



AGENDA

Ordinary Meeting of Council

27 August 2019

**ORDINARY MEETING OF COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, MORUYA**

ON TUESDAY 27 AUGUST 2019

COMMENCING AT 11.00AM

AGENDA

(Proceedings of this meeting will be recorded as per Eurobodalla Shire Council's Code of Meeting Practice)

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
Nil
- 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**
2.1 Ordinary Meeting held on 13 August 2019
- 3. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 4. MAYORAL REPORTS**
- 5. NOTICES OF MOTION**
Nil
- 6. QUESTIONS ON NOTICE FROM COUNCILLORS**
Nil
- 7. PETITIONS**
Nil
- 8. GENERAL MANAGER'S REPORTS**
Nil

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**DR CATHERINE DALE
GENERAL MANAGER**

PSR19/010 BATEMANS BAY REGIONAL AQUATIC, ARTS AND LEISURE CENTRE E12.6442.P

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services

Attachments: 1. Under Separate Cover - Concept Design

Outcome: Vibrant and Diverse Economy

Focus Area: 5.1 Diversify the region's economy, attract investment and target new and emerging employment sectors

Delivery Program Link: 5.1.3 Plan for the development of the Batemans Bay Mackay Park Precinct

Operational Plan Link: 5.1.3.1 Prepare a design for the Regional Aquatic, Arts and Leisure Centre Batemans Bay

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with an update on the current status of the Batemans Bay Regional Aquatic, Arts and Leisure Centre (BBRAALC) on the southern precinct of Mackay Park. A number of recommendations have been made, which if supported, will enable the project to continue to lodgment of a development application and completion of detailed design.

For several decades, the community have been asking for an indoor aquatic centre that will meet their broad aquatic needs on a year round basis. The community has also been asking for a theatre and arts space. Each of these public facilities are currently not available, and despite previous consideration by Council, have remained outside the reach of the community. That situation has now changed, with Council securing \$51m in grant funding (\$25m from the Australian and \$26m from the NSW Governments). This funding, for the first time, has placed the provision of such services within community's reach. Without this funding, the community could simply not afford the facilities, and therefore Council is in a position never before realised, and unlikely to ever be realised again.

Council developed, with the Mackay Park Sunset Advisory Committee, a set of design principles for the development. These design principles along with the business case adopted by Council, have guided the design process. Three concepts were prepared and placed on public exhibition. The community feedback and input from key stakeholders, user groups and the Sunset Advisory Committee was provided to the design team to assist in developing a preferred concept.

The design process has needed to consider and respond to the requirements/expectations of the community together with operational needs of Council, and capital and operational cost considerations to ensure that we have a landmark building that meets the broad needs of the community in a financially responsible manner.

Throughout the design process, Council has been obtaining Quantity Surveying (QS) estimates of the capital cost of the design. Councillors have been briefed on each of these cost estimates and iterations of the design. The capital cost estimates have been used to inform the design

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process and manage the likely capital cost of the development. This has been challenging, given the strong construction market currently in existence, which is resulting in significant cost escalation across the construction industry.

Throughout the design process Council has also been considering potential operational models and operational costs. This has been assisted by the involvement of Otium, who have provided additional technical input into the design and have been reviewing the business case, based on design and operational model considerations.

If Council proceeds with this development there will be a competitive tender process for the construction. There is also likely to be competitive tender processes for the operation of the facility, or parts of the facility, dependent upon which management model is adopted by Council. In order to ensure that Council's ability to obtain the most competitive market prices is not compromised, it is essential that the financial detail and operating assumptions remain confidential.

The project has now reached a point where a preferred concept has been prepared. This concept has been presented, via confidential briefings, to Councillors; the Sunset Advisory Committee; the President of the Batemans Bay Swim Club and the Audit Risk and Improvement Committee.

In order for the project to progress, the next step is to lodge a development application for the proposal and to proceed with completion of the detailed design. This report recommends that those steps be undertaken.

It is also recommended that Council receive a further report on the financial elements and operational management options.

RECOMMENDATION

THAT Council:

1. Endorse the concept design (Attachment 1 of this report), as the preferred concept design to be used as the basis for the detailed design and for seeking development consent.
2. Consent to a development application being lodged for the development of the Batemans Bay Regional Aquatics, Arts and Leisure Centre.
3. Receive a further report on operational management model options and project budget.
4. Continues to work with Meals on Wheels to identify an alternate arrangement for the delivery of their services from Batemans Bay.

BACKGROUND

Council, via a competitive tender process, appointed NBR Architecture (project architect) to undertake the design of the BBRAALC. NBR Architecture are supported by a range of other design and engineering specialists.

In accordance with contractual requirements, NBR Architecture developed three concept plans. These plans were all based on the same project scope, each demonstrating a different design solution and testing different design elements. Two of the concepts had the aquatic and the arts buildings separated and had the theatre as the prominent feature facing north onto the

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Princes Highway. The third option encapsulated the entire centre under one roof with a centralised hub.

The concept designs considered the engagement undertaken with key stakeholders, user groups and the Sunset Advisory Committee. The three concept plans were placed on public exhibition from 7 January until 27 February 2019. The engagement activities undertaken during this period included:

- Kiosks – conducted at Village Centre Batemans Bay (seven separate occasions), Moruya and Narooma libraries (once at each library)
- Kiosk materials: pull up banners, large scale plans, hard copy survey, hard copy frequently asked questions sheets
- Media releases
- Survey asking what people like and don't like, and why about each concept (website and hard copy distributed at points across the Eurobodalla including all three libraries, all three swimming pools and at the Moruya Chamber of Commerce)
- Frequently Asked Questions (website and hard copy distributed at points across the Eurobodalla including all three libraries, all three swimming pools and at the Moruya Chamber of Commerce.
- Website pages updated and homepage banner linked to survey
- Animation (Facebook and website)
- Facebook – post with animation and kiosk details
- Newsletters
- Promotional poster “What do you think, Eurobodalla?” – distributed at points around the Eurobodalla with a particular emphasis on Batemans Bay and surrounding areas
- Living in Eurobodalla (printed newsletter to households).

The results of the community engagement activities were considered by Council at the Ordinary Meeting on 30 April 2019. The feedback obtained through the engagement activities was provided to NBRS Architecture to inform the process of developing a preferred design concept.

The design process has required a number of design iterations, considering and responding to the results of QS estimates, operational needs and costs, community and stakeholder feedback, design principles, and the outcomes of value management workshop. Councillors have been briefed on each design iteration and corresponding QS report.

The design process, through QS assessment, has highlighted the significant cost escalation that has been occurring within the construction industry as a result of the significant amount of construction work underway and in the pipeline. Council's experiences through the design process have also been confirmed through engagement with other organisations undertaking similar projects and through the experiences of the grant funding bodies who are working with many projects within NSW and elsewhere within Australia.

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Whilst significant reductions in cost have been achieved through the design process, further work will be required through the detailed design stage to attempt to further reduce the capital cost. In addition, Councillors have been briefed on, and will need to consider, additional funding sources for the project.

The concept design has responded positively to the brief, community and stakeholder feedback, to deliver a proposed building that is iconic and will meet the community's needs into the future. The building will be something that the community can be proud of, providing much needed and expanded services to the community, services that have long been asked for.

CONSIDERATIONS

The concept design has responded favourably to the original business case, operational needs, cost pressures, design principles developed in collaboration with the Sunset Advisory Committee and to community and stakeholder feedback, to deliver on an iconic landmark building that the Eurobodalla can be proud of.

The concept design has been presented to the Sunset Advisory Committee and the President of the Batemans Bay Swim Club with a strong view being expressed that the Council and design team have listened to the feedback and overall, positive reaction to the concept design has been received. Along with providing an iconic landmark building, the concept design provides a functional response delivering the key components which meet the board needs of our community now and into the future.

Aquatic components

The Otium business case, with regard to the type of components to be included in the aquatic centre, recommended the following:

- Indoor 25m x 20m (8 lane) heated pool with ramp access.
- Indoor warm water/program pool with access ramp.
- Free form indoor leisure pool with interactive water features.
- Heated indoor learn-to-swim pool.
- Waterslides

There are however, a number of design outcomes or related considerations which have required deliberation beyond the original concept adopted by Council.

25 metre pool

The Otium business case recommended a 25 metre x 8 lane swimming pool. Council amended that scope to include consideration of a 25 metre pool comprising of 10 lanes. The recommended design outcome, in response to capital cost pressures, is a 25 metre pool that can be used as an 8 lane pool for competition swimming (lane width of 2.5 metres) or can be reconfigured to be a 10 lane pool (lane width of 2 metres). This option provides a greater degree of flexibility while enabling the pool to meet the requirements for short course championships. The black lines in the pool will be configured for the 8 lane layout.

Learn to swim

As part of the value management workshop the number of water bodies and the overall size of the pool hall were reviewed. The ultimate decision was to incorporate the learn-to-swim pool

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as a component of the overall leisure pool. The rationale for this decision was to provide a designated learn-to-swim environment while maintaining a reasonable amount of water to be available as part of the leisure pool. A separate learn-to-swim pool would not always be in use and therefore is a body of water not being used to its full potential. Under the revised concept the learn-to-swim pool can be utilised as part of the leisure pool when not being used for learn-to-swim activities. This option maximises the use of the linked water bodies.

The overall depth of the learn-to-swim component has been designed to comply with regulatory requirements regarding depth transition. More advanced learn-to-swim classes can be conducted in the warm water pool and/or the 25m pool both providing a range of depths to be available to learn-to-swim teachers.

Theatre

The recommendations of the Otium business case were for:

- Flexible black box performance space to seat approximately 500 people
- Retractable seating to enable access to large flexible, flat floor area
- Performance/stage area and loading dock
- Green room/dressing rooms
- Gallery/exhibition space
- Rehearsal/dance studio
- 'Wet' arts workshop space and 'Dry' arts workshop space
- Multi-purpose room capable of range of uses, and other meeting rooms
- Storage and support amenities.

The current configuration of recommended design concept has encapsulated all the recommendations made in the original business case. The only exception is the size of the theatre in terms of seating capacity. NBR Architecture has engaged Richard Stuart, recognised Australia-wide as a subject matter expert in theatre and production, as part of the design team. Richard examined a range of data with regard to the proposed size of the theatre. After an analysis of the data he recommended that a theatre with approximately 350 seats would meet both our short and long term requirements. The Project Coordinator then spoke to a number of theatre operators to compare and validate the recommendations made by Mr Stuart. There was a strong correlation between the advice from other theatres and the recommendation made by Mr Stuart. Based on all the research and evidence it is considered the optimum size of the theatre to be approximately 350 seats.

Gallery Space

As noted above, the breadth of the theatre component included a gallery/exhibition space. To meet this requirement, it is proposed to make available hanging space in the link and theatre foyers, allowing for a variety of options in terms of temporary or permanent artwork on display. The hanging space proposed is slightly in excess of 36 linear metres (in total). This design solution makes best use of the large foyer area required to service the theatre and positively responds to capital cost pressures on the development. There are also a number of other rooms that can be programmed and used for larger exhibitions including the theatre and dance

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rehearsal room which is proposed to be able to open out onto the foyer providing a larger integrated gallery/exhibition space.

Cost Pressures

Significant demand in NSW and across Australia has put upward pressure on the availability of both the demolition and construction workforce. This demand has also placed cost pressures on a range of raw materials, most notably steel and concrete. As a result of the increased demand and cost, there is increasing pressure to deliver the full scope of the development within an achievable budget.

Council's project team has worked with NBR Architecture and the contracted Quantity Surveyors (Wilde and Woollard) to develop a preferred concept which meets the expectations of the community, balanced with fiscal responsibility in both the build costs and on-going operational costs.

Even with the significant efforts made through the design process to reduce capital cost, there remains a need to continue to critically assess and identify further saving opportunities through the detailed design stage of the project. In addition, Councillors have been briefed on, and will need to formerly consider, additional funding opportunities for the project, especially in regard to providing for any contingency through the construction process.

Until Council goes to tender, it is not known what the cost is estimated to be, by the construction industry. Should the tender responses exceed budget expectations then Council will have to reconsider delivery of the project overall, including possible significant changes to scope and design, noting that any scope and design changes will come at a cost in itself.

Future expansion

Previous Council resolutions have required the design process to consider the potential for future expansion, specifically the potential to provide for a 50 metre pool and expansion of the theatre.

The design process has identified space where a 50 metre x 5 lane pool could be provided along the eastern boundary of the site between the proposed aquatics hall and the theatre wing. This has been illustrated on plans presented to Councillors but is not contained on the attached concept plan, as the provision of a 50 metre pool does not form part of the development scope and remains outside the financial capacity of the project and the community.

The design process has considered current and future needs in terms of seating capacity of the theatre and as addressed above, it has been recommended that the seating capacity be approximately 350.

The current concept proposes 350 retractable seats plus 7 disabled seating positions. Any proposal to provide for future expansion of the seating capacity would require significant capital expenditure.

Visitor Information Centre

The Otium business case recommended that the new centre include a Gateway Visitor Information Centre (relocated from existing Batemans Bay site) incorporating a theatrette integrated into the foyer design.

There has been significant changes in the way visitors receive tourist information. Most visitors now receive tourist information electronically. Council has recently engaged a consultant to

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look at the best mechanisms to provide visitor information services. While the final report has yet to be received, some of the preliminary findings suggest that a theatrette is no longer required and it has been de-scoped from the project.

The final format of how, and what format the visitor information will take in the new centre is yet to be finalised, although it must meet current industry trends to ensure its long term viability. The current foyer design has significant flexibility and should be able to easily accommodate the agreed mechanism(s) to support visitor information services based on assessment and independent advice around the provision of such services.

Batemans Bay Community Centre (BBCC)

The Otium business case proposed and accounted for the Batemans Bay Community Centre (BBCC) being closed, with services provided through that centre, being met through the proposed BBRAALC and other existing Council facilities. This enabled Council's overall operational budget to be prudently managed with facilities management efficiencies being achieved through integration of the service delivery into a single centre. It also enabled Council to consider the sale or lease of the BBCC providing an additional income source for the capital and operational costs of the new centre.

It needs to be noted that if Council were to maintain the BBCC, it would have an adverse impact on Council's operational budget thus reducing the affordability of the proposed new and expanded services provided via the BBRAALC. It would also remove potential income streams from the sale or lease of the BBCC.

Consideration of the activities and bookings currently undertaken at the BBCC has identified that outside of the requirements of Meals on Wheels, there is no impediment or adverse impacts arising from the closure of the BBCC, following the opening of the BBRAALC. In the case of Meals on Wheels it is strongly believed that suitable alternate arrangements can be made in collaboration with them. To this end, an initial meeting has been held with the Manager of Meals on Wheels and further collaboration is proposed to occur, to find a suitable alternate location.

As a result of recent media about the potential closure, sale or lease of the BBCC, Council has received a number of enquiries from parties interested in the purchase or lease of the facility.

Given the above circumstances it remains the proposed position that Council close the BBCC, once the new centre is opened and look at opportunities to either sell or lease the site.

Additional development scope

There are three key opportunities that have been identified through the concept design process and deferred to a second or subsequent phases of the development as they are likely to be outside the scope of the project budget, they are:

- crèche
- additional water slides
- outdoor water play.

The option to include a crèche has been strongly supported by speaking with other councils. The crèche would support those parents seeking to use the BBRAALC but targeted to the gymnasium and learn to swim users. Whilst it is not considered possible to include a purpose

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built crèche in the budget, operational planning is considering options to provide alternate services that can meet the needs for a crèche through programming.

The additional water slides (an extra two) and additional outdoor water play have been allowed for in the overall design. This has been achieved through providing for two additional water slides accessed from the proposed slide tower but exiting to the outdoor area, and the provision of an outdoor water play area. These two additional assets have been deferred as they are outside the scope, based on current QS estimates. The concept design however includes these two elements which are intended to be utilised during peak times such as school holidays and throughout the summer period, increasing the BBRAALC's capacity and income generating potential.

The opportunity exists during the tender process to option the additional water slides and water play area to test the market price and affordability of their inclusion in the build.

Operational Management Options

On 16 April 2019, councillors were briefed on five possible management models. These models were presented after extensive research and consultation with a number of councils across NSW and Victoria. The five possible management models are:

- Lease Management Model
- Contract Management Model
- Internal Council staff (direct Council staffing and management)
- Council Company Limited by Guarantee (entity owned by Council)
- Hybrid – utilising more than one of the options listed above.

Following consideration of the five possible management models, two were shortlisted for further consideration including performance potential, likely financial performance and overall strengths and weaknesses. The two management models assessed as being capable of providing the best outcome for the new Centre were:

- Contract Management Model
- Hybrid.

Based on the current financial analysis of the two models, the contract management model is considered to provide the most cost effective solution and provides an improved financial position over that estimated in the original business case.

Additional assessment will be undertaken of the financial models before formally reporting to Council with a recommendation as to the preferred management model.

In addition, it is proposed to examine a fee for service contract model, which has recently been successfully adopted by local government in Victoria. The results of this assessment will be included in a future report to Council.

Environmental

The development of the design concept has considered all the environmental aspects associated with the site and surrounds of Mackay Park. No adverse environmental outcomes have been identified with the proposed layout.

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The design process has considered building sustainability. Sustainability considerations will continue to be undertaken throughout the detailed design process to ensure that, within budget considerations, the building is sustainable to operate and minimizes its impact on the environment.

Asset

The design process is considering asset life and cost along with operational costs. Ultimately the new asset will have a depreciation cost that will impact on Council's financial position, notwithstanding that the development is replacing an existing asset.

At this point, it is possible to adopt a straight line depreciation assessment to get a broad indication of depreciation over say, the anticipated 50 year life of the building. This however does not account for those asset components that have a shorter asset life such as mechanical and electrical components.

The project will, prior to completion, develop a detailed asset replacement program. This schedule will detail the estimated useful life of all key assets and the estimated cost and timeframe for asset replacement. This schedule must be underpinned by a strong monitoring regime to continually assess asset condition and performance.

Social Impact

The design concept has retained the key functionality that was originally proposed in the Otium business case. The key deliverables still provide the aspects most stakeholders have requested and meets the key outcomes for the project. The evolution of the design to move to the concept being recommended, has not compromised any of the key social outcomes expected to be met by the project.

On that basis the key social benefits of:

- Greater participation in physical exercise by the resident population given the strong community demand for a heated, indoor, year round aquatic facility and in particular, a warm water therapy pool and a learn to swim area.
- Greater participation in cultural and community activities by the resident population, given the identified shortage in cultural performance, rehearsal, exhibition, workshop and storage spaces.
- Improved utilisation of community facilities given the critical mass and profile that the project will create.
- An expanded set of activities for visitors to the Eurobodalla, recognising that many non-NSW visitors come from the ACT and Victoria.

are all still very much achieved through the concept design presented.

Economic Development Employment Potential

A cost benefit analysis, based on the original concept and business case, was undertaken on behalf of Council by SGS Economics and Planning. This assessment found that the proposed BBRAALC will have a positive impact on the local economy.

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The recommended design concept has retained the key functionality as outlined in the original business case. The proposal, based on the original cost benefit analysis, will have a positive impact on the local economy. This includes the expected economic benefits that will accrue during construction as well as ongoing operations (includes both direct and indirect benefits).

Financial

Council has currently secured \$55m in funding for the project including:

- \$26m in grant funds from the NSW Government - \$18m from the Regional Communities Development Fund (NSW Department of Premier and Cabinet) and \$8m from the Regional Cultural Fund (NSW Planning and Environment)
- \$25m in grant funds from the Australian Government's Regional Growth Fund (Department of Infrastructure, Regional Development and Cities)
- \$4m loan funding.

As highlighted earlier in this report, due to significant construction activity underway and planned, significant cost escalations are being experienced. This has been validated through discussions with other organisations undertaking similar projects and through the grant funding bodies, based on their experience with other grant funded projects.

The design process has taken a prudent response in developing a design that aligns with the brief, and feedback from community groups and key stakeholders while attempting to reduce the anticipated capital and operational cost of the project. Significant achievements have been made in reducing the capital cost, through the design process and will continue to occur through the detailed design phase of the project.

The key facets from a budgetary perspective are:

- Initial capital building costs – these will be funded from the various grants and Council funding. Councillors have been briefed on the QS estimates of the capital cost of the project.
- Ongoing operational costs – these costs will be sourced from within existing Council budgets. These costs will be partly offset by existing costs to operate the Batemans Bay pool, Visitor Information Centre and Batemans Bay Community Centre. In addition, fees and charges for the use of the new Centre. Councillors have been briefed on the estimated revenue and operating costs, based on two alternative operational models.

If Council proceeds with this development there will be a competitive tender process for the construction. There is also likely to be competitive tender processes for the operation of the facility, or parts of the facility dependent upon which management model is adopted by Council. In order to ensure that Council's ability to obtain the most competitive market prices is not compromised, it is essential that the financial detail and operating assumptions within these documents are kept confidential.

As previously discussed and advised at Councillor briefings, Council will need to consider a range of additional funding sources, including:

- S94A funds

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- Renewal funding, for renewal of the pool assets
- Reserves
- Reprioritisation of the capital program to enable works such as the carpark to be undertaken in house.
- Land sales or lease.

Council will receive a future report on budget, financial and operating model for consideration. As part of this process, Council will need to consider any impact on other Council services.

Whilst every effort is being made to deliver the full scope of the project, Council will not know with any certainty, the likely cost until tenders are received. Until that point, Council needs to continue to work with and respond to QS estimates which will increase in detail and accuracy as the level of design detail increases. Therefore there remains the potential that Council will not be able to afford the full scope of the project.

Funding Constraints

A number of other councils in NSW and Victoria either have, or are, experiencing similar problems with the allocated funding being eroded due to significant pressure within the demolition/construction industries together with a substantial increase in the cost of materials, especially steel and concrete.

Within NSW, there continues to be record levels of investment in infrastructure and strong demand for residential, commercial and retail projects. This is placing an enormous amount of pressure on trade availability and costs in both the demolition and construction industries.

Industry experts expect these pressures will continue through 2019 and 2020 and as a direct consequence, tender price escalation is likely to remain high in the infrastructure sector.

This issue not only compounds the cost of the new Centre but introduces new levels of complexity in terms of managing cost escalations during the tender process and throughout the actual construction phase.

The QS cost estimate is therefore providing a prudent level of contingency and cost escalation which is placing pressure on the project budget and affordability.

Community and Stakeholder Engagement

The project has undertaken significant engagement with the community including the establishment of the Sunset Advisory Committee, the various focus groups and community updates through a variety of mediums.

- Focus groups – Pre-release of concept plans (24, 25 and 26 October 2018) and post-release of the concept plans (4, 5 and 6 February 2019).
- Sunset Advisory Committee – 28 September 2018 (composition of focus groups), 15 March 2019 (project updates and results of survey), 6 and 20 August 2019 (project update and review of latest concept plan).
- General community – regular updates through webpage, media releases, Living in Eurobodalla and Frequently Asked Questions. Responded to a variety of letters from within the community.

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- Attended meetings and updated attendees from Perfex and the Batemans Bay Indoor Aquatic Centre Committee.
- Provided updates and status reports to the key recipients responsible for managing each of the grants (NSW and Australian Governments).
- Sought advice and guidance from a range of key stakeholders as the concept plan evolved including:
 - Key aquatic users
 - Other councils across NSW and Victoria
 - Other project managers undertaking similar projects across NSW, ACT and Victoria
 - Performing arts community members.
- Engaged a range of specialists as part of a Value Management Workshop to ratify design layout and costs.

CONCLUSION

For several decades, the community have been asking for an indoor aquatic centre that will meet the broad aquatic needs of the community, on a year round basis. The community has also been seeking a theatre and arts space. Each of these community facilities are currently not available, and despite previous consideration by Council, have remained outside the community's reach. That situation has now changed, with Council securing \$51m in grant funding (\$25m from the Australian and \$26m from the NSW Governments). This funding, for the first time, has placed the provision of such services within the potential reach of the community. Without this funding the community could simply not afford the facilities, and therefore Council is in a position never before realised, and unlikely to ever be realised again.

Despite this positive position, a strong construction sector is placing significant upward pressure on construction costs impacting on the anticipated capital cost of the project. Council has been prudent throughout the design process to manage costs downward and this will continue to occur through the detailed design stage.

The recommended concept design responds positively to the original concept and business case adopted by Council, the design principles, community and stakeholder feedback delivering an iconic building of which the community can be proud.

Whilst every effort is being made to deliver the full scope of the project, Council will not know the likely cost with any certainty, until tenders are received. Until that point, Council needs to continue to work with and respond to QS estimates which will increase in detail and accuracy as the level of design detail increases. Therefore there remains a potential that Council will not be able to afford the full scope of the project.

The next step in the process is to progress to lodging a development application and to detailed design. Once development consent is obtained and detailed design completed, Council will be in a better position to further consider costs and affordability before finally going to tender for the construction of the project.

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This is an exciting time for the Eurobodalla, with the potential to provide a landmark building, providing much and long desired services to our community, while providing significant social and economic benefit.

PSR19/021 DEVELOPMENT APPLICATION 577/19 RESIDENTIAL FLAT BUILDING (67 APARTMENTS) AND BOUNDARY ADJUSTMENT 81.0260.D

Responsible Officer: Lindsay Usher - Director, Planning and Sustainability Services
Attachments: Nil
Outcome: Responsible and Balanced Development
Focus Area: 6.2 Ensure development is sustainable, and reflects community values and the desired local setting
Delivery Program Link: 6.2.2. Provide receptive and responsive development assessment services
Operational Plan Link: 6.2.2.1 Assess and determine development applications

Applicant: Core Developments
Land: 1A Herarde Street, Batemans Bay Lot 52 DP 571785
Area: 3,170 sqm
Setbacks: Varies
Height: 21.71m AHD
Zone: R3 Medium Density
Current Use: Vacant Land
Proposed Use: Residential Flat Building
Description: Residential Flat Building (67 Apartments) and Boundary Adjustment
Permitted in Zone: Permitted with Consent
DA Registered: 23 May 2019
Reason to F&S: Clause 4.6 Variation to Height of Buildings
Recommendation: Approval Subject to Conditions

EXECUTIVE SUMMARY

This report seeks Council's determination of Development Application No. 577/19 for a residential flat building containing 67 apartments, basement car parking for 93 spaces and a boundary adjustment at Lot 52 DP 571785 1A Herarde Street, Batemans Bay. The proposal includes a building of four, five and six storeys and the estimated value of this development is \$19 million.

The development application seeks a variation from the Eurobodalla Local Environmental Plan (LEP) 2012 Clause 4.3 Height of Buildings. The LEP defines the maximum building height of the subject site as 15m, taken from natural ground level. The proposal seeks a variation of 5.15m or 34% for the highest portion of the building. The LEP Clause 4.6 Exceptions to Development Standards and the Department of Planning Circulars PS08-003 and PS 08-014

PSR19/021 DEVELOPMENT APPLICATION 577/19 RESIDENTIAL FLAT BUILDING (67 APARTMENTS) AND BOUNDARY ADJUSTMENT 81.0260.D

requires that all development having a variation greater than 10% to the development standards, must be determined by the full Council.

The proposal is consistent with the requirements of the *Environmental Planning and Assessment Act (the EP & A Act) 1979, State Environmental Planning Policy 65 (SEPP) – Design Quality of Residential Flat Development, SEPP 65 – Design Quality of Residential Apartment Development* (commenced 17 July 2015), the LEP 2012 and the Batemans Bay Development Control Plan (DCP).

This report recommends approval of the development application subject to conditions.

RECOMMENDATION

THAT pursuant to the provisions of Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Development Application No. 577/19 Lots 51 and 52 DP 571785 No. 1A Herarde 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 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 Nos.	Plan Nos.	Date of Plan	Prepared by
DA 577/19 Sheets 1 – 21 inclusive	DA001 DA020 DA021	6 May 2019	Judd Studio
Sheet 1 – Cover Sheet	DA030		
Sheet 2 – Site Analysis	DA101 DA103		
Sheet 3 – Site Plan	DA102 DA104		
Sheet 4 – Subdivision Plan	DA202		
Sheet 5 – Floor Plan (Basement and Ground)	DA201 DA221		
Sheet 6 – Floor Plan (level 3 & 4	DA301 DA403		
Sheet 7 – Floor Plan (level 1 & 2)	DA601 DA602		

Sheet 8 – Level 5 & Roof	DA603 DA604		
Sheet 9 – Elevations (South & East)	DA605 DA701		
Sheet 10 – Elevations (North & West)	DA801 DA802		
Sheet 11 – Herarde Street Elevation			
Sheet 12 – Sections			
Sheet 13 – Solar Penetration Diagram			
Sheet 14 – Typical Units Sheet 01			
Sheet 15 – Typical Units Sheet 02			
Sheet 16 – Typical Units Sheet 03			
Sheet 17 – Typical Units Adaptable			
Sheet 18 – Typical Units Adaptable			
Sheet 19 – Area Plans			
Sheet 20 – Landscape Plan (Ground Floor)			
Sheet 21 – Landscape Plan (Ground Floor and Communal			

Terrace)			
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Council Stamp No.	Document title	Date of document	Prepared by
DA 577/19 Doc 1 of 4	Detailed Site Contamination Investigation	10 May 2019	NG Child & Associates
DA 577/19 Doc 2 of 4	Preliminary Acid Sulphate Soil Assessment	31 July 2019	NG Child & Associates
DA 577/19 Doc 3 of 4	BASIX Certificate No. 1012971M	6 May 2019	Certified Energy
DA 577/19 Doc 4 of 4	Site Waste Minimisation and Management Plan	July 2019	Indesco Consulting engineers

Note: Any alteration to the plans and/or documentation may require the lodgment 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 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. [0001]

2 **Certification Height of Building**

The alterations and additions to the dwelling must be constructed in accordance with the maximum finished levels outlined below:

- ground floor habitable level 3.060m AHD;
- fifth level ridge height of 18.56m AHD, and
- sixth level ridge height of 21.71m AHD.

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

3 **Earthworks, retaining walls and structural support**

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and

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

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. [15.07]

5 ***Water & Sewer Inspections***

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

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

- (a) Sanitary drainage under hydrostatic test and prior to backfilling trenches or covering;
- (b) Hot and cold water plumbing under pressure test prior to covering;
- (c) Internal stackwork under hydrostatic test prior to covering; and
- (d) The installation of the septic tank and any sullage trenches prior to backfilling or covering.
- (e) Issue of final satisfactory inspection. [2.16]

6 ***Building Code of Australia***

All building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). [23.01]

7 ***Swimming Pools & Outdoor Spas***

(a) **Installation**

The installation of the pool and all associated safety equipment including fencing and latches shall comply with the provisions of the Swimming Pools Act and AS1926. A resuscitation chart and warning sign containing information as prescribed by the Swimming Pools Regulation 2008 must be erected within the pool enclosure and shall be maintained in a clearly legible condition.

(b) **Registration**

The land owner is required to register the swimming pool/spa pursuant to Clause 30B of the Swimming Pools Act 1992. Swimming pools can be registered at the NSW Government's Swimming Pool Register at www.swimmingpoolregister.nsw.gov.au <http://www.swimmingpoolregister.nsw.gov.au> Note: Pool owners can be fined \$220.00 if their pool is not registered on the NSW Swimming Pool Register. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

(c) **Temporary Fencing**

In the event that the pool/spa is installed, prior to completion of other building work referred to in the development consent, temporary pool safety fencing complying with AS1926, shall be provided and maintained in position, pending completion of the other building work, if located on bushfire prone land and located within 10m of the dwelling be constructed of non-combustible materials.

(d) **Pump Operation**

The pump must be housed in an enclosure that is designed to minimise any noise intrusion on the surrounding developments. The enclosure must be designed to ensure that the noise levels emitted during off peak times* by the pump and filtration systems are not clearly audible in any habitable rooms of adjoining residences. Note: It is recommended that the pump and filtration systems only be used during daylight hours to reduce any noise impact. [*refer to SEPP (Exempt & Complying Development Codes) definition].

(e) **Sewage Connection**

Discharge points and/or overflow pipes from pool and filtration unit to be connected to the sewer where this service is provided to the property. [23.09]

8 **Colours and Materials**

The external roof cladding shall have a solar absorbance rating of 0.421 or greater (e.g. Zinalume, Galvanised Iron, Colourbond Surfemist, Classic Cream and Whitehaven do not qualify). [24.01]

9 ***NSW Department Of Primary Industries - Batemans Bay Marine Park requirements***

- a) **Soil, Sediment and Water Management:** Soil erosion and excess control measures should be prepared consistent with current best practice (ie Managing Urban Stormwater: Soils and Construction 4th Edition, Landcom 2004, the Blue Book - <https://www.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf>) Sediment must be contained above mean high water mark (MHW). To mitigate possible pollution of the estuary from exposed soil, all practical measures must be taken to ensure erosion and subsequent sediment movement into the marine park does not occur. Where appropriate, control measures such as silt fencing, hay bales &/or equivalent must be used down slope from any disturbed area and in any drainage lines into the marine park. These measures must be regularly inspected, cleaned out and/or repaired as necessary and all collected silt must be disposed of appropriately. If it is not possible to meet these standards then polluted water will need to be contained and disposed of at an approved treatment facility. The ongoing requirement for dewatering of the proposed sub-basement carpark following periodic flood events will also need to be considered. Floodwaters entering the carpark become polluted with hydrocarbons. Measures to contain and treat or dispose of this water must be developed. Water should not be discharged into the adjacent waters unless approved monitoring and reporting measures are in place.
- b) **Stormwater:** Any water discharged from the site and delivered to waters of the Batemans Marine Park should meet the water quality requirements outlined within the NSW Water Quality Objectives, developed in accordance with the ANZECC 200 Guidelines on water quality as required under the Protection of the Environment and Operations Act 1997. (Further info is available on the OEH website at www.environment.nsw.gov.au/ieo/Clyde/index.htm) as required under the Protection of the Environment and Operations Act.
- c) **Waste minimisation and management:** All waste, debris, dust, polluted stormwater etc. created during construction and through future use of the development must be contained and disposed of in an environmentally satisfactory manner pursuant to NSW Protection of the Environment Operations Act 1997. All reasonable measures to prevent the introduction of pollution and waste to the marine park must be implemented.

10 ***Essential Energy requirements***

- a) If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- b) As part of the boundary adjustment subdivision, if required by Essential Energy, easement/s are to be created for any electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.
- c) Any existing encumbrances in favour of Essential Energy (or its predecessors)

noted on the title of the above properties should be complied with.

- d) Minimum clearance requirements are to be maintained for any proposed driveway access/s into the properties, as Essential Energy has existing overhead powerlines on all street frontages of the properties. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
- e) Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to all proposed lots which will form part of the subdivision/development. The Applicant will need to submit an application to Essential Energy's Contestable Works team via email contestableworks@essentialenergy.com.au [<mailto:contestableworks@essentialenergy.com.au>](mailto:contestableworks@essentialenergy.com.au) to determine whether the electrical requirements of the proposed development can be serviced via the existing electricity network or whether dedicated infrastructure will be required for the proposed development. It is also the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
- f) In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with ISSC 20. Approval may be required from Essential Energy should activities within the property encroach on any electricity infrastructure.
- g) Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- h) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au [<http://www.safework.nsw.gov.au>](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice - Work near Overhead Power Lines and Code of Practice - Work near Underground Assets.

11 ***Site Waste Minimisation and Management***

The development shall provide waste and recycling facilities as proposed in the Site Waste Minimisation and Management Plan by Indesco Consulting Engineers, stamped approved DA577/19 Doc 3 of 3. The Strata Management Plan is to include a by-law that prevents the storage of waste and recycling bins in the Public Road Reserve, Roadway or Kebside.

12 **Plan of Survey Amendment**

The Plan of Survey in conjunction with the boundary adjustment is to incorporate any easements for infrastructure and shared services where required and/or as directed by Council free of all costs to Council.

13 **Site Contamination Protection/ Excavated Soil Classification**

In accordance with recommendations in the Site Contamination Investigation Report by NG Child & Associates, (stamped approved DA577/19 Doc 1 of 4) an 'Unexpected Finds Protocol' is to be prepared and implemented to guide future works at the site and soils excavated from the site are carefully segregated to facilitate any classification that may be required, to prevent any fill material excavated from the site becoming commingled with virgin material (VENM) excavated from the site.

14 **Erosion and Sedimentation Control**

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

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

15 **Excess Fill**

Any excess clean fill (inert clean waste) removed from the site is to be taken to either:

- (a) a public waste disposal facility or
- (b) a site approved by Council.

If option (b) is to be used the persons enacting this consent are to advise Council, in writing, of the chosen site and are not to commence any dumping until written approval is granted.

Note: *Council may carry out random inspections and take photographic records to ensure the integrity of the fill.* [11.14]

16 **Sealed Traffic Areas**

Prior to the issue of a Construction Certificate submission to and approval by the Certifying Authority of plans for car parking spaces, manoeuvring areas and access driveways conforming to AS/NZS2890.1:2004. Designs are to be certified for compliance with AS/NZS2890.1:2004 by a qualified engineer and are also to address expected vehicle loadings, any fill compaction requirements, drainage and pavement design. Disabled parking is to be designed in accordance with AS/NZS2890.6:2009 and constructed prior to release of any Occupation Certificate. The access is to include provision of a ramp with a crest height of 3.06m AHD and the profile within the road reserve is to comply with Council's standard plan 4400-A 001-a-1. [15.01]

17 ***Construction Works Inspection***

Council is to be notified two (2) days prior to commencement of any works for footpath or stormwater network augmentation within the footpath or road reserve (Telephone [02] 44741393) to make arrangements for inspection. [14.08]

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

18 ***Ocean/Flood***

Prior to issue of a Construction Certificate, submission to and approval by the Certifying Authority, of designs by a suitably qualified and experienced Structural/Civil Engineer that the development will be capable of withstanding the impact of the flood/ocean hazard applicable to the location. The applicable flood planning level for the development is 3.06m AHD. [7.04]

19 ***Flood***

Prior to the release of a Construction Certificate plans are to be submitted to the satisfaction of the Certifying Authority showing all building materials used below the nominated flood planning level, including the floor, to be of flood compatible materials, i.e. the structural integrity of the materials must not be adversely affected by repeated immersion in flood water. Details of these materials are to be consistent with Council's "Guidelines for Flood-Compatible Materials".

20 ***Plan of Survey and 88b***

Submission to and approval by Council prior to the release of a Construction Certificate of Plan of Survey and Section 88B instrument (under Conveyancing Act 1919) or transfer and grant signed by beneficiary and burdened parties for a drainage easement over the stormwater overland flow path. [6.07]

21 ***Erosion Control Plan***

Designs for sedimentation and erosion control by a qualified practising engineer are to be submitted to the Certifying Authority. All requirements of the approved plan are to be implemented on-site. The erosion control plan is to be prepared in accordance with "Managing Urban Stormwater: Soils and Construction – Volume 1, Landcom 2004". [11.01]

22 ***Requirements of Public Authorities for Connection to Services***

The applicant shall comply with the requirements of any public authorities (eg Essential Energy, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. [0240]

23 **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. [2.03]

24 **Waste Management Plan**

A Waste Management Plan shall be submitted to and approved by the Certifying Authority, 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]

25 **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate. The Plan shall address, but not be limited to, the following matters:

- (a) hours of work;
- (b) contact details of site manager;
- (c) arrangements for site deliveries and removal of material from site;
- (d) details of hoardings;
- (e) details of demolition works and the presence of any asbestos or other hazardous waste;
- (f) traffic and/or pedestrian control measures;
- (g) dust control measures;
- (h) noise control measures;
- (i) screening from adjoining properties. [23.14]

26 **Section 7.11 Contributions**

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

Roadworks	\$147,302.10
Open Space & Recreation	\$ 74,025.60
Community & Cultural	\$ 4,290.00
Shared Pathways	\$ 13,714.80
Plan Preparation & Admin	\$ 7,243.50
Waste Facilities	\$ 6,381.00

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

The plan can be viewed on Council's website at
http://www.esc.nsw.gov.au/development-and-planning/tools/development-contributions-plans/s94_development_contributions_plan.pdf [3.07]

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

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

- a) \$508,400 (40 ET) for the augmentation of water supply mains and storage within Eurobodalla Shire where 1.0 ET = \$12,710.
- B) \$553,250 (50 ET) for the augmentation of sewerage works within Eurobodalla Shire where 1.0 ET = \$11,065.

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.* [3.11a]

28 **Footpath Construction**

Prior to the issue of the Construction Certificate submission to and approval by Council of a detailed plan for footpath construction for the full frontage of the property. [14.06]

29 **Stormwater Quality**

Prior to the issue of a Construction Certificate stormwater design plans are to demonstrate and be certified by a suitably qualified engineer that any stormwater leaving the site complies with the water quality benchmarks for the Batemans Marine Park as expressed in the NSW Water Quality Objectives that accord with the ANZECC 200 Guidelines for Water Quality (Info available at OEH website – www.environment.nsw.gov.au/ieo/Clyde/index.htm).

30 **Groundwater Management**

Prior to the issue of a Construction Certificate, submission to and approval by the Certifying Authority, of a groundwater management plan by a suitably qualified engineer. The management plan is to clearly indicate that the prescribed construction methodology for the development will ensure compliance with the Protection of the Environment Operations Act 1997.

31 ***Stormwater Network Augmentation***

Submission to and approval by Council, prior to release of a Construction Certificate, of plans for the relocation of the stormwater network traversing the site. Plans are to be prepared by a suitably qualified engineer in accordance with Council's Infrastructure Design Standard and the concept civil engineering design prepared by Jack Metzler and Associates.

32 ***Stormwater Overland Flow Path***

Submission to and approval by Council, prior to release of a Construction Certificate, of plans for the stormwater overland path traversing the site. Plans are to be prepared by a suitably qualified engineer in accordance with Council's Infrastructure Design Standard and demonstrate conveyance of stormwater generated by events up to the 1%AEP.

33 ***Section 68 Approval***

Prior to the release of a Construction Certificate an application to and approval by Council is required under Section 68 of the Local Government Act 1993 for the realignment of the stormwater network, water supply connections and sewer connections.

34 ***Water Meter***

Submission to and approval by Council of certification and a layout plan for the service by a suitably qualified hydraulic engineer/consultant on the recommended water meter size required for the development in accordance with AS 3500.1:2003 National Plumbing and Drainage Code and AS2441:2005 Installation of Fire Hose reels. Individual meters to be sized in accordance with AS/NZS3500.1:2003 Plumbing and Drainage – Water Services.

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

Note: Each residence is to be separately metered from the main or internally. That is, either by connection to Council's water main by a single Council meter with all residences separately metered by private meters within the development or individual Council connections and meters from Council's main for each residence.

Council will provide a quote to construct the water service complete with meter with prepayment required prior to works being scheduled. The meter is to be located so as to be accessible to Council's Water Meter Reader at all times. Any work required to Council's infrastructure to extend the main or allow installation of the meter other than a standard meter connection, is to be undertaken at full cost to the applicant.

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

A standard meter connection is where the water main is located on the same side of the street as the property, the meter is to be located approximately 2.4 metres from the water main to just inside the property boundary and laid in a non-hard surface area (grassed). Please contact Council's Water and Sewerage Project Engineer on

44741342 to arrange the quote and prepayment will be required to be receipted at Council Administration Centre at Vulcan Street Moruya, the Batemans Bay or Narooma depot.

35 ***Site Drainage Plans***

Prior to the issue of a Construction Certificate, submission of plans to the Certifying Authority for stormwater disposal from roofed and impervious areas and overland flow from the localised catchment. Plans are to be certified by a qualified drainage consultant or a suitably qualified engineer for compliance with AS/NZ3500.3 2003, Council's Infrastructure Design Standard and the following requirements:

- a) Hydraulic analysis for the localised catchment bounded by Herarde Street and Beach Road to be completed in accordance with Australian Rainfall and Runoff;
- b) Analysis demonstrating that the predeveloped overland flow regime for the localised catchment is maintained.

If the site discharge is not capable of being accommodated in Council's existing infrastructure, the consent holder shall upgrade or augment Council's stormwater infrastructure subject to plans approved by Council.

PRIOR TO COMMENCEMENT OF WORKS

36 ***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 Principal Certifying Authority, and has notified the Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two (2) day's 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. [2.06]

37 ***Construction in a Road Reserve***

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

- Public safety, WH&S issues, risk assessment, public liability insurance, control of vehicle and pedestrian traffic, location of plant and equipment, inspections bonding and an application fee.
- Where a traffic control plan is required, the plan is to be prepared by a suitably qualified consultant, certified by the Roads and Maritime Service (RMS), in work site traffic control plan preparation.
- Where the Traffic control plan requires a reduced speed, or temporary traffic signals, a Speed Zone Authorization (SZA) is to be obtained from Council for the specific days of work
- Where works are 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. [14.09]

DURING CONSTRUCTION

38 ***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]

39 ***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:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage. [11.04]

40 ***Spoil Removal***

No spoil to be deposited on public roads during the cartage of materials from or to the site. The deposition spoil shall cease, as directed by Council, if the Council determines that excessive deposition of spoil onto the road is taking place. [11.12]

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 Certifying Authority. [2.22]

42 ***Construction Hours - NOISE***

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

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

43 ***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]

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, is to be met in full by the applicant/developer prior to issue of an Interim or Final Occupation Certificate. [14.15]

45 ***Landscape Plan***

Completion of landscaping in accordance with the approved Landscape Plan prior to issue of any Occupation Certificate and such landscaping is to be continuously maintained in accordance with the approved Plan. Maintenance is the landowner's responsibility. [16.04]

46 **Occupation Certificate**

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

47 **BASIX Certification**

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate No(s) 1012971M, 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]

48 **Adaptable Housing**

The Certifying Authority is to ensure prior to the issue of any Occupation Certificate that 16 residential units are compliant with the requirements of AS4299-Adaptable Housing. [23.28]

49 **Rainwater Tank Plan**

Prior to issue of any Occupation Certificate:

- (a) Stormwater control construction is to conform to approved plans and be in accordance with Council's DCP 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 Work As Executed plans are to be provided to Council in accordance with Council's Policy and Code of Practice, "*Design Guidelines for Rainwater Tanks*".

To obtain a copy of the "*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
<<http://www.esc.nsw.gov.au>> [6.02]

50 **Stormwater Work as Executed Plans**

Prior to issue of any 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]

51 **Certificate of Title**

Prior to issue of any Occupation Certificate submission to and approval by Council of a copy of the registered Certificate of Title verifying the creation of the drainage easement, shall be submitted to and approved by Council. [6.08]

52 ***Flood Action Plan***

Prior to issue of any Occupation Certificate, a Flood Action Plan, including details of evacuation procedures for the basement car park, is to be submitted to and approved by Council. Evidence of implementation of the Flood Action Plan will be necessary prior to occupation. [7.03]

PRIOR TO ISSUE OF STRATA CERTIFICATE

53 ***Occupation Certificate***

The Strata Certificate will not be released prior to the issue of a Compliance/Occupation Certificate to confirm that all requirements of this approval have been satisfied and that the units are fit for occupation. [12.35]

ADVISORY NOTES

1. ***Flooding Liability***

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

2. ***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]

3. ***Street Numbering***

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

4. ***Underground Utility Services Check***

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

5. ***Disability Discrimination Act***

Your development may be affected by the Disabilities Discrimination Act. It is your responsibility to ensure the development complies with the Act. [0265]

6. ***Ocean Location***

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

7. ***Discovery of a Relic***

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

8. ***NCC/BCA Compliance***

This Development Application has been subject to a merit-based assessment. The plans lodged and approved have not been assessed against the provisions of the Building Code of Australia (BCA). It is your responsibility to ensure the plans lodged with any Construction Certificate application show full compliance to all provisions of the BCA. [2.23]

9. **Traffic Noise**

The property has been identified as potentially affected by traffic noise. Council recommends that a suitably qualified person, experienced in acoustic treatment and design, be consulted in regard to the preparation of building plans. DEC guideline "Environmental Criteria for Road Traffic Noise" and AS 3671-1989 should be referenced in the building design. [20.02]

10. **Sea Level Rise Liability**

This land may be subject to sea level rise and this development has been assessed using the best available information regarding the likelihood of inundation and/or coastal erosion at the date of determination. The infrastructure in this locality (such as sewer, water, stormwater and roads) may also be subject to sea level rise. At the granting of consent there is no commitment or intention by Council to improve or maintain infrastructure should this be impacted by sea level rise 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. [7.13]

BACKGROUND

Council received a Development Application on the 23 May 2019 for a residential flat building and a boundary adjustment with an estimated value of \$19 million. The development is proposed at Lots 51 and 52 DP571785, (No.1A) Herarde Street, Batemans Bay.

The residential flat building is proposed to be 'L shaped' with a stepped roof line to contain four, five and six storeys of 16 x 1 bedroom, 32 x 2 bedroom, 18 x 3 bedroom and 1 x 4 bedroom apartments and a basement car park of 93 spaces.

A lift will be provided to allow persons with a disability access to each level.

The site is located on the corner of Herarde Street and Beach Road, 450m south east from the Batemans Bay town centre. The site contains a 60m frontage to Beach Road and has views to the Clyde River, Batemans Bay Town Centre and the ocean. The site is considered a key location on Beach Road as a gateway into the regional centre.

Access to the development is via Herarde Street.

1A Herarde Street, a vacant allotment, contains a small strand of seven trees with a grass cover over the site.

1B Herarde Street contains an historic building with development approval for use as pre-school. This building is not operational and proposed to be the subject of a future development application.

The surrounding area consists of a church, food and drink premises, tourist and visitor's accommodation and residential development.

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The application was exhibited from 24 May to 12 June 2019. During the exhibition period, four submissions were received. The merits of these are discussed later in the report. Responses were also received from two NSW Government agencies and Essential Energy who did not raise any impediments to the proposal.

POLICY

The application has been assessed in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979* and the following relevant legislation, planning instruments and policies.

Coastal Management Act 2016

The subject site is located within the Coastal Environment area and Coastal use area. There is no coastal management programs relative to the site. There are no coastal protection works proposed as part of this application. The proposal is considered to be not inconsistent with the requirements of this Act.

The State Environmental Planning Policies (SEPPs) relevant to this proposal are:

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Beach Road is a regional road and Herarde Street is a local road managed by Eurobodalla Shire Council. The ISEPP requires residential development for 75 dwellings or more and/or development that has a frontage to a classified road of vehicle access within 90m of a classified road to be assessed by NSW Road and Maritime (RMS). The proposal did not require formal referral to the RMS but was referred due to the site's frontage to Beach Road and proximity to the town centre.

The RMS advised Council to determine whether the access and traffic generation is acceptable.

The development will utilise Herarde Street rather than seek access directly onto Beach Road. The efficiency and safety of the road system has been assessed in the Traffic and Parking Assessment report submitted with the application and prepared by Positive Traffic Engineering and Planning.

The use of the land for residential purposes is considered to be suitable and any potential noise impacts from traffic on Beach Road can be managed through appropriate construction standards. There are not considered to be any significant impacts on the local road network due to the proposed development.

State Environmental Planning Policy (SEPP) No 65 – Design Quality of Residential Apartment Development

SEPP 65 contains nine design principles that apply to residential flat buildings and the SEPP also requires consideration of the *NSW Apartment Design Guideline*.

The SEPP requires that an application for residential development under SEPP 65, be supported by a design verification statement prepared by a registered architect against the nine design principles in the SEPP.

A design verification statement was lodged by Judd Studio Architects, registered architect Nathan Judd. This statement is supported by a detailed assessment and compliance table

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against the *NSW Apartment Design Guideline*, provided with the application.

The proposed development satisfies the SEPP 65 objectives by providing residential apartments close to business, retail and transport services, by improving the built form of the locality, by maximising the amenity of future residents and supporting housing affordability by increasing housing stock and choice.

The development has been assessed against the provisions of the *NSW Apartment Design Guideline* and the design quality principles, and is considered to be generally consistent with these provisions.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant has provided a compliant BASIX Certificate for a Multi Dwelling and Nationwide House Energy Rating Scheme Certificate. The development is consistent with the provisions of the SEPP.

Australian Standard AS4299 – Adaptable Housing

Access and facilities for persons with disabilities are to be provided in accordance with Council's Development Control Plan Clause 4.6 that requires a minimum of 25% of dwellings being able to demonstrate that they can satisfy the requirements of Australian Standard AS4299- Adaptable Housing.

The proposal requires 16 dwellings to be capable of compliance with AS4299 and while the application nominates seven dwellings as achieving compliance, discussions with the applicant has indicated that they can achieve compliance with the requirement for 16.

A lift has been provided to the development which provides an accessible path of travel to all levels of the development.

Details of compliance with AS4299 is required prior to release of the Construction Certificate and has been included as a condition on the consent.

State Environmental Planning Policy 55—Remediation of Land

SEPP 55 requires consideration for potential contaminated soils. The site is in close proximity to an historic saw mill. The applicant has submitted a detailed site contamination investigation report prepared by NG Child & Associates an environmental assessment consultant. Inspections undertaken by the consultant did not detect significant soil contamination or any other environmental issues or constraints.

The contamination investigation identified that during the soil bore drilling and soil sampling processes dark, odorless spoil-like material containing what appeared to be residues and fragments from timber milling, were noted at various depths. No chemical contaminants at levels of or approaching potential concern were noted in the laboratory analysis of the samples.

The report concludes that prior remedial works of the site are not required.

Subject to compliance with conditions of consent the proposal is considered satisfactory with the requirements of the SEPP.

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South East and Tablelands Regional Plan (Regional Plan)

The site is designated by the NSW Government, as an area to provide new residential development that must be serviced with community and transport infrastructure. The Regional Plan encourages Batemans Bay to continue to be the main retail and commercial area supported by a mix of residential and tourist accommodation and the use of diverse and affordable housing choices.

The proposal introduces a residential component that offers a range of unit sizes from one bedroom to four bedrooms providing an opportunity for a variety of house-hold types.

The building design creates a positive interaction with the pedestrian access to the town centre with public bus stops located on Beach Road and Pacific Street.

The site is located 300m from the Batemans Bay Regional Hospital and other health care facilities.

The proposal is considered to be consistent with the provisions of the Regional Plan.

Eurobodalla Local Environmental Plan 2012(LEP)

Pursuant to the Eurobodalla Local Environmental Plan (LEP) 2012 Clause 2.1 and 2.2, the site is zoned R3 Medium Density Residential. The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage tourist and visitor accommodation in areas of demand subject to controls to ensure the adequate protection of a permanent residential housing supply and amenity.*
- *To encourage walking, cycling and the use of public transport.*

The proposed development is defined as 'boundary adjustment' and 'residential flat building'; both of which are permissible in the zone.

The objectives of the R3 zone are met through the provision of a mix of residential accommodation types adjacent to the Batemans Bay foreshore and in close proximity to public transport.

The site is located 450m from the Batemans Bay town centre with pedestrian access provided directly to the CBD reinforcing the role and function of Batemans Bay as a major regional centre.

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Clause 4.1 Minimum subdivision lot size

Pursuant to cl.4.1, the minimum lot size is 550m². The boundary adjustment will create a Lot 51 with 1263.4m² and Lot 52 containing the Residential flat building with 3078.9m². Both lot sizes are above the minimum lot size.

Clause 4.3 Height of Buildings

The LEP defines the maximum building height of the subject site as 15m, taken from the natural ground level. The proposal seeks a variation to the development standard with a maximum roof height of 21.71m AHD above natural ground level (1.56m AHD), representing a variation of 5.15m or 34%. This portion of the development is on the corner of the Beach Road and Herarde Street intersection, spanning a length of 30m along the Beach Road frontage and 15m along the Herarde Street frontage.

The proposal then steps down in height for the next level which contains a maximum roof height of 18.560m AHD above natural ground level (17m). This roof height represents a variation of 2m or 12% variation.

The exceedance to the 15m height limit represents approximately 18% of the total footprint.

The remaining four levels are below the building height development standard.

The building captures the northern aspect with the highest portion of the building on the corners of Beach Road and Herarde Street, then tapering down in height along the road frontages.

The stepping back in height to four storeys at the east and west end of the building, reduces any perception of bulk. The Architect has pulled back the highest most northern point of the building on the top two storeys, further reducing the apparent scale of building.

Along both street frontages the façade undulates reducing any impact of overlooking and increasing privacy from apartments. Protection of privacy for existing developments is achieved as the building has been orientated to the north which overlooks commercial development to the North West and the Clyde River to the North East. The rear of the building is separated from existing residential dwellings by 30m to the south and 45m to the south east.

The land is included in the area identified by the LEP Height Buildings Map as permitting the tallest buildings to be fronting Beach Road.

Some view loss will result to those behind however there is no greater view loss of any significance caused by the building elements that project into and above the maximum height control. Due to the topography of the land behind the site, disruption of views is minimised as the majority of properties sit above the site.

The design provides for solar access to the apartments on the western edge of the site.

Shadow diagrams submitted with the application distinguish between the shadow cast by a compliant building and the additional shadow cast by the non-compliant component of the building. These diagrams demonstrate that the additional shadow is minor and would not cause significant adverse impact.

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The neighbouring property to the east of the site is known as the 'Motor Inn' consists of two buildings providing tourist and visitor accommodation. The first building fronting Beach Road remains free of shadow until 2pm. Similarly, the single storey cottage at 38 Beach Road is free from shadow until 3pm. The rear building of the Motor Inn is considered to be the most affected building with shadowing affecting this building from 10am; by 2pm the entire building is in shadow. This type of shadowing would also occur with a compliant building height.

The impact of shadow and amenity is also related to land use. The rear Motor Inn building is not residential, therefore access to sunlight, whilst still desirable, is less critical to the overall amenity of the occupants who are short term tenants.

The proposal is considered satisfactory with regard to the objectives of Clause 4.3 and a request to vary the building height standard has been lodged with the application.

Clause 4.6 Exceptions to development standards

The objectives of clause 4.6 is to provide appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development.

Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6 (3).

The proposed development will be in the public interest because it is consistent with the objectives of the particular standard (see above clause 4.3 discussion) and the objectives for development within the zone in which the development is proposed to be carried out.

A variation to the development standard may be considered, based on the proposal's ability to adhere to the LEP (2012) and precinct statement of both the South East and Tablelands Regional Plan and the Batemans Bay Regional Centre Development Control Plan (DCP).

The written request provided by the applicant can be summarized as follows:

- The proposed development will provide a medium density residential development in a location identified as being suitable for that purpose by current planning controls and close proximity to the Batemans Bay Regional Centre
- The exceedance of the 15m height limit represents approximately 18% of the total footprint
- Land & Environment Court (LEC) case law has demonstrated that there is no constraint on the degree to which a consent authority may depart from a numerical standard
- The proposed development is in the public interest because it is consistent with the objectives of the particular standard and objectives of the land use zone
- The development will provide permanent residential housing supply
- The location in close proximity to services and facilities, including being on the local bus route, will encourage walking, cycling, and use of public transport for a greater number of people

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- The proposal although it seeks a variation to the height control, does not represent a departure from the general density envisaged by the planning controls.
- The building is compliant aside from the north-western corner of the building.
- The building is height compliant where it adjoins other residential development sites to the south east and south west.
- The site is a prominent site located on the main thoroughfare along the waterfront of Batemans Bay.
- Residential use will stimulate activity within the town centre.
- Strict compliance with the height control will create a less pleasing built form when viewed from the public domain.
- The proposed design better achieves the objectives of the height standard than a compliant development.
- The development achieves a superior built form.
- The development provides an additional contribution to housing supply and diversity.

Department of Planning, Planning Circular PS08-003 informs councils that the Director-General's concurrence can be assumed in respect of any environmental planning instrument that adopts clause 4.6 of the Standard Instrument (LEP 2012).

It is therefore considered that the request can be supported on the basis that the standard is unnecessary and that the development's location provides a positive benefit to the wider community.

Clause 6.3 Acid sulfate soils

The site is identified on the Acid Sulphate Soils map as containing Class 3 soils.

A Preliminary Acid Sulphate Soil Assessment Report was provided at lodgment by NG Child and Associates. This report provided recommendations based on the assumption that no basement level excavation will be undertaken at the site. A revised acid sulphate soil assessment has been provided during the assessment and it provides suitable recommendations. The report did indicate that the soil testing did not find any evidence of acid sulphate soils.

Clause 6.5 Flood Planning

The site is mapped as flood prone and is subject to ocean inundation and projected sea level rise. The site contains a Flood Planning Level's (FPL) of 3.06m AHD (2065 planning horizon). The proposal contains a ground level of 3.06m AHD.

Council does not have a specific flood policy for Batemans Bay. The development does provide for a basement car park which will be potentially inundated during a storm/flood event.

The proposal incorporates a top of ramp level consistent with the flood planning level and therefore provides a reasonable amount of immunity to flood waters based upon the 1 in 100 year event.

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Given the proposed flood protection measures, the proposed development is considered to minimise the risk of flooding.

Clause 6.9 Stormwater Management

The proposal requires the relocation of existing stormwater infrastructure from within the site to be diverted around the site. An overland flow path will be maintained down the eastern boundary. Council has reviewed the concept engineering drawings and is satisfied that the revised scheme is acceptable and that stormwater will be appropriately managed.

Eurobodalla Shire Council Site Waste Minimisation and Management Code of Practice (CoP)

The proponent has provided a Site Waste Minimisation and Management Plan that proposes that each unit contain an appropriate storage space for at least one day's waste generation, with recycling and general waste separated.

A communal waste storage area is proposed on site containing general waste and recycling bins. Residents will be responsible for moving waste from their unit to the communal waste storage area. The private contractor will park in Herarde Street and wheel the bins to the truck. A condition will be placed on the consent that wording be included in the Strata Management Plan to ensure skip bins are not to be left in the public road reserve or kerbside, ensuring that the amenity of the neighbourhood is protected.

The waste enclosure is completely screened from the street.

Eurobodalla Shire Council Parking and Access Code

Access to the site is via Herarde Street. A Traffic and Parking Assessment report prepared by Positive Traffic Engineering & Planning was provided by the applicant to support the development.

Access design and parking layout is compliant with AS2890.01 and is acceptable.

SEPP 65 - Design Quality of Residential Apartment Development which adopts the *NSW Apartment Design Guideline* states that car parking requirements for residents and visitors to be set out in the RMS Guide to Traffic Generating Development, or Council's Car Parking Code, whichever is lesser.

The traffic report assessed the car parking rates by applying the high density residential flat building, Metropolitan Sub Regional Centre rate (accounting for the size of the Batemans Bay Town Centre) to the building containing 20 or more dwellings, more than five levels, containing basement level car parking and located in close proximity to public transport services.

The rates provided for in the RMS guidelines require 0.6 spaces per one bedroom unit, 0.9 spaces per two bedroom unit and 1.4 spaces per three bedroom unit. This requires 67 residential car parking spaces. The development has provided 83 parking spaces for residents.

The RMS guidelines recommend one visitors' space for seven dwellings requiring ten spaces overall. The proposal has provided ten visitors spaces and an additional two motorcycle spaces.

Council's Car Parking Code requires 118 spaces. In line with SEPP 65, Council has assessed the proposed car parking against the RMS Guide to Traffic Generating Development accordingly and supports the proposal.

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Interim Coastal Hazard Adaptation Code

The site is mapped as flood prone and subject to ocean inundation and sea level rise. The site contains a Flood Planning Levels (FPL) of 3.06m AHD (2065 planning horizon). The proposal contains a ground level of 3.06m AHD and is considered satisfactory.

Batemans Bay Development Control Plan

The site is subject to the Batemans Bay Development Control Plan (DCP). The proposal is consistent with the precinct statement 'to provide more intense development given its proximity and connectivity to the town centre'. The Applicant has provided a detailed assessment against the provisions of the DCP and Council supports this assessment.

ENVIRONMENTAL

Ecological

The subject site is cleared containing a small thread of seven trees. Assessment of these trees confirmed that there is unlikely to be any threatened species, populations, ecological communities or their habitats occurring on the site.

The subject site is in close proximity to the Clyde River estuary. The site is separated from the waterway by Beach Road and a pedestrian footpath. A referral from the Department of Primary Industries 'Marine Parks' has provided Council with proposed conditions of consent.

Cultural/Heritage

An AHIMS desktop search has determined that there are no aboriginal sites previously recorded within or close to the subject site. It is recommended that the consent be conditioned as such that if aboriginal relics or objects are uncovered during works, the Environmental Protections and Regulation Group of the Office of Environment and Heritage be contacted immediately.

The subject site is not listed as a heritage item or in close proximity to a heritage item.

FINANCIAL

All costs associated with the proposal will be borne by the applicant/developer including infrastructure works, survey and plan registration.

CONSULTATION

The application was publicly notified in accordance with Council's Advertisement and Notification Code. The advertising period commenced on 29 May until 12 June 2019. Advertising of the proposed development involved the following:

1. Both the landowners adjoining the subject site and those for 300m along Pacific Street which overlooks the subject site, were notified in writing and provided with a notification plan which included a site plan and elevations. Over 55 landowners were sent notification letters.
2. A public notice appeared in the Bay Post 29 May 2019.
3. A sign was placed on the site fronting Beach Road.

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4. The proposal was publicly displayed at Council's Customer Service Office in Moruya and at the Batemans Bay library.
5. The proposal was notified on Council's website from 29 May 2019 to 12 June 2019

Four submissions were received during the notification period. A summary of the main concerns are as follows:

Lack of community consultation by the Developer.

The *EP & A Act* does not require pre-consultation with the community by the Applicant. A community information session was held on site by the Applicant on the 23 April 2019 from 3pm-6pm. The Applicant took some of the comments into account with amendments made to the final design submitted to Council.

Unhappy with the design and wording of the development notification sign on site.

The Eurobodalla Shire Council Advertisement and Notification Code of Practice defines the information required on a written notice erected on site. The sign on site was consistent with the Code of Practice.

Lack of consultation with residents of the public housing units.

The Eurobodalla Shire Council Advertisement and Notification Code of Practice provides written notice to the owners of the land as identified on Council's rating records. Tenants/renters do not receive notification unless provided by the owner of the land.

Unable to locate development documents on Council's website.

The proposal was accessible on Council's website from 29 May 2019 to 12 June 2019. The documents were also available at the Moruya Council Office and the Batemans Bay library. Comments regarding navigation of Council's website have been passed onto Council's Communication Division.

The site is utilised by the Church as car parking

The site subject to this application is private land. There is no approval for adjoining businesses/residents to utilise the site as an unformed car park. It is evident that the church from time to time does generate a car parking demand in excess of what is available on its site and the church may need to consider alternative arrangements.

Are there social housing spaces allocated within the development?

The proposal is by a private developer. There is no requirement to provide public or affordable housing.

Loss of public land.

The development is proposed on private land with no loss of public land.

Traffic congestion.

The development will be accessed from Herarde Street with no entry/exit to the site proposed from Beach Road. The Applicant has provided a Traffic and Parking Assessment Report by a

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suitably qualified consultant that has assessed the traffic impacts of the proposal as being acceptable. Council has reviewed this assessment and agrees with the findings.

High density and raising height not suited to the locality

The LEP defines the site as R3 Medium Density Residential Zone. A residential flat building is permissible in the zone with consent. The additional height for the development has been assessed against the provisions of the Eurobodalla LEP 2012 Clause 4.3 Height of Buildings and Clause 4.6 Exceptions to Development Standards and found to be acceptable.

Change in streetscape

The development will result in a change in streetscape for the locality. The surrounding sites fronting Beach Road are zoned R3 Medium Density Residential Zone and allow for redevelopment of a similar scale. It is considered that the development proposal sets a high architectural standard and will enhance the streetscape.

Removal of native trees.

The existing street trees are to be retained.

Impact on water views

Due to the topography of the land behind the site, disruption of views is minimised. A view analysis was submitted with the application which demonstrates that there will be some degree of interrupted view loss, for the majority of properties, there will be little or no loss of water views. Properties in Herarde Street at the same ground level as the proposed development are affected to a greater degree but these views would be affected with any development of the site. It is considered that the proposal is satisfactory in terms of view sharing.

All concerns raised have been considered in the assessment process and managed, where required, through conditions of consent as required.

CONCLUSION

It is considered that the proposal is consistent with the requirements of the *Environmental Planning and Assessment Act 1979*, State Environmental Planning Policy 65 (SEPP) – Design Quality of Residential Flat Development, SEPP 65 – Design Quality of Residential Apartment Development (commenced 17 July 2015), the objectives of the Eurobodalla Local Environmental Plan 2012 and the Batemans Bay Development Control Plan (DCP).

The building will deliver a high urban standard and architectural outcome that will supplement and promote the function of the CBD and surrounding area which is currently in transition. The building has been designed with a focus on modern urban planning principles that provide a building that will give interest and activation to Beach Road.

The request to vary the height limit has been assessed in terms of LEC case law principles and the requirements of Clause 4.6, and considered to be worthy of support.

Having regard to the above assessment, the proposal is deemed as satisfactory and approval is recommended subject to conditions of consent.

CCS19/039 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION, FREYCINET DRIVE, SUNSHINE BAY 05.9453.S

Responsible Officer: Jeff Phillips - Acting Director Corporate and Commercial Services
Attachments: Nil
Outcome: Innovative and Proactive Leadership
Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations
Delivery Program Link: 9.2.2 Manage land under Council control to achieve a return for the community
Operational Plan Link: 9.2.2.2 Facilitate property sales and development

EXECUTIVE SUMMARY

The conditions of consent for a subdivision and staged development at Freycinet Drive, Sunshine Bay include the dedication of land to Council as a drainage reserve and the provision of a sewer pump station to service the lots created by the subdivision.

Deposited Plan 1234380 has been registered and Lot 137 transferred to Council as drainage reserve and will accommodate a sewer pump station. As new Council land it requires a classification under the *Local Government Act 1993*.

This report recommends that as Lot 137 is required for sewer infrastructure, it is appropriate for the land to be classified as operational land.

RECOMMENDATION

THAT

1. In accordance with Section 34 of the Local Government Act 1993 public notice be given of Council's intention to resolve:
 - a. Lot 137 DP 1234380 be classified as operational land
 - b. A period of 28 days be given for members of the public to make submissions.
2. A further report be presented following the notification period to classify the land as operational.

BACKGROUND

Approval for a Plan of Subdivision of Lot 406 DP 1061103 Freycinet Drive, Sunshine Bay included the dedication to Council of a parcel of land as a drainage reserve and the provision of a sewer pump station.

The Plan of Subdivision has been registered creating Lot 137 DP 1234380 as a drainage reserve and the pump station will be located within this lot.

As Lot 137 will accommodate sewer infrastructure the land should now be classified as operational land.

**CCS19/039 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION, FREYCINET
DRIVE, SUNSHINE BAY**

05.9453.S

CONSIDERATIONS

A sketch showing the location of Lot 137 DP 1234380 is set out below.



Lot 137 DP 1234380 – Freycinet Drive, Sunshine Bay

Legal

The process to transfer the land to Council was by registration of the Plan of Subdivision dedicating Lot 137.

As new Council land it requires a classification under the *Local Government Act 1993*. The land will accommodate a sewer pump station and it is appropriate for the land to be classified as operational land.

In accordance with Section 34 of the *Local Government Act 1993*, public notice must be given of Council's intention to classify the land as operational land and allowing not less than 28 days for receipt of written submissions.

Policy

The dedication of land to Council for a drainage reserve and to accommodate a sewer pump station is in accordance with the development consent conditions for the Plan of Subdivision of Lot 406 DP 1061103.

Environmental

Sewer pump stations are required to service urban expansion.

Asset

The sewer pump station is an asset of Council and will be maintained by Council.

CCS19/039 LAND TRANSFER TO COUNCIL, SEWER PUMP STATION, FREYCINET DRIVE, SUNSHINE BAY 05.9453.S

Economic Development Employment Potential

This subdivision and development within Sunshine Bay improves employment and growth in the area.

Financial

Lot 137 DP 1234380 was dedicated to Council free of land costs and there is no cost associated with reclassification of the land.

Community and Stakeholder Engagement

In accordance with the provisions of the *Local Government Act 1993*, Council's intention to classify the land as operational land is required to be publicly notified and any submissions considered prior to making a decision. The notice will be placed in the local newspaper and on Council's website and public comment will be received for a period of 28 days.

CONCLUSION

The conditions of consent for a subdivision and staged development at Freycinet Drive, Sunshine Bay include the provision of a sewer pump station to service the lots, and the dedication of land to Council as a drainage reserve.

Lot 137 DP 1234380 was dedicated to Council free of land costs.

As the property is to accommodate sewerage infrastructure it is appropriate for the land to be classified as operational land.

CCS19/040 INVESTMENTS MADE AS AT 31 JULY 2019

E99.3517

Responsible Officer: Jeff Phillips - Acting Director Corporate and Commercial Services

Attachments: Nil

Outcome: Innovative and Proactive Leadership

Focus Area: 9.2 Ensure financial sustainability and support the organisation in achieving efficient ongoing operations

Delivery Program Link: 9.2.4 Responsibly manage Council's finances and maintain Fit for the Future status

Operational Plan Link: 9.2.4.3 Provide financial management and reporting

EXECUTIVE SUMMARY

The purpose of this report is to:

- certify that Council's investments in financial instruments have been made in accordance with legal and policy requirements
- provide information and details of investments
- raise other matters relevant to investing.

RECOMMENDATION

THAT the certification that the investments as at 31 July 2019, 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.

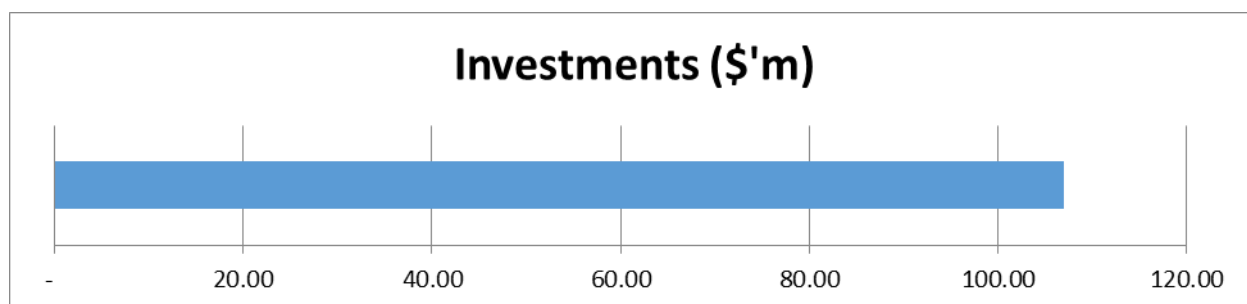
CONSIDERATIONS

Policy

The portfolio is compliant with Council's Investment Policy adopted by Council on 31 July 2018 (Minute 18/182).

Financial

Council investing overall



CCS19/040 INVESTMENTS MADE AS AT 31 JULY 2019

E99.3517

Council has 100% (\$107.00m) invested in Bank Deposits. The Bank Deposits are held in banks rated A or greater, or covered by the AAA rated Government Guarantee, except for \$31.5m invested in banks rated below A, and in the 'some limited risk' category of the policy.

The 'some limited risk' category is now restricted to BBB+ rating institutions which allows up to 30% of all investments. Currently there is 29.44% invested in BBB+. Investment in Government Guaranteed Deposits is \$1.75m and represents 1.64% of the portfolio.

There are \$46m (42.99%) of funds invested in claimed fossil fuel free institutions. This percentage has decreased in line with the reduction in the total portfolio.

The weighted average return for all investments for the month is 2.50%, which is above the Council policy benchmark of Bank Bill Swap rate (BBSW) + 0.25% (1.54%).

Collateralised Debt Obligation (CDO)

Funded legal action against one agency is continuing.

Summary investment information

The following table summarises investment categories and balances at month end.

CATEGORY	(\$)
At Call Deposit	5,000,000
Term Deposits	100,250,000
Term Deposits Government Guaranteed	1,750,000
	107,000,000
<i>Weighted average interest %:</i>	2.50%
<i>Average 90 day BBSW + 0.25%</i>	1.54%

Policy and liquidity risk

The Investment Policy is divided into two risk categories of credit risk (risk of ultimately not being able to redeem funds) and liquidity risk (risk of loss due to the need to redeem funds earlier than the investment term). Our investments comply with the risk policy as shown in the following table.

Policy risk	Low liquidity risk %	Total % of investments	Policy risk % (max holdings)
Remote risk	1.64	1.64	100.00
Near risk free	68.92	68.92	100.00
Some limited risk (BBB+)	29.44	29.44	30.00

CCS19/040 INVESTMENTS MADE AS AT 31 JULY 2019

E99.3517

Grand total	100.00	100.00	
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The unrestricted current ratio is the amount of unrestricted current assets compared to each dollar of current liability. The Office of Local Government suggests a minimum 1.5:1, and the audited unrestricted current ratio as at 30 June 2018 is 2.51:1. Council therefore has approximately \$2.51 of current assets for each \$1 of current liabilities.

CONCLUSION

Pursuant to provision of Clause 1 (Reg. 212) of the *Local Government (General) Regulation 2005*, I hereby certify that these investments have been made in accordance with *the Local Government Act 1993* and related Regulations.

15. DEALING WITH MATTERS IN CLOSED SESSION

In accordance with Section 10A(2) of the Local Government Act 1993, Council can exclude members of the public from the meeting and go into Closed Session to consider confidential matters, if those matters involve:

- (a) personnel matters concerning particular individuals; or
- (b) the personal hardship of any resident or ratepayer; or
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; or
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law; or
- (f) matters affecting the security of the council, councillors, council staff or council property; or
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege or information concerning the nature and location of a place; or
- (h) an item of Aboriginal significance on community land.

and Council considers that discussion of the material in open session would be contrary to the public interest.

In accordance with Section 10A(4) of the Local Government Act 1993 the Chairperson will invite members of the public to make verbal representations to the Council on whether the meeting should be closed to consider confidential matters.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

CONFLICT OF INTEREST

A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the *Local Government Act* and Department of Local Government; and Non-Pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

IDENTIFYING PROBLEMS

- 1st** Do I have private interests affected by a matter I am officially involved in?
- 2nd** Is my official role one of influence or perceived influence over the matter?
- 3rd** Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@eurocoast.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Local Government Department	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	8286 1000 Toll Free 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

Reports to Committee are presented generally by 'exception' - that is, only those items that do not comply with legislation or policy, or are the subject of objection, are discussed in a report.

Reports address areas of business risk to assist decision making. Those areas include legal, policy, environment, asset, economic, strategic and financial.

Reports may also include key planning or assessment phrases such as:

Setback Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);

Envelope taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;

Footprint the percentage of a lot taken up by a building on a site plan.

Acronym	Meaning	Description
ACR	Australian Capital Region	The political and strategic grouping of the ACT government and 17 adjacent councils.
AEP	Annual Exceedance Probability	For floods expressed as a % eg 1% = 1:100 year event. The NSW Flood Guidelines nominate types of development and controls.
AHD	Australian Height Datum	Floor levels for buildings set to remain at or above flood level (expressed as 'freeboard').
APZ	Asset Protection Zone	Area to be cleared and maintained around habitable buildings in bushfire prone areas.
AS	Australian Standard	Standards set by national body as minimum construction, service, system, planning or design requirements.

Acronym	Meaning	Description
BCA	Building Code of Australia	Prescribes minimum standards or performance base for building construction.
CAMP	Companion Animal Management Plan	Required by state law, plan nominating management of dogs and cats and areas for access for the exercise of dogs (eg beaches and reserves).
CC	Construction Certificate	Floor plans approved by council or private certifier in compliance with development conditions and BCA.
COPW	Condition of Public Works Report	Required by state law to define the condition of infrastructure assets, the cost to upgrade to defined standards, the current costs of maintenance and desired levels of maintenance.
CP	Cultural Plan	A cultural plan enables identification of cultural assets, identity and needs as well as providing a framework to develop cultural initiatives to increase opportunities for residents.
CSR	Complaint and Service Request	Requests received from public by phone, letter, email or Councillor to attend to certain works (eg pothole) or complain of certain service or offence (eg dogs barking).
DA	Development Application	Required by state law to assess suitability and impacts of a proposed development.
DAP	Disability Action Plan	Council plan outlining proposed works and services to upgrade facilities to progressively meet Disability Discrimination Act.
DCP	Development Control Plan	Local planning policy defining the characteristics sought in residential, commercial land.
DECCW	Department of Environment, Climate Change and Water (formerly EPA, NPWS, DEC)	State agencies (former Environment Protection and National Parks), DNR managing state lands and natural resources and regulating council activity or advising on development applications.
DWE	Department of Water and Energy	State agency managing funding and approvals for town and country water and sewer services and State energy requirements.
DoP	Department of Planning	State agency managing state lands and regulating council activity or advising on development applications or strategic planning.
DLG	Department of Local Government	State agency responsible for regulating local government.
DoL	Department of Lands	State agency managing state lands and advising on development applications or crown land management.
DoC	Department of Commerce	State agency (formerly Public Works) managing state public water, sewer and buildings infrastructure and advising/supervising on council infrastructure construction.

Acronym	Meaning	Description
DoH	Department of Health	State agency responsible for oversight of health care (community and hospital) programs. Also responsible for public warning of reportable health risks.
DOTAR	Department of Infrastructure, Transport and Regional Development and Local Government	Federal agency incorporating infrastructure, transport system, and assisting regions and local government.
EBP	Eurobodalla Bike Plan	Strategic Plan identifying priorities and localities for cycleways in the Shire.
EIS	Environmental Impact Statement	Required for designated and state developments researching and recommending solutions to social, economic and environmental impacts.
EMP	Estuary Management Plan	Community based plan, following scientific research of hydrology and hydraulics, recommending actions to preserve or enhance social, economic and environmental attributes of estuary
EMS	Environmental Management System	Plans prepared by council (such as waste management and strategic planning) around AS14000.
EOI	Expressions of Interest	Often called in advance of selecting tenders to ascertain capacity and cost of private sector performing tasks or projects on behalf of council.
EP&A	Environment Planning & Assessment Act	State law defining types of development on private and public lands, the assessment criteria and consent authorities.
ESC	Eurobodalla Shire Council	
ESD	Ecologically Sustainable Development	Global initiative recommending balance of social, economic and environmental values in accord with 7 ESD principles.
ESS	Eurobodalla Settlement Strategy	Council strategy prepared with assistance of government to identify best uses and re-uses of urban lands, the appropriate siting of private and public investment (eg institutions, employment areas or high density residential) based on current and planned infrastructure and land capacity.
ET	Equivalent Tenement	Basis of calculation of demand or impact of a single dwelling on water and sewer system.
FAG	Financial Assistance Grant	Federal general purpose grant direct to local government based on population and other 'disability' factors.

Acronym	Meaning	Description
FSR	Floor Space Ratio	A measure of bulk and scale, it is a calculation of the extent a building floor area takes up of an allotment.
GIS	Geographic Information System	Computer generated spatial mapping of land and attributes such as infrastructure, slope, zoning.
IPART	Independent Pricing & Regulatory Tribunal	State body that reviews statutory or government business regulatory frameworks and pricing levels.
IPWEA	Institute Public Works Engineers Australia	Professional association.
IWCMS	Integrated Water Cycle Management Strategy (or Plan)	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation to water, sewer and stormwater systems.
IWMS	Integrated Waste Management (Minimisation) Strategy	Council plan identifying risk and social, economic and environmental benefit of proposed augmentation of waste (solids, effluent, contaminated, liquid trade waste).
LEP	Local Environment Plan	The statutory planning instrument defining the zones and objectives of urban and rural areas.
LGAct	Local Government Act	State law defining the role of Mayor, Councillors, staff, financing, approvals etc.
LGMA	Local Government Managers Australia	Professional association.
LGNSW	Local Government NSW	Representative advisory and advocacy group for councils in NSW.
MOU	Memorandum of Understanding	Agreement in principle between parties (eg council and agency) to achieve defined outcomes.
NPWS	National Parks & Wildlife Service	Now merged into DECCW.
NRM	Natural Resource Management	
NVC	Native Vegetation Act 2003	State law defining means of protection of threatened legislation and approval processes to clear land.
OC	Occupation Certificate	Issued by council or private certifier that building is safe to occupy and in compliance with development conditions and BCA.
OSMS	On site sewage management system	Includes septic tanks, aerated systems, biocycles etc.
PCA	Principal Certifying Authority	The person or organisation appointed by applicant to inspect and certify structures.

Acronym	Meaning	Description
PIA	Planning Institute of Australia	Professional association.
POEO	Protection of the Environment Operations Act	State law outlining standards for emissions and discharges and penalties for pollution.
PoM	Plan of Management (usually for community land)	Council plan nominating type of uses for community land and range of facilities progressively to be provided on land.
PPP	Public Private Partnerships	
PTS	Public Transport Strategy	Council strategy to initiate mechanisms to promote and facilitate public transport (bus, taxi, community transport, cycles) in design of subdivisions, developments and council works.
REF	Review of Environmental Factors	Council examination of risk and social, economic and environmental benefit of proposed works, assessed against state planning, environment and safety laws.
REP	Regional Environment Planning Policy	Outlines compulsory state planning objectives to be observed in development assessment and strategic planning.
RFS	Rural Fire Service	State agency responsible for providing equipment and training for volunteer firefighter brigades, and the assessment and approval of developments in bushfire prone lands.
RLF	Regional Leaders Forum	The group of mayors and general managers representing the councils in the ACR.
RMS	Roads & Maritime Service	State agency responsible for funding, construction and maintenance of state roads, the approval of council works on arterial roads and development applications.
S64	S64 Contributions Plan	Developer contributions plan to enable, with council and state funds, the augmentation of water, sewer and stormwater infrastructure.
S94 S94A	S94 Contributions Plan S94A Contributions Plan Levy Plan	Developer contributions to enable construction of public infrastructure and facilities such as roads, reserves, carparks, amenities etc.
SCG	Southern Councils Group	Political and strategic grouping of councils along the NSW south coast from Wollongong to the border, lobbying government for assistance (eg highways) and resourcing sharing initiatives.
SCRS	South Coast Regional Strategy	Regional Strategy prepared by DoP for ESC, BVSC and part SCC to guide new LEPs.

Acronym	Meaning	Description
SEA	Strategic Environment Assessment	Spatial assessment of environmental constraints of land considered in design and assessment of subdivision and infrastructure. Scientific research behind assessment of capacity of land and waterways in rural residential and urban expansion lands to sustain human settlement.
SEPP	State Environmental Planning Policy	Outlines compulsory state planning objectives.
SNSWLHD	Southern NSW Local Health Districts	State board commissioned with oversight of health care in Highlands, Monaro and Far South Coast.
SoER	State of the Environment Report	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social, economic and environmental features of the Shire and appropriate responses to address or preserve those issues.
SP	Social Plan	Required by state law, the comprehensive assessment (every four years) of the condition and the pressures on the social framework of the community, their services and facilities and economic interactions.
.....SP	Structure Plan	Plan promoting landuses and siting of infrastructure and facilities in towns (eg, BBSP – Batemans Bay Structure Plan).
SRCMA	Southern Rivers Catchment Management Authority	State agency commissioned with assessment and monitoring of health and qualities of catchments from Wollongong to the border, and determine directions and priorities for public and private investment or assistance with grants.
STP	Sewer Treatment Plant	Primary, secondary and part tertiary treatment of sewage collected from sewers before discharge into EPA approved water ways or irrigation onto land.
TAMS	Total Asset Management System	Computer aided system recording condition and maintenance profiles of infrastructure and building assets.
TBL	Triple Bottom Line	Commercial term coined to encourage business to consider and disclose social and environmental risk, benefit and costs in the conduct of business to guide investors as to the long term sustainability and ethics of a business. Taken up by Council to record the basis of prioritisation, the review of condition, the monitor of progress and the financial disclosure of preventative or maintenance investment in council based social and environmental activities.
ToR	Terms of Reference	
TSC	Threatened Species Conservation Act 1995	State law governing the protection of nominated species and relevant assessment and development controls.

Acronym	Meaning	Description
WCF	Water Cycle Fund	Combination of water, sewer and stormwater activities and their financing arrangements.
WSUD	Water Sensitive Urban Design	Principle behind the IWCMS and council development codes requiring new developments to reduce demand and waste on water resources through contemporary subdivision and building design.