item was deferred from item 7.

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

RECOMMENDED that the report of the General Manager (Development and Environmental Services) regarding Request to waive outstanding court imposed fine - Greg Jones be received for information.

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

13. Additional Item – Draft Shoalhaven LEP 2009 File

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

RECOMMENDED that a letter from the Mayor, Clr Green and Chairperson of the Development Committee, Clr Ward be forwarded to those who have made submissions in regard to the Draft LEP 2009 and advise the process for further consideration of submissions in relation to this document.

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

There being no further business, the meeting concluded, the time being 4.55pm.

Clr Ward
CHAIRPERSON