
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 2ND JUNE 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 4.56 PM

The following members were present:

Clr Ward - Chairperson
Clr Fergusson
Clr Bennett
Clr Guile
Clr Miller – arrived 5.19 pm
Clr Brumerskyj
Clr Kearney
Clr Watson
Clr Proudfoot
Clr Young
Clr Findley
Russ Pigg – General Manager - left 6.39 pm
Rob Donaldson – Assistant General Manager (General Manager's nominee from 6.39 pm)

Apologies:

Apologies were received from Clr Green and Clr Soames.

REPORT OF THE GENERAL MANAGER

STRATEGIC PLANNING AND INFRASTRUCTURE

1. Biodiversity Certification of the Shoalhaven Local Environmental Plan 2009
File 33363-07 (PDR)
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Note: Clr Miller was absent from the meeting.

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

RECOMMENDED that Council:

- a) Advise the NSW Department of Environment & Climate Change that it will not be pursuing biocertification of SLEP 2009 at this point.
- b) Continue to investigate biodiversity certification of SLEP 2009 in the future through an amendment to the plan, if possible.

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, Fergusson, Bennett, Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Pigg.

The following Councillors voted "No";

Nil

2. Proposed Zoning of Jaspers Brush Air Field in Draft Shoalhaven Local Environmental Plan 2009 File 33363-07 (PDR)

Note: Clr Miller was absent from the meeting.

Mr Anthony Boucaut, land owner, addressed the Committee in regard to this matter.

Clr Bennett declared his less than significant non pecuniary interest in the matter being that he is a member of the Flying Club.

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

RECOMMENDED that Council retain the current proposed RU1 Primary Production zoning under draft SLEP 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 Ward, Fergusson, Bennett, Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Pigg.

The following Councillors voted "No";

Nil

3. Review of Development Contributions Policies File 1057 & 34468 (PDR)

Note: Clr Miller was absent from the meeting.

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

RECOMMENDED that:

- a) Council adopt the amended Policies as detailed in this report;
 - i) Payment of Development Contributions by Instalments (under special circumstances) (previously referred to as Section 94 Contributions by Instalments (under special circumstances)) – Policy POL08/415.

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- ii) Voluntary Planning Agreements – Policy POL08/417
 - b) Council incorporate the amended Policies in its new Contributions Plan; and
 - c) Council consider the inclusion of a reduction in Development Contributions for Seniors Living Developments in its new Contributions 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 Ward, Fergusson, Bennett, Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Pigg.

The following Councillors voted “No”;

Nil

4. Ulladulla CBD Traffic Strategy File 8168, 13767-08, 29521

This item was deferred and dealt with later in the meeting as Item 16.

5. Huskisson Town Centre Contributions Plan File 1626-02 (PDR)

Note: Clr Miller was absent from the meeting.

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

RECOMMENDED that:

- a) Council endorse the draft Huskisson Town Centre Contributions Plan for public exhibition for a minimum of 28 days;
- b) Notice of exhibition be placed in local newspapers;
- c) The draft Huskisson Town Centre Contributions Plan be placed on Council’s internet site with easy links to make the comments electronically;
- d) The draft Plan be forwarded to relevant Community Consultative Bodies; and
- e) A further report on the draft Huskisson Town Centre Contributions Plan be submitted to Council after the public exhibition period.
- f) Additional land acquisition costs for the lane way (03 Road0116) be incorporated and credit be given for dedication in lieu of acquisition.

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, Fergusson, Bennett, Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Pigg.

The following Councillors voted "No";

Nil

DEVELOPMENT AND ENVIRONMENTAL SERVICES

6. Review of the Swimming Pools Act 1992. File 21027

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

RECOMMENDED that a submission consistent with the comments in this report be forwarded to the Department of Local Government prior to the close of the submission period on 12 June 2009.

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

Note: Clr Miller arrived at the meeting at the conclusion of this item.

7. DCP 91 - Single Dwelling and Ancillary Structures (Amendment No 1) File 12856-03 (PDR)

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

RECOMMENDED that:

- a) Council adopt draft Amendment No 1 to Council's DCP 91 - Single Dwellings and Ancillary Structures (POL08/303) as publicly exhibited; and
- b) In accordance with Recommendation a) above, public notice is given on the adoption of this DCP pursuant to Clause 21 of the *Environmental Planning & Assessment (EP & A) Regulation 2000*.

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, Fergusson, Bennett, Guile, Miller, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Pigg.

The following Councillors voted "No";

Nil

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8. Section 82A Review of Determination for New Rural Dwelling In Principle - Lot 107 DP 755967, Woodstock Road, Milton. Applicant: Rygate & West. Owner: I Wilford
File DA08/1991
-

This item was deferred and dealt with later in the meeting as Item 15.

9. Policy for Subdivisions, Rural Dwellings and Tourist Facilities - Leebold Hill Road, Parish of Cambewarra.
File 3621-03
-

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

RECOMMENDED that:

- a) Council adopt the amendments to the Policy for Subdivisions, Rural Dwellings and Tourist Facilities - Leebold Hill Road, Parish of Cambewarra (POL08/194) as publicly exhibited; and
- b) The adopted Policy be notified to the relevant Community Consultative Body and be included on Council's website.

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

DEVELOPMENT AND ENVIRONMENTAL SERVICES / STRATEGIC PLANNING AND INFRASTRUCTURE

10. Alterations and Additions to Existing Dwelling, Demolish Existing and Construct New Swimming Pool - Lot 901 DP 11893, 101 The Marina, Culburra Beach. Applicant: BHI Architects. Owner: A Lapa.
File DA08/2541
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This item was deferred and dealt with later in the meeting as Item 14.

11. Draft DCP for Commercial Use of Public Footpaths.
File 5213 (PDR)
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A MOTION was moved by Clr Brumerskyj, seconded Clr Ward, that the Development Committee make the following recommendation to Council:

RECOMMENDED that:

- a) Council resolve to prepare a draft DCP for the Commercial Use of Public Footpaths and place this document on public exhibition in accordance with Clause 18 of the Environmental Planning and Assessment (EP&A) Regulation 2000 and that this draft DCP be incorporated into Council's draft citywide DCP 2009;
- b) In the spirit of encouraging the uptake of future applications for alfresco dining in the Shoalhaven, Council set the current fee for the licencing component for alfresco dining on public footpaths as; no licence fees for the first two years, a 50% reduction for the for the life of the alfresco dining, and retains the 50% reduction in DA fees, but completely removes the Section 94 Developers

Contribution component for off-street car parking in the assessment of DAs for outdoor dining within Council's footpath reserve; and

- c) Consistent with recommendation b) above, the associated requirement that additional off-street car parking be provided for alfresco dining on public footpaths also be removed, and accordingly, Council's DCP 18 - Car Parking Code be concurrently amended to reflect this and placed on public exhibition, pursuant to Clause 18 of the EP&A Regulation 2000.

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, Fergusson, Bennett, Guile, Miller, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Pigg.

The following Councillors voted "No";

Nil

CONFIDENTIAL REPORT OF THE GENERAL MANAGER

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

DEVELOPMENT AND ENVIRONMENTAL SERVICES

Item	Reason
Confidential Report - Legal Advice - Section 82A Review of Determination for New Rural Dwelling In Principle - Lot 107 DP 755967, Woodstock Road, Milton.	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)

DEVELOPMENT AND ENVIRONMENTAL SERVICES/STRATEGIC PLANNING AND INFRASTRUCTURE

Item	Reason
Legal Advice - Alterations and Additions to Existing Dwelling, Demolish Existing and Construct New Swimming Pool - Lot 901 DP 11893, 101 The Marina, Culburra Beach.	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 Cllr Brumerskyj, seconded by Cllr Young, 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 an item 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 session the time being 6.00 pm.

The meeting moved into open session, the time being 6.14 pm.

12. Confidential Report - Legal Advice - Section 82A Review of Determination for New Rural Dwelling In Principle - Lot 107 DP 755967, Woodstock Road, Milton. Applicant: Rygate & West. Owner: I Wilford. File DA08/1991 (PDR)
-

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

RECOMMENDED on a MOTION that the report of the General Manager (Development and Environmental Services) regarding Legal Advice - Section 82A Review of Determination for New Rural Dwelling In Principle - Lot 107 DP 755967, Woodstock Road, Milton be received for information.

13. Confidential Report - Legal Advice - Alterations and Additions to Existing Dwelling, Demolish Existing and Construct New Swimming Pool - Lot 901 DP 11893, 101 The Marina, Culburra Beach. Applicant: BHI Architects. Owner: A Lapa. File DA08/2541 (PDR)
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The following recommendation of the Development Committee, whilst closed to the public, was read to the meeting by the Chairperson/Mayor.

RECOMMENDED on a MOTION that the report of the General Manager (Development and Environmental Services/Strategic Planning and Infrastructure) regarding Legal Advice - Alterations and Additions to Existing Dwelling, Demolish Existing and Construct New Swimming Pool - Lot 901 DP 11893, 101 The Marina, Culburra Beach. be received for information.

DEVELOPMENT AND ENVIRONMENTAL SERVICES / STRATEGIC PLANNING AND INFRASTRUCTURE

14. Alterations and Additions to Existing Dwelling, Demolish Existing and Construct New Swimming Pool - Lot 901 DP 11893, 101 The Marina, Culburra Beach. Applicant: BHI Architects. Owner: A Lapa. File DA08/2541(PDR)
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This item was deferred from Item 10.

Mr Peter Godfrey from BHI Architects addressed the committee on this matter.

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

RECOMMENDED that:

- a) In respect of applications submitted in the 50 year erosion area of foreshore ocean front properties that Council consider approving non habitable structures subject to the structures being of a light weight form as the provision of items such as decks, concrete pads and swimming pools does not provide a significant risk generating the need for government intervention;
- b) This policy issue be considered at a Councillor Briefing.

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, Young,

The following Councillors voted "No";

Clrs Fergusson, Miller, Findley, Mr Pigg.

DEVELOPMENT AND ENVIRONMENTAL SERVICES

15. Section 82A Review of Determination for New Rural Dwelling In Principle - Lot 107 DP 755967, Woodstock Road, Milton. Applicant: Rygate & West. Owner: I Wilford
File DA08/1991 (PDR)
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This item was deferred from Item 8.

Note Mr Pigg left the meeting during discussion on this item, the time being 6.39 pm

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

RECOMMENDED that:

- a) Pursuant to Section 82A of the EP&A Act 1979 that Council review the determination of Development Application No DA08/1991 for an in principle dwelling house envelope on Lot 107 DP 755967 Woodstock Road, Milton, by way of approval and that the General Manager provide draft conditions of consent for further consideration;
- b) The Committee after considering the section 79C assessment and legal advice form the view that the severance of the 2 parcels of land by a tidal river and reserve clearly provided an activation of Clause 15 of the SLEP by way of the subject land being a 1964 holding.

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, Miller, Ward, Kearney, Watson, Proudfoot, Young

The following Councillors voted "No";

Clrs Fergusson, Brumerskyj, Findley, Mr Donaldson

16. Ulladulla CBD Traffic Strategy File 8168, 13767-08, 29521 (PDR)

This item was deferred from Item 4.

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

RECOMMENDED that:

- a) Two-way traffic flow be maintained in Boree St and traffic calming and additional pedestrian facilities be provided;
- b) The 1996 traffic management strategy for the Ulladulla CBD be reviewed;
- c) Where necessary, the infrastructure requirements resulting from the traffic management strategy review be considered in the current review of DCP 56 and the draft Section 94 Contribution 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 Ward, Fergusson, Bennett, Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, Mr Donaldson.

The following Councillors voted "No";

Nil

Note: Clrs Watson and Brumerskyj left the meeting, the time being 6.43 pm.

17. Additional Item - Councillor Briefing - DCP 57 and DCP 100 File

Note: Clrs Watson and Brumerskyj were absent from the meeting.

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

RECOMMENDED that the Councillor Briefing on DCP 57 Dual Occupancy Guidelines & DCP 100 Subdivision Code scheduled for Monday 15th June 2009 at 4.00 pm in Committee Rooms 1 & 2 be deferred to allow for a meeting of Councillors and interested stakeholders on the issue to be scheduled prior to the Briefing.

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

There being no further business, the meeting concluded, the time being 6.52 pm.

Clr Ward
CHAIRPERSON