

**MINUTES OF THE FINANCE AND SERVICES COMMITTEE MEETING
HELD ON TUESDAY 8 MARCH 2011
COMMENCING AT 9.32AM**

PRESENT: Councillor, Fergus Thomson, Mayor (in the Chair)
Councillors Allan Brown, Lindsay Brown, Keith Dance,
Chris Kowal, Rob Pollock, Graham Scobie and Chris Vardon
OAM

Staff: Mr P J Anderson, General Manager
Ms A Jones, Acting Director, Water and Waste
Mr L Usher, Director, Strategic, Development and
Environmental Services
Mr W Sharpe, Director, Roads and Recreation
Ms B Nicholson, Minute Secretary

The Mayor welcomed everyone to the meeting and advised of the Evacuation Procedure.

MINUTE NO FSM11/22

APOLOGY AND LEAVE OF ABSENCE

FSM11/22 MOTION Councillor Allan Brown/Councillor Lindsay Brown

THAT apology be received from Councillor Alan Morton and leave of absence be granted.

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

QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only)

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

FSPF11/02

E11.5042; E80.0373

Mrs M Baker, Tuross Head Progress Association, addressed Council regarding Report FS11/18 Tuross Progress Hall asked for a detailed valuation and estimate of likely costs be obtained before the community consultation process. Ms Baker requested the addition of the following words to 3(b) of the recommendation: “which will include providing the community with detailed valuations and costs to better identify the likely yield should the site be sold”.

Councillor Allan Brown asked when a report on fixing the Kyla Hall would be presented to Council and how much it would cost to make the hall usable?

Councillor Keith Dance advised basic plans were drawn up and are now being reviewed by the Tuross community.

Director, Roads and Recreation, advised a detailed plan would be available in the next week or so and it would then go out for full consultation with the community. Mr Sharpe advised that once the plan was finalised Council would investigate the cost of such work.

QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only)

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

FSPF11/03

E11.5042; 92.8710

Mr P Bradstreet, Friends of our Beaches, addressed Council regarding Report FS11/11 Wimbie Beach and Creek and briefed Councillors on a number of recent pollution incidents in the water off Wimbie Beach and in Wimbie Creek. He also made a number of tentative suggestions for future action to minimise future incidents where possible. Mr Bradstreet referred to a closure of the beach and creek last year and said the "No Swimming/Health Hazard" signs Council had erected remained on the beach after it was reopened but were intended to mean no swimming in the creeks and that improvements to Council's signage practices were required. He also stated the community could not picnic on the Newth Place reserve because the grass had not been cut since October.

Mr Bradstreet commented on topics such as the history of the creek, seaweed, Bunnings' bulky goods development site and the Beachwatch program.

MINUTE NO FSM11/23

EXTENSION OF TIME IN PUBLIC FORUM

FSM11/23 MOTION Councillor Keith Dance/Councillor Graham Scobie

THAT Mr P Bradstreet be granted an extension of time to conclude his comments in Public Forum.

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

Mr Bradstreet advised a different approach to environmental management, an up to date study of the implications of catchment destruction for Wimbie Creek and Beach and a funded management plan should be undertaken.

Mayor advised at a meeting with Mr Bradstreet and others the signage issue was addressed. The Shire received a lot of rain late last year and this caused delays in the mowing program.

Councillor Graham Scobie asked if the odour was coming from the creek or the ocean outfall.

Mr Bradstreet said the creek.

Councillor Allan Brown referred to the Bunnings' development and asked if the more handstand area the more run off which would flush the creek.

Director, Strategic, Development and Environmental Services, advised Council did not have a current development application from Bunnings although developments of this nature could include gross pollutant traps and also some form of detention.

QUESTIONS FROM THE PUBLIC GALLERY (Agenda Items Only)

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

FSPF11/04

E11.5042; E87.6703; E11.5041

Mr P Nielsen addressed Council regarding 7163.11 Question on Notice from Councillor and said there should be an independent examination of the whole project of expense and income. The Friends of the Gardens are using leased Council property for a profit for themselves.

Mayor advised Mr Nielsen he was wrong and it was for the benefit of the gardens and the community.

Mr Nielsen asked the following questions:

1. Why is it that Friends of the Botanic Gardens can bank hundreds of thousands of dollars in their own bank account when other associations such as tennis clubs, progress associations, plus hall committees have to bank through the Eurobodalla Shire council bank account?
2. Then commitment by the Friends of the Gardens from 2007 to 2008 was \$47,200 but was not all spend and showed that \$27,000 was spent on Council projects and \$11,428.27 on Friends of the Gardens projects, what is the break down?
3. How much was the total cost of the highway entrance?
4. Friends of the Gardens have received grants, why is it that we don't read it in their financial report?
5. \$8,000 was income from the cafe, why is it in the same period Council finance department state \$10,000?

EXTENSION OF TIME IN PUBLIC FORUM

MOTION Councillor Allan Brown/Councillor Keith Dance

THAT Mr P Nielsen be granted an extension of time to conclude his comments in Public Forum.

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

The Mayor used his casting vote to vote against the Motion).

MINUTE NO FSM11/24

CONFIRMATION OF MINUTES

FSM11/24 MOTION Councillor Keith Dance/Councillor Lindsay Brown

THAT the minutes of the Finance and Services Committee Meeting held on 8 February 2011 be confirmed.

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

DECLARATIONS OF INTEREST ON MATTERS ON THE AGENDA

Councillor Graham Scobie declared a pecuniary conflict interest in Report FS11/20 Development Application No. 467/11 – Lilli Pilli Dwelling Additions.

Reason: Councillor Graham Scobie advised that the Applicant, Dual Design, is a partnership owned by his brother and sister in law.

MINUTE NO FSM11/25

7085.11 QUESTION ON NOTICE FROM COUNCILLOR E87.6703; E11.5041

FSM11/25 MOTION Councillor Allan Brown/Councillor Lindsay Brown

THAT the response to the question 7085.11 regarding the Botanic Gardens raised by Councillor Allan Brown via email on 9 February 2011 be received and noted.

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

MINUTE NO FSM11/26

7163.11 QUESTION ON NOTICE FROM COUNCILLOR E87.6703; E11.5041

FSM11/26 MOTION Councillor Allan Brown/Councillor Keith Dance

THAT the response to the question 7163.11 regarding the Botanic Gardens raised by Councillor Allan Brown via email on 9 February 2011 be received and noted.

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

MINUTE NO FSM11/27

3079.11;
3080.11 QUESTIONS ON NOTICE FROM COUNCILLOR E10.4041; E02.6718

FSM11/27 MOTION Councillor Allan Brown/Councillor Graham Scobie

THAT the response to Questions 3079.11 and 3080.11 regarding an environment theme of 50:50 by 2020 raised by Councillor Allan Brown via email on 18 January 2011 be received and noted.

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

MINUTE NO FSM11/28

7800.11 QUESTION ON NOTICE FROM COUNCILLOR E98.2475; E11.5041
7801.11

FSM11/28 MOTION Councillor Allan Brown/Councillor Keith Dance

THAT the response to the question 7800.11 and 7801.11 regarding safety issues with the intersection of Dwyers Creek Road and Summer Hill Road, Moruya raised by Councillor Allan Brown via email on 12 February 2011 be received and noted.

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

MINUTE NO FSM11/29

FSQN10/44 QUESTION ON NOTICE FROM COUNCILLOR E10.4041; E06.0278

FSM11/29 MOTION Councillor Lindsay Brown/Councillor Chris Kowal

THAT the response to the question FSQN10/44 regarding the influx of surf schools on Broulee Beach raised by Councillor Lindsay Brown at the Finance and Services Committee meeting held on 14 December 2010 be received and noted.

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

MINUTE NO FSM11/30

5390.11 QUESTION ON NOTICE FROM COUNCILLOR E01.5365Pt1; E11.5041

FSM11/30 MOTION Councillor Lindsay Brown/Councillor Graham Scobie

THAT the response to the question 5390.11 regarding erection of cyclist awareness signs raised by Councillor Lindsay Brown via email on 1 February 2011 be received and noted.

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

MINUTE NO FSM10/31

5390.11 QUESTION ON NOTICE FROM COUNCILLOR E01.5365Pt1; E11.5041

FSM10/31 MOTION Councillor Lindsay Brown/Councillor Graham Scobie

THAT input be sought from all relevant groups including Roads and Traffic Authority, Bicycle User Groups, cycle clubs, state cycling bodies, bicycle event/promoters, individual bicycle users, police etc with a view to:

- (a) Reviewing Council's existing cycleway strategy;
- (b) Supporting the safe interaction of cyclists and motorists;
- (c) Promoting awareness of cyclists in the Eurobodalla; and
- (d) Promoting the Eurobodalla as a cycle friendly shire and destination.

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

MINUTE NO FSM11/32

FS11/11 WIMBIE BEACH AND CREEK

92.8710

FSM11/32 MOTION Councillor Graham Scobie/Councillor Chris Kowal

THAT Report FS11/11 titled Wimbie Beach and Creek be received and noted.

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

MINUTE NO FSM11/33

FS11/12 REGIONAL ILLEGAL DUMPING (RID) SQUAD E04.8806; E04.8170

FSM11/33 MOTION Councillor Keith Dance/Councillor Graham Scobie

THAT the Finance and Services Committee recommend:

1. Council withdraws from the Greater Southern RID Squad as at 30 June 2011.
2. The budget currently included in the Waste Fund together with the estimated fee income are to be allocated to the continuation of a position dedicated to an illegal dumping investigations officer within Council's organisational structure.

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

At 10.30am the Finance and Services Committee Meeting adjourned.

At 10.53am the Finance and Services Committee Meeting resumed.

MINUTE NO FSM11/34

FS11/13 OFFER OF FUNDING – BUS SHELTER

E02.6655

FSM11/34 MOTION Councillor Allan Brown/Councillor Chris Kowal

THAT Council endorse the actions of staff in accepting the offer from New South Wales Transport and Infrastructure 2010-2011 Country Passenger Transport Infrastructure Grant Scheme for the amount of \$10,000 for the construction of a bus shelter at Beach Road, Batehaven adjacent to the shopping precinct.

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

MINUTE NO FSM11/35

FS11/14 RURAL FIRE TEAM SERVICE AGREEMENT E00.4870; 01.6013.L

FSM11/35 MOTION Councillor Chris Kowal/Councillor Lindsay Brown

THAT the Finance and Services Committee recommend:

1. Council enter into the Rural Fire Team Service Agreement (RFTSA) with Bega Valley Shire Council and the Commissioner of the NSW Rural Fire Service for the provision and control of the Rural Fire Service within Eurobodalla and Bega Valley Shires.
2. Consent be given to affix the common seal of Council to all necessary documents associated with the Rural Fire District Service Agreement.

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

MINUTE NO FSM11/36

FS11/15 EXTENSION OF POOL SEASON AT BATEMANS BAY E98.2411;
TO SUPPORT TRIATHLON EVENT 2-3 APRIL 2011 E98.2415; E96.0291

FSM11/36 MOTION Councillor Graham Scobie/Councillor Allan Brown

THAT:

1. The opening period for Batemans Bay and Moruya Swimming Pools be extended an additional week to 3 April 2011 to support the Batemans Bay Triathlon.
2. The cost to support the extension of the season be funded by saving identified in the March quarterly review.

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

MINUTE NO FSM11/37

FS11/16 TRAFFIC COMMITTEE MEETING NO 6 FOR 2010/2011
HELD ON 10 FEBRUARY 2011

E11.5002

FSM11/37 MOTION Councillor Allan Brown/Councillor Keith Dance

THAT:

1. The minutes of the Eurobodalla Local Traffic Committee No 6 held on 10 February 2011 be received and noted.
2. The request for time limited parking in Hughes Street, Batemans Bay not be supported.
3. Warning signs (W6-3 with W8-24) be installed on both approaches to Moruya Pre School in Campbell Street, Moruya.
4. The request for the installation of Duck Warning Signs not be supported.

At 11.16am Councillor Chris Kowal left the Chambers with the permission of the Chair.

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

MINUTE NO FSM11/38

FS11/17 PAY PARKING – BATEMANS BAY

E00.4089

FSM11/38 MOTION Councillor Graham Scobie/Councillor Lindsay Brown

THAT the Finance and Services Committee recommend:

1. Council endorse the removal and replacement of the existing pay by space parking machines.
2. Ticket issuing machines be purchased by Duncan Solutions for the Batemans Bay CBD pay parking carparks at a cost of \$68,400 excluding GST.
3. The cost be covered from the existing budget allocation.

At 11.27am Councillor Chris Kowal returned to the Chambers.

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

MINUTE NO FSM11/39

FS11/18 TUROSS PROGRESS HALL

E80.0373

FSM11/39 MOTION Councillor Rob Pollock/Councillor Allan Brown

THAT:

1. The report on the potential sale of Lot 131 DP15425 being the site of Tuross Progress Hall be received and noted
2. Council form the Tuross Progress Hall Sunset Committee made up of:
 - a) three representatives of the Tuross Head Progress Association being Maureen Baker, Gary Cooper and Jeff de Jager;
 - b) Councillors Rob Pollock, Lindsay Brown and Keith Dance.

The General Manager and Director, Roads and Recreation, provide support and advice as required.

3. The Tuross Progress Hall Sunset Committee be tasked with:
 - a) developing an agreed community consultation process to consider the potential sale of Lot 131 DP 15425, being the site on which the Tuross Progress Hall is established;
 - b) overseeing the agreed community consultation process which will include providing the community with detailed valuations and costs to better identify the likely yield should the site be sold.
4. The agreed community consultation process be reported back to Council prior to proceeding with the consultation.
5. The outcomes of the community consultation process be reported back to Council for determination following review by the Tuross Progress Hall Sunset Committee.
6. Council agree that, due to the unique history and circumstances applying in this case, should the site of the Tuross Progress Hall be determined to be sold that:
 - i) any net proceeds from the potential sale of the site be “ring fenced” for projects developed through consensus with the Tuross Head Progress Association;
 - ii) the information relating to the net sale price of the land, including costs incurred in the preparation and sale of the site, be made publicly available upon finalisation of any sale of the land.

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

MINUTE NO FSM11/40

FS11/19 DEVELOPMENT APPLICATION NO: 354/11- MORUYA HEADS
2 LOT SUBDIVISION

97.1537.S

Applicant:	John Healey & Associates Pty Ltd
Land:	Lot 7 DP826636, 196-200 South Head Road, Moruya
Area:	5,685SQM
Floor Space Ratio:	Not Applicable
Setbacks:	Not Applicable
Height:	Not Applicable
Zone:	2ec Residential – Environmental Constraints
Current Use:	Residential
Proposed Use:	Residential
Description:	Subdivision
Permitted in Zone:	Yes, with the consent of Council
DA Registered:	17 November 2010
Reason to F&S:	Land owned by a staff member
Recommendation:	APPROVAL

FSM11/40 MOTION Councillor Allan Brown/Councillor Graham Scobie

THAT Development Application No 354/11 for 2 Lot Subdivision on Lot 7 DP826636 located at 196-200 South Head Road, Moruya Head dated 17 November 2010 as shown on Plan Number 11/354 and described in details accompanying the application be **APPROVED** under Section 80(1) of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out below. These conditions have been applied to this consent for the following reasons:

- R.01 ensure the proposed development:
- (a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - (b) complies with the provisions of all relevant environmental planning instruments;
 - (c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- R.02 ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
- R.03 meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
- R.04 minimise any potential adverse environmental, social or economic impacts of the proposed development.
- R.05 ensure that all traffic and access requirements arising from the development are addressed.
- R.06 ensure the development does not conflict with the public interest.

GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans stamped and numbered 11/354 and supporting specifications and documentation or as modified by these conditions or as noted in red by Council on the approved plan and all building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Note: Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

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

2. ***Construction Certificates***

A Construction Certificate is to be issued by Council prior to any works, including clearing or installation of services, being undertaken on the site.

PRIOR TO ISSUE OF INFRASTRUCTURE CONSTRUCTION CERTIFICATE

3. ***Tree Plan***

Prior to the release of a Construction Certificate, submission to and approval by Council of a tree plan for the development. The tree plan shall consist of an accurately drawn site plan which clearly identifies all trees to be removed and those to remain. Where there are large numbers of trees it may be acceptable to identify only the trees to be retained. In this regard, landclearing is limited to the minimum extent to maintain the bushfire separation for the existing dwelling contained within Lot 71. No clearing, development or activity is permitted outside the area without the consent of Council.

4. ***Access***

Submission to and approval by Council, prior to release of the Construction Certificate, of a scaled design access plan and long-section, by a qualified engineer, from the centre line of the fronting road to the property boundary. Grades and transitional gradients are to be in accordance with AS 2890.1. An offset 375mm diameter pipe with headwalls is to be installed in the road drainage line where required. A pavement design is to be provided for sealing of the access. Compaction details, retaining walls and or batters are to be shown in the design where required.

PRIOR TO COMMENCEMENT OF WORKS

5. ***Commencement of Clearing, Construction or Other Associated Activity***

A Construction Certificate is required prior to commencement of any clearing, construction or other associated activity. [16.06]

6. ***Erosion and Sedimentation Control***

Install such measures as are necessary to effectively control soil erosion on the site and prevent silt discharge into drainage systems and waterways in accordance with Council's Policy - Erosion and Sediment Control from Building Sites. These controls are to remain in place until the development is completed and/or disturbed areas stabilised. In this regard, warning signs (minimum of two) to promote the awareness of the importance of the maintenance of sediment control techniques have been supplied with this consent. You are required to attach the signs to sedimentation fences with wire ties on the most prominent sediment fence or erosion control device, spaced every 20m, for the duration of the project.

Note: On-the-spot fines may be imposed by Council for non-compliance with this condition. [11.13]

7. ***Site Waste Management***

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

DURING CONSTRUCTION

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

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

9. ***Burning of Vegetation***

The burning of all materials including vegetation felled as a result of this development consent is prohibited. [16.13]

10. ***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 the Principal Certifying Authority. [2.22]

11. ***Hours of Operation – Noise***

Construction and demolition work on the site shall only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 8.00am to 5.00pm on Saturdays. No construction or demolition activity on Sundays and Public Holidays if audible at any residential premise or other sensitive noise receptor. [20.01]

PRIOR TO SUBDIVISION

12. ***Planning for Bush Fire Protection***

Prior to the issue of a subdivision certificate the following works shall be undertaken. Such measures are to be maintained in perpetuity:

- (a) The entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- (b) The existing dwelling on proposed Lot 71 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- (c) Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable materials. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials.

13. ***Sewer Reticulation***

Prior to issue of Subdivision Certificate the applicant shall construct sewer reticulation to the new lots in accordance with plans subject of a Construction Certificate to Council's codes and specifications and provide certified works as executed plans to Council. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia.

14. ***Plan of Survey Amendment***

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

15. ***Easements***

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

16. ***Electricity Supply***

Prior to issue of a Subdivision Certificate the applicant shall provide to Council written confirmation from Country Energy that all relevant requirements for supply of electricity to Lot 72 has been satisfied including provision for street lighting (where applicable), headworks contributions, payments for extension of supply and creation of easements;

17. ***Telecommunications Cabling***

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

18. ***Water Reticulation***

Prior to the issue of a subdivision certificate the applicant shall construct water reticulation including 20mm water service connections to the proposed Lot 71 in accordance with plan number 4753. The limit of the service connection shall be the 20mm M*F stopcock.

The water reticulation plan shall be in accordance with Councils Water and Sewerage specification and is subject to approval and issue of a construction certificate with payment of fees applicable under the current fees and charges for the year of issue.

Work as executed plans are to be submitted to Council prior to the release of the subdivision certificate. The Construction Certificate for the provision of engineering infrastructure for this development will attract fees additional to those levied for the Construction Certificate associated with the structures assessed for compliance with the Building Code of Australia. [12.13]

19. ***Vehicular Access***

The access is to be constructed in accordance with the approved design prior to release of the subdivision certificate. [12.27]

20. ***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 be met in full by the applicant/developer prior to the issue of an Subdivision Certificate.

21. **Work Within Road Reserve**

Prior to issue of Subdivision Certificate all works within the road reserve (road, nature strip & footpath areas) is to be completed to the satisfaction of Council all at no cost to Council. Earthworks adjacent to the driveway are to be grades no steeper than 12%. All service covers are to match the finished ground level within the footpath/road reserve. The vehicle crossing is to be maintained in accordance with Council standards or other approved plan and in sound condition for the life of the development. [14.33]

22. **Section 94 Contributions**

Payment to Council pursuant to Section 94 of the Environment Planning and Assessment Act of contributions towards the provision of public amenities or services. The current contribution rates for the current financial year are as follows:

- (a) Open Space\$458.75
- (b) Waste Disposal.....\$110.00
- (c) Cycleways Pedestrian Facilities.....\$83.90
- (d) Administration\$89.50

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

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

23. **Water & Sewer Headworks**

Pursuant to Section 64 of the Local Government Act 1993 payment to Council of headworks charges as follows:

- (a) Sewer Headworks\$9,050.00
- (b) Water Headworks.....\$10,400.00

The above contribution rates are applicable for a period of 3 months from the date of this notice. If not paid within this time contributions are to be paid at the time of issue of Subdivision Certificate at the rates applicable at that time. [3.11]

24. **“Work as Executed” Plans**

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

25. ***Compliance Certificates***

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

26. ***Plan of Survey***

At the completion of subdivision works an application using Council standard form for a Subdivision Certificate (currently \$223.00 plus \$25.00 per lot) is required. The application is to include all documents, information and fees as required by the application checklist.

ADVISORY NOTES

27. ***Tree Preservation Order***

The land is within an area over which a Tree Preservation Order has been gazetted and this Order prohibits the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree without the consent of Council. [16.01]

28. ***Discovery of a Relic***

If, during work, an Aboriginal relic is uncovered then the National Parks and Wildlife Service (NPWS) is to be contacted urgently - Queanbeyan (02) 6298 9736 and **WORK IS TO CEASE IMMEDIATELY** until further notice. [13.07]

29. ***Aboriginal Relics***

Under Section 90 of the National Parks and Wildlife Act 1974 it is an offence to destroy, deface or damage a relic or aboriginal place without a 'Consent to Destroy' from the Director-General of the National Park and Wildlife Service. [13.10]

30. ***Section 94 Payments***

You should contact Council prior to the payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

Section 94 plans are available for inspection at Council's offices, Vulcan Street, Moruya. Council will hold the money payable under this condition in trust and utilise these funds to upgrade amenities or services.

31. ***Water & Sewer Supply Payment***

You should contact Council prior to payment to determine the rate of contribution as such rates are revised at least annually. Staging of payments is permitted if staging of development is approved by the terms of this consent.

32. ***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.

33. ***Council's Sewer Plan***

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

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

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

Note: This approval does not become valid until a formal consent document is issued by Council.

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

Division

Councillors Lindsay Brown, Chris Kowal, Graham Scobie, Keith Dance, Chris Vardon, Rob Pollock, Allan Brown and Fergus Thomson voted for the Motion.

No Councillors voted against the Motion.

Councillor Graham Scobie declared a pecuniary conflict interest in Report FS11/20 Development Application No. 467/11 – Lilli Pilli Dwelling Additions.

Reason: Councillor Graham Scobie advised that the Applicant, Dual Design, is a partnership owned by his brother and sister in law.

General Manager advised the property is partially owned by him and as therefore he would be vacating the Chambers during discussion and voting on the matter. Mr Anderson indicated he had no involvement in the assessment or recommendation of this particular matter.

At 11.36am Councillor Graham Scobie and the General Manager left the Chambers.

MINUTE NO FSM11/41

FS11/20 DEVELOPMENT APPLICATION NO: 467/11- LILLI PILLI
DWELLING ADDITIONS

80.1878.B

Applicant:	Dual Design
Land:	Lot 24 DP 239662 - Lilli Pilli
Area:	739.8SQM
Floor Space Ratio:	Complies - 0.44:1
Setbacks:	Complies – minimum 1.52m (side) and 10.18m (rear)
Height:	Complies - maximum 7.2m
Zone:	R2 – Low Density Residential Zone
Current Use:	Residential
Proposed Use:	Residential
Description:	Alterations and Additions to existing dwelling
Permitted in Zone:	Yes, with the consent of Council
DA Registered:	27 January 2011
Reason to F&S:	Owner is an executive staff member
Recommendation:	APPROVAL

FSM11/41 MOTION Councillor Rob Pollock/Councillor Chris Vardon

RECOMMENDED

THAT Development Application No 467/11 for alteration and addition on Lot 24 DP 239662 Lilli Pilli dated 27 January 2011 as shown on Plan Number 11/467 and described in details accompanying the application be **APPROVED** under Section 80(1) of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out in below. These conditions have been applied to this consent for the following reasons:

R.01 ensure the proposed development:

- (d) achieves the objects of the Environmental Planning and Assessment Act, 1979;
- (e) complies with the provisions of all relevant environmental planning instruments;
- (f) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.

- R.02 ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- R.03 minimise any potential adverse environmental, social or economic impacts of the proposed development.
- R.04 ensure the development does not conflict with the public interest.

GENERAL CONDITIONS

1. This development is to be carried out in accordance with the plans stamped and numbered 11/467 and supporting specifications and documentation or as modified by these conditions or as noted in red by Council on the approved plans and all building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Note: Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

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

2. ***Inspections & Certificates***

For the purposes of section 109E(3)(d) of the Environmental Planning and Assessment Act, the following are occasions on which building work **MUST** be inspected. These inspections are the **CRITICAL STAGE INSPECTIONS**.

The critical stage inspections may be carried out by the Principal Certifying Authority or, if the Principal Certifying Authority agrees, by another certifying authority. The last critical stage inspection required to be carried out for the class of building concerned must be carried out by the Principal Certifying Authority.

In the case of Class 1 and 10 buildings:

- (a) after excavation for, and prior to the placement of, any footings, and
- (b) prior to pouring any in-situ reinforced concrete building element, and
- (c) prior to covering of the framework for any floor, wall, roof or other building element, and
- (d) prior to covering waterproofing in any wet areas, and
- (e) prior to covering any stormwater drainage connections, and
- (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: Conditions of consent require that a final clearance be issued on all Section 68 Local Government Act Approvals ie. Plumbing and drainage, prior to issue of interim occupation certificate or occupation certificate. [2.10]

3. ***Water & Sewer Inspections***

All plumbing and drainage works (water supply, sanitary plumbing and drainage, stormwater drainage and hot water) are to comply with Local Government (General) Regulation 2005 and the Plumbing and Drainage Code of Practice (national). Works must only be installed by a licensed person and must be inspected and granted final approval by Council prior to issue of interim or occupation certificate.

The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works. Inspections may be arranged by contacting Council's Compliance unit. Where Council is not the Principal Certifying Authority, and additional fee will apply:

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

4. ***Building in Bushfire Prone Areas***

This approval has been assessed in accordance with Planning for Bushfire 2006 and will be exposed to bush fire attack. Accordingly, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Note: New construction shall comply with AS3959 and clause A3.7 of Appendix 3 of Planning for Bushfire Protection 2006 (as amended) as determined by the Asset Protection Zone specified in this consent.

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

PRIOR TO COMMENCEMENT OF WORKS

6. *Construction Certificate*

The erection of the building the subject of this development consent ***MUST NOT*** be commenced until:

- (a) Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:
 - (i) the Council, or
 - (ii) an accredited certifier, and
- (b) The person having the benefit of the development consent:
 - (i) has appointed a Principal Certifying Authority, and
 - (ii) has notified the Council of the appointment, and
- (c) The person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building; and
- (d) Builders name and licence number has been supplied to Council or the Principal Certifying Authority; and
- (e) Owner Builders permit issued by Department of Fair Trading to be supplied to Council or the Principal Certifying Authority; or
- (f) Home owners warranty insurance 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 Principle Certifying Authority for the work, and name of the principle 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]

7. *Erosion and Sedimentation Control*

Install such measures as are necessary to effectively control soil erosion on the site and prevent silt discharge into drainage systems and waterways in accordance with Council's Policy - Erosion and Sediment Control from Building Sites. These controls are to remain in place until the development is completed and/or disturbed areas stabilised. In this regard, warning signs (minimum of two) to promote the awareness of the importance of the maintenance of sediment control techniques have been supplied with this consent. You are required to attach the signs to sedimentation fences with wire ties on the most prominent sediment fence or erosion control device, spaced every 20m, for the duration of the project.

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

8. ***Site Waste Management***

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

DURING CONSTRUCTION

9. ***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.

10. ***Excavation***

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and adequate provision must be made for drainage. [11.03]

11. ***Banks***

All the excavated and filled banks must be suitably retained or stabilised (totally within the site boundaries) as necessary to prevent the movement of soil and in accordance with appropriate professional standards. [11.10]

12. ***Approved Plans to be On-Site***

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

13. ***Hours of Operation – Noise***

Construction and demolition work on the site shall only be carried out between the hours of 7.00am and 6.00pm on Monday to Friday inclusive, and 8.00am to 5.00pm on Saturdays. No construction or demolition activity on Sundays and Public Holidays if audible at any residential premise or other sensitive noise receptor. [20.01]

14. ***Demolition***

All demolition works must be carried out totally within the allotment boundaries and must not extend onto footpath area, public roadway or adjoining properties.

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

16. ***Demolition Standards***

Building demolition works are to be carried out in accordance with *Australian Standard 2601 (2001) – The Demolition of Structures*.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. [21.01]

17. Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties. All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six months. Existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council's Plumbing and Drainage Inspector. [21.04]
18. In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.

ADVISORY NOTES

19. ***Tree Preservation Order***

The land is within an area over which a Tree Preservation Order has been gazetted and this Order prohibits the ringbarking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree without the consent of Council. [16.01]

20. ***Discovery of a Relic***

If, during work, an Aboriginal relic is uncovered then the National Parks and Wildlife Service (NPWS) is to be contacted urgently - Queanbeyan 6298-9736 and WORK IS TO CEASE IMMEDIATELY until further notice. [13.07]

21. ***Aboriginal Relics***

Under Section 90 of the National Parks and Wildlife Act 1974 it is an offence to destroy, deface or damage a relic or aboriginal place without a 'Consent to Destroy' from the Director-General of the NPWS.[13.10]

22. ***Work Cover Requirements***

The applicant may contact the WorkCover Authority of NSW, 6/248 Carp St, Bega on (02) 6491 6600 for further information on safe construction methods or visit their website www.workcover.nsw.gov.au.

23. 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.

24. Council's Sewer Plan

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

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

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

Note: This approval does not become valid until a formal consent document is issued by Council.

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

Division

Councillors Lindsay Brown, Chris Kowal, Keith Dance, Chris Vardon, Rob Pollock, Allan Brown and Fergus Thomson voted for the Motion.

No Councillors voted against the Motion.

QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

FSQN11/09

E11.5041; 81.2276.B; 81.2276.D

Councillor Allan Brown said he received an email regarding issues at Tuross Golf Club where the footpath reserve has been fenced so the club can advertise the sale of golf buggies. The person who raised the issue does not think it is reasonable for someone to use the footpath reserve for marketing and he asked for the matter to be investigated.

The question was taken on notice and Mr R Burke will investigate the matter.

QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

FSQN11/10

E11.5041; E83.7925

Councillor Allan Brown said he attended a meeting last night where he was handed a email from Mr D Rogers titled “Rally to Defend Your Castle”. Could Council staff look into the matter and comment as they see fit.

The question was taken on notice.

QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

FSQN11/11

E11.5041; 93.5855.D

Councillor Graham Scobie referred to the development application for the new amenities block at the showground and asked if the exhibition period could be extended until 23 March so that the Showground Management Committee could comment on same. They will be holding a meeting on 21 March.

MINUTE NO FSM11/42

DEVELOPMENT APPLICATION

MORUYA SHOWGROUND AMENITIES BLOCK

93.5855.D

FSM11/42 MOTION Councillor Graham Scobie/Councillor Keith Dance

THAT an extension of the exhibition period to 23 March 2011 be granted to the Moruya Showground Management Committee so they may comment on the development application for a new amenities block at Moruya Showground.

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

Division

Councillors, Chris Kowal, Keith Dance, Chris Vardon, Rob Pollock and Fergus Thomson voted for the Motion.

Councillors Lindsay Brown and Allan Brown voted against the Motion.

QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

FSQN11/12

E11.5041; E80.0235

Councillor Graham Scobie said that one month ago a ratepayer asked questions and made allegations regarding dumping at the Batemans Bay Depot. He asked for an update on the matter.

General Manager advised we are getting close to obtaining the answers to the questions and allegations raised by the individual. Research and consultation with government departments has been undertaken and a draft letter has prepared for a final review.

QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

FSQN11/13

E11.5041; E10.4402

Councillor Lindsay Brown referred to the external review of Council and said that we should ask Mr A Constance to put forward his view on the matter.

Councillor Allan Brown said there were notes in the newsletter last week.

Mayor said we wrote to Mr Constance and asked him to clarify the matter and he has responded to us outlining the Opposition's position on the matter.

QUESTIONS/URGENT BUSINESS

(Minutes of Questions/Urgent Business from Councillors are a summary only and do not purport to be a complete transcript of the proceedings.)

FSQN11/14

E11.5041; E80.1574

Councillor Keith Dance referred to a meeting he attended with the Batemans Bay Pony Club. The pony club have finished their draft of the management plan and would like to start construction of the horse yards. They want to move forward with their plans as soon as possible.

THE MEETING CLOSED AT 11.50AM

CHAIRPERSON

Chairperson of the Finance and Services Committee
Meeting held on 12 April 2011 at which meeting the
signature hereon was subscribed.