

SHOALHAVEN CITY COUNCIL

REGIONAL DEVELOPMENT COMMITTEE

to be held on Wednesday 22 June, 2016
commencing at the conclusion of the Extra Ordinary Meeting (which commences at 4.00pm)

City Administrative Centre
Bridge Road
NOWRA NSW 2541

20 June, 2016

Dear Member

NOTICE OF MEETING

You are hereby requested to attend the **Regional Development Committee** meeting to be held on **Wednesday 22 June 2016**, commencing at the conclusion of the Extra Ordinary Meeting (which commences at 4.00pm) in the City Administrative Centre, Bridge Road, Nowra in the Council Chambers for consideration of the following business.

Yours faithfully

R D Pigg
General Manager

Please note that refreshments will not be supplied at this meeting

BUSINESS OF MEETING

1. Apologies
2. Minutes of the Previous Meeting
3. Declarations of Interest
4. Report of the General Manager
 Planning & Development Services

MEMBERSHIP – Quorum (3)

Mayor – Clr Gash – Chairperson
All Councillors
General Manager or nominee

Delegation

To consider staff reports sent to the Joint Regional Planning Panel and make determinations in support or otherwise including making representations to the Joint Regional Planning Panel.

Cell Phones:

Council's Code of Meeting Practice states, "All cell phones are to be turned off for the duration of the meeting".

**MINUTES OF THE REGIONAL DEVELOPMENT COMMITTEE MEETING HELD ON MONDAY
14 MARCH 2016, IN THE JERVIS BAY ROOMS 1 AND 3, CITY ADMINISTRATIVE CENTRE,
BRIDGE ROAD, NOWRA COMMENCING AT 4.03PM**

The following members were present:

Clr Gash – Chairperson
Clr Tribe
Clr Robertson
Clr Kearney
Clr Anstiss
Clr White
Clr Baptist
Clr Findley
Clr Guile
Clr Kitchener
Russ Pigg – General Manager

Others Present:

Tim Fletcher – Director Planning and Development Services
Ben Stewart – Director Assets and Works
Andrew Lissenden – Development Coordinator
Cathy Bern – Section Manager, Development Services

Apologies:

Apologies were received from Clr Robertson, Clr Baptist, Clr Anstiss, Clr Findley

1. Minutes of Previous Meeting

MOTION:

Moved: White / Second: Kearney

RESOLVED that the Minutes of the meeting of the Regional Development Committee held on Monday 30 November 2015 be confirmed.

CARRIED

2. Deputations

Clr Guile arrived at the meeting.

Mr Thompson addressed the Committee in relation to Regional Development Application for Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale - Lot 101 DP 751273 Por 101 (No.170) Riversdale Road, Lot 227 DP 751273 Por 227 Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo.

Kathryn Kelly addressed the Committee in relation to Regional Development Application for Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale - Lot 101 DP 751273 Por 101 (No.170) Riversdale

Road, Lot 227 DP 751273 Por 227 Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo.

PLANNING AND DEVELOPMENT

3. Regional Development Application for Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale - Lot 101 DP 751273 Por 101 (No.170) Riversdale Road, Lot 227 DP 751273 Por 227 Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo.
Applicant/Owner: locale consulting Pty Ltd/ Bundanon Trust and Crown Lands Office
File RA15/1002
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Note: Andrew Lissenden provided a presentation in relation to this item.

MOTION: Moved: Guile / Second: Wells

RESOLVED that Council support the staff's recommendation to the JRPP of a deferred commencement approval of Regional Development Application for Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale - Lot 101 DP 751273 Por 101 (No.170) Riversdale Road, Lot 227 DP 751273 Por 227 Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo, subject to the addition of the following amendments to the draft conditions:

Draft Condition 1:

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this development application has been determined by granting of "Deferred Commencement" Consent, subject to the following matter(s) being resolved:

- a) Legal rights of access existing over Lot 7314 DP 1166766, Illaroo Road, Illaroo that benefit the whole of the development site (i.e. land as described on Page 1);
- b) Additional rights of access having been granted over Lot 71 DP 714894 (No.439 Koloona Drive, Watersleigh), Lot 7315 DP 1166783, Bundanon Road, Illaroo and Lot 3 DP 622014 Riversdale Road, Tapitallee to benefit the whole of the development site (i.e. land as described on Page 1);
- c) Development consent, if required, has been granted to the use of the Lot 7314 DP 1166766, Illaroo Road, Illaroo, Lot 71 DP 714894 (No.439 Koloona Drive), Watersleigh and Lot 3 DP 622014 Riversdale Road, Tapitallee for the purposes of the accessing the approved development

An operational consent cannot be issued until survey plans of the subject easement as required by points 1a) and b) have been registered with the NSW Land and Property Information (LPI) Office and a copy of the registered plans submitted to Council and associated development consent as required by 1c) submitted to Council, or documentation is submitted that is otherwise acceptable to Council.

Draft Condition 13:

The catering building proposed as part of Stage 2 must be positioned within the approved building envelope so as to ensure appropriate separation is provided between this building and the existing Boyd studio building.

Draft Condition 33:

The accommodation component of the development (i.e. Stage 3) is to be used in conjunction with the other buildings, facilities and activities that are consistent with the approved development on site (i.e. is to be used by people associated with the Riversdale or Bundanon site and cannot be used independently as a building that provides short term accommodation).

CONFIDENTIAL REPORT

PLANNING AND DEVELOPMENT

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item	Reason
Regional Development Application for Masterplan/Staged Development Application (under Section 83B of the EPA Act, 1979) for upgrade of facilities at Riversdale - Lot 101 DP 751273 Por 101 (No.170) Riversdale Road, Lot 227 DP 751273 Por 227 Bundanon Road and Lot 7315 DP 1166783 Bundanon Road, Illaroo.	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 10(A)(4), the public were invited to make representations to the Regional Development Committee before any part of the meeting is closed, as to whether that part of the meeting should be closed. The Chairperson asked the General Manager if any written representations had been received as to whether that part of the meeting should be closed.

MOTION:

Moved: White / Second: Wells

That the Regional Development Committee Meeting exclude the press and public from the Meeting pursuant to Section 10(A)(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 10(A)(2)(g).

CARRIED

The meeting moved into confidential the time being 4.52pm.

The meeting moved into open session, the time being 4.56pm.

There being no further business, the meeting concluded, the time being 4.56pm.

Clr Gash
CHAIRPERSON

REPORT OF GENERAL MANAGER
REGIONAL DEVELOPMENT COMMITTEE

WEDNESDAY, 22 JUNE 2016

PLANNING AND DEVELOPMENT

1. **Staged development application for a motorsports facility, comprising upgrade and extension of the existing Nowra District Motorcycle Club and construction of a new sealed road racing track with associated buildings and car parking. Application seeks a staged consent to the overall masterplan with operational consent for stage 1 being the clearing of native vegetation for survey work on the land where the road racing track is to be located - Lot 7308 DP 1147573, Lot 7309 DP 1148878, and Part Lot 7313 DP 1148869 Braidwood Road, Yerriyong. Applicant: Cowman Stoddart Pty Ltd Owner: Crowns Lands File RA14/1000**
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SECTION MANAGER: Cathy Bern.

PURPOSE:

To review the staff section 79C assessment report which has been submitted to the Joint Regional Planning Panel (JRPP) for consideration at its meeting on 29th June 2016.

RECOMMENDATION

For discussion and consideration.

OPTIONS

1. Support staff's recommendations to the JRPP recommending a deferred commencement consent and advise the JRPP accordingly; or
2. Make an alternative decision and make a separate submission to the JRPP.

DETAILS

Proposal:

The application seeks masterplan approval for a motorsports facility. The facility will be divided into two distinct areas, one comprising the sealed road circuit and the other consisting of the off-road facilities. The masterplan identifies a number of precincts, each containing a separate motorsports discipline:

a) Off-road facility:

- Motocross precinct – incorporating the existing social and competition motocross tracks and club facilities;
- Enduro precinct – incorporating large parts of the western area, where existing endure trails and trial riding is undertaken;
- Speedway precinct – incorporating a new speedway track, dirt track and flat track circuits (Note: the speedway component was removed from the flat track by the applicant during the assessment);
- Junior riding precinct – incorporating two junior motocross tracks, junior training area and playground facilities;
- Clubhouse and parking precinct – incorporating a centrally located clubhouse facility and 35 space parking area for visitor and spectator parking.

b) Sealed road racing facility:

- Road racing precinct – incorporating a new road racing circuit (3.6km), a go-kart (765m), associated pits and facilities and parking for approximately 1800 cars;
- Administration precinct – incorporating administration buildings, race control and spectator viewing areas and facilities, mechanical workshops and other support facilities.

The application was amended a number of times by modifying the design of the facility on the eastern portion of the site. The final amendment proposes an increase in the vegetated buffer areas around the sealed track, the retention of most of the plants of a threatened orchid found on the site, the re-location of the administration precinct, relocation and redesign of the parking areas, re-design of the sealed track and proposes that an area of land on the western side be set aside for permanent conservation. One of these areas being land that Council is acquiring from the Crown for the purpose of the motorsports facility (proposed Lot 29).

Assessment Comments:

- # A full assessment of the application having regard to the matters for consideration under section 79C(1) of the Environmental Planning and Assessment Act 1979 (EPA Act) has been undertaken by Council staff and has been submitted to the JRPP. A copy of Council staff's assessment report, plans and associated documents are contained in **Attachment 'A'**.

FINANCIAL IMPLICATIONS:

Any decision that the JRPP makes in relation to this application may be subject to challenge in the Land and Environment Court (L&E Court). A decision to refuse the application could be challenged by the applicant and an approval could potentially face a judicial review by third party objectors.

COMMUNITY ENGAGEMENT:

The application was notified as follows:

- **First Notification:** Individual property owners within a 2km radius of the site and 1 community group. The notification period was from 2/4/14 to 2/5/14 and was extended upon request until 30/5/14.
- The proposal was advertised in the local press on 2/4/14 (South Coast Register);
- **Second Notification:** Upon receipt of additional information on 29/9/15, the application was re-notified to property owners and people who made a previous submission. The notification period was from 14/9/15 to 16/10/15. Notification was undertaken via email to those people who provided an email address and the remainder via the post.
- **Third Notification:** Upon receipt of additional information and re-design of the sealed racing precinct, the application was re-notified to property owners and people who made a previous submission. The notification period was from 25/2/16 to 28/3/16. Notification was undertaken via email to those people who provided an email address and the remainder via the post.
- The application and supporting documentation were put on display at Council's City Administrative Centre, Nowra as well as on Council's website.

Following the first notification the following submissions were received:

- 112 submissions objecting to the proposal.
- 135 submissions supporting the proposal.

Following the second notification the following submissions were received:

- 4 submissions objecting to the proposal.
- 80 submissions supporting the proposal.

Following the third notification the following submissions were received:

- 17 submissions objecting to the proposal
- 281 submissions supporting the proposal.

During the three notification periods **8 petitions** were received **supporting** the proposal that were signed by **approximately 3784 people** and **1 petition** received **objecting** to the proposal that were signed by **approximately 236 people**.

A residents briefing meeting was held by Council on 25/6/14, and a public meeting was held by the JRPP on 16/3/16.

CONCLUSION

The amended proposal and supporting information has addressed the concerns previously raised in regards to the impacts of the proposal in regards to traffic generation and road improvement works, flora and fauna impacts from vegetation removal and noise from the ongoing operation of the proposed facility.

This application has been assessed having regard to the Matters for Consideration under s79C of the Environmental Planning and Assessment Act 1979. Following a detailed assessment, it has been recommended that the application be conditionally approved as

a deferred commencement consent, with the outstanding items to be resolved being the final delineation of the boundaries of the proposed conservation area and the entering into a legally binding instrument to ensure the permanent conservation of the retained vegetation, habitat and linkages contained within the conservation area.

Tim Fletcher

DIRECTOR PLANNING AND DEVELOPMENT SERVICES

R.D Pigg

GENERAL MANAGER