
MINUTES OF THE SPECIAL DEVELOPMENT COMMITTEE MEETING HELD ON TUESDAY 17TH MARCH, 2009 IN COMMITTEE ROOMS 1, 2 & 3, CITY ADMINISTRATIVE CENTRE, BRIDGE ROAD, NOWRA COMMENCING AT 3.43 PM

The following members were present:

Clr G Ward – Chairperson
Clr P Green
Clr G Watson
Clr A Guile
Clr D Bennett
Clr J Fergusson
Clr B Proudfoot
Clr N Soames – arrived at 3.55 pm

Apologies:

Apologies were received from Clrs R Miller, A Findley, G Kearney, B Brumerskyj.

REPORT OF THE GENERAL MANAGER

DEVELOPMENT AND ENVIRONMENTAL SERVICES

1. Deputations - Section 82A review of refusal to allow the Shoalhaven Heads Hotel to operate a weekly local fresh produce fair - 51 River Road, Shoalhaven Heads
File RD09/1000, DS08/1561, DA06/2915

Darren Trewin – owner of the local bakery addressed the meeting on this item.

RESOLVED on a MOTION of Clr Green, seconded Clr Fergusson, that the Development Committee allow Mr Bruce Isles to also speak to the item.

Mr Bruce Isles addressed the meeting on this item.

The Heads Hotel/Motel co-owner Ian Muddle addressed the meeting on this item.

CONFIDENTIAL REPORT

DEVELOPMENT AND ENVIRONMENTAL SERVICES GROUP

CONSIDERATION OF ITEMS OF A CONFIDENTIAL NATURE

Item

Reason

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| Section 82A review of refusal to allow the Shoalhaven Heads Hotel to operate a weekly local fresh produce fair | 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) |
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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 Green seconded by Clr Guile, 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 the time being 4.04 pm.

The meeting moved into open session, the time being 4.45 pm.

2. Section 82A Review of Refusal to allow the Shoalhaven Heads Hotel to operate a weekly local fresh produce fair – 51 River Road, Shoalhaven Heads – Lot 11 DP 532057. Applicant: Cowman Stoddart on behalf of The Heads Hotel/Motel Pty Ltd. Owner: The Heads Hotel/Motel Pty Ltd File RD09/1000, DS08/1561 & DA06/2915
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The following recommendation of the Development Committee, whilst closed to the public, was read to the meeting.

RECOMMENDED that the confidential report of the General Manager (Development & Environmental Services) regarding Section 82A Review of Refusal to allow the Shoalhaven Heads Hotel to operate a weekly local fresh produce fair be received for information.

3. Section 82A review of refusal to allow the Shoalhaven Heads Hotel to operate a weekly local fresh produce fair - 51 River Road, Shoalhaven Heads - Lot 11 DP 532057. Applicant: Cowman Stoddart on behalf of The Heads Hotel/Motel Pty Ltd. Owner: The Heads Hotel/Motel Pty Ltd. File RD09/1000, DS08/1561, DA06/2915 (PDR)
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A MOTION was moved by Clr Guile, seconded by Clr Green, that the Development Committee make the following recommendation to Council.

RECOMMENDED that in respect to S82A Review Application RD09/1000 Council;

- a) Adopt the general approach outlined in Option 4 in the Report of the General Manager (Development and Environmental Services) and invite the applicant to amend their S82A application such that Condition 3 of the subject consent be amended to seek an additional 5 year approval period.
- b) The subsequent Section 82A 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 Ward, Bennett, Soames, Guile, Watson, Proudfoot, Green

The Following Councillors voted “No”;

Clr Fergusson

STRATEGIC PLANNING AND INFRASTRUCTURE

4. Heritage Estates - Environment Protection & Biodiversity Conservation Act Decision - EPBC 2007/3448 File 1446-10

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

RECOMMENDED that:

- a) Council acknowledge the refusal of the Heritage Estates rezoning proposal under the EPBC Act by the Federal Minister for the Environment on 13th March 2009.
- b) Council urgently seek discussions with the Commonwealth Director of National Parks and the NSW Department of Environment and Climate Change (DECC) to discuss the option of Government acquisition of the Heritage Estates.

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

GENERAL BUSINESS

5. Additional Item – Quorum and Membership File 1753

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

RECOMMENDED that Council

- a) Adjust the Development Committee’s Quorum to five (5) members, and
- b) The General Manager be added as a member.

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, Bennett, Soames, Guile, Watson, Green

The Following Councillors voted “No”;

Clrs Fergusson, Proudfoot

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

Clr Ward
CHAIRPERSON