



Minutes

Ordinary Meeting of Council

23 May 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 23 MAY 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 23 MAY 2017
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Lindsay Brown,
Maureen Nathan, Patrick McGinlay and Phil Constable.

Staff: Mr A O'Reilly, Acting General Manager
Mr L Usher, Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure Services
Mrs K Arthur, Director, Community, Arts and Recreation
Mrs K Green, Minute Secretary

1. WELCOME, ACKNOWLEDGEMENT OF COUNTRY AND EVACUATION MESSAGE

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

2. APOLOGY

17/141 MOTION Councillor Mayne/Councillor Nathan

THAT apologies be received from Councillor Rob Pollock OAM and leave of absence be granted.

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

2. PUBLIC FORUM (AGENDA ITEMS ONLY)

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

PF17/015 PSR17/024 Batemans Bay Mackay Park Precinct Concept Plan – Contract Variation

Ms Jeannie Brewer addressed Council in relation to PSR17/024 Batemans Bay Mackay Park Precinct Concept Plan – Contract Variation.

A copy of Ms Brewer's submission is available on Council's website.

ADJOURNMENT

17/142 MOTION Councillor Innes/Councillor Mayne

THAT the Ordinary Council Meeting be adjourned for a period of five minutes.

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

At 10.14am the meeting adjourned.

At 10.19am the meeting reconvened.

3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/143 MOTION Councillor McGinlay/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 09 May 2017 be confirmed.

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

4. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Nil

5. MAYORAL REPORTS

Nil

6. NOTICES OF MOTION

NOM17/008 NAROOMA OYSTER FESTIVAL

File Ref: E08.2294

17/144 MOTION Councillor Brown/Councillor Thomson

THAT Council congratulate the Narooma Chamber of Commerce, and those associated with event, on the success of the Narooma Oyster Festival.

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

7. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

8. GENERAL MANAGER'S REPORTS

Nil

9. PLANNING AND SUSTAINABILITY REPORTS

PSR17/024 BATEMANS BAY MACKAY PARK PRECINCT CONCEPT PLAN – CONTRACT VARIATION

File Ref: E12.6442

17/145 MOTION Councillor Nathan/Councillor Mayne

THAT Council proceed with a contract variation to include option 2, the ‘de-coupling’ of the arts and cultural facility from the aquatic and recreation centre and placing it on the northern part of the Batemans Bay Mackay Park precinct.

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

PSR17/025 AMENDMENT TO WHARF ROAD COASTAL ZONE MANAGEMENT PLAN

File Ref: E12.6263

17/146 MOTION Councillor Tait/Councillor Thomson

THAT:

1. Council adopts the amended Wharf Road Coastal Zone Management Plan 2017.
2. Council forwards the Wharf Road Coastal Zone Management Plan to the Minister for Planning for final certification.
3. Following certification, Council request the NSW Government commences negotiations to purchase land in private ownership.

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

**PSR17/026 DEVELOPMENT APPLICATION 577/15-M2 MODIFICATION TO SHOP TOP
HOUSING - ORIENT STREET - BATEMANS BAY**

File Ref: 85.2226.D

17/147 MOTION Councillor Brown/Councillor Nathan

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Application No. 577/15-M2 in relation to Lot 2 DP1166711 No.13A Orient Street, Batemans Bay be **APPROVED** subject to the conditions set out below.

GENERAL CONDITIONS

1. **Approved plans**

The development must be carried out in accordance with the plans stamped and numbered **577/15-M2** 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.

Council Stamp No.	Plan No.	Date of Plan	Prepared by
577/15-M2 Sheets A01-A11	A01-A11 Rev 7 Job 1606	6/12/16	Architects North
Sheets SP01-SP05	SP01-SP05 Rev A Job No. 1502	April 2017	Architects North

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 (EP&AA) 1979, or a fresh development application. Your Principal Certifying Authority (PCA) 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. **Building Code of Australia**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

3. **Vehicle Direction**

All vehicles to enter and exit the development in a forward direction to avoid possible conflict with through traffic on Orient Street. Where a vehicle cannot do this due to its size (removal and construction vehicles), a Traffic Management Plan shall be developed to aid reversing vehicles and provide pedestrian safety.

4. **Loading and Unloading**

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times. A private waste contractor shall be engaged as kerb side garbage disposal is not available.

5. ***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 Interim or 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's Compliance 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) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
- (e) Issue of final satisfactory inspection.

6. ***Protection of Adjoining Areas***

If site or building works will cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient or unsafe; or involve the enclosure of a public place; or have the potential to damage adjoining private land by way of falling objects then a temporary hoarding, fence or awning must be erected between the work site and the adjoining area before the works begin. Any such hoarding, fence or awning must be removed when the work has been completed.

7. ***Colours and Materials***

The external roof cladding shall have a solar absorbance rating of 0.421 or greater (e.g. Zinalume, Galvanised Iron, Colorbond Surfsmist, Classic Cream and Whitehaven do not qualify).

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

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

9. ***Sewerage Manhole***

Any alterations to the ground surface adjacent to the sewerage manhole in the vicinity or within the property will require application and payment to Council for alterations to the manhole level to match the new ground surface level. Manholes within driveways will require provision of a trafficable lid at the applicants cost.

10. ***Waste Management***

Removal of excess waste from the site shall be in accordance with the 'Site Waste and Waste Minimization Plan' by Architects north stamped and received in Council 11 June 2015 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 Regulation.

11. ***Kiosk Requirement – Discharge of Liquid Trade Waste and 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 of council. The application for approval must be in accordance with Council's Liquid Trade Waste Regulation.
12. ***Kiosk Requirement - Floor Level***
The minimum floor level of the kiosk shall be at or above 2.64m AHD. This level is to be certified by a registered surveyor at pouring of concrete for the slab/footings.
13. ***Kiosk Requirement - Power Outlets***
All power outlets are to be constructed as high as practical or at a minimum height of 900mm above the floor level.
14. ***Storm water Disposal***
Storm water from the development is to be connected directly into Council's existing storm water infrastructure under the Murra Mia Walkway. Contact for an inspection is to be made with Council's Plumbing and Drainage Certifier on telephone 02 4474 1231, two (2) working days prior to the expected time of backfilling.
15. ***Fire Hydrant.***
Access to the fire hydrant must be maintained in accordance AS2419.1-2005. Access is not to be obstructed or obscured by obstacles, stored goods, vehicles, vegetation, etc.
16. ***Water Meter/s***
Written advice shall be obtained from a suitably qualified hydraulic engineer/consultant on the recommended water main connection and water meter sizes required for the development, in accordance with AS3500.1:2003 National Plumbing and Drainage Code and AS2441-2005 Installation of Fire Hose Reels, where required. Each unit is to be individually metered. Council fees are applicable for water meters to suit the development.
Note: All fire hose reels must be supplied through the metered supply.

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 by Eurobodalla Shire Council (as the Water Supply Authority) at full cost to the applicant.
17. ***Outdoor Furniture and Dining Areas***
Separate approval is required from Council for any use of any area on the Murra Murra Mia Walkway in accordance with Council's Footpath Trading Code. Please contact Council's Property Section on 02 4474 1217.

18. **Vehicle Access**
To avoid possible conflict with vehicles entering and existing the development, convex mirrors are to be provided at both ends of the driveway in accordance with the recommendations of the Parking and Traffic Impact Assessment Report.
- 18A. **BASIX Certification**
The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No(s) 629214M_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. [23.26]
19. Deleted
20. Deleted

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

21. **Stage 2 - Kiosk Requirement - Design of Food Premises**
The construction and fit-out of the food premises shall comply with the construction requirements of the Food Act 2003, Food Regulation 2004, Food Standards Australia New Zealand Act 1991 and AS4674-2004 Design, Construction and Fit-Out of Food Premises. Prior to the issue of the Construction Certificate for stage 2, 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, cool room and storage areas, shall be submitted to and approved by the Principal Certifying Authority (PCA).
22. **Requirements for Telecommunications and Electrical Provision**
The development is to be provided with adequate access to telecommunications and electricity in accordance with the requirements of Telstra and Essential Energy. Demonstration of suitable arrangements shall be submitted to the PCA prior to the issue of the Construction Certificate.
23. **Acid Sulphate Soil**
The development site is within an area classified as Class Three on maps marked "Acid Sulphate Soil Planning Map" in accordance with the Eurobodalla LEP 2012 (available on the Legislation website (www.legislation.nsw.gov.au)). If excavation is proposed below one metres 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 Principal Certifying Authority prior to the release of the Construction Certificate. If acid sulphate materials are identified no excavation shall take place until an Acid Sulphate Soils Management Plan has been prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soils Manual. The Plan is to be submitted to the Principal Certifying Authority for approval and the development carried out in accordance with the recommendations of the Plan.
24. **Sealed Traffic Areas**

Prior to the issue of the Construction Certificate submission to and approval by the PCA of plans for sealed car parking spaces, manoeuvring areas and access driveways all conforming to AS2890.1 and 2 and the Building Code of Australia. Drainage and pavement designs are to be prepared by a qualified engineer and are to address expected vehicle loadings and any fill compaction requirements.

25. **Long Service Levy**

Long Service Levy is to be paid to the NSW Long Service Corporation prior to the issue of the 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.

26. **Surrender of Consent**

The applicant/owner of the land is required to surrender Development Consent No: 695/03 prior to the issue of the Construction Certificate. In accordance with Clause 97 of the Environmental Planning and Assessment Regulations, the consent of all land owners is required before the surrender can be authorised by Council.

27. **Structural (Dilapidation) Reports**

A Structural Report detailing the existing condition of the adjoining buildings, infrastructure and roads in the vicinity shall be prepared and endorsed by a qualified Structural Engineer. The Report shall be submitted to Council prior to the issue of the Construction Certificate. A second Structural Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads in the vicinity. The report shall compare its findings to the original report and be submitted to Council.^[23.07]

28. **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the PCA prior to the issue of the 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
- (j) site rubbish enclosure

29. **Adaptable Housing**

Access and facilities for persons with disabilities are to be provided in accordance with the Batemans Bay Regional Centres DCP that requires a minimum of 25% 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 for three units is to be provided to the PCA prior to the issue of the Construction Certificate. Compliance with the DCP & AS 4299 also requires three of the 15 parking spaces to be capable of being adaptable. Post adaptation of all three units will result in a net provision of 13 spaces.

30. **Flood**

All building materials used below the 5% (AEP) minimum habitable floor level, including the floor, are to be of flood compatible materials, ie. the structural integrity of the materials must not be adversely be affected by repeated immersion in flood water. These materials are to be consistent with Council's Guidelines for Flood-Compatible Materials. The flood planning level for the site is 2.64m AHD.

31. **Ocean/Flood - Footings**

A report and design by a professional engineer experienced in soil mechanics is to be provided to the PCA 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.

32. **Ocean/Flood**

Prior to issue of the Construction Certificate, submission to and approval by the PCA of designs by a suitably qualified and experienced structural/civil engineer that the development will be capable of withstanding the impact of the flood hazard applicable to the location. The designs shall consider coastal inundation to 3.14m AHD and wave run up to 3.79m AHD. The designs shall include flood doors and window shutters to cater for the design inundation and wave run up.

33. **Soil and Water Management Plan**

Prior to issue of the Construction Certificate the applicant shall prepare a Soil and Water Management Plan (SWMP) to be incorporated in engineering design plans. The SWMP is to be prepared in accordance with Managing Urban Storm water: Soils and Construction – Volume 1, Landcom 2004.

34. **Storm water Management and Water Quality**

Prior to the issue of the Construction Certificate, a Storm water Management Plan (SMP) shall be submitted to the PCA. Plans are to be certified by a qualified drainage consultant or a suitably qualified engineer for compliance with AS/NZ3500 and discharge to meet the ANZECC 2000 Guidelines on water quality. All storm water works required by the SMP are to be carried out prior to the issue of the Occupation Certificate.

35. **Easement Creation**

Construction of drainage or sewerage works over intervening private property for this development is dependent on the applicant negotiating a permit to enter that land and acquiring an easement or right to use the land under the surface for construction, and for future maintenance of works by Council. Proof of registration of legal access is to be submitted to Council prior to the issue of the Strata Certificate.

36. ***Relocate Sewer Main and Build Over Sewer***

The development requires a sewer main to be relocated as part of the project and building over an existing sewer main. A Construction Certificate and associated plans are to be lodged and approved by Council as the Water Supply Authority, prior to the works commencing.

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. The location of the proposed and existing sewer main, and proposed building, are to be verified by a registered surveyor. All levels are to be shown in Australian Height Datum (AHD) and are to include the top of sewer main and bottom of footings along the alignment of the sewer mains.

37. ***Promenade Reconstruction***

To ensure the streetscape is maintained, the removal of street trees is limited to two trees in accordance Plan No. A01 Rev B stamped and received by Council on 21.7.2015. All additional trees shall be protected at all times during construction.

Prior to the issue of the Construction Certificate, Council must receive and approve a detailed plan for reconstruction of Murra Mia Walkway for the full frontage of the property and the disturbed area. The reconstruction is to be at or above the standard of the existing construction and where possible, trees replaced to the satisfaction of Council. All promenade reconstruction works are to be carried out prior to the issue of the Occupation Certificate

Clear directional signage and protective barricades shall be installed in accordance with Australian Standard AS1742-3.

PRIOR TO COMMENCEMENT OF WORKS

38. ***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 an accredited certifier, and
- (b) The person having the benefit of the development consent has appointed a PCA and has notified Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two days' notice to Council of the person's intention to commence the erection of the building; and
- (d) Builders name and license number has been supplied to the PCA; and

- (f) Home Building Compensation Fund has been paid and a copy of the Certificate supplied to the PCA; and
- (g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) and (3) of the Environmental Planning and Assessment Regulations being the name, address and telephone number of the PCA 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.

39. ***Boundary and Height Check***

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

DURING CONSTRUCTION

40. ***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.

41. ***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 PCA.

42. ***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, and 8.00am to 5.00pm on Saturdays. No construction activity on Sundays and Public Holidays if audible at any residential premise or other sensitive noise receptor.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

43. ***Kiosk Requirement - Food Premises***

The food premises shall be registered with the NSW Food Authority. A copy of the shop registration shall be supplied to Council prior to occupation.

44. ***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, as identified in the Structural (Dilapidation) Report condition, is to be met in full by the applicant/developer prior to issue of the Occupation Certificate.

45. **Landscape Plan**

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

46. **Occupation Certificate**

The development shall not be used or occupied until an Occupation Certificate has been issued by the PCA.

47. **Building Over Sewer Mains**

Construction of the footings over Council's sewer main are to be supervised by an engineer and certified as being constructed in accordance with the approved design prior to issue of the Interim or Final Occupation Certificate for the building, whichever is the earliest.

48. **Fire Safety Certificate**

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to the issue of the Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the PCA prior to issue of an Interim or Final Occupation Certificate.

49. **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 must provide a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to the Commissioner of Fire and Rescue NSW; and must prominently display a further copy of the Certificate (together with a copy of the current fire safety schedule) in the building.

PRIOR TO ISSUE OF STRATA CERTIFICATE

50. Section 94 Contributions

Payment to Council pursuant to Section 94 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:

a. Plan preparation and administration	\$508.25
b. Waste disposal	\$489.13
c. Roads	\$10,339.50
d. Open space and recreation	\$5,196.00
e. Community and cultural	\$301.25
f. Paths and cycleways	\$962.75

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

Note: Contributions have taken into account 2 x 3 bedroom and 4 x 2 bedroom site credits. The above contributions are reviewed annually and may be subject to increases as a result of CPI.

51. Water/Sewer Developer Contributions - Development

Prior to the issue of a Construction Certificate, for compliance under the Water Management Act 2000. The developer/consent holder will have to contribute:

- a. \$35,045.50 (2.975 ETs) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$11,780.
- b. \$48,943.75 (4.775 ETs) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,250

The contribution shall be paid to Council. Evidence of the payment shall be submitted to the PCA prior to the issue of the Construction Certificate.

Note: Contributions have taken into account 4.225 ET water and 4.225 ET sewer Head works site credits. The above contributions are reviewed at least annually and may be subject to increase as a result of indexation or other forces. Contributions can be paid prior to each stage of the development.

52. Strata Subdivision

Prior to the issue of Strata Certificate and in accordance with Clause 17 of the *Strata Schemes Development Regulation 2016* and Clause 57 of the *Strata Schemes*

Development Act 2015, the applicant must verify to Council that each building and the common property areas around each building shown on the Strata Plan are compliant with development consent no. 577/15 (as modified). In particular, it must be verified, that:

- (a) the floors, external walls and ceilings depicted in the proposed Strata Plan for the building correspond to those of the building as constructed; and
- (b) the floors, external walls and ceilings of the building as constructed correspond to those depicted in the building plans that accompanied the Construction Certificate for the building; and
- (c) any facilities required by the relevant development consent (such as parking spaces, terraces and courtyards) have been provided in accordance with those requirements.
- (d) whether the following will be appropriate to the proposed use of the building the subject of the plan or notice:
 - (i) the structural strength and load-bearing capacity of the building,
 - (ii) the measures to protect persons using the building, and to facilitate their egress from the building, in the event of fire,
 - (iii) the measures to restrict the spread of fire from the building to other buildings nearby, and
 - (iv) whether the building complies, or will comply when completed, with the Category 1 fire safety provisions applicable to the building's proposed use.

Note: If the development has been issued with a recent Final Occupation Certificate this should be sufficient verification of the above.

53. ***Electricity Supply***

Prior to issue of Subdivision Certificate the developer/consent holder shall provide to Council written confirmation from the electricity supply authority that all relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting (where applicable).

54. ***Telecommunications Cabling***

Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Telstra that arrangements have been made for telecommunication cabling to all lots including the provision of NBN cabling and conduits.

55. ***Strata Certificate***

A Strata Certificate is to be obtained once any works required by this consent are complete. Submission of a completed subdivision/strata certificate application form together with all required documents and fees is required to be made to Council. The application form, checklist and fee detail can be found at www.esc.nsw.gov.au

ADVISORY NOTES

*This is Page No 17 of 43 of the Minutes of the Ordinary Council Meeting
of Eurobodalla Shire Council held on Tuesday 23 May 2017*

CHAIRPERSON

- i. ***Disclaimer – s88B Restrictions on the Use of Land***
The applicant should note that there may be covenants/easements in favour of persons, other than Council, restricting what may be built or done upon the subject land. The applicant is advised to confirm whether the development affects any of these covenants/easements before commencing any work.
- ii. ***Disability Discrimination Act 1992***
The Disability Discrimination Act covers disabilities not catered for in the minimum standards called up in the Building Code of Australia, which references AS1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 and 4.
- iii. ***Kiosk Awning***
A lease shall be obtained from the NSW Department of Lands for any structure over Crown land.
- iv. ***Discovery of Historical Relics***
Should any historical relics be discovered during excavation processes then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the Heritage Act 1977.
- v. ***Discovery of Archaeological Relics***
If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environment Protection 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 that area. [13.07]
- vi. ***Sea Level Rise Liability***
This land may be subject to sea level rise and flooding. 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 (eg., sewer, water, storm water and roads) may also be subject to sea level rise or flooding. At the granting of consent there is no commitment or intention by Council to improve or maintain infrastructure should this be impacted by sea level rise or flooding in the future. If the land is impacted by sea level rise in the future, Council will not, pursuant to Section 733 of the Local Government Act 1993, incur any liability in respect of the granting of this consent.
- vii. ***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]

viii. ***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.

ix. ***Ocean Location***

The land is located within a corrosive environment, being within 100m of salt water. Materials used in construction may require a higher level of corrosion protection in accordance with relevant Australian Standards and the Building Code of Australia.[10.06]

x. ***Section 94 Payments***

The applicant should contact Council prior to the payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent. Section 94 plans are available for inspection at Council's offices, Vulcan Street, Moruya.
Council will hold the money payable under this condition in trust and utilise these funds to upgrade amenities or services.

xi. ***Fire Protection***

The development must provide fire protection in accordance with requirements of the BCA. Any modifications to Council's water supply infrastructure and hydrant requires prior approval by Council. All modification works to be at full cost to the applicant. Council can provide a water pressure enquiry for a fee as set by Council's Fees and Charges.

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

Division

For the Motion: Councillor L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

**PSR17/027 QUARRY - EXTENSION OF EXTRACTION PERIOD - RIFLE RANGE ROAD
NAROOMA**

File Ref: 83.8116.D

17/148 MOTION Councillor Brown/Councillor Constable

THAT Council approve application MD230/95 to allow continuation of quarrying operations at Lot 174 DP 752162, Bodalla State Forest and notice of determination dated 23 January 1996 is amended as follows:

Condition (a) is amended to read:

- (a) This consent will cease upon any of the following events occurring:
- i. **25** years from the date of the notice
 - ii. The area depicted as Stages 1 and 2 on the approved plan is extracted

Condition (f) is amended to read:

- (f) An Environmental Management Plan shall be prepared and submitted for approval by Council. The Environmental Management Plan is to include, but not limited to, the following information:
- i. Erosion and sediment control
 - ii. Water quality
 - iii. Noise and vibration control
 - iv. Air quality
 - v. Vegetation control
 - vi. Dangerous good and contaminants
 - vii. Complaints procedure.

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

Division

For the Motion: Councillors L Brown, P Constable, L Innes, A Mayne, P McGinlay, M Nathan, J Tait and J Thomson.

Against the Motion: Nil.

PSR17/028 POLICY REVIEW - COLLECTION DOMESTIC WASTE BINS

File Ref: E16.0297

17/149 MOTION Councillor Brown/Councillor Nathan

THAT:

1. Council endorses the draft Collection Domestic Waste Bins policy.
2. The draft Collection Domestic Waste Bins policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

PSR17/029 POLICY REVIEW - WASTE MINIMISATION

File Ref: E16.0297

17/150 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. Council endorses the draft Waste Minimisation policy.
2. The draft Waste Minimisation policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

PSR17/030 POLICY REVIEW - NATIONAL CLEAN UP DAY CAMPAIGN

File Ref: E16.0297

17/151 MOTION Councillor Mayne/Councillor Thomson

THAT:

1. Council endorses the draft National Clean Up Day Campaign policy.
2. The draft National Clean Up Day policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

PSR17/031 POLICY REVIEW - COLLECTION LITTER BINS

File Ref: E16.0297

17/152 MOTION Councillor Thomson/Councillor Nathan

THAT:

1. Council endorses the draft Collection Litter Bins policy.
2. The draft Collection Litter Bins policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

10. INFRASTRUCTURE REPORTS

IR17/029 MINUTES OF THE LOCAL TRAFFIC COMMITTEE HELD ON THURSDAY 20 APRIL 2017

File Ref: E16.0002

17/153 MOTION Councillor Mayne/Councillor Tait

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee Meeting No 6 of 2016-17 held on 16 March 2017 be received and noted.
2. Council Plan No.5156 Set E Sheet 02 detailing the proposed regulatory signage on the service road adjoining the Bodalla Arms Hotel be approved.
3. The Local Traffic Committee supports the proposed Batemans Bay CBD Public Parking Review documentation to be used for consultation on the time limits applied to public parking areas within the Batemans Bay CBD.
4. The need to run the Batemans Bay CBD Public Parking Review as part of the investigation of a local mobility parking scheme be noted, with a report to be provided to the Local Traffic Committee prior to presentation to Council.

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

IR17/030 POLICY REVIEW - ASSET MANAGEMENT

File Ref: E16.0297

17/154 MOTION Councillor Nathan/Councillor Brown

THAT

1. Council endorses the draft Asset Management policy
2. The draft Asset Management policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/031 POLICY REVIEW - PATHWAYS AND SHARED PATHWAYS RISK MANAGEMENT

File Ref: E16.0297

17/155 MOTION Councillor Nathan/Councillor Thomson

THAT

1. Council endorses the draft Pathways and Shared Pathways Risk Management policy.
2. The draft Pathways and Shared Pathways Risk Management policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/032 POLICY REVIEW - LOCAL AND REGIONAL ROADS RISK MANAGEMENT

File Ref: E16.0297

17/156 MOTION Councillor Brown/Councillor Nathan

THAT

1. Council endorses the draft Local and Regional Roads Risk Management policy.
2. The draft Local and Regional Roads Risk Management policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/033 POLICY REVIEW - CEMETERIES MANAGEMENT

File Ref: E16.0279

17/157 MOTION Councillor Thomson/Councillor Nathan

THAT

1. Council endorses the draft Cemeteries Management policy.
2. The draft Cemeteries Management policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/034 POLICY REVIEW - WATER RESTRICTIONS

File Ref: E16.0297

17/158 MOTION Councillor Brown/Councillor Thomson

THAT

1. Council endorses the draft Water Restrictions policy.
2. The draft Water Restrictions policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

IR17/035 POLICY REVIEW - WATER CARTING

File Ref: E16.0297

17/159 MOTION Councillor Thomson/Councillor Brown

THAT

1. Council endorses the draft Water Carting policy.
2. The draft Water Carting policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

**IR17/036 POLICY REVIEW - WATER SUPPLY BACKFLOW PREVENTION AND CROSS
CONNECTION CONTROL**

File Ref: E16.0297

17/160 MOTION Councillor Mayne/Councillor Nathan

THAT

1. Council endorses the draft Water Supply Backflow Prevention and Cross Connection Control policy.
2. The draft Water Supply Backflow Prevention and Cross Connection Control policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

11. FINANCE AND BUSINESS DEVELOPMENT REPORTS

FBD17/029 MARCH QUARTERLY REVIEW

File Ref: E05.9535

17/161 MOTION Councillor Tait/Councillor Brown

THAT

1. The budget review report for the quarter ended 31 March 2017 be received and noted.
2. The unfavourable variation for the Income Statement after capital revenue of \$0.60 million and favourable variations of \$4.24 million as per the Consolidated Fund Flow Statement for the quarter ended 31 March 2017 be adopted.
3. Council is compliant with best practice pricing and proposes to transfer dividends from the Water and Sewer Funds of up to \$0.60 million and \$0.54 million respectively, based upon 2015/16 results and subject to an audit of compliance with Best Practice Guidelines and approval from the NSW Office of Water.
4. Loans of up to \$14.8 million (new loans of \$12.12 million and renewals of \$2.62 million) be raised in accordance with the Council's borrowing policy and the Council seal be affixed to the loan agreement documentation.

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

FBD17/030 INVESTMENTS MADE AS AT 30 APRIL 2017

File Ref: E99.3517

17/162 MOTION Councillor Thomson/Councillor Tait

THAT the certification that the investments as at 30 April 2017 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**)

FBD17/031 MANAGEMENT CONTRACT - BATEMANS BAY BEACH RESORT

File Ref: E80.2575.T

17/163 MOTION Councillor Brown/Councillor Mayne

THAT

1. Council endorses the selection of KDH Management Pty Ltd as the preferred tenderer for Request for Tender No. 2017/FBD059 Management Contract – Batemans Bay Beach Resort, and
2. Accordingly approves the entering into of a contractual arrangement with KDH Management Pty Ltd, subject to the terms specified in the Request for Tender No. 2017/FBD059 Management Contract – Batemans Bay Beach Resort unless otherwise varied in accordance with this report.

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

FBD17/032 LICENCE TO NATURE COAST DRAGON BOAT CLUB

File Ref: E06.0475

17/164 MOTION Councillor Mayne/Councillor Tait

THAT:

1. Subject to consent of the Minister administering the *Crown Lands Act 1989*, Council as Trust Manager of the Eurobodalla (Central) Reserve Trust lodge a development application for the construction of a shed for recreation storage within Crown Reserve 82377 being the Moruya War Memorial Swimming Pool.
2. Upon completion of the construction of a storage shed, subject to Minister's consent, Council as Trust Manager of the Eurobodalla (Central) Reserve Trust grant a five-year licence to the Nature Coast Dragon Boat Club to store club equipment within Crown Reserve R82377 with an annual licence fee in line with the Crown Statutory Minimum and conditions in line with the current licence.
3. The existing licence to Nature Coast Dragon Boat Club be surrendered at the commencement of the new licence.

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

FBD17/033 POLICY REVIEW - COMPLAINTS POLICY

File Ref: E16.0297

17/165 MOTION Councillor Thomson/Councillor Constable

THAT

1. Council endorses the draft Complaints Policy for public consultation.
2. The draft Complaints Policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, the draft policy and any public submissions be presented back to Council for adoption.

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

FBD17/034 NEW POLICY - RELATED PARTIES DISCLOSURES

File Ref: e16.0297

17/166 MOTION Councillor Mayne/Councillor Nathan

THAT

1. The draft new Related Party Disclosures Policy be placed on public exhibition for a period of 28 days.
2. At the conclusion of the public exhibition period, a further report be presented to Council advising any submissions received and recommending the new policy be adopted.

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

12. COMMUNITY, ARTS AND RECREATION REPORTS

CAR17/012 POLICY REVIEW - DISABILITY SERVICES

File Ref: E16.0297

17/167 MOTION Councillor Thomson/Councillor Mayne

THAT:

1. Council endorses the draft Disability Services policy.
2. The draft Disability Services policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

CAR17/013 POLICY REVIEW - SPORTING AND RECREATIONAL FACILITIES SEASONAL HIRE

File Ref: E16.0297

17/168 MOTION Councillor Tait/Councillor Nathan

THAT:

1. Council endorses the draft Sporting and Recreational Facilities Seasonal Hire policy.
2. The draft Sporting and Recreational Facilities Seasonal Hire policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

CAR17/014 POLICY REVIEW - YOUTH SERVICES

File Ref: E16.0297

17/169 MOTION Councillor Thomson/Councillor Mayne

THAT:

1. Council endorses the draft Youth Services policy.
2. The draft Youth Services policy be placed on public exhibition for a period of 28 days and, following the expiration of this period, any public submissions be presented back to Council with the draft policy for consideration to adopt.

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

13. DELEGATE REPORT

Nil

14. URGENT BUSINESS

Nil

15. DEALING WITH MATTERS IN CLOSED SESSION

Nil

16. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 11.44am

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 13 June 2017 at which meeting the signature hereon was subscribed.