



Minutes

Ordinary Meeting of Council

12 September 2017

ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY 12 SEPTEMBER 2017

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**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MORUYA
ON TUESDAY, 12 SEPTEMBER 2017
COMMENCING AT 10.00AM**

PRESENT: Councillor Liz Innes, Mayor (in the Chair)
Councillors Anthony Mayne, Jack Tait, James Thomson, Patrick McGinlay,
Phil Constable and Rob Pollock OAM

Staff: Dr Catherine Dale, General Manager
Mr G Bruce, Acting Director, Planning and Sustainability Services
Mr W Sharpe OAM, Director, Infrastructure Services
Mr A O'Reilly, Director, Finance and Business Development
Ms K Bush, Acting 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. APOLOGIES

17/285 MOTION Councillor Tait/Councillor Constable

THAT apologies be received from Councillor Maureen Nathan and Councillor Lindsay Brown and leave of absence be granted.

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

3. 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.)

PF17/039 – GMR17/032 Draft Media Policy

Mr Lei Parker addressed Council in relation to GMR17/032 Draft Media Policy.

A copy of Mr Parker's submission is available on Council's website.

EXTENSION OF TIME

17/286 MOTION Councillor Mayne/Councillor Constable

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

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

PF17/040 – IR17/053 Batemans Bay Bridge Preferred Option: Council Submission to Roads and Maritime Services

Ms Patricia Hellier addressed Council in relation to IR17/053 Batemans Bay Bridge Preferred Option: Council Submission to Roads and Maritime Services.

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

EXTENSION OF TIME

17/287 MOTION Councillor Mayne/Councillor Constable

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

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

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

17/288 MOTION Councillor Pollock/Councillor Tait

THAT the minutes of the Ordinary Meeting held on 08 August 2017 be confirmed.

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

17/289 MOTION Councillor Pollock/Councillor Thomson

THAT the minutes of the Extraordinary Meeting held on 29 August 2017 be confirmed.

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

5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA

Councillor Constable declared a significant, non-pecuniary conflict of interest in FBD17/069 Footpath Trading – Narooma and stated that his interest would preclude him from voting.

Reason: Councillor Constable declared an interest as he has a political association with the proposed licensee.

6. MAYORAL REPORTS

Nil

7. NOTICES OF MOTION

Nil

8. QUESTIONS ON NOTICE FROM COUNCILLORS

Nil

9. GENERAL MANAGER'S REPORTS

GMR17/030 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 2017

File Ref: E15.9021

17/290 MOTION Councillor Mayne/Councillor Pollock

THAT:

1. Council nominate the Mayor and Councillor Rob Pollock OAM and Councillor James Thomson as voting delegates, together with Councillor Lindsay Brown and Councillor Maureen Nathan as observers, to attend the Local Government NSW Conference to be held in Sydney from 4 to 6 December 2017;
2. Council's delegates be reimbursed out of pocket expenses in accordance with Council's policy;
3. Council consider issues and proposed solutions/motions for submission to the Local Government NSW 2017 Conference.

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

GMR17/031 ADOPTION OF POLICIES

File Ref: E16.0297

17/291 MOTION Councillor Pollock/Councillor Thomson

THAT Council adopt the following policies:

1. Competitive Provisions of Services Policy
2. Interest Free Advances to Sporting and Cultural Organisations Policy
3. Rates and Debtors Hardship Policy
4. Land Investment Policy
5. Fiscal Responsibility Policy
6. Records Management Policy.

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

GMR17/032 POLICY ADOPTION - MEDIA POLICY

File Ref: E16.0297

17/292 MOTION Councillor Tait/Councillor Mayne
THAT Council adopts the draft Media Policy.

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

GMR17/033 POLICY REPEAL - COMMUNITY ENGAGEMENT POLICY

File Ref: E16.0297

17/293 MOTION Councillor Thomson/Councillor Tait
THAT Community Engagement Policy be repealed.

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

GMR17/034 CODE OF MEETING PRACTICE

File Ref: E06.0429; E16.0297

17/294 MOTION Councillor Pollock/Councillor Thomson

THAT Council extend the current Code of Meeting Practice until such time as the Model Code of Meeting Practice is released, reviewed and incorporated.

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

10. PLANNING AND SUSTAINABILITY REPORTS

PSR17/052 2016-17 FOOD INSPECTION STATUS REPORT

File Ref: E80.1313

17/295 MOTION Councillor Mayne/Councillor Thomson

THAT Council receive and note the 2016-17 Food Inspection Status Report.

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

PSR17/053 2016-17 ONSITE SEWAGE MANAGEMENT SYSTEM STATUS REPORT

File Ref: 98.2467

17/296 MOTION Councillor Tait/Councillor Pollock

THAT Council receive and note the 2016-17 Onsite Sewage Management Status Report.

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

PSR17/054 2016-2017 REGULATORY ACTION STATUS REPORT

File Ref: E02.6718

17/297 MOTION Councillor Pollock/Councillor Tait

THAT Council receive and note the 2016-17 Regulatory Action Status Report.

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

**PSR17/056 DEVELOPMENT APPLICATION 431/16 - TOURIST RECREATION FACILITY
(SEVEN ECO-TOURIST CABINS) AND MANAGER'S RESIDENCE
KINGS HIGHWAY - NORTH BATEMANS BAY**

File Ref: 16.0139.BD

17/298 MOTION Councillor Thomson/Councillor Constable

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No.431/16 in relation to Lot 11 DP1202102 Kings Highway, Batemans Bay be APPROVED subject to the conditions set out below:

DEFERRED COMMENCEMENT

Pursuant to Section 80 (3) of the *Environmental Planning and Assessment Act 1979* this is a "deferred commencement" consent and as such this consent is not to be enacted until such time as Conditions A and B have been complied with.

A. Remediation Work

Prior to commencement of any works, the disturbed land within 50m of the high water mark is to be revegetated and remediated in accordance with the landscape management plan stamped approved DA431/16 Sheet 7 of 17 to the satisfaction of Council.

B. Surrender of consent

The Private Native Forestry Permit is to be surrendered and the land rehabilitated through the conditions of consent for this development.

These conditions are to be satisfied within a period of two (2) years.

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 No.	Plan No.	Date of Plan	Prepared by
DA431/16 Sheet 1 of 17	Site Plan & Site Analysis	Stamped received in Council 11/11/16	Trevor King Conservation Planning and Design
DA431/16 Sheet 2 of 17	Upper Floor Plan & Lower Floor Plan Manager's Residence	Stamped received in Council 10/2/16	Trevor King Conservation Planning and Design
DA431/16 Sheets 3 & 4 of 17	Elevations	Stamped received in Council 10/2/16	Trevor King Conservation Planning and Design
DA431/16 Sheet 5 of 17	Floor Plan & Elevations Cabin Type 1 & 2	Stamped received in Council 29/8/17	Trevor King Conservation Planning and Design
DA431/16 Sheet 6 of 17	Hollow Bearing Trees	Stamped received in Council 11/11/16	Unknown

DA431/16 Sheet 7 of 17	Landscape Management Plan	Stamped received in Council 11/11/16	Unknown
DA431/16 Sheets 8-17 of 17	Engineered concept plans, site, stormwater, soil & water and road design	22/8/17	Southeast Engineering and Environment

Council Stamp No.	Document title	Date of document	Prepared by
DA431/16 Doc 1 of 4	BASIX Certificate No.677007S	25/10/15	Hallahan & Associates
DA431/16 Doc 2 of 4	BASIX Certificate No.677247S	25/10/15	Hallahan & Associates
DA431/16 Doc 3 of 4	North Batemans Bay Eco-Cabin Development: Water Cycle Management	August 2016	Southeast Engineering and Environment
DA431/16 Doc 4 of 4	Appendix B – Stormwater Quality Modelling	Unknown	Southeast Engineering and Environment

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

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

2. **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. [2.16]

3. **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).

BUSHFIRE SAFETY AUTHORITY

4. **Rural Fire Service – Bush Fire Safety Authority**

No occupation/use of the site is permitted until such time as the principal certifying authority has certified that conditions II, III, V, VI, VII, VIII, X, XI, XII, XIV, XV and XVI have been complied with.

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- I. Prior to occupation or use of the site and in perpetuity the property around the refuge building (notated on plans as Managers Residence) shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':
 - North for a distance of 60m as an asset protection zone;
 - East for a distance of 40m as an asset protection zone;
 - South for a distance of 60m as an asset protection zone;
 - West for a distance of 60m as an asset protection zone (APZ).

A suitable legal mechanism shall be placed on the subject lot providing it with the lawful ability to create and manage the APZ for the lift of the development where the distances specified above extend onto adjoining lots (i.e to the south west over Lot 12 DP 1202102).

(Note: in forested areas a portion of the APZ may be maintained as an outer protection zone as specified in Table A2.7 of 'Planning for Bush Fire Protection 2006').

- II. For any asset protection zones (APZ) on slopes greater than 18 degrees, the property shall be landscaped or managed (e.g. terracing) with suitable access

being provided to the APZ to ensure the ongoing maintenance of the area. Details of landscaping plans are to be submitted for approval to Council/or the principal certifier prior to any use of the site.

- III. Each cabin is to be provided with an area of land at least 3m from the structure, where vegetation within this land is to be kept to an absolute minimum and the area shall be free from combustible items and obstructions.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attach and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

- IV. Water and electricity for the refuge building (notated on plans as Manager's Residence) shall comply with the following requirements of sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Where the rear or most distant part of the refuge building is greater than 70m from the nearest hydrant, a new hydrant is required to be installed as per Australian Standard AS 2419.1 – 2005 'Fire Hydrant Installations.' Locations of fire hydrants are to be delineated by blue pavement markers offset 150mm from the centre of the road. The direction of offset shall indicate on which side of the road the hydrant is located. Alternatively, an onsite 20,000 litre water supply shall be provided for fire fighting purposes which complies with the requirements listed below.
 - The water source shall be made available or located within the inner protection area (IPA) and away from the refuge building.
 - A hardened ground surface for truck access is to be supplied up to and within 4m of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provide.
 - The water tank if located above ground shall be of a non combustible material.
 - Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4m of the access hole.
 - The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
 - All associated fittings to the tank shall be non combustible.
 - Pumps are to be shielded from the direct impacts of bush fire.
 - Pumps to supply water for fire suppression activities shall be a minimum 5hp or 3kW and petrol or diesel powered.

- An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
 - a) Markers must be fixed in a suitable location so as to be highly visible; and
 - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.
- V. Gas for the refuge building (notated on plans as Managers Residence) and cabins shall comply with the following requirements of sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
- Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
 - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and be shielded on the hazard side of the installation.
 - Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas metres adjacent to building are not to be used.
 - Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- VI. Prior to occupation or use of the site, the section of internal access from the public road to the refuge building (notated on plans as Manager's Residence) shall comply with the following requirements of sections 4.2.7 and 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- A minimum carriageway width of 6.5m.
 - Any bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
 - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a floor or storm surge).
 - A minimum vertical clearance of 4m to any overhanging obstruction, including tree branches.

- A minimum 12m outer radius turning circle (or equivalent suitable turning area for a Category 1 fire fighting vehicle) shall be provided adjacent to the refuge building.
 - Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.
 - The minimum distance between the inner and out curves is 6m.
 - The crossfall is not to exceed 10 degrees.
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.
- VII. The proposed internal roadway access shall be clearly sign posted as 'Dead End Access' at the intersection to Highcliff Road (Old Kings Hwy).
- VIII. The section of internal access from the refuge building (notated on plans as Manager's Residence) to the furthest cabin shall comply with the following requirements of sections 4.2.7 and 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'
- A minimum carriageway width of 3.5m with an additional 0.5m trafficable verge.
 - Any bridges clearly indicate load rating and pavements and bridges are capable of carrying a load of 15 tonnes.
 - Roads do not traverse a wetland or other land potentially subject to periodic inundation (other than a floor or storm surge).
 - A minimum vertical clearance of 4m to any overhanging obstruction, including tree branches.
 - The termination point shall incorporate a turning circle with a minimum 12 metre outer radius or equivalent suitable turning area for a Category 1 fire fighting vehicle.
 - Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.
 - The minimum distance between the inner and outer curves is 6m.
 - The cross fall is not to exceed 10 degrees.
 - Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

-
- IX. The refuge building (notated on plans as Manager's Residence) shall be clearly signposted to identify the building as a 'bush fire refuge'.
- X. The refuge building (notated on plans as Manager's Residence) shall provide for the maximum capacity of the site (being the total number of all accommodation guests, day visitors, staff, event attendees, etc). Alternatively, if the development consent contains a condition limiting the capacity of the site to a lesser number of people, then the refuge building may be constructed to comply with the maximum lawful capacity as limited by that development consent.
- XI. The refuge building (notated on plans as Manager's Residence) shall comply with the occupancy levels permissible for Class 9b Assembly Building ('Public Hall') and 'area per person' requirements (being 1sq metre per person) as specified under the Building code of Australia.
- XII. Pedestrian access between the tourist cabins and the refuge building shall be clearly sign posted at all times.
- XIII. An Emergency/Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'A guide to developing a Bush Fire Emergency Management and Evacuation Plan' 2014. The Emergency/Evacuation Plan shall include:
- a) Under what circumstances will the complex be evacuated;
 - b) Where will occupants be evacuated to;
 - c) Roles and responsibilities of persons coordinating the evacuation and any persons remaining within the complex after evacuation; and
 - d) Identify triggers for evacuation and/or shelter during periods of high fire danger weather and when bush fires have been identified within the locality.

Note: The NSW RFS strongly recommends the early evacuation of the facility in the event of a bush fire and the non-occupation of the facility on days of extreme and catastrophic fire weather.

Design and Construction

The intent of measure is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- XIV. The refuge building shall be constructed to comply (at a minimum) with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- XV. Any buildings located within 10m of the refuge building shall be constructed to comply (at a minimum) with Sections 3 and 5 (BAL 12.5) Australian Standard

AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

XVI. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. **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.

6. **Waste Management Plan**

A Waste 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) details of demolition works and the presence of any asbestos or other hazardous waste;
- (b) details of waste to be generated by the work;
- (c) arrangements for removal of waste material from site;
- (d) destination of waste materials being removed from the site. [22.02]

7. **Construction Management Plan**

A Construction Management Plan (CMP) shall be submitted to and approved by Council prior to the issue of a Construction Certificate. To ensure water quality of the Clyde River is not affected during construction, the CMP is to include weekly water testing of 'Total Suspended Solids (TSS)' by a suitably qualified consultant experienced in environmental consulting. The CMP shall also 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) notification of any discharge events to the Oyster Farmers Association.
8. **Details of Materials, Colours & Finishes**

Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours shall be submitted for approval by Council prior to the issue of a Construction Certificate. [24.02]

9. **Water/Sewer Developer Contributions**

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:

Manager's Residence

- a) \$12,230.00 (1ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,230.00
- b) \$10,645.00 (1ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,645.00

Tourist Accommodation – 7 x 2 Bed Cabins

- a) \$25,683.00 (2.1ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,230.00
- b) \$29,806.00 (2.8 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10,645.00

The contribution shall be paid to the Eurobodalla Shire Council. Evidence of the payment shall be submitted to Principal Certifying Authority 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.

10. **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:

Manager's Residence

Roadworks	\$3,031.45
Open Space & Recreation	\$1,523.40
Community & Cultural	\$88.30
Shared Pathways	\$282.25
Administration	\$149.05
Waste Facilities (Manager's Residence)	\$129.40

Tourist Accommodation 7 x 2 Bed Cabins

Waste (Tourist Development) \$297.15

The above contributions are to be paid prior to the release of the Construction Certificate for the development 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.

11. **Access**

Prior to release of the Construction Certificate, submission to Council and approval by Council of a plan showing details of the access driveway construction addressing the following:

- (a) Access to be constructed in accordance with concept plans stamped approved DA431/16 Sheets 8-17 of 17, and
- (b) Councils Infrastructure Development Standards (IDS).

12. **Stormwater Disposal and Water Quality**

Prior to the issue of the Construction Certificate submission to and approval by the Principal Certifying Authority (PCA) of plans for storm water control and water quality. Plans are to be consistent with the concept plans by southeast engineering and environmental plan 274 dated 2016.

Water quality controls shall be maintained for the life of the development.

13. **Sewerage Pump Station and Reticulation**

Prior to the issue of a Construction Certificate an approval to install and operate an on-site sewage management system (OSMS) shall be obtained from Council. The application requires submission of plans and report for a privately owned and maintained sewerage pump station is to be submitted to Council for approval.

The report and plan are to address the following issues for the optimum transfer rate for the developments as per WSAA* requirements.

*Water Services Association of Australia Sewerage Pumping Station design WSAA-04-2005 second edition Version 2.1.

Private Pump Stations criteria for design shall be as follows:

- a) The pump well should be designed with a capacity to contain a minimum of 8 hours ADWF storage of an unexpected power outage.
- b) 220 litres/day/person
- c) The pump station is to be sited so as not to intercept overland flows and the access well is to be a minimum of 150mm above the natural ground level.
- d) Dual pump capacity with on flashing warning light alarm to indicate overloading above the top water level for pump runs.
- e) The pump and rising main to the sewer junction is to be designed in accordance with the static head requirement and the length of the rising main. (friction head).

The sewer reticulation plan shall include:

- a) A sewer pump station (and possible detention tank) and rising main connected into Council's existing reticulation scheme.
- b) Services for the pump station site for power, water (40mm diameter service) and all weather access;
- c) Sewer reticulation plans for sewer lines to be created as reticulation lines owned and managed by the applicant.

On completion of works and prior to the issue of an Occupation Certificate, the station is to be commissioned and work as executed plans for the rising main into Councils manhole submitted to Council for approval.

14. ***Easement Creation***

Construction of 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 to use the land under the surface for construction, and for future maintenance of works by applicant (owner). Proof of registration of legal access is to be submitted to Council prior to the issue of a Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS

15. ***Erosion and Sedimentation Control***

Prior to commencement of any earthworks, installation of all measures as outlined in plans stamped approved DA431/16 Sheets 7 & 10 of 17 are to be implemented 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: On-the-spot fines may be imposed by Council for non-compliance with this condition.

16. **Plans on Site (Plant Operator)**

Prior to commencement of any works, the plant operator is to be provided with a copy of this consent and Plans stamped approved DA431/16 and made fully aware of the provisions therein. The copy is to be held on site during clearing operations. All buffer areas and vegetation to be retained are to be clearly marked prior to commencement of operations.

17. **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:
 - (i) the Council, or
 - (ii) an accredited certifier, and
- (b) The person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building; and
- (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and
- (e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home Building Compensation Fund (HBCF) has been paid and a copy of the Certificate supplied to Council or the Principal Certifying Authority; and
- (g) A sign has been erected on site in a prominent position containing the information prescribed by Clause 98A(2) & (3) of the EP & A Regulations being the name, address and telephone number of the Principal Certifying Authority for the work, and name of the principal contractor for the work and telephone number on which that person may be contacted outside working hours, and stating that unauthorised entry to the site is prohibited. This sign must be

maintained on site while work is being carried out and removed when the work has been completed.

18. **Construction in a Road Reserve**

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

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

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.

19. **Road Works**

A separate application shall be made to Council for approval under Section 138 of the Roads Act Act 1993, to upgrade the road from the intersection of Old Punt Road/Highcliff Road to the frontage of the site. Prior to the issue of an Occupation Certificate the applicant shall construct road works to the standard prescribed in the Infrastructure Design Specification including associated drainage and erosion/sedimentation controls in accordance with design plans subject to the issue of the Section 138.

Highcliff Road from the intersection with Old Punt Road shall be upgraded to a road standard consisting of a 6.5m wide seal and a 9.5m radius cul de sac at the entrance to the development.

20. **Water Supply**

A separate application shall be made to Council for approval under Section 68 of the Local Government Act 1993, to extend water reticulation from the existing main at

the intersection of Old Punt Road/Highcliff Road to the frontage of the site. Such an application shall be prior to the issue of a construction certificate the applicant shall provide design plans in accordance with Council's Water and Sewerage specification.

The design is to provide a suitably sized water service for the development. Council will provide a quote for the service after provision of written advice from a suitably qualified hydraulic consultant.

21. ***Identification and Protection of Trees***

Prior to the commencement of clearing, trees to be retained as identified in this consent shall be clearly identified on site and suitably protected for the period of works on the site. All trees not specifically approved for removal shall be retained. In this regard:

- (a) Trees for retention shall be identified by distinctive temporary taping.
- (b) Trees for retention shall be protected by way of tree guards, barriers and other measures so as to protect the root system, trunk and branches for the period of works on the site (including demolition, excavation and construction).
- (c) The consent holder is not to disturb soil supporting the retained trees nor impact their root zone or concentrate subsurface flows in the vicinity of the retained trees.
- (d) The retained trees shall be clearly marked onsite and protection measures installed for hollow bearing trees in accordance with AS 4970-2009 Protection of Trees on Development Sites. Such measures are to be maintained during all demolition, excavation and construction on the site.

22. ***Native Vegetation Removal***

The removal of native vegetation authorised by this consent is limited to the minimum extent necessary in accordance with Condition 6 of 431/16 Rural Fire Service Conditions.

- (a) the approved Asset Protection Zones shall be required to retain as much native canopy cover as possible in compliance with 'Planning for Bushfire Protection 2006'. This currently required the retention of 15% canopy cover within the inner APZ and 30% canopy cover within the outer APZ.
- (b) Removal of vegetation (exceeding 40m from but within 100m of the mean high water mark of the Clyde River and SEPP 14 wetland) shall be minimised. Groundcover and leaf litter must be preserved to protect the soil surface where possible to do so. It is recommended to clear by hand felling to minimise disturbance to the soil surface.
- (c) No disturbance or clearing of any vegetation within 40m of the Clyde River/SEPP 14 is permitted. Machinery must be excluded from this area.

DURING CONSTRUCTION

23. ***Protection of environmentally sensitive areas***

A temporary boundary fence is to be constructed 40m from the high tide mark to prevent any access from construction vehicles or damage. Should any damage occur as a result of construction, the cost of repairing or revegetating the damaged area is to be met in full by the applicant.

24. ***Retention of Hollow Bearing Trees***

This consent requires the retention of all habitat trees as identified on the stamped approved plan DA431/16 Sheet 6 of 17 'Hollow-bearing Trees' for the life of the development. Future removal of these tree shall only be considered where it can be demonstrated that this trees poses an imminent safety risk to persons or property.

25. ***Acid Sulphate Soil***

The development site adjoins an area classified as Class 2 on maps marked "Acid Sulphate Soil Planning Map" deposited in the office of Eurobodalla Shire Council. If excavation is proposed that may lower the water table, soil samples are to be assessed for content of acid sulphate material by a suitably qualified person and the results lodged with Council.

If acid sulphate materials are identified no excavation shall take place until the applicant has lodged an Acid Sulphate Soils Management Plan prepared by a suitably qualified person in accordance with the NSW Acid Sulphate Soils Manual. The plan is to be submitted for approval by Council, and undertake such measures as are required by Council.^[10.05]

26. ***Banks***

All the excavated and filled banks must be suitably retained or stabilised (totally within the site boundaries) as necessary to prevent the movement of soil and in accordance with appropriate professional standards.

27. ***Land Rehabilitation***

All land disturbed by construction is to be tyned and seeded with natural or improved grasses and planted with trees and shrubs. Details regarding appropriate species may be obtained from the Department of Natural Resources.^[16.12]

28. ***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 Certifying Authority.

29. ***Hours of Construction - 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 of other sensitive receivers.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

30. **Stage One Construction**

There is to be no occupation of the manager's residence until Final Occupation has been issued for Cabins 1, 2 and 3 as depicted on plan stamped approved DA4431/16 Sheet 1 of 17.

31. **Landscape Plan**

Completion of landscaping in accordance with the approved Landscape Management Plan DA431/16 Sheet 7 of 17 and Site Plan DA431/16 Sheet 1 of 17 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.

32. **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]

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

34. **Stormwater Works as Executed Plans**

Prior to the issue of an Interim or Final Occupation Certificate stormwater construction is to conform to the approved plans. A Works as Executed plan of the work is to be provided to and approved by Council at the completion of the work.[6.06]

35. **Water Reticulation**

The Water Reticulation Plan shall be in accordance with the section 68 approval.

Work as Executed Plans are to be submitted to Council prior to the release of the final certificate. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

36. **Sewage Management Plan**

A system management and operation plan is to be submitted to Council prior to facility operation.

37. **Waste Management**

A waste management plan dealing with the storage and collection of waste from the facility during operation. The plan shall include details relating to the covering waste bins and measures to ensure that solid waste does not get into the Clyde River.

The plan shall be prepared and submitted to Council for approval prior to issue of the Occupation Certificate.

38. **Easements**

A plan of survey showing the proposed sewer rising main on the adjoining lot is to be submitted to Council prior to the issue of an occupancy certificate.

39. **Rainwater Tank Plan**

Prior to issue of an Interim or Final Occupation Certificate:

- (a) stormwater control construction is to conform to approved plans and be in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*";
- (b) all tanks and associated structures, including stands, must be installed in accordance with manufacturer's/designer's specifications;
- (c) accurate Works as Executed plans are to be provided to Council in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*", contact Council's Duty Development Officers on (02) 44741231, or download from Council's website at the following link: www.esc.nsw.gov.au [6.02]

ADVISORY NOTES

40. **General Advice – Rural Fire Service**

This assessment was undertaken as an alternate solution under the ecotourism provisions outlined in the NSW Rural Fire Service Community Resilience Fast Fact 1/14 'Ecotourism'. This includes recognition by the applicant that the survivability of the tourist cabin structures in a bush fire event has been forsaken to meet the minimum environmental footprint and other constraints of these types of developments.

41. **Discovery of a Relic**

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area. [13.07]

42. **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.

43. **Land Clearing "Best Practice"**

Council encourages the following best practices in relation to the disposal of felled timber:

- The harvesting and processing of mill quality timber either on site or through a commercially licensed timber mill

- The mulching or chipping of stumps, crowns and other herbaceous matter either on site or through a licensed landfill tip or recycling centre providing mulching facilities; and

The revegetation of the site with suitable plant species; The stockpiling of suitable felled timber as firewood for heating purposes.

44. **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.

45. **Private Native Forestry PVP**

A Private Native Forestry approval applies to the area approved under this development application. Clearing vegetation under this development consent may have implications under the Private Native Forestry Agreement. It is the applicant's responsibility to meet any obligations under the Private Native Forestry PVP [PNF-PVP-01554]. It is recommended that consultation with Peter Leziach from the Environmental Protection Authority is made in this regard on telephone 6229-7087.

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

Division

For the Motion: Councillors Constable, Innes, Mayne, McGinlay, Pollock, Tait and Thomson.

Against the Motion: Nil.

**PSR17/057 DEVELOPMENT APPLICATION 742/17 - SUBDIVISION TO CREATE FOUR (4)
ADDITIONAL LOTS AT MORUYA AIRPORT**

File Ref: 89.2443.S

17/299 MOTION Councillor Pollock/Councillor Thomson

THAT pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, Development Application No. 742/17 in relation to Lot 11 DP 1229406 Bruce Cameron Drive, Moruya be **APPROVED** subject to a positive response from the Office of Environment and Heritage in relation to cultural heritage and conditions as set out below:

- That the proposed development:
 - (a) achieves the objectives of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant Environmental Planning Instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies;
- That the relevant public authorities have been consulted and their requirements met, or arrangements made, for the provision of services to the satisfaction of those authorities;
- It meets the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979 and Section 64 of the Local Government Act 1993;
- That the protection of the amenity and character of land adjoining, and in the locality of the proposed development;
- Any potential adverse environmental, social or economic impacts of the proposed development is minimised; and
- That all traffic, car parking and access requirements arising from the development are addressed.

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 & Sheet No.	Plan No.	Date of Plan	Prepared by
742/17 Sheets 1 to 5 (inclusive)	2815 Set L, Sheets 1 to 5 (inclusive)	Stamped Date Received 30 Jun 2017	Eurobodalla Shire Council

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

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

2. **Aboriginal Heritage**

Prior to any work taking place, the consent holder shall obtain an Aboriginal Heritage Impact Permit. The disturbance of Aboriginal objects in carrying out the works subject of this Consent is limited to those which are permitted by that Permit. Any works which are likely to disturb any further areas may be subject to the need for a further AHIP for those works.

If any Aboriginal relics or objects are uncovered during work, excavation or disturbance of the areas outside of those permitted by the AHIP, any activity must stop immediately and the Environmental Protections and Regulation Group of the Office of Environment & Heritage is to be immediately contacted.

3. **Clarification of Consent**

This consent relates to the subdivision for the purpose of 4 new lots, associated fill within the lots to elevate building pads to achieve a finished ground level of 3.41AHD, and fencing only.

Note: *The consent is reliant upon the installation of services, access realignment and associated fill as depicted on submitted plans which is to be assessed and carried out separately under Part 5 of the Environmental Planning and Assessment Act 1979.*

PRIOR TO COMMENCEMENT OF WORKS

4. **Erosion and Sedimentation Control**

During the works, the design, management and implementation of pollution controls must be consistent with "Managing Urban Stormwater: Soils and Construction guidelines; 4th Edition Landcom 2004 (The Blue Book)" to ensure containment of sediment to the immediate work site. All sediment control measures must be regularly inspected and cleaned out and/or repaired as necessary, and all collected silt disposed of appropriately. The controls are to be maintained and remain in place until the development is completed and disturbed areas are stabilised.

Note: *On-the-spot fines may be imposed by Council for non-compliance with this condition.*

5. **Stormwater management and inundation**

During the works, and once complete, any stormwater leaving the site complies with the water quality benchmarks for estuaries of the catchments within the Batemans

Marine Park (Moruya River) as expressed in the NSW Water Quality Objectives (WQOs) developed in accordance with the ANZECC 2000.

6. ***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 Council. The fill is to be certified as virgin excavated natural material (VENM).

DURING CONSTRUCTION

7. ***Hours of Construction - 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 of other sensitive receivers. [20.01]

8. ***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]

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

9. ***Plan of Survey Amendment***

The Plan of Survey submitted in conjunction with an application to Council for a Subdivision Certificate is to incorporate requirements specified in the conditions of subdivision approval. [12.02]

10. ***Easements***

The Plan of Survey subject of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed by Council free of all costs to Council. [12.03]

11. ***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. [12.05]

12. ***"Work as Executed" Plans***

Prior to issue of a Subdivision Certificate the applicant shall provide Work as Executed plans in accordance with Council's specification, duly certified by an engineer or registered surveyor, for all construction work required pursuant to a condition of subdivision. [12.30]

13. ***Compliance Certificates***

Prior to issue of a Subdivision Certificate the applicant shall apply to Council for a Compliance Certificate for works carried out as a condition of subdivision for which specific design plans were required and a Construction Certificate issued. [12.33]

14. **Subdivision Certificate**

A Subdivision Certificate is to be obtained once any works required by this consent are complete. Submission of a completed subdivision 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. [12.34]

15. **Water/Sewer Developer Contributions - Subdivision**

Prior to the issue of a Subdivision 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) \$48,920.00 (4 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,230.
- b) \$42,580.00 (4 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$10645.

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.* [3.11]

16. **Section 94 Contributions Subdivision**

Prior to issue of a Subdivision Certificate the developer/consent holder shall pay Council contributions towards the provision of public amenities and services in accord with Council's Contributions Plan. The contribution rates for the current financial year is:

- (a) Waste Disposal: \$516.80

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 subdivision. [3.10]

17. **Restriction as to User - Prohibition of Residential Development**

A restriction shall be placed on Lots 1, 2, 3 and 4 prohibiting residential development.

Reason: To ensure future development is consequent with the flood hazard applicable to the land.

18. **Fill Requirements**

Earthworks- Geotechnical Stability:

- (a) Prior to the issue of a Subdivision Certificate if any lot on the subdivision is to be filled by over 0.2 metres in depth the entire depth of fill is to be compacted to a minimum dry density ratio of 95%;
- (b) The earthworks-filling program shall be monitored by a Registered Geotechnical Testing Consultant to a level 1 standard in accordance with Appendix B, AS 3798-2007. In addition the frequency of field testing shall be to a Type 1 standard in accordance with Table 8.1 of AS 3798-2007; and
- (c) The Geotechnical Report shall be submitted to Council accompanied by a certificate from a registered Geotechnical Engineer certifying that the filling operations comply with AS3798-2007.

19. ***Flooding***

Prior to release of the Subdivision Certificate:

- (a) the level of fill is to be verified that it achieves 3.41AHD in the location of proposed hangers; and
- (b) the existing management plan for the airport is to be amended to control emergency egress through the existing eastern track.

20. ***Road Dedication***

The Plan of Survey subject of a Subdivision Certificate shall include dedication of all roads, road widening and pathways to Council's standards and/or requirements free of all cost to Council.

21. ***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).

Prior to installation of electrical mains, contact Country Energy [telephone (02) 4472-5082, 0414 725 797 or (02) 4474-1731] to ensure that planning for electricity infrastructure takes into consideration possible future sub-division.

ADVISORY NOTES

i. ***Discovery of a Relic***

If Aboriginal relics or objects are uncovered during work, excavation or disturbance of the area, any such activity must stop immediately. The Environmental Protections and Regulation Group of the Office of Environment and Heritage is to be immediately contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area. [13.07]

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

Division

For the Motion: Councillors Constable, Innes, Mayne, McGinlay, Pollock, Tait and Thomson.

Against the Motion: Nil.

ADJOURNMENT

17/300 MOTION Councillor McGinlay/Councillor Mayne

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

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

At 11.05am the meeting adjourned.

At 11.14am the meeting resumed.

11. INFRASTRUCTURE REPORTS

**IR17/053 BATEMANS BAY BRIDGE PREFERRED OPTION: COUNCIL SUBMISSION TO ROADS
AND MARITIME SERVICES**

File Ref: E05.9204

MOTION Councillor Constable/Councillor McGinlay

Council move to defer the decision to support the Roads and Maritime Services regarding the preferred option for the new Batemans Bay bridge pending further discussions with the RMS, and commitment by the RMS to fully fund the ancillary infrastructure identified in the draft submission necessary to facilitate the new bridge development; and/or other matters that may arise in discussions relating to the provision of an alternative crossing over the Clyde River.

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

17/301 MOTION Councillor Pollock/Councillor Thomson

THAT Council endorse the submission to Roads and Maritime Services regarding the preferred option for the new Batemans Bay bridge.

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

**IR17/054 TENDER REPORT - RFT NO. 2017/ISD047 SEWER REHABILITATION AND
MAINTENANCE PROGRAM JULY 2017 - JUNE 2021**

File Ref: E11.5217

17/302 MOTION Councillor Thomson/Councillor McGinlay

THAT

1. Council endorses the selection of the preferred tenderers listed for Request for Tender (RFT) No. 2017/ISD047 Sewer Rehabilitation and Maintenance Program July 2017 – June 2021 within the confidential attachment; and
2. Accordingly approves the entering into of a contractual arrangement with the preferred tenderers, subject to the terms specified in the Request for Tender unless otherwise varied in accordance with this report.

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

IR17/055 FUNDING OFFER - BIKE WEEK 2017

File Ref: E05.9578

17/303 MOTION Councillor Mayne/Councillor Thomson

THAT Council endorse the actions of staff in accepting the offer of \$2,550 in funding under Roads and Maritime Services NSW Bike Week program to conduct the Broulee Community Ride.

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

12. COMMERCIAL AND CORPORATE SERVICES REPORTS

FBD17/060 INVESTMENTS MADE AS AT 31 JULY 2017

File Ref: E99.3517

17/304 MOTION Councillor Tait/Councillor Mayne

THAT the certification that the investments as at 31 July 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**)

FBD17/061 POLICY ADOPTION - COMPLAINTS POLICY

File Ref: E16.0297

17/305 MOTION Councillor Thomson/Councillor Pollock
THAT the draft Complaints Policy be adopted.

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

FBD17/062 POLICY ADOPTION - EVENTS POLICY

File Ref: e16.0297

17/306 MOTION Councillor Mayne/Councillor Tait
THAT the draft Events Policy be adopted.

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

FBD17/063 POLICY ADOPTION - LAND ACQUISITION AND DISPOSAL POLICY

File Ref: e16.0297

17/307 MOTION Councillor Pollock/Councillor Thomson

THAT the draft Land Acquisition and Disposal Policy be adopted.

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

FBD17/065 POLICY REPEAL - EXTINGUISHMENT OF EASEMENTS POLICY

File Ref: E16.0297

17/308 MOTION Councillor Thomson/Councillor Tait

THAT the Extinguishment of Easements Policy be repealed.

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

FBD17/066 POLICY REPEAL - TRANSFER OF CROWN ROADS TO COUNCIL

File Ref: E16.0297

17/309 MOTION Councillor Pollock/Councillor Mayne

THAT the Transfer of Crown Roads to Council Policy be repealed.

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

FBD17/067 LICENCE FOR JETSKI HIRE – CORRIGANS BEACH RESERVE

File Ref: E80.1320

17/310 MOTION Councillor Tait/Councillor Thomson

THAT:

1. Subject to the consent of the Minister administering the *Crown Lands Act 1989*, in accordance with Sections 102 and 103 of the *Crown Lands Act 1989*, Council as Trust Manager for the Eurobodalla (North) Reserve Trust grant a five-year licence to Southern Watersports Jetski Hire to operate a jetski hire business within Crown Reserve R66122 at Corrigans Beach, Batehaven commencing on 23 October 2017 and terminating on 22 October 2022 with conditions in line with the existing licence.
2. The Licensee pay an annual licence fee of \$1,630 plus GST pa, increased annually in line with the CPI.
3. The Licensee provide the relevant approvals from the Australian Maritime Safety Authority and the Marine Parks Authority.

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

FBD17/068 LICENCE FOR FOOTPATH TRADING - BATEMANS BAY

File Ref: 80.2201.D

17/311 MOTION Councillor Pollock/Councillor Thomson

THAT:

1. An exemption to Council's Footpath Trading Code be made to permit a trade zone of 0.60m deep to be adjacent to the boundary of Lot 80 DP 600200 No. 4 Flora Crescent, Batemans Bay.
2. A licence be granted to Baystore Pty Ltd trading as Harvey Norman with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council's fees and charges.
 - (c) Rent in accordance with Council's adopted fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (e) Compliance with the Operator's responsibilities set out in Council's Footpath Trading Code.
 - (f) Displayed goods are to be located securely and safely within the licensed area with no stacking of any items.

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

FBD17/069 LICENCE FOR FOOTPATH TRADING - NAROOMA

File Ref: 81.0139.D

Councillor Constable declared a significant, non-pecuniary conflict of interest in FBD17/069 Footpath Trading – Narooma and stated that his interest would preclude him from voting.

Reason: Councillor Constable declared an interest as he has a political association with the proposed licensee.

At 12.00noon Councillor Constable left the Chambers.

17/312 MOTION Councillor Pollock/Councillor Mayne

THAT:

1. An exemption to Council’s Footpath Trading Code be made to permit a trade zone to be adjacent to the boundary of Lot 12 DP 543214 Shop 1/46 Princes Highway, Narooma.
2. A licence be granted to Narooma Ice Creamery & Café with terms and conditions including:
 - (a) A three-year term.
 - (b) Payment of a licence establishment fee in accordance with Council’s fees and charges.
 - (c) Rent in accordance with Council’s adopted fees and charges.
 - (d) Provision of evidence and maintenance of public liability insurance in the amount of \$20 million during the licence period.
 - (e) Compliance with the Operator’s responsibilities set out in Council’s Footpath Trading Code.

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

At 12.01pm Councillor Constable returned to the Chambers.

FBD17/070 ESTABLISHMENT OF PANEL ARRANGEMENTS FOR PROVISION OF TRADE SERVICES

File Ref: E17.1178

17/313 MOTION Councillor Mayne/Councillor Thomson

THAT Council endorse the panel arrangements for provision of Trade Services (2017/ISD064) as provided in the Confidential Attachment.

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

13. COMMUNITY, ARTS AND RECREATION REPORTS

Nil

14. DELEGATE REPORT

Nil

15. URGENT BUSINESS

17/002 RECOGNITION OF SUCCESSFUL ADVOCACY WORK

Councillor Phil Constable expressed his thanks for the advocacy work undertaken by Council staff to the Roads and Maritime Service to reduce the vessel speed to four knots in the Wagong Inlet.

This reduced speed will assist to decrease the environmental impact caused by vessels using the inlet.

16. DEALING WITH MATTERS IN CLOSED SESSION

Nil

17. CONFIDENTIAL MATTERS

Nil

THE MEETING CLOSED AT 12.02pm

CHAIRPERSON

Chairperson of the Ordinary Council Meeting held on Tuesday, 26 September 2017 at which meeting the signature hereon was subscribed.