
MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY, 5TH MAY, 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 5.15 PM

The following members were present:

Clr A Guile – Chairperson
Clr P Green – left 5.28 pm
Clr J Fergusson
Clr B Brumerskyj
Clr G Kearney
Clr G Watson
Clr B Proudfoot
Clr J Young
Clr A Findley
Mr R Pigg – General Manager

Apologies:

Apologies were received from Clr Ward and Clr Miller.

1. Nomination of Chairperson

As Clr Ward was not in attendance at the Development Committee meeting nominations were taken for Chairperson.

Clr Guile was nominated unanimously and duly took the Chair.

2. Procedural Motion

Note: Clr Green had left the meeting.

RESOLVED on a MOTION of Clr Fergusson, seconded by Clr Proudfoot, that the matters of:

- Section 82A Review of Determination for Caravan Park – Lot 6 and Lot 108 DP755923, Inyadda Drive, Manyana (Item 7, Page 28)
- Subdivision Application – 2 Lot residential Subdivision – Lot 6 Section H DP27358, 2 Sir Henry Crescent, Callala Beach (Item 9, Page 49)

Be brought forward for consideration.

DEVELOPMENT AND ENVIRONMENTAL SERVICES

3. Section 82A Review of Determination for Caravan Park - Lot 6 and Lot 108 DP755923, Inyadda Drive, Manyana. Applicant/Owner: Berringer Road Pty Ltd.

File DA08/1258 (PDR)

Note: Clr Green had left the meeting.

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

- a. the donor is a different entity to the owner and applicant for this Development Application;
- b. that as there were 21 Shoalhaven Independents Group candidates in the election the contribution is not significant;
- c. the contribution was made to a registered political party;
- d. discussions with the Department of Local Government had confirmed this position.

Clrs Young and Kearney declared their less than significant, non pecuniary interest in the matter being that a donation was made to a political party (The Shoalhaven Independents Party) by Malbec Properties and left the room and did not take part in discussion or vote on this matter

Mr Peter Hudson addressed the Committee in regard to this matter.

A MOTION was moved by Clr Fergusson, seconded by Clr Proudfoot, that Mr Hudson be given an extension of time to speak.

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

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

RECOMMENDED that Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, the Determination of Development Application No DA08/1258 for a 75 site Caravan Park for long term dwelling sites, Manager's Residence and Community Facilities on Lots 6 and 108 DP 755923, Inyadda Drive, Manyana by way of refusal dated 28 November 2008, that Council not review the previous determination as requested by the applicant as there is no legislation requirement for Council to fulfil the request to review the previous determination.

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Watson, Proudfoot, Findley.

The following members voted “No”;

Mr R Pigg

4. Subdivision Application - 2 Lot Residential Subdivision - Lot 6 Section H DP 27358, 2 Sir Henry Crescent, Callala Beach. Applicant: Allen Price and Associates. Owner: W and J Slater. File SF10053 (PDR)

Note: Clr Green had left the meeting.

Clr Young and Kearney returned to the meeting at the commencement of this item.

Mr Colin Moore addressed the Committee in regard to this matter.

Mr Carmichael addressed the Committee in regard to this matter.

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

RECOMMENDED that the Development Committee inspect the subject site prior to making a policy decision on the submissions made.

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Members voted “Aye”;

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, and Mr R Pigg

The following Members voted “No”;

Nil

STRATEGIC PLANNING AND INFRASTRUCTURE

5. Draft Centres Policy – Planning for Retail and Commercial Development File 31157-07

Note: Clr Green had left 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 make a submission to the NSW Department of Planning on the Draft Centres Policy – Planning for Retail and Commercial Development based on the issues raised in this report and 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 Members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, and Mr R Pigg

The following Members voted "No";

Nil

6. Jerberra Estate Rezoning Investigations File 2653-04

Note: Clr Green had left the meeting.

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

RECOMMENDED that Council accept that its preferred option is not achievable due to the State Government position and pursue the compromise option with DoP and DECC to explore avenues for regularising existing unauthorised structures and dealing with equity issues in areas that may be zoned for environmental conservation ('E' zones).

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, and Mr R Pigg

The following Members voted "No";

Clr Findley

7. Listing of Terara Village as a Heritage Conservation Area in the Local Environmental Plan File 1106-07

Note: Clr Green had left the meeting.

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

RECOMMENDED that:

- a) Council request the Department of Planning to Include Terara Village as a Heritage Conservation Area in the draft Shoalhaven LEP 2009, prior to the issue of a Section 65 certificate from Department; and
- b) Invite the affected landowners to make a submission to Draft SLEP 2009 during the exhibition period on the possible establishment of the Heritage Conservation Area.

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, and Mr R Pigg

The following Members voted "No";

Nil

8. Contributions Plan draft Amendment 96 - St Georges Basin Village Centre and Anson Street Extension - outcome of further consultation File 36569 (PDR)

Note: Clr Green had left the meeting.

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

RECOMMENDED that in relation to Contributions Plan draft Amendment 96, St Georges Basin Village Centre and Anson Street extension:

- a) Council adopt the Plan with amendments relating to the calculation of contribution rates and minor editing corrections as detailed in the report;
- b) Council place a notice of adoption in local newspapers and on Council's website within 28 days of adoption, and advise affected landowners and community groups accordingly; and
- c) Council enter negotiations with Salcorp Developments Pty Ltd for the acquisition of that part of Lot 2 DP785956 necessary to provide community infrastructure described in DCP 17 Amendment 2 St Georges Basin, and a further report be presented to Council.

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, and Mr R Pigg

The following Members voted "No";

Nil

9. Development Control Plan No. 54 Huskisson Tourist Town Centre - Draft Amendment No. 4 File 10132-07 (PDR)

Note: Clr Green had left the meeting.

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

RECOMMENDED that in regard to DCP No.54 Huskisson Tourist Town Centre- Draft Amendment No.4, the Plan be adopted with the amendments described below:

- a) Council advertise its adoption in accordance with provisions set down in the Environmental Planning and Assessment Act 1979.
- b) The adopted Plan be made available on Council's website.

Amendments:

- a) With regards to Building Height:
 - i. The maximum height of development in Owen Street be capped at 3 storeys and 10 metres on the north and 4 storeys and 13 metres on the south above natural ground level.
 - ii. One bonus level (maximum 3 metres high) may be considered but is limited to a maximum of 50% of the building footprint, subject to the following requirements:
 1. Lot size over 2000m² or lot consolidation with 2 or more lots over 1200m²;
 2. Provision of basement car park to allow two way traffic flow and turning movement in accordance with DCP 18- Car Parking Code;
 3. A high degree of building articulation and architectural design merit; and
 4. Good urban design practice, including quality design contribution to the public domain and minimisation of overshadowing to the public domain and residential properties.
- b) With regard to Huskisson Style/Design Guidelines:
 - i. Huskisson Town Centre Urban Design Guidelines be prepared as a supplementary document to the DCP with an aim of an extended application to other Commercial Centres in the Shoalhaven in the future.
 - ii. In the interim (until the Guidelines are prepared), an Urban Design Assessment Report be required as part of DA submissions for development which is over 3 storeys.
 - iii. Include in the DCP, Urban Design Assessment Report must be prepared by a qualified design professional and should address a series of good design principles that applied for the development and how the development is to contribute to the desired character for Huskisson.
- c) Other amendments:
 - i. The following objective be re-inserted:

'To maintain Huskisson with a level of retail development that would not compete with the Vincentia District Centre by only permitting single commercial developments of up to 1500 sq m.'

- ii. (p.14) 'Development should also follow the template for urban based apartments' be amended as 'Development may follow the template for urban based apartments.'
- iii. Delete '5 Application' in Page 5, as repeated in Page 20.
- iv. Definition of 'height' be replaced by new LEP template, as "Building height' (or 'Height of building'): refer to the definition in the Shoalhaven LEP 2009" (p.20).
- v. To refer to the updated SEPP 65 in Appendix 2 (p.49).
- vi. Huskisson Sun Angle Diagrams be included in the Plan as Appendix 3.
- vii. Minor error corrections & formatting matters:

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Members voted "Aye";

Clrs Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young and Mr R Pigg

The following Members voted "No";

Clr Findley, Fergusson

DEVELOPMENT AND ENVIRONMENTAL SERVICES

10. Alterations and additions to existing development comprising 5 shops and 4 offices with on-site car parking and access of Princess Street via the existing council car park - Lot 1 DP 1038574, 108 Queen Street, Berry. Applicant: Architects Edmiston Jones. Owner: R & S Corsaro. File DA08/2340 (PDR)
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Note: Clr Green had left the meeting.

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

RECOMMENDED that:

- a) Council support a variation to Council's Development Control Plan 49 - Berry Town Centre, to allow on-site car parking for a limited period of ten years or until such time as further development occurs, whichever occurs sooner;
- b) The development application be determined under delegated authority; and
- c) The applicant be advised that:
 - i) Currently, a 5 tonne load limit is imposed over Council's Princess Street car park; and

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- ii) A modification to the condition limiting the provision of on-site car parking to ten years may be sought and will be considered by Council under Section 96 of the Environmental Planning and Assessment Act 1979.

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

The RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, and Mr R Pigg

The following Members voted "No";

Nil

- 11. Section 82A Review of Determination for Caravan Park - Lot 6 and Lot 108 DP755923, Inyadda Drive, Manyana. Applicant/Owner: Berringer Road Pty Ltd. File DA08/1258 (PDR)

This item was dealt with at the commencement of the Development Committee.

- 12. Quarterly Progress Report - Key Performance Indicators File 1442

Note: Clr Green had left the meeting.

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

RECOMMENDED that the report of the General Manager (Development and Environmental Services) regarding the Quarterly Progress Report – Key performance Indicators 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 Members voted "Aye";

Clrs Guile, Fergusson, Brumerskyj, Kearney, Watson, Proudfoot, Young, Findley, and Mr R Pigg

The following Members voted "No";

Nil

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13. Subdivision Application - 2 Lot Residential Subdivision - Lot 6 Section H DP 27358, 2 Sir Henry Crescent, Callala Beach. Applicant: Allen Price and Associates. Owner: W and J Slater. File SF10053
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This item was dealt with at the commencement of the Development Committee.

ADDENDUM REPORT - DEVELOPMENT AND ENVIRONMENTAL SERVICES

14. Development Application - Proposed Demolition of existing Motel building and Construction of 54 room Boutique Hotel, Conference Room, Activity Room, Cafe, Retail Spaces, Manager's Residence and a two-level basement car parking area for 59 vehicles. Lot 101 DP 607632 and Lot 6 DP 7025, 41-43 Owen Street, Huskisson. Applicant: David Remanic. Owner: David Remanic and Waimare Investments Pty Ltd. File DA08/2689 (PDR)
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Note: Clr Green had left the meeting.

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

RECOMMENDED that:

- a) The variations to Development Control Plan 54 (Amendment 3) - "Huskisson Tourist Town Centre" be supported subject to architectural merit and a high degree of articulation being further negotiated;
- b) Council agree to vary the 3 metre setback at Owen Street subject to that setback being added to the Field Street side at ground level (to enable on-site parking) and that the Owen and Field Street façades have additional articulation treatment;
- c) The applicant be requested to modify the proposal by introducing greater detailed articulation and vertical architectural elements into both street elevations to reduce the apparent bulkiness of the current design; and
- d) Upon the above matters being satisfactorily resolved, 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 Members voted "Aye";

Clrs Guile, Brumerskyj, Kearney, Watson, Proudfoot, Young and Mr R Pigg

The following Members voted "No";

Clr Findley, Fergusson

There being no further business, the meeting concluded, the time being 6.47 pm.

Clr Guile
CHAIRPERSON