

1. Confirmation of minutes

That the Minutes of the Planning & Environment Committee meeting held on 10 February 2009, as circulated, be taken as read and confirmed.

2. Apologies

RECOMMENDATION

That the apologies from Crs (to be named at the meeting) be accepted for their inability to attend the meeting.

3. Bega Valley Aboriginal Cultural Heritage Study

To advise Council of the status of the Bega Valley Aboriginal Cultural Heritage Study and to recommend that the process be completed.

Group Manager, Planning and Environment

RECOMMENDATION

1. That Council complete the Aboriginal Cultural Heritage Study as soon as possible.
2. That Council note minor changes have been made to the current referral process in that development applications with minimum impact potential are not being referred to the Local Land Councils.
3. That the protocol/referral process be further refined following completion of the Study.

4. Improving the sustainability of Council's operations

This report recommends a direction for Council's operations that meets statutory requirements and supports Council's leadership role in promoting sustainability action across the Bega Valley Shire.

Group Manager, Planning and Environment

RECOMMENDATION

That Council further progresses the sustainability of its own operations by joining the DECC 'Sustainability Advantage' program.

5. Merimbula Town Centre – Planning proposals

This report deals with the future growth, traffic movements and discussions with some landowners within the CBD of Merimbula.

Group Manager, Planning and Environment

RECOMMENDATION

That Council resolve to:

- a) nominate the sites shown in Attachment 1 for potential road widening and/or road diversion purposes subject to finalisation of traffic modelling and studies underway;
- b) hold further discussions and negotiations with owners of key sites in the Merimbula Town Centre.

6. DA No. 2008.0136: Regularisation of unauthorised clearing and construction of a private driveway – Old Mill Road, Wolumla

Group Manager, Planning and Environment

RECOMMENDATION

1. That development application 2008.0136 for the regularisation of unauthorised clearing and construction of a driveway be approved subject to the terms and conditions outlined in the draft consent submitted to Council at its meeting of 3 March 2009.
2. That the person that made the submissions be notified of Council's decision.

7. DA No. 2002.1091: Modification of consent – Aged persons housing development, Tathra Road, Kalaru

Group Manager, Planning and Environment

RECOMMENDATION

1. That the application to modify Development Consent 2002.1091 be approved as submitted in accordance with the Draft Notification of Determination and Draft Development Consent submitted to Council at its meeting dated 3 March 2009.
2. That those persons who made a submission during the exhibition process be advised of Council's determination.

8. DA No. 2008.0207: Staged concessional lot subdivision – Princes Highway, Frogs Hollow

Group Manager, Planning and Environment

RECOMMENDATION

1. That Development Application 2007.0261 for the staged subdivision of land to create eight concessional lots and one residue allotment on Lots 1-5 DP910032, Lots 9, 30, 89, 167, 168, 169, 170 & 232 DP750211, Lots 11, 14, 16 & 17 DP787822, Lot 1 DP772257, Lot 1 DP772316, Lot 10 DP740849, Lots 1 & 2 DP772310, Lots 1, 2 & 3 DP772305, Lot 1 DP772315, Lot 1 DP245789 and Lot 1 DP1100637 – Princes Highway, Frogs Hollow, be approved subject to the conditions outlined in the draft consent submitted to Council on 3 March 2009.
2. That Council add the 1.4km section of Crown public road, from the Princes Highway to its road maintenance schedule.
3. That the Group Manager, Planning and Environment be delegated to determine development applications for concessional lot subdivision in accordance with Council Policy 4.1.1(q) “Extension of Council Maintained Roads in Concessional Lot Subdivisions” when:
 - (a) The Group Manager, Infrastructure Waste & Water agrees to inclusion of the additional section of road on Council’s road maintenance schedule.
 - (b) Conditions are imposed in any consent in accordance with the Policy.

9. DA No. 2008.0481: Erection of a dwelling – Lot 21 DP 707712, Wallaga Lake Road, Bermagui

Group Manager, Planning and Environment

RECOMMENDATION

1. That Development Application No. 2008.0481 for a dwelling be approved subject to the terms and conditions as detailed in the Draft development consent as submitted to Council at its meeting dated 3 March 2009.
2. That those individuals who made a submission during the public exhibition of the application be formally advised of Council’s determination.

10. DA No. 2008.0479: Erection of a dwelling – Lot 22 DP 707712, Wallaga Lake Road, Bermagui

Group Manager, Planning and Environment

RECOMMENDATION

1. That Development application No. 2008.0479 for a dwelling be approved subject to the terms and conditions as detailed in the Draft development consent as submitted to Council at its meeting dated 3 March 2009.
2. That those individuals who made a submission during the public exhibition of the application be formally advised of Council's determination.

11. DA No. 2007.0144: Request for modification of consent – construction of 222 seat entertainment establishment – Stage 2 Twyford Hall redevelopment – Market Street, Merimbula

A formal request has been received from the Twyford Hall Committee under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 2007.0144 by the deletion of condition 7.

Condition 7 states:

"That the existing Twyford Hall shall be modified to provide public toilet facilities in accordance with the plan prepared by Murray Watts and Associates dated July 2007 plan number 701-217. Full details to be submitted and for approval of the Director Engineering Services prior to the issue of Construction Certificate by the Principal Certifying Authority. Should the applicant demonstrate to Council that toilets within the hall facility is not feasible that the Twyford Hall Committee shall enter into an agreement with Council for the provision of toilet facilities at an alternative location within the locality. This agreement shall be finalised prior to the issue of the Construction Certificate by the Principal Certifying Authority. The full cost of provision of the facilities shall be borne by the applicant."

The request for modification is submitted for Council determination.

Group Manager, Planning and Environment

RECOMMENDATION

That the request for modification under Section 96 of the Environmental Planning and Assessment Act 1979 of Development Consent No. 2007.0144 being for the construction of an entertainment establishment – theatre by deletion of Condition 7 is submitted for Council consideration and determination.