



Minutes

Ordinary Meeting of Council

25 October 2022

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 25 OCTOBER 2022

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 25 OCTOBER 2022
COMMENCING AT 12.30PM**

PRESENT (In Person): Councillor Alison Worthington, Deputy Mayor (in the Chair)
Councillors Peter Diskon, Tubby Harrison and Anthony Mayne.

PRESENT (Via Audio

Visual Link): Councillors Tanya Dannock, Mathew Hatcher, Amber Schutz and Rob Pollock OAM.

Staff: Mrs K Arthur, Acting General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr T Swallow, Acting Director, Infrastructure Services
Ms K Bush, Acting Director, Community, Arts and Recreation
Mr J Phillips, Corporate Manager, Governance and Administration
Ms L Evans, Minute Secretary

1. WELCOME

The Deputy Mayor welcomed everyone to the meeting.

Under 5.1 of Council's Code of Meeting Practice the Mayor has requested that the Deputy Mayor, Councillor Worthington chair the meeting as the Mayor is attending the LGNSW Annual Conference.

2. ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor acknowledged the Traditional Custodians of the Land, of Elders past and present, whose land we are gathered here today.

Under 4.24 of Council' Code of Meeting Practice the following Councillors have requested to attend the meeting by audio-visual link.

22/291 MOTION Councillor Mayne/Councillor Diskon

THAT Mayor Hatcher and Councillor Amber Schutz attend the Council meeting by audio-visual link owing to their attendance at the LGNSW Conference.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

22/292 MOTION Councillor Mayne/Councillor Harrison

THAT Councillor Tanya Dannock attend the Council meeting by audio-visual link owing to work commitments.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

MOTION

22/293 MOTION Councillor Harrison/Councillor Diskon

THAT Councillor Rob Pollock OAM attend the Council meeting by audio-visual link as he is travelling.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

3. APOLOGIES

22/294 MOTION Councillor Harrison/Councillor Diskon

THAT apologies be received from Councillor David Grace and leave of absence be granted.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

4. EVACUATION MESSAGE

The Deputy Mayor advised of the Evacuation Procedures.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

22/295 MOTION Councillor Harrison/Councillor Diskon

THAT the minutes of the Ordinary Meeting held on 11 October 2022 be confirmed.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

6. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in GMR22/016 2022 Education and School Grants and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as his wife has an association with one of the entities who applied for an Education and School Grant.

7. MAYORAL REPORTS

Nil

8. NOTICES OF MOTION

Nil

9. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

10. PETITIONS

Nil

11. GENERAL MANAGER'S REPORTS

GMR22/103 INVESTMENTS MADE AS AT 30 SEPTEMBER 2022

File Ref: S011-T00006, S012-T00025

22/296 MOTION Councillor Harrison/Councillor Diskon

THAT the certification of investments as at 30 September 2022, made in accordance with the *Local Government Act 1993*, Council's Investment Policy and the provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, be received.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/104 ADOPTION OF THE COMMUNITY ENGAGEMENT STRATEGY

File Ref: S012-T00025

22/297 MOTION Councillor Dannock/Councillor Diskon

THAT Council:

1. Adopts the Community Engagement Strategy.
2. Note that further consideration of additional changes may be made following future reviews.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/105 2023 COUNCIL MEETING DATES

File Ref: S012-T00025

22/298 MOTION Councillor Diskon/Councillor Worthington

THAT Council:

1. Endorse the following 17 dates as the meeting schedule for Council meetings for the 2023 calendar year:
 - (a) 14 February 2023
 - (b) 28 February 2023
 - (c) 14 March 2023
 - (d) 28 March 2023
 - (e) 9 May 2023
 - (f) 23 May 2023
 - (g) 27 June 2023
 - (h) 25 July 2023
 - (i) 8 August 2023
 - (j) 22 August 2023
 - (k) 12 September 2023
 - (l) 10 October 2023
 - (m) 24 October 2023
 - (n) 14 November 2023
 - (o) 28 November 2023
 - (p) 12 December 2023
2. Note that the schedule of meeting dates may be amended at any time, as required.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, R Pollock OAM,
A Schutz and A Worthington.

Against the Motion: Nil.

GMR22/106 2022 EDUCATION AND SCHOOL GRANTS

File Ref: S014-T00011

Councillor Mayne declared a non-significant, non-pecuniary conflict of interest in GMR22/016 2022 Education and School Grants and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Mayne declared an interest as his wife has an association with one of the entities who applied for an Education and School Grant.

At **12:45 pm** Councillor Mayne left the Chambers.

22/299 MOTION Councillor Harrison/Councillor Dannock

THAT Council approve the allocation of funds to the Education and School Grant recipients as noted in the confidential attachment.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Nil.

At **12:46 pm** Councillor Mayne returned to the Chambers.

12. PLANNING AND SUSTAINABILITY REPORTS

**PSR22/041 ADOPTION OF THE DRAFT MORUYA RIVER, MUMMAGA LAKE, WAGONGA
INLET ESTUARINE COASTAL MANAGEMENT PROGRAM**

File Ref: S017-T00013, S014-T00007

22/300 MOTION Councillor Pollock OAM/Councillor Hatcher

THAT Council:

1. Adopt the draft Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program
2. Forward the adopted Moruya River, Mummaga Lake and Wagonga Inlet Estuarine Coastal Management Program to the NSW Minister for Local Government for certification

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

Division

For the Motion: Crs T Dannock, P Diskon, M Hatcher, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Crs T Harrison and A Mayne.

**PSR22/047 DEVELOPMENT APPLICATION DA0469/22 - RESIDENTIAL FLAT BUILDING AT
390 AND 392 BEACH ROAD, BATEHAVEN**

File Ref: S006-T00001

22/301 MOTION Councillor Pollock OAM/Councillor Hatcher

THAT pursuant to the provisions of Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Development Application No. 0469/22 for the erection of a residential flat building at 390 and 392 Beach Road, Batehaven be approved subject to the conditions set out below:

GENERAL CONDITIONS

1 Approved plans

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

DA and Sheet Nos.	Plan Nos.	Date of Plan	Prepared by
DA0469/22 – Sheet 1 of 41	2112 – A00 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 2 of 41	2112 – A01 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 3 of 41	2112 – A02 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 4 of 41	2112 – A03 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 5 of 41	2112 – A04 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 6 of 41	2112 – A05 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 7 of 41	2112 – A06 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 8 of 41	2112 – A07 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 9 of 41	2112 – A08 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 10 of 41	2112 – A09 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 11 of 41	2112 – A10 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 12 of 41	2112 – A11 – Rev B	18/8/2022	Architects North

DA0469/22 – Sheet 13 of 41	2112 – A12 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 14 of 41	2112 – A14 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 15 of 41	2112 – A15 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 16 of 41	2112 – A16 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 17 of 41	2112 – A17 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 18 of 41	2112 – A18 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 19 of 41	2112 – A19 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 20 of 41	2112 – A32 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 21 of 41	2112 – A30 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 22 of 41	2112 – A30 – Rev B	18/8/2022	Architects North
DA0469/22 – Sheet 23 of 41	L301.1 – Ground Floor Landscape Plan	5/5/2022	Place Logic
DA0469/22 – Sheet 24 of 41	L301.2 – Level 1 Landscape Plan	5/5/2022	Place Logic
DA0469/22 – Sheet 25 of 41	L301.3 – Level 3 Rooftop Landscape Plan	5/5/2022	Place Logic
DA0469/22 – Sheet 26 of 41	L302.1 – Materials Palette	12/11/21	Place Logic
DA0469/22 – Sheet 27 of 41	L303.1 – Planting Schedule and Imagery	5/5/2022	Place Logic
DA0469/22 – Sheet 28 of 41	L303.2 – Landscape Details	12/11/21	Place Logic
DA0469/22 – Sheet 29 of 41	L304.1 – Landscape Diagrammatic Section – Visual Screening	24/11/21	Place Logic
DA0469/22 – Sheet 30 of 41	BASIX Commitments	Undated	Unattributed

DA0469/22 – Sheet 31 of 41	M9830 – Sheet 1 of 11 – Rev C	19/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 32 of 41	M9830 – Sheet 2 of 11 – Rev A	10/12/2021	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 33 of 41	M9830 – Sheet 3 of 11 – Rev A	10/12/2021	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 34 of 41	M9830 – Sheet 4 of 11 – Rev C	19/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 35 of 41	M9830 – Sheet 5 of 11 – Rev C	19/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 36 of 41	M9830 – Sheet 6 of 11 – Rev C	19/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 37 of 41	M9830 – Sheet 7 of 11 – Rev C	19/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 38 of 41	M9830 – Sheet 8 of 11 – Rev C	19/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 39 of 41	M9830 – Sheet 9 of 11 – Rev B	5/05/2022	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 40 of 41	M9830 – Sheet 10 of 11 – Rev A	10/12/2021	Geoff Metzler & Associates Pty Ltd
DA0469/22 – Sheet 41 of 41	M9830 – Sheet 11 of 11 – Rev A	10/12/2021	Geoff Metzler & Associates Pty Ltd

Council Stamp No.	Document title	Date of document	Prepared by
DA0469/22 – Document 1	S4.14 Referral Response	19 September 2022	NSW Rural Fire Service
DA0469/22 - Document 2	Radiant Heat Shield	1 March 2022	Harris Environmental Consulting
DA0469/22 – Document 3	Statement of Environmental Effects	24 May 2022	Zenith Town Planning
DA0469/22 – Document 4	BASIX Certificate 1269037M_02	25 May 2022	Certified Energy 1
DA0469/22 – Document 5	Hydrologic and Hydraulic Model Results and Associated Advice	14 June 2022	Rienco Consulting
DA0469/22 – Document 6	Traffic and Parking Assessment Report	May 2022	Positive Traffic

Note: Any alteration to the plans and/or documentation may require the lodgement of an application to modify the consent under Section 4.55 of the Environmental Planning and Assessment Act (EPA Act) 1979, or a fresh development application. Your Principal Certifier 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 **Earthworks, retaining walls and structural support**

Any earthworks (including any structural support or other related structure for the purposes of the development):

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that if fill brought to the site - must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that if excavated soil is to be removed from the site - it must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005. [11.16]

3 **Vehicle Direction**

All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Beach Road. [14.25]

4 **Water & Sewer Inspections**

All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater 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 Certificate.

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:

- (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) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
- (e) Issue of final satisfactory inspection. [2.16]

5 **Noise from Deliveries/Waste Collection**

Waste collections and deliveries from any vehicle or truck are not permitted on any part of the premises between 10pm and 7am Monday to Saturday inclusive or between 10pm and 9am on Sundays and Public Holidays. [20.07]

6 **Demolition and Site Clearing Operations**

Building demolition works are to be carried out in accordance with AS2601:2001. All demolition works must be carried out wholly within the allotment boundaries and must not extend onto the footpath area, public roadway or adjoining properties. Demolition is to comply with stamped approved DA0469/22, Document 3.

7 **Storage of Materials**

Storage of materials is not permitted on the public footpath area or roadway unless an approved hoarding is provided. [21.03]

8 **Demolition - Damage to adjacent Properties**

Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties (including the road reserve). All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six (6) months. The existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council's Plumbing and Drainage Inspector. [21.04]

9 **Asbestos Removal**

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

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>;

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;

All asbestos material removed is to be disposed of to a landfill site licensed to receive asbestos. [25.01]

10 **Asbestos Clearance Certificate - Demolition of Existing Structure**

Following the demolition works and prior to the commencement of construction, an Asbestos Clearance Certificate shall be submitted to the Principal Certifier confirming the subject land has been cleared of asbestos in accordance with the [Asbestos | SafeWork NSW](https://www.safework.nsw.gov.au/hazards-a-z/asbestos) <https://www.safework.nsw.gov.au/hazards-a-z/asbestos> requirements.

Note: In the event that you have engaged a suitably qualified consultant (that is a Licensed Builder or Asbestos Contractor) and it was determined that no Asbestos was detected. Please provide written certification from the Licensed Builder or Asbestos Contractor that the development does not contain any asbestos. [25.13]

11 **Building near Sewer Mains**

Special footings to be constructed adjacent to Council's sewer main in accordance with the approved Engineer's design submitted with this development application. [4.17]

12 **Sewer Main Protection - Code of Practice**

Any planting of vegetation or installation of structures within the 'zone of influence' of Council's sewer must be in accord with the 'Build in the Vicinity of Sewer Mains Code of Practice'. Schedule A of the Code provides a general list of plant species not suitable and these are not to be planted. The document is available on Council's website at [<https://www.esc.nsw.gov.au/>](https://www.esc.nsw.gov.au/). [4.19]

13 **Compliance with RFS requirements**

This consent is issued on the basis of compliance with stamped approved documents 1 and 2 attached to this consent.

14 **Essential Energy requirements**

- a. Essential Energy's records indicate that there are existing overhead powerlines located across the street frontage of this property. As per the revised plans and information provided by the Applicant, it is proposed that this overhead infrastructure will be undergrounded. Such undergrounding will be at the Applicant's expense and must meet the requirements of Essential Energy's contestable works process. Refer Essential Energy's Contestable Works Team via email contestableworks@essentialenergy.com.au [<mailto:contestableworks@essentialenergy.com.au>](mailto:contestableworks@essentialenergy.com.au) for all requirements.
- b. Following undergrounding of the existing powerlines across the street frontage:
 - i. Prior to carrying out any works in this location and/or within 1.0 metre either side of these cables, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995 (NSW)* to locate these cables.
 - ii. Works around the cables must be managed. If the ground levels over the cables are to be altered, clearances must be maintained and cable integrity protected.
 - iii. Any excavation works in this area for the proposed new driveway/s must comply with the latest industry guideline currently known as *ISSC 20 Guidelines for the Management of Activities within Electricity Easements and Close to Infrastructure*.
 - iv. The cables should be in conduit under any new driveway/s and driveway/s should not be placed over the top of any joints and spare conduit should be available - refer Essential Energy's policy *CEOM7098 Distribution Underground Design and Construction Manual*. Note that approval is not possible where the driveway/s are proposed to be located with an impact on existing cables, cable joints, pits pillars and the like - refer *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
- c. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's

responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au <<mailto:contestableworks@essentialenergy.com.au>>.

- d. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to each unit in accordance with *NSW Service and Installation Rules*. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
- e. Any proposed landscaping in the vicinity of existing or proposed electrical infrastructure must comply with *ISSC 20 Guidelines for the Management of Activities within Electricity Easements and Close to Infrastructure*.

15 ***Approved Development***

This development has been approved based on the Design Verification Statement prepared by Architects North and contained in Document 1 - Statement of Environmental Effects prepared by Zenith Town Planning.

16 ***Garage Door***

The garage door must be operated automatically via remote. No vehicle is permitted to stop or park over the footpath/verge of Beach Road.

17 ***Colours and Materials***

This building has been approved based on the colours and materials demonstrated on stamped approved plans DA0469/22 Sheet 8. Any proposed material change shall be submitted to and approved by Council, prior to the change occurring.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

18 ***Structural (Dilapidation) Reports***

Prior to release of any Construction Certificate, the applicant shall submit a structural report detailing the existing condition of adjoining buildings, infrastructure and roads at 390 and 392 Beach Road, Batehaven. The report shall be prepared by a suitably qualified Structural Engineer and a copy provide to Council.

19 ***Adaptable Housing***

Access and facilities for persons with disabilities are to be provided in accordance with the Development Control Plan that requires a minimum of one in every four of the dwellings able to demonstrate that it can satisfy the requirements of Australian Standard AS4299-Adaptable Housing. Complete details of compliance with these instruments is to be provided to the Certifying Authority prior to the issue of a Construction Certificate. [23.27]

20 ***Detailed Site Investigation***

Prior to the release of any Construction Certificate, the land shall be investigated, by a suitably qualified consultant, to ensure that there is no contamination present on

site.

21 **Detention Rainwater Tank Reuse**

The water collected within the detention rainwater tanks is to be used for the purposes of landscaping, washing down the garbage storage area and washing of vehicles. Plans shall be submitted to the satisfaction of the Certifier prior to issue of the Construction Certificate.

22 **Access**

Prior to release of the Construction Certificate, submission to the Principal Certifier of a plan showing details of the access driveway construction addressing the following:

- (a) The location of the driveway within the site and extending to the existing road;
- (b) A long section showing existing and final levels along the centre line of the driveway from the road centre line to the back of the vehicle standing area, with final levels providing grades conforming to 'Councils Infrastructure Design Standards <<http://www.esc.nsw.gov.au/development-and-planning/tools/development-control-plans/Infrastructure-Design-Standard-IDS.pdf>> or to AS/NZS 2890.1:2004 ;

- (c) Any design not compliant with Council's Infrastructure Design Standard is to be certified by the designer for compliance with AS/NZS 2890.1:2004;

Method of containing all fill and excavation associated with the driveway within the lot;

- (e) The extent of earthworks within the footpath area adjacent to the driveway to provide a maximum slope of 1 in 8 (12.5%);
- (f) The location of all services in plan and elevation and any alterations required to conform to the standards of the service provider;
- (g) The method of controlling water flows to address safety, short and long term erosion to industry standards; and
- (h) Pavement designs;
- (i) The driveway is to be generally 6.0m wide across the verge. In the direction of travel toward the road, at a point 1.0m from the road formation, the driveway can flare for the provision of a vehicle crossing 6.0m to a width of 7.5m where it adjoins the gutter invert or edge bitumen. Where upright kerb and gutter exists, the vehicle crossing is to comply with Council's Infrastructure Design Standard, drawing 4400-a 001-b-1. ^[14.04]

23 **Car Park Design**

Prior to the issue of a Construction Certificate submission to and approval by the Certifying Authority of plans prepared by a suitably qualified engineer for 39 resident car parking spaces and five visitor spaces, manoeuvring areas and access driveways all being sealed and conforming to AS2890.1 & 2. Such plans are to include drainage and pavement designs and are to address expected vehicle loading and any fill compaction requirements. The car park design is to be accompanied by a

management plan detailing vehicle parking arrangements for residents and visitors.
[15.02]

24 **Long Service Levy**

Long Service Levy is required to be paid to the NSW Long Service Payment Corporation prior to the issue of a Construction Certificate. The amount to be paid is 0.35% of the cost of buildings and works where these are valued at \$25,000 or more.

25 **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by Council prior to the issue of a Construction Certificate. 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.

26 **Section 7.11 Contributions**

Payment to Council pursuant to 7.11 of the *Environment Planning and Assessment Act 1979*, of contributions towards the provision of public amenities or services. The current contribution rates for the current financial year are as follows:

Facility	2 by 3+ bedroom dwelling	12 by 2 bedroom dwelling	9 by 1 bedroom / studio dwelling	Total (no. of dwellings * rate)
Open Space and Recreation	2 * 476	12 * 272	9 * 221	\$6,205
Community and Cultural	2 * 138	12 * 79	9 * 64	\$1,800
Arterial Roads	2 * 4,748	12 * 2,713	9 * 2,205	\$61,897
Paths and Cycleways	2 * 633	12 * 362	9 * 294	\$8,256
Stormwater	2 * 1,278	12 * 730	9 * 593	\$16,653
Marine	2 * 192	12 * 110	9 * 89	\$2,505
Plan Preparation and Administration	2 * 112	12 * 64	9 * 52	\$1,460
Total	2 * 7,578	12 * 4,330	9 * 3,518	\$98,778

The above contributions are to be paid prior to the issue of any Construction Certificate, and will be payable at the rate applicable at the time of payment.

Note: *The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces.*

The plan can be viewed on Council's website at [Contributions Plan \(nsw.gov.au\)](https://www.nsw.gov.au/contributions-plan)

https://www.esc.nsw.gov.au/data/assets/pdf_file/0005/218966/Eurobodalla-Local-Infrastructure-Contributions-Plan-2022.pdf

27 **Water/Sewer Developer Contributions - Development**

Prior to the issue of a Section 68 Approval/Construction Certificate, the developer/consent holder will have to be eligible to obtain a Section 307 Certificate of Compliance under the *Water Management Act 2000*/ compliance with Section 64 of the *Local Government Act 1993*. To be eligible, the developer/consent holder will have to contribute:

- a) \$87,358 (12.4 ETs) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$7,045.
- b) \$134,329.60 (15.1 ETs) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$8,896.

The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifier prior to the issue of the Construction Certificate.

Note: *The above contributions are reviewed at least annually and may be subject to increases as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.* [3.11a]

28 **Water Meter - Multi Unit Development**

Prior to works commencing, submission to and approval by Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant 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. Individual meters to be sized in accordance with AS/NZS3500.1:2003 Plumbing and Drainage - Water Services.

Notes:

- All fire hose reels must be supplied through the metered supply.
- Each residence is to be separately metered from the main or internally. That is, either by connection to Council's water main by a single Council meter with all residences separately metered by private meters within the development or individual Council connections and meters from Council's main for each residence.
- Council will provide a quote to construct the water service complete with meter with prepayment required prior to works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.
- A backflow prevention device is to be installed and certified by a private plumber in accordance with Council's Backflow Prevention policy.

- A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4m from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on 44741342 to arrange the quote and prepayment will be required to be receipted at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma depot.
- Any amendments to the building or building envelope to accommodate the design may require additional approval from Council. [5.05a]

29 ***Stormwater Management – Multi Unit Development***

Prior to the issue of a Construction Certificate, submission to the Principal Certifier of plans addressing stormwater management for the development. The plans are to be certified by a suitably qualified drainage consultant or engineer for compliance with the following:

- i) AS/NZS 3500.3:2015.
- ii) Infrastructure Design Standard (IDS)
- iii) 70% retention of the typical urban annual load for gross pollutants.
- iv) Provide a sediment trap at the site extremity.
- v) Point of discharge from the site is to be connected to Council infrastructure in accordance with Council's Infrastructure Design Standard.

Note: Notwithstanding the above minimum requirements, in accordance with the *Protection of the Environment Operations Act 1997*, a person who pollutes any waters (pollute waters includes cause or permit any waters to be polluted) is guilty of an offence and is liable under that Act. [6.32]

30 ***Ocean/Flood***

Prior to issue of a Construction Certificate, submission to the Principal Certifier of plans by a suitably qualified and experienced Structural/Civil Engineer certifying that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location. The applicable flood planning level for the development is 3.01m AHD. [7.04]

31 ***Flood***

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the Principal Certifier showing all building materials used below the nominated flood planning level, 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". [7.05]

32 ***Bushfire Protection Construction Details required***

Prior to the issue of the Construction Certificate detailed plans and specifications of the building construction shall be submitted to the Principal Certifier demonstrating

compliance with the BAL levels and requirements stipulated in stamped approved documents 1 and 2 attached to this consent. [9.02]

33 **Landscaping Plan**

Prior to release of any Construction Certificate, the applicant shall submit to the Principal Certifier a revised landscaping plan that is compliant with the NSW Rural Fire Service Planning for Bush Fire Protection 2019 and stamped approved document 1.

PRIOR TO COMMENCEMENT OF WORKS

34 **Erosion and Sedimentation Control**

Prior to commencement of any earthworks, installation of all measures necessary to effectively control soil erosion on the site to prevent silt discharge into drainage systems and waterways in accordance with Council's Soil and Water Management Code. The measures, to include sediment fencing and erosion control devices, are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

Note: *Clean Up Notices and/or on-the-spot fines may be imposed by Council for non-compliance with this condition.* [11.13]

35 **Imported Fill**

Prior to the importation of fill onto the development site details of the origin/quality of the material are to be provided to the Principal Certifier. The fill is to be certified as virgin excavated natural material (VENM) of similar material to the existing soil type on the land, and is to be tested for suitability to achieve the required 98% dry density compaction of a subgrade material, the material is to comply with AS3798-2007 and AS1289-2000. [11.15]

36 **Erosion and Sediment Controls - Installation**

The Principal Contractor or Owner-builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:

- a) The Soil and Water Management Plan if required under this consent;
- b) "Do it Right On Site, Soil and Water Management for the Construction Industry" published by the Southern Sydney Regional Organisation of Councils, 2001; and
- c) "Managing Urban Stormwater - Soils and Construction" 2004 published by the NSW Government (The Blue Book).

Where there is any conflict, The Blue Book takes precedence. [11.20]

37 **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 undertaken by other than the applicant, the supervisor of the works is to be advised of this condition. Details for an application form and fees are available by contacting council Engineering Development Assessment Officer (44741254) & 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. [14.09]

38 **Construction Certificate**

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

- Detailed plans/specifications of the building have been endorsed with a Construction Certificate by a registered certifier, and
- The person having the benefit of the development consent has appointed a Principal Certifier, and has notified the Council of the appointment, and
- The person having the benefit of the development consent has given at least two (2) day's notice to the Council of the person's intention to commence the erection of the building; and
- Builders name and licence number has been supplied to Council or the Principal Certifier; and
- Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifier; and
- 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 Certifier 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. [2.06]

39 **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.
[22.01]

40 **Essential Energy condition**

Prior to any demolition works commencing, any service line/s to the properties must be disconnected.

DURING CONSTRUCTION

41 **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. [0131]

42 **Certification Height of Building**

The residential flat building must be constructed in accordance with the maximum finished levels outlined below:

- ground floor habitable level 2.51m AHD;
- first floor level 5.5m AHD;
- second floor level 8.4m AHD;
- third floor level 11.3m AHD; and
- roof level 14m AHD.

The floor levels and ridge level must be certified by a registered surveyor. Evidence is to be submitted to the satisfaction of the Principal Certifier, prior to continuing construction. Construction is not to continue until the Principal Certifier has signed off that the floor level or ridge level is in accordance with the approved levels outlined in this condition. [23.33]

43 **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. [14.10]

44 **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*. [14.12]

45 **Approved Plans to be On-Site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of Council or the Principal Certifier. [2.22]

46 **Construction Hours - NOISE**

If audible at any residence or other sensitive noise receiver, construction may only be carried out between 7.00am and 6.00pm on Monday to Friday, and 8.00am to 5.00pm Saturdays. No construction can be carried out on a Sunday or public holiday if audible at any residence or other sensitive receivers. [20.01]

47 **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 Certifier certifying that the works have been located in accordance with the approved development application prior to proceeding past the relevant stage of construction. [23.05]

48 **Implementation of BASIX commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with commitments listed in BASIX certificate(s) approved by this consent, for the development to which the consent applies, and any updated certificate(s) if amendments are made. [23.26]

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

49 **Structural (Dilapidation) Report – Post Construction**

Prior to the release of any Occupation Certificate, the applicant shall submit to the Principal Certifier and Council a report prepared by a suitably qualified Structural Engineer that demonstrates the post construction condition of the buildings, roads and infrastructure assessed prior to construction in accordance with condition 26 of this consent.

This report must detail if there has been any structural damage which has occurred as a result of construction activities.

Any remediation or rectification works as determined by the report must be completed with satisfactory evidence provided prior to the issue of any Occupation Certificate.

Note: All rectification works are at the expense of the developer.

50 **Action Plan**

Prior to the issue of a Construction Certificate, a site-specific Flood Action Plan, prepared by a suitably qualified engineer is to be submitted to and approved by Council. Evidence of implementation of the Flood Action Plan is necessary prior to the occupation of commencement of operations. The Flood Action Plan is to include an Emergency Plan available from the [NSW State Emergency Service \(SES\) Website <http://www.sesemergencyplan.com.au/>](http://www.sesemergencyplan.com.au/). The site-specific Flood Action Plan is to include but not be limited to:

- a) Property Address
- b) Local Emergency Contact Numbers
- c) Local Radio Stations for Emergency Warnings
- d) Bureau of Meteorology Website for Emergency Warnings

- e) Flood Warnings and Approximate Site Levels for occupants to determine flood severity.
- f) Evacuation Procedures
- g) Evacuation Map
- h) Location of SES Emergency Plan
- i) Location and Contents of Emergency Kit as per SES Emergency Plan. [7.15]

51 **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. [0209]

52 **Layback Gutter**

Prior to the issue of any Occupation Certificate, provision of a 6m wide layback gutter crossing and reinstatement of kerb over redundant laybacks to 'Councils Infrastructure Design Standards <http://www.esc.nsw.gov.au/development-and-planning/tools/development-control-plans/Infrastructure-Design-Standard-IDS.pdf> Plan No 4400-A-0001-b-1. [14.17]

53 **Landscape Plan**

Completion of landscaping in accordance with the approved Landscape Plan and the requirements of Documents 1 and 2 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. [16.04]

54 **Landscaping Plan of Management**

In accordance with the Apartment Design Guide, the applicant shall submit to the Principal Certifier a written plan of management to ensure that the landscaping is maintained in accordance with the landscaping plan, approved in accordance with this consent.

55 **Occupation Certificate**

The development shall not be used or occupied until an Occupation Certificate has been issued by the Principal Certifier. [2.14]

56 **Privacy Screening for decks**

Privacy screen(s) are required for the areas of the deck(s) located within 9m of the deck or transparent windows/doors of a residential neighbour's living room as shown on the approved plans, and/or where marked in red on the approved plans. The privacy screen(s) must face the affected side or rear boundary, be between 1.5m (min) to 1.7m (max) in height (measured from the deck's floor level), have individual openings of 30mm wide and the total of all openings be less than 30% of the surface area of the screen. The screens must be installed prior to issue of any Occupation Certificates. [23.02]

57 **Land Consolidation**

Consolidation of the land into one lot is required. Plan of consolidation to be registered with the Land and Property Information NSW prior to issue of any Occupation Certificate. [3.15]

58 ***Works as Executed Plans and any other Documentary Evidence***

Before the issue of the Occupation Certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a) All stormwater drainage systems and storage system
- b) Landscape Plan including the plan of management in accordance with conditions 53 and 54
- c) Fire Safety Certification in accordance with conditions 59 and 60
- d) A Certificate from a Registered Surveyor in accordance with condition 42
- e) Certification from a suitably qualified consultant of remediation works carried out in accordance with conditions 10 and 49, if required
- f) Structural dilapidation reports and evidence of rectification works as required by conditions 18 and 49 must be submitted.

The principal certifier must provide a copy of the plans to Council with the Occupation Certificate. [6.06]

59 ***Fire Safety Certificate***

A Fire Safety Certificate shall be furnished to the Registered Certifier for all the "Essential Fire or Other Safety Measures" forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the Registered Certifier prior to issue of an Occupation Certificate. [8.01]

60 ***Annual Fire Safety Statement***

- (a) A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates:
 - (i) has been assessed by a properly qualified person; and
 - (ii) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the Certificate is issued.
- (b) The assessment must have been carried out within the period of three (3) months prior to the date on which the final Fire Safety Certificate is issued.
- (c) The choice of person to carry out the assessment is up to the owner of the building.
- (d) The person who carries out the assessment:
 - (i) must inspect and verify the performance of each fire safety measure being assessed; and
 - (ii) must test the operation of each new item of equipment installed in the building premises that is included in the current Fire Safety Schedule for the building.
- (e) As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:
 - (i) must cause a copy of the Certificate (together with a copy of the current

- Fire Safety Schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (ii) must cause a further copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be prominently displayed in the building.

61 ***Adaptable Housing***

The Principal Certifier is to ensure prior to the issue of any Occupation Certificate that a minimum of 6 residential units is compliant with the requirements of AS4299- Adaptable Housing. [23.28]

62 ***Parking***

Prior to issue of any Occupation Certificate, construct/provide car parking in accordance with the approved plans. [15.06]

63 ***Bush Fire Protection Measures***

Prior to the issue of any Occupation Certificate, the Certifier shall ensure that all bush fire protection measures required for compliance with Document 1 have been completed.

ADVISORY NOTES

A ***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. [0010]

B ***Disclaimer - s88B Restrictions on the Use of Land***

The applicant should note that there could be covenants in favour of persons, other than Council, restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under the Eurobodalla Local Environmental Plan, Agreements, Covenants or Instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved. [0013]

C ***Use of Mobile Cranes***

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works.

For special operations including the delivery of materials, hoisting of plant and equipment, and erection and dismantling of on-site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:

- (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions and
- (b) at least four (4) weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic

disruptions.

The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council. [0243]

D *Underground Utility Services Check*

The applicant shall contact the "Dial Before You Dig" service on telephone (02) 1100, fax number 1300-652-077 or email mocsinfo@mocs.com.au, prior to the commencement of excavation, to ascertain the presence and type of underground utility services in the vicinity of the development. [0263]

E *Ocean Location*

Council is of the opinion that the land is located within a corrosive environment, ie. that it is located within 1km from breaking surf, within 100m of salt water not subject to breaking surf or heavy industrial areas. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia. [10.16]

F *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 & 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 that area. [13.07]

G *NCC/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. [2.23]

H *Council's Sewer Plan*

Attached to the approval is a copy of Council's sewer plan. If excavating near the sewer for access construction or other, please contact Council's nearest depot for further information if required.

This diagram has been compiled on the best available information but can only be taken as a guide. Exact location should be physically determined on site.

Disclaimer: This information is released by Eurobodalla Shire Council on the condition that the recipient of this document, or the reader of it, acknowledges that should they rely on any aspect of this document, they do so at their own risk and release Eurobodalla Shire Council of all liability and responsibility for any errors, omissions or inaccuracies contained within or arising from this information. [4.12]

I *Flooding /Sea level rise Liability*

The land may be subject to flooding/sea level rise and the development has been assessed using best available information concerning the likelihood of flooding/ sea

level rise 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]

J **Essential Energy - General Comments**

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
3. In addition, Essential Energy's records indicate there is overhead electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the properties encroach on the electrical infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au <<http://www.safework.nsw.gov.au>>) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice - Work near Overhead Power Lines/Underground Assets*.

K **Street Numbering**

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to Council. [0246]

L **Requirement to Notify about New Evidence**

Any new information which comes to light during remediation, excavation or construction works which has the potential to alter previous conclusions about site contamination, heritage significance, threatened species or other relevant matters must be immediately notified to Council and the Certifier. Remediation is at the full cost of the owner.

M **Responsibility to Changes to Public Infrastructure**

While building works are being carried out, the applicant must pay any costs incurring as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits or infrastructure, street trees or any other infrastructure) in the street footpath/road reserve area.

N ***Ongoing Maintenance of Bush Fire Protection Measures***

It is the responsibility of the owner and manager of the building to ensure that the bush fire protection measures and landscaping are maintained at all times, for the life of the development in accordance with Document 1 and Planning for Bush Fire Protection 2019.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, R Pollock OAM, A Schutz and A Worthington.

Against the Motion: Cr A Mayne.

PSR22/048 CLIMATE CHANGE ADVISORY COMMITTEE

File Ref: S010-T00037

At **1:37 pm** Councillor Pollock OAM left the meeting and took no further part in the meeting.

22/302 MOTION Councillor Hatcher/Councillor Dannock

THAT Council:

1. Appoint the recommended nominees to the Climate Change Advisory Committee, as contained in the Confidential Attachment.
2. Notify nominees of the outcome of the decision with a request to sign a Confidentiality Agreement in accordance with the Terms of Reference.
3. Make public, the list of members of the Climate Change Advisory Committee as determined by Council.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/049 LEASE OF PUBLIC ROAD - FLORA COURT - BATEMANS BAY

File Ref: S023-T00015 Land ID: 36088

22/303 MOTION Councillor Hatcher/Councillor Dannock

THAT

1. Council grants a five-year lease to the new business owners over part of service lane Flora Court, Batemans Bay adjoining Lots 103 and 104 DP 1210970, including the following conditions:
 - (a) Provision of evidence of \$20 million public liability insurance
 - (b) Rental as set out in the confidential attachment to this report
 - (c) All costs associated with the lease to be borne by the lessee
 - (d) The lease be able to be terminated by Council at any time for any reason
 - (e) Lease conditions generally in line with the previous lease.
2. The General Manager be given delegated authority to negotiate further leases of part of the service lane to the business owners for carparking.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Nil.

PSR22/050 LICENCE RENEWAL - OUTDOOR DINING, MARA MIA WALKWAY, BATEMANS BAY

File Ref: S023-T00017 Land ID: 23230

22/304 MOTION Councillor Harrison/Councillor Diskon

THAT

1. Council grant a three-year licence renewal to the business owners adjacent to Lot 323 DP 45828 within Crown Reserve R96919 Mara Mia Walkway, Batemans Bay for an outdoor dining area, including the following conditions:
 - (a) The licence fee be in accordance with Council's adopted fees and charges
 - (b) Provision of evidence of \$20 million public liability insurance
 - (c) Licence conditions generally in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences to businesses adjacent to Mara Mia Walkway for outdoor dining areas as they arise.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Nil.

**PSR22/051 LICENCE RENEWAL - OUTDOOR DINING, ORIENT STREET,
BATEMANS BAY**

File Ref: S023-T00017 Land ID: 23230

22/305 MOTION Councillor Harrison/Councillor Mayne

THAT

1. An exemption to Council's Footpath Trading Code be made and Council grant a three-year licence for an outdoor dining area to the business owners adjacent to the boundary of 3/32 Orient Street, Batemans Bay including the following conditions:
 - (a) The licence fee be in accordance with Council's adopted fees and charges
 - (b) Provision of evidence of \$20 million public liability insurance
 - (c) The area to be kept in a clean, tidy and hygienic condition
 - (d) Licence conditions in line with the previous licence.
2. The General Manager be given delegated authority to negotiate further licences.

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

Division

For the Motion: Crs T Dannock, P Diskon, T Harrison, M Hatcher, A Mayne, A Schutz and A Worthington.

Against the Motion: Nil.

13. INFRASTRUCTURE REPORTS

Nil

14. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

15. DELEGATE REPORT

Nil

16. URGENT BUSINESS

Nil

17. DEALING WITH MATTERS IN CLOSED SESSION

Nil

18. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 1.43PM

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 8 November 2022 at which meeting the signature hereon was subscribed.