



Minutes

Ordinary Meeting of Council

8 December 2015

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 8 DECEMBER 2015

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 8 DECEMBER 2015
COMMENCING AT 10.01AM**

PRESENT: Councillor Lindsay Brown, Mayor (in the Chair)
Councillors Danielle Brice, Neil Burnside, Gabi Harding, Rob Pollock OAM,
and Peter Schwarz

Staff: Dr Catherine Dale, General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr G Miller, Acting Director, Infrastructure Services
Mr A O'Reilly, Director, Finance and Business Development
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs C Hodges, Minute Secretary
Mrs K Green, Minute Secretary

1. WELCOME AND EVACUATION MESSAGE

The Mayor welcomed everyone to the meeting, acknowledged the Traditional Owners and advised of the Evacuation Procedure.

2. APOLOGIES

APOLOGY

15/245 MOTION Councillor Brice/Councillor Harding

THAT apologies be received from Councillor Innes and Councillor Leslight and leave of absence be granted.

(The Motion on being put was declared **CARRIED**)

3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY)

(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

**PF15/032 PSR15/059 Development Application 87/17 – Bridge Plaza, Clyde Street,
Batemans Bay**

File Ref: E15.9042; 84.0798.D

Mrs Maureen Kinross representing Batemans Bay CWA, addressed Council in relation to PSR15/059 – Development Application 87/16 – Bridge Plaza, Clyde Street, Batemans Bay. Mrs Kinross spoke of the history of the building where Mrs Thompson, an early member of the Batemans Bay CWA, had lived and asked that a memorial to Mrs Thompson be erected if the building was demolished. Mrs Kinross did not provide a copy of her submission.

**PF15/033 PSR15/059 Development Application 87/17 – Bridge Plaza, Clyde Street,
Batemans Bay**

File Ref: E15.9042; 84.0798.D

Mr Ewan Morrison representing the Batemans Bay Historical Society, addressed Council in relation to PSR15/059 – Development Application 87/16 – Bridge Plaza, Clyde Street, Batemans Bay. A copy of Mr Morrison's submission is available on Council's website.

3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY) contd

(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

**PF15/034 GMR15/041 Independent Audit Committee Review of Huntfest Report; and
FBD15/084 Code of Practice – Licensing of Public Reserves**

File Ref: E15.9042; E12.6277; E80.1320

Mr Peter Cormick addressed Council in relation to GMR15/041 Independent Audit Committee Review of Huntfest Report; and FBD15/084 Code of Practice – Licensing of Public Reserves. A copy of Mr Cormick's submission is available on Council's website.

EXTENSION OF TIME

15/246 MOTION Councillor Brice/Councillor Harding

THAT Mr Cormick be granted an extension of three minutes to complete his presentation.

(The Motion on being put was declared **CARRIED**)

**PF15/035 GMR15/041 Independent Audit Committee Review of Huntfest Report; and
FBD15/084 Code of Practice – Licensing of Public Reserves**

File Ref: E15.9042; E12.6277; E80.1320

Mr Jim Bright addressed Council in relation to GMR15/041 Independent Audit Committee Review of Huntfest Report; and FBD15/084 Code of Practice – Licensing of Public Reserves. A copy of Mr Bright's submission is available on Council's website.

EXTENSION OF TIME

15/247 MOTION Councillor Brice/Councillor Harding

THAT Mr Bright be granted an extension of three minutes to complete his presentation.

(The Motion on being put was declared **CARRIED**)

3. QUESTIONS FROM PUBLIC GALLERY (AGENDA ITEMS ONLY) contd

(Minutes of Questions from the Public Gallery are a summary only and do not purport to be a complete transcript of the proceedings.)

PF15/036 GMR15/041 Independent Audit Committee Review of Huntfest Report

File Ref: E15.9042; E12.6277

Ms Susan Cruttenden addressed Council in relation to GMR15/041 Independent Audit Committee Review of Huntfest Report. A copy of Ms Cruttenden's submission is available on Council's website.

EXTENSION OF TIME

15/248 MOTION Councillor Brice/Councillor Harding

THAT Ms Cruttenden be granted an extension of three minutes to complete her presentation.

(The Motion on being put was declared **CARRIED**)

PF15/037 GMR15/041 Independent Audit Committee Review of Huntfest Report

File Ref: E15.9042; E12.6277

Mr Peter Bernard addressed Council in relation to GMR15/041 Independent Audit Committee Review of Huntfest Report. A copy of Mr Bernard's submission is available on Council's website.

4. PRESENTATIONS

Nil

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

15/249 MOTION Councillor Burnside/Councillor Harding

THAT the minutes of the Ordinary Meeting held on 24 November 2015 be confirmed.

(The Motion on being put was declared **CARRIED**)

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

7. MAYORAL REPORTS

COUNCIL AWARDS

15/250 MOTION Councillor Brown

THAT Council thank and acknowledge the significant achievement and effort of the staff and community members involved in delivering the recent award winning projects, listed below:

Blue Star Awards

1. NSW Keep Australia Beautiful – Sustainable Systems (Highly Commended)
2. NSW Keep Australia Beautiful – Hey Tosser Litter Reduction (Winner)
3. NSW Keep Australia Beautiful – NSW Coastal Sustainability (NSW Winner, now National finalist)
4. Blue Star – Sustainability – Cultural Heritage - Wallaga lake Cemetery project

Local Government NSW Excellence in the Environment Awards

5. Climate Change Action (Divisional Winner)
6. Natural Environment Protection and Enhancement (Divisional Winner)
7. Local sustainability Award (Winner)
8. **NSW Coastal Management Award – Innovation** (Winner)

NSW Tourism

9. “Unspoilt South Coast NSW” marketing campaign.

(The Motion on being put was declared **CARRIED**)

8. NOTICES OF MOTION

NOM15/011 SOCIOECONOMIC CHARACTERISTICS OF EUROBODALLA

File Ref: E00.4623

15/251 MOTION Councillor Burnside/Councillor Schwarz

THAT Council:

1. Place on record the results of the *Dropping off the Edge 2015*, noting that no Eurobodalla postcodes are in the top 40 most disadvantaged postcodes in NSW.
2. Note that Eurobodalla is just below the Socio-Economic Index for Areas (SEIFA) National and NSW average in terms of socio-economic disadvantage, with pockets of disadvantage and pockets of advantage within Eurobodalla.

(The Motion on being put was declared **CARRIED**)

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

SUSPENSION OF STANDING ORDERS

File Ref: E12.6277; 84.0798D; E80.1320

15/252 MOTION Councillor Schwarz/Councillor Burnside

That Standing Orders be suspended in order to bring forward items GMR15/041, PSR15/059 and FBD15/084 as discussed in Public Forum.

(The Motion on being put was declared **CARRIED**)

GMR15/041 INDEPEDENT AUDIT COMMITTEE REVIEW OF HUNTFEST REPORT

File Ref: E12.6277

15/253 MOTION Councillor Burnside/Councillor Pollock

THAT Council:

1. Receive and note the report prepared by the Independent Audit Committee members dated 19 October 2015.
2. Endorse the recommendations as outlined on Page 18 of the report prepared by the Independent Audit Committee members dated 19 October 2015.
3. Council thank the independent Audit Committee members for their work.

(The Motion on being put was declared **CARRIED**.
Councillor Harding voted against the Motion.)

**PSR15/059 DEVELOPMENT APPLICATION 87/16 - BRIDGE PLAZA
CLYDE STREET, BATEMANS BAY**

File Ref: 84.0798.D

15/254 MOTION Councillor Burnside/Councillor Pollock

THAT Council approve Development Application 87/16 for redevelopment of retail premises and car park at Lot 21 DP100129, Lot 1, 2 and 4 DP100129, Lot 1 DP380318, Lot 4 DP585556, Clyde and North Streets, Batemans Bay subject to the following conditions:

GENERAL CONDITIONS

1. **Approved plans**

The development must be carried out in accordance with the plans stamped and numbered 16/87 and supporting specifications and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans.

Plan No.	Date of Plan	Prepared by
AD-DA000-REV E	5.8.2015	Scott Carver/Nix Anderson
AD-DA001-REV E	5.8.2015	Scott Carver/Nix Anderson
AD-DA002-REV E	5.8.2015	Scott Carver/Nix Anderson
AD-DA003-REV H	12.11.2015	Scott Carver/Nix Anderson
AD-DA004-REV E	2.11.2015	Scott Carver/Nix Anderson
AD-DA201-REV D	27.10.2015	Scott Carver/Nix Anderson
AD-DA202-REV E	12.11.2015	Scott Carver/Nix Anderson
AD-DA203-REV C	5.8.2016	Scott Carver/Nix Anderson
AD-DA204-REV C	5.8.2015	Scott Carver/Nix Anderson
AD-DA205-REV A	12.11.2015	Scott Carver/Nix Anderson
AD-DA301-REV D	27.10.2015	Scott Carver/Nix Anderson
AD-DA302-REV D	16.11.2015	Scott Carver/Nix Anderson
AD-DA303-REV E	27.10.2015	Scott Carver/Nix Anderson
AD-DA304-REV A	18.8.2015	Scott Carver/Nix Anderson
AD-DA305-REV B	12.11.2015	Scott Carver/Nix Anderson
AD-DA306-REV C	27.10.2015	Scott Carver/Nix Anderson
AD-CD124	6.10.2015	Scott Carver
AD-CD601	19.11.2015	Scott Carver
SS15-3005-101 REV D	4.11.2015	Site Image
SS15-3005-102-REV D	4.11.2015	Site Image
SS15-3005-501-REV D	4.11.2015	Site Image

Document title	Date of document	Prepared by
BASIX Certificates – 655544M_01-03	17.8.2015	ADP Consulting

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent

being carried out.

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE/ COMMENCEMENT OF WORKS

2. Section 94A Contributions (for development >\$0.5m)

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Eurobodalla Shire Council Section 94A Development Levy Contribution Plan – 2007 (S94A Plan) a development contribution is required to be paid to Council prior to issue of the Construction Certificate.

Where the cost of the development exceeds \$500,000, the S94A Plan requires a cost estimate report prepared by a registered Quantity Surveyor to be forwarded to Council with payment of the contribution. The S94A contribution amount is calculated at the rate of 1% of the total development cost and shall be used by Council in the provision, extension or augmentation of public amenities or public services. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the S94A Plan.

Note: Development costs include GST and are to be calculated in accordance with the definition of development costs in cl.25J of the Environmental Planning and Assessment Regulation 2000 at current prices.

3. Construction Certificate

The construction works subject of this development consent **MUST NOT** be commenced until:

- (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by the Principal Certifying Authority (PCA), and
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority, and has notified the Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two days' notice to the Council of the person's intention to commence the erection of the building; and
- (d) Builders name and licence number has been supplied to the Principal Certifying Authority; and
- (e) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be maintained on site while work is being carried out and removed when the work has been completed.

4. ***Design of Food Premises***

The construction and fit-out of any food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Food Standards Australia New Zealand (FSANZ) and AS4674-2004 *“Design, Construction and Fit-Out of Food Premises”*.

Prior to the issue of a Construction Certificate, plans and specifications showing compliance with the above, which include details of fixtures and fittings together with wall, floor and ceiling finishes to all food preparation, coolroom and storage areas, shall be submitted to and approved by the Principal Certifying Authority.

5. **Signage and Line marking.**

Prior to commencement of works, or issue of a Construction Certificate, whichever is to occur first, the Street Signage and Line marking Plans shall be presented to the Local Traffic Committee with details by the Applicant on the consultation process including how the proposed changes to the traffic and parking is to be relayed to adjoining property owners and occupiers.

6. **Car Parking Plan**

All buildings are to be provided with accessible car parking in accordance with the Building Code of Australia.

7. ***Application for Hoardings & Scaffolding***

If the site or building works will cause a public to place to unsafe or obstructed, a separate application shall be made to Council for approval under Section 68 of the Local Government Act 1993, to erect a hoarding or scaffolding in a public place. Such an application shall include structural design, structural certification and details of compliance with WorkCover requirements.

8. ***Water & Sewer Inspections***

All plumbing and drainage works (water supply, sanitary plumbing and drainage, and hot water) are to comply with Plumbing and Drainage Act 2011 and the Plumbing Code of Australia. Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of any Occupation Certificates.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council's Building Certification Unit:

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering
- (b) Hot and cold water plumbing under pressure test prior to covering
- (c) Internal stackwork under hydrostatic test prior to covering and
- (d) Issue of final satisfactory inspection.

9. **Inspection of Sewer and Water Works**

Contact is to be made with Council's Water and Sewer Inspector on (02) 4474 7457 or 0418 412909, two days prior to commencing any excavation for the sewer or water extension, sewer pump station and rising main. Payment for inspections are to be in accordance with Council's fees and charges and are to be paid prior to final inspection. The final certificate to occupy/ use the development is not to be issued prior to submission of Work as Executed plans and testing of the new sewer or water main by Council.

10. **Water and Sewer Infrastructure**

Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, Section 68 Approvals under the Local Government Act 1993, must have been obtained from Council for the water supply and sewer works.

11. **Site Waste Management**

A site rubbish enclosure must be provided prior to commencement of any work for the period of the proposed work and remain in place for the duration of all works. All waste materials from the site must be disposed of at an authorised waste facility.

12. **Streetscape Works**

Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, the Council must receive and approve detailed plans for streetscape works generally consistent with plans SS15-3005-101, B SS15-3005-102 B and SS15-3005-501 B. The plans shall include landscaping and finishes consistent with the surrounding Batemans Bay CBD. The streetscape works shall include provision for future undergrounding of overhead power supply.

13. **Stormwater and Site Drainage**

Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, a Section 68 Approval under the Local Government Act 1993 must have been obtained from Council for the drainage works. Plans are to be prepared by a suitably qualified person and approved by Council for the control of stormwater from the development. The final design is to be prepared in accordance with AS3500 and Council's Infrastructure Design Standard (IDS).

14. **Water Quality**

Water Quality treatment facilities for the areas that are the subject of any ground disturbance associated with the approved development shall be provided in accordance with Council's Infrastructure Design Standards (IDS) as follows:

- 80% retention of typical urban annual load for Total Suspended Solids (TSS)
- 45% retention of typical urban annual load for Total Phosphorous (TP)
- 45% retention of typical urban annual load for Total Nitrogen (TN)
- 70% retention of typical urban annual load for gross pollutants (litter).

15. **Acid Sulphate Soil**

The development site is within an area classified as Class 3 on LEP maps. If excavation is proposed below 1m of natural ground level, soil samples are to be assessed for content of acid sulphate material by a suitably qualified person and the results lodged with the Principal Certifying Authority prior to the release of Construction Certificate(s).

If acid sulphate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulphate Soils Management Plan prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soils Manual. The plan is to be submitted for approval and undertake such measures as are required by Principal Certifying Authority.

16. **Soil and Water Management Plan**

Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, the applicant shall prepare a Soil and Water Management Plan (SWMP) to be incorporated in the Engineering Design/construction Plans. The SWMP is to be prepared in accordance with "Managing Urban Storm water: Soils and Construction – Volume 1, Landcom 2004".

Erosion control measures conforming to the approved Soil and Water Management Plan are to be in place prior to the commencement of any ground disturbance works.

17. **Waste Management Plan**

A Waste Management Plan shall be submitted to and approved by Principal Certifying Authority, prior to commencement of works (including demolition works), or prior to the issue of Construction Certificate, whichever is to occur first. The Plan shall address, but not be limited to, the following matters:

- (a) details of reuse, that ensures the material removed from the site, to the maximum extent possible, is not disposed of to landfill.
- (b) details of demolition works and the presence of any asbestos or other hazardous waste
- (c) details of waste to be generated by the work
- (d) arrangements for removal of waste material from site
- (e) destination of waste materials being removed from the site.
- (f) a copy of the Waste Management Plan is to be submitted to Council.

18. **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by Council prior to commencement of works, or issue of Construction Certificate, whichever is to occur first. The Plan shall address, but not be limited to, the following matters:

- (a) hours of work
- (b) contact details of site manager
- (c) arrangements for site deliveries and removal of material from site

- (d) details of hoardings
- (e) details of demolition works and the presence of any asbestos or other hazardous waste
- (f) traffic and/or pedestrian control measures
- (g) dust control measures
- (h) noise control measures
- (i) screening from adjoining properties
- (j) community consultation details regarding the impacts and disruptions that are likely to be caused by the development.

Flood/Coastal Adaptation Conditions

19. ***Floor Levels for Retail Buildings A & B***

The minimum floor level of Retail Shop B shall be at or above 2.44m AHD. This level is to be certified by a registered surveyor prior to the structure proceeding past the nominated level.

The minimum floor level of Retail Shop A shall be at or above 2.7m AHD. This level is to be certified by a registered surveyor prior to the structure proceeding past the nominated level.

20. ***Ocean/Flood - Design Response***

Prior to issue of a Construction Certificate, submission to and approval by the Principal Certifying Authority, of certified designs by a suitably qualified and experienced Structural/Civil Engineer that the development below the Flood Planning Level (FPL) will be capable of withstanding the impact of the flood hazard applicable to the location. The design shall be in accordance with the Building Code of Australia. The applicable flood planning level for the development is 3.14m AHD.

21. ***Flood Compatible Materials***

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifying Authority showing all building materials used below the 1% (AEP) minimum habitable floor level, and including the floor, to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials". The 1% AEP floor level is 3.14m AHD.

22. ***Ocean/Flood - Footings***

A report and design by a professional engineer experienced in soil mechanics is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate that demonstrates the footings can sustain the building load as the foundations transform with subsurface water inundation and the bearing capacity of the foundations diminish with projected sea level rise.

The report shall also assess the effect of rising salinity to account for the degradation of

concrete quality if this type of footing is selected.

Heritage Conditions

23. No 5 and 7 Clyde Street

- (a) No. 5 – The Store – The retained part of the building (as shown on the approved plan) is to be returned to its historic configuration, including shop front and awning and side window openings. Render to be stripped off the walls and a mechanical or chemical damp proof course installed to discourage rising damp. Demolition of the brick walls shall be done by hand so as to retain as many bricks for possible reuse including in the construction of the new wall. Heritage interpretative display boards are to be incorporated into the development. The plans prepared for the Construction Certificate are to be submitted to Council for approval by Council's Heritage Advisor.

NOTE: That subject to evidence being provided to Council that removal of the render will cause damage to the brickwork, the render can be retained and painted subject to approval by the Director Planning and Sustainability.

- (b) No. 7 – The Residence – The historic exterior of the former residence including both brick and timber sections, is to be subject of restoration and maintenance. The rear and sides of the building that are visible to the public shall be restored to the satisfaction of Council's Heritage Advisor. The key elements of this restoration include application of paint and replacement of inappropriate vertical metal sheet cladding with a more sympathetic material. Plans and elevations of proposed works are to be submitted to Council for approval by Council's Heritage Advisor.
- (c) An archival record of each building (5 and 7 Clyde St) shall be prepared and submitted to and approved by Council prior to commencement of any demolition works. It is to include plans and elevations, along with digital photographs of the exterior and interior.
- (d) The restoration works referred to in (a) and (b) are to be completed prior to commencement of use of the expanded car park. In the event this cannot be completed prior to commencement use of the additional 80 car parking spaces, a bond to the value of the works is to be lodged with Council.

Engineering Conditions

24. Sewer Pump Station

Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, submission to and approval by Council of plans for the relocation of Council Sewer Pump Station No. 26 from the proposed access location at North Street and a sewer extension to new boundary of Lot 3 DP 100129. The new location conceptual shown in plan AD-DA003-REV H by Scott Carver Pty Ltd is to allow access and sufficient hardstand area for a service vehicle (SRV size) to service the pump station so as to not obstruct normal traffic flows. The design shall include modification to the discharging sewer mains, the receiving manhole and rising main

Plans are to be prepared by a suitably qualified engineer in accordance with Council's water and sewer design standards. All levels are to be shown in Australian Height Datum (AHD).

The relocation of the sewer pump station to within Lot 4 DP585556 requires the creation of easements to benefit Council to enable Council access for maintenance purposes. Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, the applicant/consent holder shall submit to Council of Plan of Survey and 88B instrument or transfer and grant signed by burdened parties for an easement and right of way benefiting Council for approval by Council. The easements and right of way shall be created free of all costs to Council. The easements shall be as follows:

- Easement to pump sewerage
- Easement for services
- Easement for water supply
- Right of access from North Street to the pump station

Easements to be 3m width, centrally located over the services and the pump station and surrounds.

25. ***Relocate Sewer Main***

A Construction Certificate is to be lodged and approved By Council for the relocation of the sewer main. Plans are to be prepared by a suitably qualified engineer in accordance with Council's water and sewer design standards for the relocation of the sewer main. The plans are to incorporate the proposed footing design, traversing the new and redundant mains, designed in accordance with "Build in the Vicinity of Sewer Mains" Policy.

26. ***Buildings Near Sewer***

Prior to the issue of a Construction Certificate, submission to and approval by the Principal Certifying Authority (PCA) of designs prepared by a suitably qualified engineer for special footings for any structures to be adjacent to Council's sewer main. The design is to be consistent with Council's Policy "Build in the Vicinity of Sewer Mains".

27. ***Water Meter –Commercial Development***

Prior to commencement of works, or issue of Construction Certificate, whichever is to occur first, certification on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose reels shall be carried out by a suitably qualified hydraulic engineer/consultant

Note: All fire hose reels must be supplied through the metered supply.

Please contact Council's Water and Sewerage Project Engineer on 44741342 to arrange a quote. Prepayment will be required at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma Depot. All work is to be undertaken at full cost to the applicant.

Note: A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.

28. **Separate Water Meters**

Prior to issue of Construction Certificate(s) payment to Council the standard fee for separate water meters to suit the development. Each shop and accommodation unit is to be separately metered. The existing connection to Lot 4 DP585556 shall be relocated. Connections and meters to be located so as to be independently serviced and to be accessible to Council's Water Meter Reader at all times.

29. **Sewerage Manhole**

Ground surface levels adjacent to any sewer manhole are to be maintained. Manholes within driveways will require provision of a trafficable lid at the Applicant's cost.

30. **Car Park Design & Construction**

Car parking spaces, manoeuvring areas and access driveways are to be sealed, drained, line marked, constructed and maintained to pavement designs prepared by a qualified engineer in accordance with AS 2890.1 & 2.

Such plans are to include drainage and are to address expected vehicle loading and any fill compaction requirements.

31. **Roadworks**

A Construction Certificate is to be lodged and approved by Council as the Roads Authority for any works within the road reserve. Detailed engineering drawings in accordance with Council's Infrastructure Design Standard (IDS) and the approved plans are to be proved to Council prior to any works commencing.

32. **Construction in a Road Reserve**

Prior to commencement of any works within the road reserve a separate approval is to be obtained from Council under section 138/139 of the Roads Act. The application would consider:

- Public safety, WH&S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections bonding and an application fee.
- Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation.
- Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work.
- Where works are on a Roads and Maritime Services (RMS) road or would impact traffic on an RMS road, a Road Occupancy Licence (ROL) is to be obtained from the RMS Ms Peta Smith (02 42212509) or email. rol_southern@rta.nsw.gov.au
- Council will require details of the community consultation undertaken and

proposed to be undertaken, prior to the commencement of works.

Where works are undertaken by other than the developer, the supervisor of the works is to be advised of this condition. Details for an application form and fees are available by contacting Council's Engineering Development Assessment Officer (44741254) and form available from

http://www.esc.nsw.gov.au/media/395951/Section_138_Roads_Act.pdf

Carrying out works contrary to this condition will result in a penalty being issued under the roads act and works being suspended until such time as a Section 138 consent being issued.

33. ***Discharge of Liquid Trade & Factory Waste***

Liquid trade and factory waste or chemicals or other impurities from any business, trade or manufacturing process other than domestic sewage is not permitted to be discharged into Council's sewerage system without application and approval by Council. The application for approval must be in accordance with Council's Liquid Trade Waste (LTW) Policy.

Building Construction

34. ***Asbestos/Demolition involving Asbestos Removal***

Where asbestos material is to be removed or disturbed as a result of any proposed demolition, alteration or addition:

- (a) Building demolition works are to be carried out in accordance with AS2601-2001 – The demolition of Structures.
- (b) The removal of bonded asbestos material (of an area of more than 10m²) or any amount of friable asbestos material must be undertaken by a licenced contractor. An Asbestos Removal Control Plan is to be prepared and complied with in accordance with the 'Code of Practice – How to Safely Remove Asbestos' published by WorkCover NSW (Catalogue No. WC03561), available at: <http://www.workcover.nsw.gov.au/law-and-policy/legislation-and-codes/codes-of-practice>
- (c) Standard commercially manufactured signs containing the words "Danger Asbestos Removal in Progress" measuring not less than 400 x 300mm are to be erected in prominent visible positions during asbestos removal process.
- (d) All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos.
- (e) All adjoining properties and those opposite the development must be given prior notice in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and email details. [25.01]

35. ***Hours of Operation - NOISE***

Construction work on the site shall only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, or between 8.00am to 5.00pm on Saturdays. Construction may occur outside of these hours if it is not audible at any residential premise or other sensitive noise receptor. No construction activity to occur on Sundays or public holidays.

36. ***Loading and Unloading of Construction Vehicles***

All loading and unloading associated with construction must be accommodated on-site. If this is not feasible, an application may be made for the provision of a construction zone, during the specified hours of work

37. ***Shoring and Adequacy of Adjoining Property***

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage.

38. ***Public Way to be Unobstructed***

The public way shall not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances at any time during construction.

39. ***Public Footpaths***

A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards shall be maintained at all times on, or adjacent to the public footpaths fronting the construction site. Where the footpath is damaged, repair works shall be carried out when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Development Specifications.

Where circulation is diverted on to the roadway, clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3 1996 *Traffic Control Devices for Work on Roads*.

40. ***Boundary Check***

The building shall be set out by a registered surveyor to verify the correct position in relation to property boundaries and the approved plans. A plan prepared by a registered surveyor shall be submitted to the Principal Certifying Authority certifying that the works have been located in accordance with the approved development application prior to proceeding past the relevant stage of construction.

Batemans Bay Marine Park Authority Requirements

41. (a) **Stormwater**

During construction and in operation, any stormwater leaving the site should comply

with the water quality benchmarks for estuaries within the Batemans Marine Park catchment as expressed in the NSW Water Quality Objectives (WQOs) developed in accordance with the ANZECC 2000 Guidelines on Water Quality. Further info is available on the Office of Environment and Heritage website at (<http://www.environment.nsw.gov.au/ieo/Clyde/index.htm>).

(b) Sediment and erosion control

Design, management and implementation of pollution controls must be consistent with "Managing Urban Stormwater: Soils and Construction" (NSW Landcom 2004) to ensure containment of sediment to the immediate work site. All sediment control measures must be regularly inspected and cleaned out and/or repaired as necessary, and all collected silt must be disposed of appropriately.

(c) Acid sulphate soil

In the event that acid sulphate soils are exposed, there must be no overflow of these soils into the Clyde River. The Batemans Marine Park office must be informed in a timely manner should acid sulphate soil enter into the waterway.

Roads and Maritime Services Requirements

42. (a) Prior to the issue of a Construction Certificate for works within the road reserve, the developer must enter into a Works Authorisation Deed (WAD) with the RMS for the design and construction of the fourth leg of the traffic signals at the junction of North Street and Perry Street.
- (b) Prior to any occupation or use of the approved development, the developer must provide the fourth leg of the traffic signals at the junction of North Street and Perry Street to the RMS' satisfaction and in accordance with Austroads Guide to Road Design Part 4a: Unsignalised and Signalised Intersections, Austroads Guide To Traffic Management Part 6: Intersections, Interchanges and Crossings (2007) and the RTA's Traffic Signal Design (2008).
- (c) All pavement design associated with the traffic signals must be in accordance with Austroads Standards.
- (d) The developer must upgraded/provided lighting in accordance with Australian Standard AS/NZS1158.
- (e) The developer must mitigate any increased road traffic noise associated with the traffic signals on nearby residents (and other sensitive receivers) in accordance with the Department of Environment, Climate Change and Water's Environmental Criteria for Road Traffic Noise.
- (f) The developer must develop and implement a community information strategy in relation to the new fourth leg of the traffic signals, in consultation with, and to the satisfaction of RMS.
- (g) The developer must ensure, to the satisfaction of Council, that post development stormwater discharge from the subject site into the classified road drainage system does not exceed the pre-development application discharge.

- (h) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RMS standards, will be at no cost to RMS. All works must be completed prior to occupation.
- (i) Traffic signals must be constructed by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at:
<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>
- (j) Section 87 consent for the traffic signals under the Roads Act, 1993 must be obtained from the RMS prior to construction.

Note: It is requested that Council advise the applicant that conditions of development consent do not guarantee RMS final consent to the specific road work, traffic control facilities and other structures and works on the classified road network. In this regard, prior to undertaking any such work, the applicant is required to submit detailed design plans and all relevant additional information prior to commencing work on the State road network. The developer will need to pay all RMS fees and charges associated with works. In the first instance, to progress the post consent process, the applicant should email the conditions of development consent to: WAD.southern@rms.nsw.gov.au.

The developer must apply for, and obtain a Road Occupancy Licence (ROL) from the Roads and Maritime Services Traffic Operations Unit (TOU) prior to commencing roadworks on a State Road or any other works that impact a travel lane of a State Road or impact the operation of traffic signals any road. The application will require a Traffic Management Plan to be prepared by a person who is certified to prepare Traffic Control Plans. Should the Traffic Management Plan require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer must submit the ROL application ten business days prior to commencing work. It should be noted that receiving an approval for the ROL within this ten business day period is dependent upon RMS receiving an accurate and compliant Traffic Management Plan.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

43. Road Damage

The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to issue of any Occupation Certificate.

44. Full Width Footpath Constructions

Full width (boundary or building to kerb) concrete footpath paving, or paving blocks if approved in advance by Council, shall be constructed to the full road frontage of the property prior to occupation of the development. The paving shall provide a safe transition in level and width to connect with any existing paved footpath beyond the frontage of the property.

45. **Car Park Signage**

Signage shall be installed at the entry to the car park to warn pedestrians of vehicles exiting the car park. Further signage shall be installed near the car park exit to warn drivers of the presence of pedestrians using the footpath. The signage shall be installed prior to occupation of the building(s).

46. **Landscape Plan**

Completion of landscaping in accordance with the approved Landscape Plan prior to issue of any Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility.

47. **BASIX Certification**

The residential component of the development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No(s) 655544M_02, and any updated certificate(s) if amendments are made. The BASIX Certificate must be submitted to the Certifying Authority with all commitments clearly shown on the Construction Certificate plans.

48. **Land Consolidation**

Consolidation of the land is to occur so that all car parking and access ways are incorporated into the same allotment as the Bridge Plaza.

49. **Fire Safety Certificate**

Fire Safety Certificates shall be furnished to the Principal Certifying Authority for all the "Essential Fire or Other Safety Measures" forming part of this approval prior to issue of an Occupation Certificate.

50. **"Work as Executed" Plans**

Prior to issue of any Occupation Certificate the applicant shall provide Work as Executed plans in accordance with Council's specification, duly certified by an engineer or registered surveyor, for all sewer and water supply construction work.

GENERAL CONDITIONS

51. **Retail Buildings**

The five retail shop buildings approved by (referred to as Retail Shops A to E on the approved plans) are approved to be used as either 'food and drink premises' or 'shops' as defined in the LEP. Where used as food and drink premises a maximum seating capacity of 20 applies and a liquid trade waste facility must also be installed in the premises together with provision made for waste storage. If the seating capacity is to be greater than 20, a development application will be required to be submitted to Council for approval.

52. **Accommodation Units**

- (a) The accommodation units are to be designed and constructed so as to minimise the impact of noise from external sources. This will include double glazing, acoustic rated wall and floor lining, and insulation. An accredited acoustic consultant be employed to make recommendations and for these to be incorporated into the plans submitted to the Principal Certifying Authority for issue of the Construction Certificate(s).
- (b) A parking space is to be dedicated to each of the short term stay units when in use.
- (c) The tenancy of the accommodation units is limited to short term stays and not for permanent occupation.

53. **Carpark/Road/Public Space Lighting**

All external lighting shall be installed and operated in accordance with the Australian Standard AS1158.1 'Lighting for roads and public spaces' and AS4282:1997 'Control of the obtrusive effects of outdoor lighting' prior to commencement of use of the portion of road or car park that forms part of the development.

54. **Redevelopment of 3 Clyde Street**

The court yard and external finishes of 3 Clyde Street are to be completed prior to commencement of use of the expanded car park. In the event this cannot be completed prior to use of the 80 additional car parking spaces, a bond to the value of the works is to be lodged with Council.

55. **Advertising Signs**

The advertising signage referred to in the approved plans as 'signage' are neither detailed nor dimensioned and therefore, details of all external signage proposed for each new premises will have to be submitted to Council for approval prior to installation. No signage is to be a flashing type and its illumination shall not distract passing motorists.

56. **Water Pollution Controls**

The permanent water pollution control measures specified in the approved drainage design shall be maintained for the life of the development.

57. **Safer by Design in Business Areas**

Windows fronting pedestrian walkways shall use and maintain transparent clear glass and not be covered with any medium that prevents surveillance and visibility.

58. **Pedestrian Linkage**

The pedestrian link between Bridge Plaza mall on Lot 21 DP712243 and the arcade at 9 Clyde Street (Lot 3 DP710593) is not to be blocked off to ensure pedestrian permeability and connectivity is maintained.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

59. ***Easements***

The Plan of Survey subject of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed by Council free of all costs to Council.

60. ***Right of Carriageway***

The Plan of Survey subject of a Subdivision Certificate shall indicate restrictions on the title of Lot 21 of DP 712243 under Section 88B of the Conveyancing Act 1919 creating a right of carriageway in favour of Lot 1 of DP 100129 for which access is to be provided being of a width adequate to accommodate the full width as constructed.

61. ***"Work as Executed" Plans***

Prior to issue of a Subdivision Certificate the applicant shall provide Work as Executed plans in accordance with Council's specification, duly certified by an engineer or registered surveyor, for all construction work required pursuant to a condition of subdivision.

ADVISORY NOTES

Sea Level Rise and Flooding Liability

This land may be subject to flooding and sea level rise and this development has been assessed using the best available information regarding the likelihood of inundation and/or coastal erosion at the date of determination. The infrastructure in this locality (such as sewer, water, stormwater and roads) may also be subject to flooding and sea level rise. At the granting of consent there is no commitment or intention by Council to improve or maintain infrastructure should this be impacted by flooding or sea level rise in the future.

If the land is impacted by flooding or sea level rise, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.

Disability Discrimination Act 1992

This application has been assessed in accordance with the Environmental Planning and Assessment Act, 1979. It does not imply that the proposal complies with the Disability Discrimination Act 1992.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

BCA Compliance

This development application has been subject to a merit based assessment. The plans lodged and approved have not been assessed against the provisions of the Building

Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA.

Discovery of a Relic

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in the area.

Public Utility Adjustments

Adjustments to the public utilities necessitated by the development shall be completed prior to occupation of the development and in accordance with the requirements of the relevant authority, all at no cost to Council. Approval of Essential Energy will be necessary in relation to the relocation of any power lines under its charter.

These conditions have been applied to this consent for the following reasons:

- Ensure that the proposed development:
 - (a) achieves the objectives of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant Environmental Planning Instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- To ensure that the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities.
- To meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act 1993.
- To ensure the protection of the amenity and character of land adjoining, and in the locality of the proposed development.
- To minimise any potential adverse environmental, social or economic impacts of the proposed development.
- To ensure that all traffic, car parking and access requirements arising from the development are addressed.
- To ensure the development does not conflict with the public interest.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Clrs D Brice, L Brown, N Burnside, R Pollock and P Schwarz.

Against the Motion: Clr G Harding.

11. GENERAL MANAGER'S REPORTS

GMR15/038 MEETING DATES 2016

File Ref: E04.8769

15/255 MOTION Councillor Brice/Councillor Burnside

THAT Council:

1. Endorse the following dates as the meeting schedule for Council meetings for the 2016 as follows:
 - a) 9 February 2016
 - b) 23 February 2016
 - c) 8 March 2016
 - d) 22 March 2016
 - e) 12 April 2016
 - f) 26 April 2016
 - g) 10 May 2016
 - h) 24 May 2016
 - i) 14 June 2016
 - j) 28 June 2016
 - k) 26 July 2016
 - l) 9 August 2016
 - m) 23 August 2016
 - n) 11 October 2016
 - o) 25 October 2016
 - p) 8 November 2016
 - q) 22 November 2016
 - r) 13 December 2016
2. Not that the schedule may be amended at any time, as required.

(The Motion on being put was declared **CARRIED**)

At 11.56am Councillor Schwarz left the Chambers and took no further part in the meeting.

FBD15/084 CODE OF PRACTICE - LICENSING OF PUBLIC RESERVES

File Ref: E80.1320

15/256 MOTION Councillor Burnside/Councillor Pollock

THAT the report on the Code of Practice for the Licensing of Council controlled public reserves and associated buildings for the purpose of conducting events, markets and commercial operations be received and noted.

AMENDMENT Councillor Harding/Councillor Brice

THAT the report be deferred.

(The amendment on being put was declared **LOST**.)

AMENDMENT Councillor Harding/Councillor Brice

THAT the report on the Code of Practice for the Licensing of Council controlled public reserves and associated buildings for the purpose of conducting events, markets and commercial operations be received and noted, with the removal of the time line as outlined in the report.

(The amendment on being put was declared **LOST**.)

(The Motion on being put was declared **CARRIED**
Councillors Harding and Brice voted against the Motion.)

GMR15/039 AUSTRALIAN COASTAL COUNCILS CONFERENCE - ROCKINGHAM, WESTERN AUSTRALIA - 4 - 6 MAY 2016

File Ref: E91.3255

15/257 MOTION Councillor Brice/Councillor Harding

THAT Council be represented at the Australian Coastal Councils Conference 2016 to be held on 4 – 6 May 2016 in Rockingham, Western Australia and:

1. Council nominate Councillor Rob Pollock OAM and Councillor Danielle Brice to attend the Conference;
2. Council representative be reimbursed out of pocket expenses in accordance with the Councillors' Expenses and Facilities Policy.

(The Motion on being put was declared **CARRIED**)

**GMR15/040 MEMORANDUM OF UNDERSTANDING BETWEEN EUROBODALLA SHIRE
COUNCIL AND BEGA VALLEY SHIRE COUNCIL**

File Ref: E12.6443

15/258 MOTION Councillor Harding/Councillor Pollock

THAT Council endorse the Memorandum of Understanding between Eurobodalla Shire Council and Bega Valley Shire Council.

(The Motion on being put was declared **CARRIED**)

GMR15/042 ORGANISATION SERVICE REVIEW - DEVELOPMENT SERVICES

File Ref: E13.7262

15/259 MOTION Councillor Burnside/Councillor Harding

THAT Council endorse the recommendations as per the development service review report.

(The Motion on being put was declared **CARRIED**)

12. PLANNING AND SUSTAINABILITY REPORTS

PSR15/056 PLANNING PROPOSAL HOUSEKEEPING AND OTHER AMENDMENTS

File Ref: E14.8442

15/260 MOTION Councillor Pollock/Councillor Burnside

THAT Council:

1. Adopt the Planning Proposal attached to Report PSR15/056.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012 and the Rural Local Environmental Plan 1987.
3. Forward the Planning Proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Planning and Environment for reporting and monitoring purposes.
4. Notify in writing all those who made submissions of its decision.
5. Notify in writing all relevant property owners of its decision.

(The Motion on being put was declared **CARRIED**)

**PSR15/057 PLANNING PROPOSAL - EUROBODALLA LEP 2012 - AMENDMENT NO. 9 -
REZONING OF LAND AT BATEMANS BAY**

File Ref: 81.0277.R

15/261 MOTION Councillor Burnside/Councillor Pollock

THAT Council:

1. Adopt the amended Planning Proposal attached to this report, subject to the submission of a traffic report by the proponent that addresses the issues raised by the NSW Roads and Maritime Services.
2. Resolve to make the amendments to the Eurobodalla Local Environmental Plan 2012 following the completion of a traffic study to the satisfaction of the NSW Roads and Maritime Services.
3. Forward the Planning Proposal to Parliamentary Counsel with a request to draft the amendments and to the NSW Department of Environment and Planning and Environment for reporting and monitoring purposes.
4. Notify in writing all those who made submissions of its decision.
5. Notify in writing the proponent and all relevant property owners of its decision.

(The Motion on being put was declared **CARRIED**)

PSR15/058 PARLIAMENTARY INQUIRY INTO REGIONAL PLANNING PROCESSES IN NSW

File Ref: E90.0008

15/262 MOTION Councillor Pollock/Councillor Harding

THAT Council endorse the submission to the Parliamentary Inquiry into Regional Planning Processes in NSW as attached to Report PSR15/058.

(The Motion on being put was declared **CARRIED**)

PSR15/060 DEVELOPMENT APPLICATION 235/16 - MACKAY PARK BATEMANS BAY

File Ref: 89.2899.D

15/263 MOTION Councillor Pollock/Councillor Burnside

THAT Council approve Development Application 235/16 for temporary events including temporary structures and event related camping at Lot 1 DP 447931, Lot 259 DP 755902, Part Lots 30 and 31 DP 755902, Vesper Street Batemans Bay subject to the following conditions:

GENERAL CONDITIONS

1. Approved plans

The development must be carried out in accordance with the plans stamped and numbered 16/235 and supporting specifications and documentation, or as modified by any conditions of this consent, or as noted in red by Council on the approved plans. All building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Council Stamp No.	Plan title	Date of Plan	Prepared by
16/235	Temporary Structures Permissible Zone	Undated	Eurobodalla Shire Council
16/235	Parking plan	Undated	Eurobodalla Shire Council
16/235	Event Camping	Undated	Eurobodalla Shire Council

Council Stamp No.	Document title	Date of document	Prepared by
Attachment A	Stage – Red Hot Summer	undated	powa

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under s96 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifying Authority should be consulted prior to any works contrary to this consent being carried out.

Where there is an inconsistency between the documents approved with this consent and the following conditions, the conditions shall prevail to the extent of that inconsistency.
[2.05a]

2. **Limit of Consent**

The development described in this consent shall be limited to ten (10) events annually for up to three (3) days in duration.

The use shall cease after a period of five (5) years from the date of commencement of this consent. A further development application/modification may be lodged with Council prior to the expiration of the consent, for the continuation of the use.

Note: small scale events approved through the Small Events on Council Reserves application process are not included in the (10) events.

3. **Hours of operation**

Events that propose amplified music or voices shall operate only between the following hours:

8.00am and 11.00pm Monday to Thursday

8.00am and 12.00 midnight Friday and Saturday

8.00am and 8.00pm Sunday

4. **Traffic Management Plan**

An event based traffic management plan, as required in the event application should be prepared and submitted to Eurobodalla Shire Council's Traffic Committee for review. This plan should include but not be limited to proposed parking and pedestrian management associated with the event.

The development shall apply for a Road Occupancy Licence (ROL) form the Roads and Maritime Services (RMS) Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application shall be accompanied by the event based TMP and associated traffic control plans (TCP's). These documents must be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP include a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. The developer shall submit the ROL application a minimum of 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon the RMS receiving an accurate and compliant TMP.

The Princes Highway (Vesper Street) adjoining the subject land is declared a Controlled Access Road and accordingly direct access to or from the Princes Highway is only permitted at the Proclaimed (Public) Access Point located directly opposite Beach Road.

5. **Parking**

Parking area labelled (F) in approved plan shall remain clear for the use of patrons of the swimming pool and mini golf. Appropriate signage is to be in place and traffic marshalls shall manage the use of parking (F) for the duration of events.

6. **Event related camping**

This approval allows the operation of temporary, event related camping in accordance with condition 1. Sanitary facilities required for the temporary camping shall comply with the requirements within Council's Events guideline.

7. **General Terms of Approval - NSW Rural Fire Service**

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following conditions:

(a) Access to the site for emergency services vehicles shall be available at all times.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation

arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- (b) An Emergency/Evacuation Plan is to be prepared detailing the following:
- under what circumstances will the complex be evacuated
 - where will occupants be evacuated to
 - roles and responsibilities of persons coordinating the evacuation
 - roles and responsibilities of persons remaining within the complex after evacuation and
 - a procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

8. Temporary Structures

This consent approves the stage for the Red Hot Summer Event to be held in January 2016 in accordance with condition 1 - Attachment (A).

Details of temporary structures relating to future events shall be provided to Council no less than six (6) weeks prior to the event. This information will be assessed by Council's Development Services to determine the approval process required. A modification of this consent may be required to approve structures that are not exempt under relevant legislation.

An Occupation Certificate is required for temporary structures defined as an 'Entertainment Venue'.

9. Noise Levels

The L.AMAX. noise level from event activities must not exceed 75dBA(A) measured at the nearest affected residential property boundary. Noise levels shall be determined in accordance with AS1055.1. Where entertainment concludes after 10.00pm the event manager shall also be responsible for assisting with the quiet and orderly dispersal of the audience. Council reserves the right to review the prescribed noise levels on receipt of validated noise complaints.

10. Licence Agreement

Festival/Event organisers are to enter into a licence agreement with Reserve Trust Manager and submit an event application to Council, for the use of Mackay Park for future events.

ADVISORY NOTES

Flooding Liability

The land may be subject to flooding and the development has been assessed using best available information concerning the likelihood of flooding at the date of determination. If the land is flooded Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.^[7.10] Events that propose the sale of alcohol will be required to obtain a licence from the

Office of Liquor and Gaming.

These conditions have been applied to this consent for the following reasons:

- Ensure that the proposed development:
 - (a) achieves the objectives of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant Environmental Planning Instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- To ensure that the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities.
- To meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act 1993.
- To ensure the protection of the amenity and character of land adjoining, and in the locality of the proposed development.
- To minimise any potential adverse environmental, social or economic impacts of the proposed development.
- To ensure that all traffic, carparking and access requirements arising from the development are addressed.
- To ensure the development does not conflict with the public interest.

(The Motion on being put was declared **CARRIED**)

Division

For the Motion: Clrs D Brice, L Brown, N Burnside and R Pollock.

Against the Motion: Clr G Harding.

PSR15/061 DRAFT WATER GARDENS FLYING-FOX CAMP MANAGEMENT PLAN

File Ref: E15.9191

15/264 MOTION Councillor Burnside/Councillor Pollock

THAT Council:

1. Adopt the draft Water Gardens Grey-headed Flying-fox Camp Management Plan
2. Refer the Water Gardens Grey-Headed Flying-fox Camp Management Plan to the Office of Environment and Heritage for approval.
3. Consider an annual budget of \$20,000 per annum to implement actions associated with the Plan
4. A budget variation of \$20,000 per annum be processed as part of the December quarterly review
5. Seek grant funding opportunities for water quality investigation of the Water Gardens
6. Seek grant funding and NSW and Australian government support for management of the Grey-Headed Flying-Foxes and the Water Gardens.

(The Motion on being put was declared **CARRIED**)

13. INFRASTRUCTURE REPORTS

IR15/051 LOCAL TRAFFIC COMMITTEE MEETING NO 5 FOR 2015-16

File Ref: E15.9002

15/265 MOTION Councillor Burnside/Councillor Brice

THAT

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 5 of 2015 held on 6 November 2015 be received and noted.
2. Council Plan No 4634 Set A Sheets 1 and 2 detailing the proposed signage and linemarking associated with the shared path, Shore Street, Moruya be approved.
3. Plan No 5156 Set AG Sheet 01 detailing the 'No Parking' signs adjoining the NSW Fisheries premises on Clyde Street, Batemans Bay be approved.

(The Motion on being put was declared **CARRIED**)

14. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD15/083 CODE OF CONDUCT COMPLAINTS STATISTICS REPORT

File Ref: e13.7162

15/266 MOTION Councillor Pollock/Councillor Harding

THAT Council receive and note the Code of Conduct Statistics Report.

(The Motion on being put was declared **CARRIED**)

FBD15/085 LEASE OF COUNCIL HOUSE - BOTANIC GARDENS

File Ref: 91.2621.B

15/267 MOTION Councillor Pollock/Councillor Harding

THAT The General Manager be given delegated authority to negotiate and grant a lease for the house within the Eurobodalla Botanic Gardens to a staff member of the Council for terms and conditions including:

- (a) A term of twelve months with an option of twelve months subject to Council's absolute discretion.
- (b) Rent being an amount not less than market rent determined by a registered valuer.
- (c) The lessee being responsible for locking gates at required times.
- (d) No plants to be introduced without the consent of the Botanic Gardens Manager.
- (e) Free-ranging pets prohibited.
- (f) Noise levels restricted to pre-determined level.
- (g) No personal exposure in the vicinity of the house.
- (h) Visitors' cars restricted to the public car park during Garden's opening hours.
- (i) The rent for an option, if granted, will be in line with the CPI.

(The Motion on being put was declared **CARRIED**)

15. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

16. DELEGATE REPORT

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(4) of the Local Government Act 1993, the General Manager invited members of the public to make verbal representations to the Council on whether the meeting should be closed to consider a confidential reports.

The reports are classified confidential under Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

It was noted that there were no public verbal representations on whether the meeting should be closed to consider the matter.

15/268 MOTION Councillor Pollock/Councillor Harding

THAT pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

CON15/023 Property Matter

Item CON15/023 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

CON15/024 Property Matter

Item CON15/024 is confidential in accordance with s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

(The Motion on being put was declared **CARRIED**)

At 12.38pm the Ordinary Meeting of Council moved into Closed Session.

At 12.58pm the Ordinary Meeting of Council resumed.

The General Manager advised the following recommendations were declared carried in Closed Session.

18. CONFIDENTIAL MATTERS

CON15/023 PROPERTY MATTER

File Ref: 00.4856.PC

15/269 MOTION Councillor Pollock/Councillor Burnside

THAT the report on the outcome of the conciliation conference held on 12 November 2015 pursuant to the Land and Environment Court Act 1979 be received and noted and the General Manager be given delegated authority to pursue contingent matters.

(The Motion on being put was declared **CARRIED**)

CON15/024 PROPERTY MATTER

File Ref: E80.0801

15/270 MOTION Councillor Burnside/Councillor Pollock

THAT the General Manager be given delegated authority to continue negotiations with relevant stakeholders as outlined in the report CON15/024.

(The Motion on being put was declared **CARRIED**.
Councillor Harding voted against the Motion.)

CON15/025 BRIEFING – BATEMANS BAY BOWLING CLUB SITE

File Ref: 81.1906.D

15/271 MOTION Councillor Pollock/Councillor Harding

THAT Council notes with regret the letter from Club Catalina dated 4 December 2015 regarding the Batemans Bay Bowling Club site and the Club's decision that it no longer wishes to pursue negotiations with Council for the site.

(The Motion on being put was declared **CARRIED**)

18. QUESTIONS/URGENT BUSINESS

Nil

THE MEETING CLOSED AT 1.04PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday 9 February 2016 at which meeting the signature hereon was subscribed.