

# ORDINARY MEETING OF COUNCIL

TUESDAY 23 APRIL 2002

AT 9.00AM

## AGENDA - PART B

Emergency Services Manager, Terry Toll, will address Council at 1pm (after lunch) to debrief Councillors on the recent bushfires and to discuss the implications for Councils of recent changes handed down by the Minister for Local Government regarding increased powers of hazard reduction, etc.

### REPORTS:

ITEM NO	SUBJECT	PAGE NO
E3	Environment Planning and Administrative Services <a href="#">Committee Meeting Held on 16 April 2002</a>	<a href="#">1</a>
E4	<a href="#">135 Lot Residential Subdivision – Barlings Beach</a>	<a href="#">2</a>
A4	<a href="#">Ministerial Meeting – Public Liability</a>	<a href="#">25</a>
W2	<a href="#">Batemans Bay Public School Relocation Update</a>	<a href="#">28</a>
W3	<a href="#">Turlinjah Septage Effluent Project</a>	<a href="#">32</a>
W4	<a href="#">Land Acquisition – Part Lot 22 DP 546597 Turlinjah</a>	<a href="#">39</a>

## **CONFIDENTIAL REPORT**

### **1. Apologies and Leave of Absence**

### **2. Confirmation of Minutes**

#### **RECOMMENDED**

That the Minutes of the Committee of the Whole of Council meeting held on 26 March 2002

### **3. Confidential Matters**

Due to the nature of the matters before the Committee of the Whole, and in accordance with Section 10(2) and 10(3) of the Local Government Act 1993, it is:

#### **RECOMMENDED**

THAT Council formally close the meeting of the Committee of the Whole to the Public on the grounds detailed under the report headings.

### **4. Confidential Attachments**

A4 Land Acquisition - Part Lot 22 DP546597 93.5913E

#### **Reason for Confidentiality:**

The matters and information are the following:

- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; therefore, on balance, discussion of the matter in an open meeting would be contrary to the public interest.

#### **Reason for Closing the Meeting:**

The report deals with negotiations for sale of land, therefore on balance, discussion of the matter in an open meeting would be contrary to the public interest.

### **5. Confidential Reports**

C1 Barlings Beach Subdivision 93.5492S

#### **Reason for Confidentiality:**

The matters and information are the following:

- (d) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; therefore, on balance, discussion of the matter in an open meeting would be contrary to the public interest.

#### **Reason for Closing the Meeting:**

The report deals with negotiations for sale of land, therefore on balance, discussion of the matter in an open meeting would be contrary to the public interest.

**NOTE: This report will be handed out at the meeting**

## 6. Confidential Briefings

Briefings on matters of a confidential nature which relate to:

- (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; or
  - (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.

**NOTE:** Council's policy requires the Committee of the Whole to consider at the conclusion of its meeting the declassification of any report or part thereof.

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E3 ENVIRONMENT, PLANNING AND ADMINISTRATIVE SERVICES COMMITTEE  
MEETING HELD ON 16 APRIL 2002 96.0753

**SYNOPSIS**

The following recommendation of the Environment, Planning and Administrative Services Committee Meeting is not included in the Committee's delegated authority and is therefore submitted through its Chairman for consideration by Council

**RECOMMENDED**

**PR20**

AMENDMENT OF DEVELOPMENT CONTRIBUTIONS PLAN  
2000-2005 02.6261

THAT a draft Development Contributions Plan be prepared and exhibited pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 to clarify the formula that enables contribution rates to be indexed annually to the Consumer Price Index.

STEPHEN MURRAY  
MANAGER  
SUSTAINABLE DEVELOPMENT

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

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## SYNOPSIS

This report provides an overview of a proposal to subdivide Lot 2 DP 10161464 Red Hill Parade, Barlings Beach into 135 lots and undertake associated clearance of vegetation and works at Tomakin.

The Minister for Planning has declared the proposal to be of State significance and as such the Minister is the consent authority.

The proposal requires consent from Council under the *Roads Act 1993*. Council has also been requested to provide “without prejudice” conditions of consent to assist the Minister in the event of an approval.

## BACKGROUND

A development application lodged with NSW Planning on 23 March 2002 has been referred to Council for input. The application is for subdivision of 135 lots to enable “subsequent development for approximately 183 dwellings” due to the proposal including lots for medium density housing. The proposal also entails the clearance of vegetation and works including roads, servicing and landscaping of the public domain between George Bass Drive and Red Hill Parade, Tomakin.

The development has been declared as “State Significant” and as such the Minister is the consent authority.

The proposal is classed as integrated development under the *Environmental Planning and Assessment Act* as approval is required from various Government Departments and Authorities including Eurobodalla Shire Council under *Section 138 of the Roads Act 1993*.

The land is owned by Council as “operational land”.

## Legal

This proposal is “integrated” and “State Significant” development under the *Environmental Planning and Assessment (EP&A) Act*.

### Integrated Development

The proposed development is “integrated” due to the fact that as well as development consent under the EP&A Act it requires other approvals or permits/consents under other specified Sections of other Acts from other Public Authorities.

The application indicates the need for approval from:

- National Parks and Wildlife Service under Section 90 of the *National Parks and Wildlife Act 1974*

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

- Department of Land and Water Conservation under Part 3A of the *Rivers and Foreshores Protection Act 1948*
- NSW Fisheries under Section 205 of the *Fisheries Management Act*
- Eurobodalla Shire Council under Section 138 of the *Roads Act*.

The process of “integrated development” is such that the applicant at the time the DA is lodged also pays additional fees to enable the Consent Authority to refer the application to the other specified public agencies/authorities. Those authorities then within certain time frames request additional information (if necessary) and advise the Consent Authority of the general terms their licence/consent/approval would be issued or that they intend to refuse to issue their approval/licence.

The general terms must then be attached to any consent and the authority which has issued these terms is bound by them for a three year period.

If the public agency/authority advises that a refusal would be issued then (except in the case of “State Significant” development) the Consent Authority has no option but to refuse the development application.

Further for “integrated development” that is also “State Significant” if the public agency/authority advises the Minister that approval would not be granted (or if the intended general terms are not acceptable to the Minister) and a resolution cannot be agreed between the Minister and the public authority, then the Minister must submit the dispute to the Premier for settlement under Section 121 of the Act.

### **State Significant Development**

The classification as “State Significant” can occur in a number of ways at any time. It can be due to the scale or nature, a State Environmental Planning Policy, Regional Environmental Plan or as a result of a specific proposal before or after it is lodged with the Consent Authority (such as Council).

If part of a project is State Significant all parts of it can be so classified even to the extent of making prohibited aspects permissible under the Minister’s consent.

This classification can be achieved by a notice in the Government Gazette and it renders the Minister responsible under the EP&A Act as the Consent Authority for the project.

In this case a specific notice relating to this development was printed in the Government Gazette on 8 February 2002.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

This classification as “State Significant” introduces different assessment procedures and appeal rights to any determination if a public inquiry is held.

### **Public Inquiry**

The Minister may at any time direct that an Inquiry be held into a proposed development (Section 119). The calling of an Inquiry is solely at the discretion of the Minister. Any request from Council, the community or the Applicant for an Inquiry does not necessarily result in an Inquiry having to be held.

An Inquiry is heard by a Commission of Inquiry made up of person(s) appointed for the specific case by the Minister at a remuneration determined by the Minister.

A Commission of Inquiry may, in this case, be called in respect to:

- (a) *any matter relating to the administration of the provisions of this Act or any environmental planning instrument or relating to the administration of any other Act administered by the Minister;*
- (b) *all or any of the environmental aspects of proposed development the subject of the development application [whether or not it is designated development] or of a part of any such proposed development.*

If an Inquiry is held it does not remove the Minister’s role as the determining authority for the application. It does however delay the determination until the completion of the Inquiry so as to enable the Minister to consider the findings and recommendations. Council and any person who made a submission is entitled to be heard at the Inquiry.

### **The Project**

The land is zoned (10) Urban Expansion in Rural Local Environmental Plan (LEP) 1987. This application proposes a 135 lot residential subdivision which is permitted in the zone with consent.

### Existing Approval

In September 1994 Council consented to a 15 lot residential subdivision along the Red Hill Parade frontage. By virtue of sewer construction works undertaken that consent remains valid.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

These approved but as yet unregistered lots have been duplicated in the current application as Stage 1A. It is suggested that any consent granted to the current application should be conditional to surrender of the 1994 consent to avoid duplication and/or confusion.

Master Plan.

The proponent states an aim to deliver an “architect designed”, fully master planned, integrated housing estate that:

- has a diverse self managed community
- has a type and style of housing not currently available within the Shire
- has benefits to the wider community by provision of walking/ cycling trails, areas of landscaped open space and more formal access to the beach
- has environmental benefits through implementation of management controls for native vegetation, wetland and fore dunes
- respects the Aboriginal heritage and social/ cultural values of the site
- imposes covenants regarding architectural and landscaping design guidelines and stringent design and siting of dwellings to preserve the future amenity of the estate.

To this end the application for subdivision is accompanied by a Master Plan addressing:

- site analysis,
- design objectives and features,
- environmental, social and heritage issues
- transport and traffic
- infrastructure

**ISSUES**

**Issues of Concern**

A review of the application for subdivision has raised a number of issues either in terms of lack of information, clarity of information or errors and omissions.

It should be noted that a discrepancy occurs between lot numbers indicated in the Master Plan and the additional plan entitled *Overall*

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

*Lot Layout* (Coomes Consulting Group dated March 2002). For the purpose of this report lot numbers refer to those indicated in the latter “final” plan.

Issues of concern with the proposal are addressed as follows:

### **Planning**

- Covenants

The “Master Plan” accompanying the application sets an overriding theme for the development including imposing of covenants to control:

- Maintenance of large lot sizes which could otherwise be subject of resubdivision under Council’s Urban DCP,
- specific dwelling types (and could include dual occupancy), designs and building envelopes in accordance with nominated precincts,
- specific vegetation preservation and planting themes

The Master Plan indicates that while Barlings Beach Community Pty Ltd (the Applicant) is the registered proprietor of any lot in the development, it is the party intended to be empowered to grant approvals to vary or modify any such covenants.

Thereafter this power is intended to be with a Community Association. The information supplied with the application contained no details of such Community Association although subsequent information provided direct to Council by the applicant includes a copy of the draft rules of a proposed Body named the “Seagrove Community Association”. This draft contains details pertaining to enforcement and modification of covenants.

Clause 34 of the Rural LEP has the specific objective to enable development to be carried in accordance with the LEP even if the development would be otherwise prohibited by a private covenant or other agreement. This means that any covenant is considered in the assessment of an application but is not required to be adhered to in granting an approval.

Depending on the outcome of the assessment of this application it may be appropriate in this instance to adopt a site specific amendment to the LEP or a DCP in relation to lot sizes and building envelopes to achieve nominated objectives of the development and thus avoid

E4 135 LOT RESIDENTIAL SUBDIVISION – BURLINGS BEACH

00.4935.S

reliance on a Community Association for enforcement of covenants. This would serve to ensure maintenance of those objectives throughout the life of the development and should be further considered by planningNSW as part of the assessment of the application.

In turn relatively minor covenants could be policed by the Community Body and other provisions of current Council codes and policies.

- Buffers

(a) *Escarpment buffer:*

Figure 3 of the Master Plan indicates that lots to the northern side of the development (47-54 and 83-88) are effected to varying degrees by the nomination of “escarpment buffer”.

This buffer is designed to preserve the integrity of moist and drier Sclerophyll Forest along the escarpment in addition to maintaining protection afforded by tall banksia scrub to adjoining areas of moist rainforest and developing rainforest understorey, ie: SEPP 26 –Littoral Rainforest as indicated on plans supplied by the Department (Note: the Master Plan disputes presence of “Littoral Rainforest”).

There is apparent discrepancy between Clause 3.6.5 of the text/Figure 3 of the Master Plan and Figure 3.1 of the Biodiversity Assessment Report in respect of the vegetation types in the “escarpment buffer” and areas required to be cleared on effected lots (particularly 47, 48, 51-53 and 88) for erection of a dwelling, drying areas, vehicle manoeuvring, private recreation, etc.

Clearing required for solar access may be in conflict with the restriction of the “escarpment buffer” in any case on lots 47-50 inclusive.

Lots 47,51-53 and 88 do not appear to have sufficient area outside the nominated buffer for residential development.

Site inspection reveals lots 83-86 to be of major concern. The proposal plan misrepresents the alignment of Forrest Parade and does not contain sufficient contour detail to depict the true nature of the land. In this location the land slopes at grades in excess of 18<sup>0</sup> towards the cliff like escarpment which is in turn up to 20 metres high falling into the nominated Littoral Rainforest area..

E4 135 LOT RESIDENTIAL SUBDIVISION – BURLINGS BEACH

00.4935.S

Lots 83 and 84 do not appear to offer any form of building envelope at all.

Lots 85 and 86 are effected to a lesser extent by the escarpment but contain natural slope in excess of the 1:4 maximum of Clause 5.2 of Council's DCP – *Residential design and Development Guidelines*.

The effect of clearing required for *Asset Protection zones* within the "escarpment buffer" is compounded by steep natural slopes containing dry Sclerophyll Forest in a location with known bushfire hazard. The requirement for extensive clearing in accordance with Clause 4.2.3 of the publication *Planning for Bushfire Protection December 2001* (NSW Rural Fire Service in collaboration with NSW Planning) will vary depending on slopes. In respect of lots 85 and 86 the necessary clearing presents clear conflict with the concept of "escarpment buffer". The site has been identified as having a moderate bushfire hazard.

It is noted that the *Land Resource and Physical Urban Suitability Study* (Scott and Furphy dated March 1991) with the Master Plan rates certain locations as "not recommended for residential development" for reasons of:

- erosion/mass movement hazard, or
- occasional flooding, or
- slope erosion hazard plus rock within 100cm.

Making provision for the differences in lot numbers from plan to plan [see above] maps accompanying the report indicate the area not recommended for residential development as that containing lots 83-88 inclusive.

It is suggested that lots 83-86 inclusive be deleted from any consent for reasons stated above. Consideration should also be given to deletion of lots 87 and 88. Alternatively the overall proposal could be redesigned to accommodate this number of lots in a more suitable location.

*(b) Creek Environs Buffer:*

Figure 3 and Clause 3.6.5 of the Master Plan relate to the creek environs and the proposal to provide a 20 metre buffer to both sides of the creek. The intention is to prevent weed invasion of the reed edge, reed beds, provide landscaping opportunity, public access and filtration of overland flow.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

There appears to be discrepancy between figure 3 and the Overall Lot Layout – Final plan (Coomes dated March 2002) whereby the 20 metre buffer is not achieved behind lots 127-129 inclusive.

This is also evident to a lesser degree behind lots 131-135 inclusive.

(c) *Clearing:*

The *Land Resource and Physical Urban Suitability Study* with the Master Plan refers to approximately 50% of the site as “beach ridge plain behind the face dune”. The report suggests that during wet seasons water tables rise to within 30cm of the surface in swales and within 80cm on the ridges. Parts of the beach ridge plain are less than 2 metres above the current high tide water mark.

The report recommends that developers consider levelling the ridges and swales to avoid localised ponding during unusually wet seasons.

It is suggested that the extent of clearing necessary for development including that for bushfire Asset Protection Zones and to avoid localised ponding due to ground water may require specific consent under *Native Vegetation Conservation Act 1997* rather than as integrated development.

- Development Control Plan 183

The proposal is contrary to Council’s DCP 183 in respect of:

- open space to be dedicated in the north west corner designated recreation/water quality control facility – replaced with alternative open space dedication and alternative stormwater drainage system.
- Deletion of commercial/community facilities
- Deletion of through bus route
- Development density of lots to Council’s minimum standards currently 450m<sup>2</sup> -proposes lots from 750m<sup>2</sup> to 2500m<sup>2</sup>

Given the age of the DCP (early 1990’s) and extensive studies required and design aspects of the proposal no objection is offered to variations to certain provisions of the DCP. These matters are addressed in other parts of this report.

- Building Height

The plans submitted with the application indicate the site is above the 3.3m AHD RL and any buildings are required to comply with Council’s height policies. The adopted height policy of Council requires the structure to be situated within building envelope, not exceed 8.5m and be no more than two storeys.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

- Energy and Water Efficiency

The subdivision design embodies the principles of energy and water efficiency as required by Council policies.

- Archaeological Studies

Clause 6.5 of the Master Plan acknowledges that further supplementary subsurface archaeological investigation is required. It is noted that this application has been forwarded to National Parks and Wildlife Service for consideration.

### **Engineering**

In October 2001 Council adopted as Policy a draft version of the Australian Specification (*AUS-SPEC Development Design Specification*.)

The following comments on engineering aspects of the Master Plan include reference to that standard.

(a) *Traffic generation:*

- (i) Clause 9.0 of the Master Plan determines design traffic generation on the basis that as *the development will be characterised by a high proportion of holiday homes and retirees.....traffic volumes will be 50% lower than typical development.*

Clause 9.2 of the Plan utilises a trip generation of 8 vehicle trips per day (vtpd) whereas standards adopted by *the Australian Model Code for Residential Development* (AMCORD) and Council's *AUS-SPEC* is 12 vtpd.

The cumulative effect of this underestimation results in reduced standards for road pavement widths, intersection treatment, footpath requirements and construction generally. The proposals contained in the Master Plan are of a lower standard and do not comply with adopted standards.

- (ii) Clause 9.0 of the Master Plan also nominates the design assumption that 80% of subdivision traffic will utilise existing streets through Tomakin village.

These existing streets would become primary access from the development for access to the south (Moruya) via George Bass Drive and to the west/north (Mogo/Batemans Bay) via Tomakin Road/ Princes Highway.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

The table with Clause 9.2 indicates separate analysis of the increase in traffic utilising Yarralumla Crescent and Ainslie Parade where in fact these two streets join for access to George Bass Drive through Tomakin village. The increased traffic volumes in existing streets is significant (up to 53%).

Ainslie Parade alignment in the locality of the Yarralumla intersection is of particular concern due to restricted sight distances over a crest and the increase in traffic will compound the problem.

A condition of consent is warranted to require the developer to contribute to construction of *Local Area Traffic Management* (LATM) devices in Ainslie Parade to address these concerns.

- (iii) The proposed intersection with George Bass Drive will require construction to RTA *Road Design Standard*.

Reference is made to minimum safe intersection sight distance requirements and in particular from the subdivision road to east bound traffic in George Bass Drive. Some restriction is evident due to existing off road vegetation located in an area designated “Vegetation Protection Zone”.

*(b) Bus Route:*

Clause 9.5 of the Master Plan cites market analysis as indicating that the demographics of the development will be such that a bus service through the site is likely to have very low patronage. The Plan nominates that the existing bus route with the addition of a stop at the new George Bass Drive intersection will cater for public transport demand from the development.

Council’s adopted draft *AUS-SPEC* specifies that every new lot created by subdivision shall be within 400 metres of a bus route.

The existing bus route from/to Batemans Bay/Moruya diverts from George Bass Drive to loop through Tomakin. Compliance with Council’s standard would present the logical option for the bus route to utilise roads in the new development to supplement the existing service.

Nomination of the bus route through the development will attract a requirement for wider road pavement and provision of footpaths on both sides of that route. The Master Plan is deficient in this respect.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

(c) *Storm water drainage:*

The design for water sensitive urban design is supported in principle however certain aspects of the design should be reviewed. The system should be designed to comply with Council's adopted AUSPEC and the standards of *Australian Rainfall and Runoff* (AR&R).

Details to be addressed include:

- Ponding in the open swales is undesirable in relation to vehicle and pedestrian access to adjacent lots. The open grassed swales for the major drainage system rely on permeability of the soil to absorb up to the 1 in 100 year event. Given the relatively high water table and possible periods where that may in fact be above natural ground level (refer adjacent Tomakin/Broulee) a system incorporating low flow pipework to supplement the open swales should be implemented.
- Figure 18 of the Master Plan depicting drainage paths to filtration areas and creek appears to contradict the existing tendency in the area of lots 47-50 where flow is to the west. This area has been nominated in part as "escarpment buffer" and the works necessary for the drainage works (and pedestrian links indicated on Figure 16) may conflict with the vegetation preservation objectives of the buffer.
- Costs to Council associated with future maintenance of the open swale stormwater drainage system compared with a piped or partially piped system would appear to contradict principles of ecologically sustainable development in particular the future financial sustainability of the community

(d) *Engineering Design Approval:*

With reference to Section 109E of the Act and in the absence of an Environmental Planning Instrument to the contrary it is the Minister for Planning who is the principal consent authority for engineering construction plans.

In the event that the Minister for Planning grants consent to the development it would be appropriate that Eurobodalla Shire Council be given the opportunity as future asset owner, to comment on engineering design plans (for works including road, drainage, water and sewer reticulation) prior to issue of a Construction Certificate.

It may also be appropriate that Council be given the opportunity to comment on engineering construction regarding compliance with appropriate standards prior to issue of a Compliance Certificate.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

*(e) Section 64 Payments:*

Under Council's adopted Sewer Headworks contributions plan a discounted rate of payment applies where the reticulation scheme provides for discharge direct to the Council's treatment plant without utilising existing infrastructure.

Clause 10.1 of the Master Plan refers to Stage 1A and an additional 13 lots adjoining Stage 1A to discharge to existing infrastructure and the remainder discharging directly to the nearby treatment plant.

In the absence of detailed/approved sewer plans it appears that a small number of the nominated lots may in fact not be able to utilise gravity mains to the existing infrastructure.

The number of lots discharging direct to the treatment plant and thereby attract a discounted rate of payment under S64, may vary from that stated in the Master Plan.

*(f) Equal access:*

The Master Plan refers to improvements to be provided in the development including footpaths, seats, tables, furniture, board walks, etc. Together with provision for access across open swales consideration should be given to Australian Standard AS1428.

Redesign in some instances will be required.

Various Figures in the Master Plan indicate gravel footpaths in preference to the "standard" concrete. Alternatives should be investigated and instigated in final design plans particularly in relation to equal opportunity access, risk management and future maintenance.

*(g) Community Asset, Ownership and Maintenance*

It is understood Open Space, Roads, Drains, Boardwalks, and other infrastructure or amenities may be assigned to Council's care and control through Torrens Title, rather than maintained by residents if Community Title provisions were adopted.

As outlined in (d) above, application of Council design and construction standards should be observed.

Bonding or guarantees for a minimum of 12 months after completion and occupation of entire estate for maintenance/replacement of that infrastructure is required to ensure that infrastructure is appropriately constructed and any faults are rectified by the developer at no cost to the community.

**Without Prejudice Conditions of Consent:**

In addition to possible conditions arising from this report and from other matters dealt with by State agencies the following “without prejudice” conditions are submitted to assist the Minister in the event of granting of consent:

1. The final Plan of Survey submitted by the applicant for issue of a Subdivision Certificate shall create drainage, water, sewer and service easements where required and/or as directed free of all costs to Council.

Reason: Access for future maintenance and protection of services will be ensured with the creation of easements over existing and proposed services.

2. Prior to issue of a Subdivision Certificate the applicant shall supply written confirmation from Country Energy that all relevant requirements for supply of electricity to all lots have been satisfied including provision for street lighting (where applicable), headworks contributions, payments for extension of supply, creation of easements etc;

Reason: To ensure that the interests and responsibilities of Country Energy and Eurobodalla Shire Council with regard to supply of electricity are satisfied. For details of electricity supply, costs and arrangements pertaining to the land applicants must contact Country Energy. (Moruya Design and Quotations, Phone (02) 4474 1723, Fax (02) 4474 1740).

3. Prior to issue of a Subdivision Certificate the applicant shall supply written confirmation from Telstra that arrangements have been made for the telephone cabling of all lots to its satisfaction.

Reason: To ensure that the interests and responsibilities with regard to the timely supply of telephone connections are satisfied. For details of arrangements pertaining to the land, applicants must contact Telstra as follows:

**Construction Research of Australia**

e-mail [telstra@conres.com.au](mailto:telstra@conres.com.au)  
PO Box Locked Bag 1160, Wahroonga NSW 2076  
Telephone Free Call 1800 180 118 or Sydney 9482-1254  
Internet [www.conres.com.au](http://www.conres.com.au)

4. The final Plan of Survey submitted by the applicant for issue of a Subdivision Certificate shall include dedication of land

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

required for all roads (including cut off corner splays 3.5 metres by 3.5 metres at all intersections) and pathways, free of all costs to Council.

Reason: To ensure that all roads and pathways in the proposed subdivision are dedicated for public use and incorporate adequate provision for sight distances at intersections and/or provision for services within the dedicated road reserve..

5. The final Plan of Survey submitted by the applicant for issue of a Subdivision Certificate shall indicate dedication to Council of all reserves indicated in the Master Plan, free of all costs to Council.

Reason: In addition to nominated buffer zones a potential for increased demand for recreational facilities and areas is identified as a direct or cumulative consequence of this development. Cost incurred in dedication of land is the responsibility of the applicant as a consequence of development.

6. Prior to issue of a Subdivision Certificate, under provisions of Section 94 of the *Environmental Planning and Assessment Act* the applicant shall make payment to Council of contributions per additional allotment at the rate current at the time of payment detailed in respective Contributions Plans in relation to the following:

	<u>Currently</u>
(i) Open Space	\$272.90
(ii) Cycleway & Pedestrian Facilities	\$23.50
(iii) Waste Disposal	\$86.90
(iv) Roads (Arterial/Local)	\$791.00
(v) Administration	\$70.50

Reason: A potential for increased demand on existing services as a direct or accumulative consequence of this subdivision has been identified as detailed in respective Contributions Plans. These plans are available for inspection at Council's Offices, Vulcan Street, Moruya. The money payable under this condition will be held in separate trust funds for each category and utilised by Council to upgrade services. The applicant is advised to contact Council prior to payment to ascertain the current rate of contribution as such rates are revised at least annually.

7. Prior to issue of a Subdivision Certificate, under provisions of Section 64 of the *Local Government Act* and the *Water Supply Authorities Act 1987* the applicant shall make payment to

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

Council of contributions per additional allotment at the rate current at the time of payment in relation to the following:

- |      |                 |           |                                  |
|------|-----------------|-----------|----------------------------------|
| (i)  | Water Headworks | Currently | \$1665.00                        |
| (ii) | Sewer Headworks | Currently | \$1301.00<br>(discounted \$470*) |

Reason: A potential for increased demand on existing services as a direct or accumulative consequence of this subdivision has been identified as detailed in respective Contributions Plans. The money payable under this condition will be held in separate trust funds for each category and utilised by Council to upgrade services. The applicant is advised to contact Council prior to payment to ascertain the rate of contribution as such rates are revised at least annually.

\*The discounted rate of payment for sewer headworks is applicable where proposed sewer lines do not utilise any of Council's existing infrastructure and discharge direct to Council's treatment works

8. Prior to issue of a Subdivision Certificate the applicant shall pay to Council a maintenance bond for service construction works performed by private contractor being 5% of the contract price and applicable for twelve months from the date of issue the final Subdivision Certificate.

Reason: Such bond is to ensure adequate performance of construction works carried out by private arrangement and is to be utilised by Council to carry out remedial works or refunded after 12 months subject to satisfactory performance of those works.

9. Construction of drainage or sewerage works over intervening private property for this development is dependant on the applicant negotiating a permit to enter that land and acquiring an easement or right to use the land under the surface for construction and maintenance of works.

Creation of easements as appropriate shall be completed and included in the Plan of Survey subject of a Subdivision Certificate.

Reason: To preserve the rights of other property owners in relation to consent to construction of services on private property.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

**Advice to Applicant Regarding Condition 9.**

The Local Government Act 1993 does not permit Council to enter private property for the benefit of a third party for construction purposes without the landowners' consent. If a developer intends to engage Council to carry out works, the developer must provide at least a permit to enter private land and consent of that owner to the developer acquiring a suitable easement.

10. If any lot on the subdivision is to be filled by over 0.2 metres depth, the entire depth of fill is to be compacted to 95% standard in accordance with AS1289-E(1.1) and certified as such by a practising civil engineer or geotechnical consultant prior to issue of a Subdivision Certificate. Appropriate erosion and sediment control measures shall be utilised and maintained by the applicant until adequate grass cover has been established.

Reason: To ensure appropriate standards of filling that facilitates standard building procedures on all lots.

11. Prior to issue of a Construction Certificate the applicant shall prepare a Soil and Water Management Plan to be incorporated in engineering design plans.

Reason: To prevent sedimentation of waterways and to control erosion both during construction and in longer term in accordance with best practice treatments.

12. Prior to issue of a Subdivision Certificate the applicant shall pay to Council a road works maintenance bond at the rate determined by Council current at the time of payment (currently \$13 per lineal metre) and applicable for twelve months from the date of issue of the final Subdivision Certificate.

Reason: Such bond is to ensure adequate performance of roadworks and is to be utilised by Council for remedial works and refunded after 12 months from the date of release of the plan of survey subject to satisfactory performance of those works.

13. **Burning of Vegetation in Urban Zoned Areas**

Burning of vegetation resulting from clearing on land zoned under the Eurobodalla Rural Local Environmental Plan 1987 is not approved as part of this consent and will require a separate site specific application.

Reason: To minimise potential for air pollution in accordance with provisions of the *Protection of the Environment (control of burning) Regulation 2000*.

E4 135 LOT RESIDENTIAL SUBDIVISION – BURLINGS BEACH

00.4935.S

**Advice to Applicant regarding Condition 13:**

(i) Persons clearing land as the result of development consent issued on land zoned under Rural Local Environmental Plan 1987 (as amended) may burn dead and dry vegetation in circumstances described in Council's policy entitled *Classes of Persons under the Control of Burning Regulation* and subject to provisions of the *Code of Practice* including:

- permits shall be obtained from the appropriate Fire Service (during the annual bushfire danger period) and from Council's Environment Unit.
- burning must take place by such practicable means as are necessary to minimise air pollution.
- every attempt must be made to recycle or reuse vegetation prior to burning by methods including but not limited to mulching, composting, milling and as heating fuel. Only the dead and dry residue from recycling or reuse shall be burnt.
- burning shall only take place during dry and favourable weather conditions giving account to smoke impact.
- burning shall not take place where other persons are likely to be unduly impacted.
- permission of the owner of the property shall be obtained prior to burning.
- vegetation shall only be burnt on the premises on which it grew.

(ii) In the event that permits are not issued vegetation shall be disposed of at Council's waste landfill/recycling depots.

14. Trees located on land to be dedicated as public open space/road and offering potential hazard to existing or proposed privately owned lots shall be removed or lopped by the applicant according to the direction of Council's Environmental Hazards Officer.

Reason: To ensure the removal of a potential hazard at development stage. A nominal 10 metre clearance to the boundary of privately owned lots will be achieved at full cost to the applicant with debris disposed of in an approved manner. The applicant shall contact the Environmental Hazards Officer (02) 4474 1000 prior to commencement of site works for direction and approval for tree removal.

15. Prior to issue of a Subdivision Certificate the applicant shall submit to Council certification by a practising geotechnical consultant stating the site classification of each lot in accordance

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

with AS.2870-1988 (Residential slabs and footings Part 1 – Construction).

Reason: To confirm the suitability of the land for development in accordance with the zoning, subsequent to this subdivision approval.

16. Prior to issue of a Subdivision Certificate the applicant shall construct an inter allotment drainage scheme for all lots that cannot discharge stormwater to Council’s street or an approved stormwater drainage scheme in accordance with design plans subject of a Construction Certificate.

Reason: The existing amenity of adjoining properties must not be adversely affected as a consequence of increased stormwater discharge pursuant to subdivision. It is the responsibility of the developer to ensure adequate provision for stormwater disposal in accordance with a Construction Certificate and subsequent Compliance Certificate.

17. Prior to issue of a Subdivision Certificate provide “work as executed” plans to Council 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.

Reason: Council requires accurate “work as executed” plans particularly in relation to road, water supply, sewerage and drainage construction for future reference. The plans provided under this requirement are to be certified by a responsible person competent in that particular field.

18. Prior to commencement of any clearing, construction or other associated activity the applicant shall apply to principal consent authority for a Construction Certificate for any works required as a condition of subdivision and for which specific design plans are required.

Reason: Issue of a Construction Certificate (refer Section 109C of the Act) confirms that works completed in accordance with the approved plans will comply with relevant codes and specifications. Issue of the Certificate will facilitate approval of engineering plans. Cost of the Certificate varies dependent on the type/scope of works to be undertaken.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

19. Prior to issue of a Subdivision Certificate the applicant shall apply to the principal consent authority for a Compliance Certificate for works carried out as a condition of subdivision for which specific design plans were required.

Reason: Issue of a Compliance Certificate (refer Section 109C of the Act) confirms that subdivision works have been completed and complies with specified plans and specifications. Cost of the Certificate varies dependent on the type/scope of works to be undertaken.

20. Application to Council for a Subdivision Certificate including submission of a Plan of Subdivision by a registered surveyor and a DXF file on diskette in an acceptable format determined together with a plan printing fee as set by Council from time to time (currently \$23).

Reason: The Plan of Subdivision required by the Land Titles Office must be certified by Council. Issue of a Subdivision Certificate under [Section 109D(1)(d) of the Act] facilitates endorsement of the plan of survey by Council in accordance with requirements of the Land Titles Office. The fee currently comprises \$186 plus \$25/lot created. The plan printing fee covers the cost of providing copies of the Plan to relevant internal Council Departments and to Government Departments as required.

21. Prior to issue of a Subdivision Certificate the applicant is to comply with Part 2 Section 12 of the *Noxious Weeds Act 1993* (Control Category) to control noxious weeds on the land to the satisfaction of Council's Noxious Weeds Officer.

Reason: Occupiers of private land are required to take reasonable and effective measures to control weeds under the Act. The applicant is advised to contact Council's Noxious Weeds Officer by telephoning (02) 4474 1269 for assistance in this regard.

22. Prior to issue of a Subdivision Certificate the applicant is to construct sewer and water reticulation to all lots and relocate existing water mains encroaching proposed lots, all in accordance with design plans of a Construction Certificate to Council's codes and specifications and the standards of NSW Public Works.

Reason: The development will require extensions and/or alterations to Council's existing reticulation schemes and the developer is responsible for the full final cost of reticulation as a

E4 135 LOT RESIDENTIAL SUBDIVISION – BURLINGS BEACH

00.4935.S

consequence of the development including application for a Construction Certificate and subsequent Compliance Certificate.

23. Prior to issue of a Subdivision Certificate the applicant is to construct road works including intersections with George Bass Drive, Red Hill Parade and Yarralumla Crescent, associated drainage and erosion/sediment controls in accordance with design plans subject of a Construction Certificate to Council's codes and specification.

Reason: The development will require construction of road works to ensure adequate standards of access. The applicant is responsible for the full final cost.

24. The plan of survey to be submitted by the applicant in conjunction with application to Council for a Subdivision Certificate is to be amended from that plan accompanying the application in the following respect for the attached reasons:

- (i) deletion of those lots which encroach or have potential for detrimental impact on the "Escarpment Buffer" nominated in the Master Plan.

Reason: To comply with objectives of the Master Plan (ie: to preserve the integrity of the escarpment) and of the (10) Urban Expansion zone in Rural Local Environmental Plan 1987 (ie: to ensure that sensitive environmental features are preserved and to identify areas within which urban development may be accommodated).

Proposed lots and in particular lots 47,52, 53, 83-86 and 88 have considerable area inside the buffer to the point that there appears to be insufficient area on those lots outside the buffer and clear of the escarpment for residential development.

- (ii) Deletion of lots 83-86 inclusive which cannot comply with guidelines for Asset Protection Zones contained in the publication *Planning for Bushfire Protection- December 2001*.

Reason: This part of the land has an identified bushfire hazard due to steep natural slopes and vegetation being typically Dry Sclerophyll Forest. Extent of Protection Zones will vary according to slopes are to be wholly contained within the respective lot to facilitate independent ongoing maintenance and protection.

E4 135 LOT RESIDENTIAL SUBDIVISION – BURLINGS BEACH

00.4935.S

25. Prior to issue of a Subdivision Certificate the applicant shall make payment to Council of part cost of design and construction of Local Area Traffic Management devices in Ainslie Parade adjacent to the Yarralumla Crescent intersection. The payment shall be proportionate to the forecast increase in traffic volumes in those streets attributable to the subdivision.

Reason: Clause 9.2 of the Master Plan predicts the development will result in significant increase in traffic volumes in proximity to the Ainslie Parade and Yarralumla Crescent intersection being a location with existing sight distance problems due to vertical alignment. Traffic calming devices warranted in accordance with the publication *Ausroads Guide to Traffic Engineering Practice* and Council's adopted draft *Auspec Development Design Specification- Geometric Road Design* will serve to reduce the impact of the increase in traffic volumes.

### **Section 138 – Roads Act 1993**

This subdivision is integrated development under the Act. Terms of approval are required from Council under S138 as local road authority for construction in public road reserves. This includes construction of intersections with George Bass Drive, Red Hill Parade and Yarralumla Crescent.

Conditions requiring construction in accordance with Council's standards and the specification of the RTA *Road Design Guide* are detailed in the recommendation for consideration by the Minister for Planning in the event of subdivision consent.

### **CONCLUSION**

The proposal has been reviewed in this report and apparent contradiction between aspects of the Master Plan and plans submitted with the application addressed.

Council's suggested amendments and "without prejudice" conditions are based on the information provided, Council's own records and site investigation.

It is recommended that this report be submitted to the Minister for Planning in full for consideration of Issues of Concern and suggested Without Prejudice conditions of Consent

The report is submitted for Council consideration.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

**RECOMMENDED**

THAT:

- (a) The report on the review of the Development Application for the 135 lot residential subdivision of lot 2 DP 1016146 between George Bass Drive and Red Hill Parade Tomakin be received and noted.
- (b) The report on the review of the Development Application for the 135 lot residential subdivision of lot 2 DP 1016146 Tomakin be submitted as part of Eurobodalla Shire Council's submission to the Minister for Planning with particular reference to:
  - matters of concern, and
  - suggested "without prejudice" conditions of consent.
- (c) In accordance with the role of Eurobodalla Shire Council as roads authority under Section 138 of the *Roads Act 1993* terms of approval to construction in public road reserves including access to the land from George Bass Drive, Red Hill Parade and Yarralumla Crescent be submitted to the Minister for Urban Affairs and Planning as follows:
  - (i) The George Bass Drive intersection be designed and constructed to achieve the appropriate standard of the Roads and Traffic Authority [RTA] *Road Design Guide*.

Reason: the proposal for access onto a major trunk road will require the appropriate standard of construction for anticipated traffic volumes in accordance with design plans subject of a Construction Certificate to be issued by Council.

- (ii) The intersections of the new roads with Red Hill Parade and Yarralumla Crescent shall have roundabouts designed and constructed in accordance with the RTA *Roundabout Design guide*.

Reason: the proposal for four way intersections will require the appropriate standards of construction for anticipated traffic volumes in accordance with design plans subject of a Construction Certificate to be issued by Council.

E4 135 LOT RESIDENTIAL SUBDIVISION – BARLINGS BEACH

00.4935.S

- (iii) Application to the principal consent authority for a Construction Certificate for any works required as a condition of subdivision and for which specific design plans are required.

Reason: Issue of a Construction Certificate [refer Section 109C of the Act] will confirm that works completed in accordance with the approved plans will comply with the relevant codes and specifications. Issue of the Certificate will facilitate approval of the engineering plans. Cost of the Certificate varies dependant on the type/scope of works to be undertaken.

- (iv) Construction plans subject of the Construction Certificate shall include a Traffic Control Plan prepared and certified by an RTA certified consultant as complying with the current RTA standard “*Traffic control at work sites*” and appropriate records of inspection by the consultant be submitted to Council on completion of works prior to issue of a Subdivision Certificate.

Reason: To ensure adequate provision for safety and maintenance of traffic flows during construction.

STEPHEN MURRAY  
MANAGER  
SUSTAINABLE DEVELOPMENT

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A4 MINISTERIAL MEETING - PUBLIC LIABILITY

88.0649

**SYNOPSIS**

To advise Council on the Ministerial Meeting on Public Liability held in Canberra on 27 March 2002.

**ISSUES**

The meeting communique report is as follows:

The Commonwealth, State and Territory Ministers and the President of the Australian Local Government Association (the Ministers) restated their shared determination to tackle the problems of rising premiums and reduced availability of public liability insurance.

The Ministers agreed that many of the issues are complex and cross jurisdictional, requiring collective action from governments and industry in the immediate and long term. The problems being confronted in the public liability area are not unique and are also evident in other insurance classes.

The Ministers received an expert report identifying the major factors behind rising premiums and reduced availability of public liability insurance as being:

changing community attitudes to litigation;  
change in the courts' view of what constitutes negligence;  
increased compensation payments for bodily injury claims;  
past under-pricing and poor profitability of the insurance industry;  
the collapse of HIH, a major player in the public liability market; and  
a decision by insurance companies to be more selective about the risks that they cover.

The Ministers noted that a number of jurisdictions had already undertaken a range of initiatives including facilitating group insurance for not-for-profit organisations, tort law reform and development of risk management guidelines.

**Ministers agreed that:**

**Structured Settlements**

The Commonwealth will introduce legislation to make tax changes to encourage the use of structured settlements for personal injury compensation.

The States and Territories will make such legislative changes as are necessary to remove the barriers to structured settlements as an alternative to lump sum pay outs.

A4 MINISTERIAL MEETING - PUBLIC LIABILITY

88.0649

**Reform to Claims Costs**

Subject to evidence that changes will increase affordability and availability of cover, the States and Territories will examine:

targeted claims cost reduction by, for example, protecting volunteers, community and appropriate sporting organisations from actions;

broadly based tort reform; and

legal system costs and practices, such as legal advertising.

**Trade Practices Act/Fair Trading Acts**

The Commonwealth, the States and Territories will examine relevant sections of the Trade Practices Act and comparable State and Territory legislation to consider the extent to which individuals can legally and confidently assume personal responsibility for high risk activities.

**Group Buying**

State Governments would encourage group insurance buying where appropriate.

**Role of Insurance Industry**

The insurance industry will be asked to collect more detailed information on claims experience through a co-operative industry arrangement.

A representative of the Insurance Council of Australia will be invited to address the next meeting of Ministers.

Ministers encouraged the insurance industry to be more innovative and responsive in product development and communications with consumers.

**Data**

The Commonwealth will consider widening data collection on the insurance industry by APRA and will report to a subsequent meeting on the impact of the new prudential requirements for general insurers.

The States and Territories will collect data on claims and costs and provide it to Heads of Treasuries.

A4 MINISTERIAL MEETING - PUBLIC LIABILITY

88.0649

**Risk Management**

States and Territories will provide advice to Heads of Treasuries on risk management practices introduced in their jurisdictions that have assisted in making insurance more available and more affordable.

The insurance industry will be asked to advise Heads of Treasuries on other effective risk management procedures.

There was also agreement that the problem needed to be tackled against two frameworks - one of addressing rising claims costs and the second of addressing the availability of insurance cover. Ministers recognised that there were no easy solutions but that work will commence immediately on the above.

Given the multiplicity of the functions in governments impacted by the problem in public liability markets, the meeting agreed to request that the Council of Australian Governments (COAG) on 5 April 2002 endorse the outcomes of today's meeting.

Recognising the complexity, urgency and technical nature of many of the issues, Ministers agreed that the Heads of Treasuries Group, which will include the Commonwealth and Local Government, was best placed to develop practical measures for consideration by each Government by 30 April 2002.

Ministers noted that the Commonwealth had asked the Australian Competition and Consumer Commission to update its recently released report on Insurance Industry Market Pricing by July 2002. The report will analyse the competitiveness of the public liability and professional indemnity markets and the Australian Securities and Investments Commission will be asked to provide advice on improving the information to consumers in insurance policies.

Ministers acknowledged the significant contribution from stakeholders and thanked those who made submissions for the meeting. These submissions will be further considered by the Heads of Treasuries Group. Ministers agreed to meet

**RECOMMENDED**

That the report on Ministerial Meeting on Public Liability be received and noted.

T WEST-BOOTH  
INSURANCE/RISK OFFICER  
ADMINISTRATION

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W2 BATEMANS BAY PUBLIC SCHOOL RELOCATION UPDATE

99.3518

**SYNOPSIS**

To update Council on the progress of the relocation of the Batemans Bay Public School.

**BACKGROUND**

Council has requested a monthly update on the progress of the Batemans Bay Public School relocation project.

**ISSUES**

**Road Name**

The Batemans Bay Local Aboriginal Land Council have requested that the new road into the Surfside School be called "Mundarra Way" in recognition of the Aboriginal remains located at the start of the road. This is in line with Council's previous discussions regarding the naming of the road.

**Site Costs**

The estimated cost of the civil works to service the new school site has been reviewed and an additional \$135,000 will be required to complete the works. Major contributors to this increased cost are:

- scenic buffer works to screen Peninsula Drive residents from the construction site;
- the construction of a new bus shelter in Wharf Road, rather than the relocation of the existing structure;
- vandalism of equipment left on site;
- significantly higher than estimated cost of phone connection by Telstra

The additional funds can be allocated from the contingency for site costs. It is also worth noting that some of the funds previously allocated to this contingency have been returned to the general fund.

**Legal Cost**

The amount budgeted for legal costs for the project has been exceeded. This is in part due to Council's decision relating to the assessment of tenders and also the costs incurred in ensuring the probity of the process.

W2 BATEMANS BAY PUBLIC SCHOOL RELOCATION UPDATE

99.3518

**Building  
Construction**

The construction of the new school is at the following stages.

	<b>Block</b>					
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>Slab</b>	100%	100%	100%	100%	100%	100%
<b>Frames</b>	100%	100%	100%	100%	100%	100%
<b>Brickwork</b>	100%	50%	100%	100%	100%	100%
<b>Roofing</b>	100%	100%	100%	100%	100%	100%
<b>Presheet</b>	100%	0%	100%	100%	100%	100%
<b>Linings</b>	100%	0%	0%	75%	90%	100%
<b>Painting</b>	0%	0%	0%	0%	20%	50%
<b>Plumbing</b>	Rough in external		85%			
	Rough in internal		95%			
	Fitout		0%			
<b>Electrical</b>	Rough in		90%			
	Fitout		0%			
<b>External works</b>			0%	to date 15/04/02		

**Building Variations**

A number of variations to the building contract have been approved to date and are listed below. Some of the variations have been requested by the Department of Education and Training and will be funded by the Department.

W2 BATEMANS BAY PUBLIC SCHOOL RELOCATION UPDATE

99.3518

No.	Variation	Cost to ESC
1	Pump station connection	\$ 7,843
2	Work related to after school unit	\$ 7,626
3	Bad Ground #1	\$ 1,338
4	<i>Electrical Services (DET)</i>	<i>DET</i>
5	Aboriginal Resource Centre (building)	\$ 18,805
6	<i>Second Games Court (DET)</i>	<i>DET</i>
7	<i>Additional works to hall (DET)</i>	<i>DET</i>
8	Rearrangement of water service	\$ 4,074
9	Bad Ground #2	\$ 4,420
10	<i>SPED Laundry/Toilet unit (DET)</i>	<i>DET</i>
	<b>Total</b>	ESC \$ 44,106 DET \$ 258,492

The fitout of the Aboriginal Resource Centre has not yet been approved but this will be contained within the \$40,000 budget already allocated by Council for this part of the project.

It is worth noting that the ESC funded variations amount to less than 1% of the contract amount but the DET variations amount to a substantially greater amount.

**RECOMMENDED**

THAT

1. the progress report on the Batemans Bay Public School relocation project be noted;
2. the road into the new Surfside school be named "Mundarra Way".

ANDREW PARKINSON  
MANAGER  
TECHNICAL SERVICES AND PROPERTY DIVISION

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W2 BATEMANS BAY PUBLIC SCHOOL RELOCATION UPDATE

99.3518

<b>Description</b>	<b>Original Estimate</b>	<b>Revised Estimate</b>	<b>Actual to Date</b>
Land purchase cost (apportioned)	161,000	161,000	161,000
Site Reclassification, cultural assessment etc	50,000	50,000	44,609
Siteworks, access roads & utilities	1,030,000	1,348,000	1,034,500
School construction	4,895,618	4,895,618	2,538,848
Project Management / contract supervision	70,400	60,000	29,076
<b>School relocation project subtotal</b>	<b>6,207,018</b>	<b>6,514,618</b>	<b>3,808,033</b>
Contingency for site costs	700,000	330,000	-
Marketing expenses	-	140,600	46,592
Legal / Probity expenses	-	50,000	130,569
<b>Development of site subtotal</b>	<b>700,000</b>	<b>520,600</b>	<b>177,161</b>
Peninsula Drive	623,000	737,000	447,267
	<b>7,530,018</b>	<b>7,772,218</b>	<b>4,432,461</b>
Sale of old school site	3,600,000	4,090,910	
Loan for school project	1,300,000	1,300,000	
Batemans Bay share of other land sales	544,000	544,000	
Other funds (inc. s94, Land Dev, other loans)	2,154,000	2,154,000	
Recoupment of Geotech expenses	-	19,890	19,890
	<b>7,598,000</b>	<b>8,108,800</b>	
<b>Pay Parking Revenue</b>	<b>No of weeks</b>	<b>2000/01</b>	<b>2001/02</b>
	42	98,076	111,265
	52	130,568	

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W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

**SYNOPSIS**

1. To report to Council on the outcomes of the public consultation relating to the proposed introduction of a septage sewerage scheme to the Turlinjah residential development.
2. To seek Council approval to proceed with the project.

**BACKGROUND**

A report was presented to Council on 26 February 2002 (Minute No 75) which authorised the project to proceed to public consultation. This process has now taken place and this report details the outcomes of that consultation.

Turlinjah, located at the upper region of the Tuross Lake, consists of approx 20 residential allotments, which depend on septic tanks for sewage treatment. The allotments are of approximate 2000 square metres and the contamination of the groundwater in the region is a concern, particularly following heavy rainfall when groundwater is flushed towards the lake.

Council must be mindful of the consequences of the northern NSW coast, where sewage contamination into the oyster leases caused catastrophic consequences.

The NSW State Government, via the Commonwealth Heritage Trust, had called for nominations to seek funding in the cleaning-up of the marine environment along the coastline. Council was approached by an International subsidiary Consultant OCEANSJet seeking Council to co-apply for a grant to construct a deep reed bed adjacent to the Turlinjah township to provide an improved treatment for septic outflows of the development.

The application was successful and in November Council was advised that \$241,000 would be made available to work in conjunction with the consultant in developing the Turlinjah Septage Scheme.

The scheme can be outlined as follows:

Waste water flushing from the existing septic tanks will be piped by either a gravity or pumped pipeline to a deep reed bed, to be positioned on the northern side of the Turlinjah township. The effluent will be passed through the reed bed where the effluent quality will be markedly improved.

The effluent will then be pumped to a location where it will be gravity fed to existing olive groves and a pasture area.

W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

Currently, water flushing from the septic tanks would typically have a count of more than one million faecal coliforms per 100ml. A conservative estimate of water volume from a toilet flush, towards a septic tank, in an area that does not have a town water supply could be assumed to average 6 litres. This could represent in the order of 60 million coliforms entering the groundwater per flush.

The scheme will remove all effluent from the small residential allotments resulting in an obvious marked improvement on the health of the environment and community in the area.

The reed bed will be designed to achieve a final output quality of less than 200 faecal coliforms per 100ml. This represents 12,000 coliforms per toilet flush.

Suitable preliminary information had been gathered to allow a public meeting to be held at the Tuross Kyla Oval, Sports and Recreation Hall on Tuesday 26 March 2002. This was the night of the severe thunder storm, which saw a reported “mini-cyclone” cause severe disruption to the area. The public had to drive around fallen trees and through severe rainfall to attend.

It was naturally difficult to concentrate on the subject matter. It was the opinion of those present that copies of the presentation made that night, together with answers to all questions raised that evening, would be delivered to the residents inviting submissions to be made back to Council by 15 April 2002.

Copies of the presentation, answers and the covering letter were distributed to Councillors for notification.

Replies have now been received from residents and copies of all their correspondence are attached for Councillors’ consideration.

**ISSUES**

This project is heavily reliant upon receipt of the State Government’s Clean Seas Grant. The project has reached a critical stage, where the Government is seeking confirmation that the project will either proceed or be withdrawn. The Government will withdraw funding for the project if a decision cannot be reached at this Council meeting.

A separate report refers to the purchase of a suitable portion of land on the northern side of the Turlinjah township which will allow for the construction of the septage reed bed. The current property owner has agreed to Council’s purchase of the land and this is the subject of a separate report at today’s meeting.

W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

At the public meeting on 26 March 2002, a general discussion took place between members of the public and those Councillors present. It was pointed out that this project is a pilot scheme, which resulted in the attraction of the Coast and Clean Seas Grant. This project will allow this effluent treatment process, used for more than 20 years in Europe, to meet Australian conditions. It will provide a chance to establish the technique and have it used elsewhere, particularly at other locations within Eurobodalla Shire, where many townships are awaiting a sewerage scheme.

The meeting was advised that the scheme would be developed out of the grant funds, as well as Council's capital funding program. There would not be any charges made to the public for the purchase and building of the reed bed, the collection pipework and pumps, or the distribution system taking the treated effluent to the reuse sites.

Residents would be responsible for the eventual operation costs of the scheme, which is currently estimated at \$6,000 per annum. When apportioned to the properties to be included into the scheme, it represents an annual rate of about half the current Shire Sewer Rate.

It would be necessary to introduce a Turlinjah Special Sewer Rate to cover the annual operating cost of the scheme, setting this special rate at one half of the annual sewer rate.

The Turlinjah residents then asked that this Special Turlinjah Sewer Rate not be introduced until the whole scheme was in place and working.

Council would connect an outlet pipe to the privately owned septic tanks and pipe the effluent away from the residential area. The current privately owned absorption trenches will no longer be required and residents will have the choice to remove these and develop their land further.

Residents would still retain ownership of the septic tanks and would be responsible for their maintenance and desludging. Council would include in the Turlinjah Special Sewer Rate, an annual septic tank inspection, now required every two years under the current septic tank policy. Advice will be provided to residents on the condition of the tank.

It was explained that the reeds would be planted during the coming spring period and would require a period to develop. Only portion of the town would be connected in stages. It may take 18 to 24 months to have the entire town connected.

Residents asked that Council give favourable consideration to not charging a sewer rate until the full system was up and running.

W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

**Residents Issues**

Answers to questions raised by residents have been provided in the accompanying draft copies to each letter (Councillors' attachment). These replies will be forwarded after Council resolves the decision on the project's future. A copy of answers to all questions raised by the Turlinjah residents will also be included in each reply.

The questions or statements have been grouped generically and are represented by the following:

1. Why is Council making Turlinjah the guinea pigs.

This is a good chance to introduce a viable, cost effective modified sewerage scheme to the Turlinjah area, which has been used in the UK and Europe for in excess of 20 years. The project is to be co-funded by the State Government and will make a marked improvement to the groundwater quality in the region.

2. What's going to happen to the rates.

(This answer is dependant on Council's resolution.) The cost to maintain the scheme, apportioned across the residents of Turlinjah, would represent an annual cost of approximately half the shirewide sewer rate. It would be applicable to set the Special Turlinjah Septage Rate at half the Shire sewer rate. The General Rate is independent of the Sewer Rate. It would not be effected by this scheme.

3. How about Council giving it to us for nothing the first couple of years, while you get it working and prove it works.

(This answer is dependant on Council's resolution.) The reed bed needs to be grown and stage developed over a period of 12 months. It will not be working immediately and therefore a number of residents may not be connected over the first 12 months. Council would not consider introducing a special septage rate until the scheme was fully developed and proven. This may take 24 months.

4. Why don't you put the treatment plant somewhere else.

It will be necessary to gain easy access to the reed beds for maintenance and also at times when rainfall requires the effluent to be transported from the site, when crop or land watering is not advisable. Highway access is therefore preferable.

W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

5. If the highway is to be widened, then make it longer for the Turlinjah residents.

Council has contacted the Roads and Traffic Authority and advised on the number of vehicle turns anticipated. The RTA advises that a turn lane would not be required for this purpose.

6. Why are the rich few getting all the effluent, it should be put back to us.

The specific aim of the project is to remove the contamination of faecal coliforms from the relatively tight development within the Turlinjah area. The treated effluent, still containing a small portion of faecal coliforms, would be applied to the broad acreage away from the residential allotments. At this time it is not Council policy to charge for effluent in other areas of the Shire. Council believes that it is best to promote beneficial effluent reuse.

7. Is Council going to make the oyster farmers connect to a proper toilet.

Pipe work will be located onto the eastern side of the highway, to allow connection of a suitable toilet system in the oyster farming lease area.

8. Make the concrete structures more appealing.

The concrete structures around the reed bed area will be sunken into the ground. Council will investigate further ways of reducing the visual impact, as well as carry out screen planting around this area.

9. The view from my property will reduce the value of my amenity.

The reed bed will be a rectangular bed of reeds growing from ground level. It will have a grassed mound approx 400mm high and 3m wide around the bed, acting as a bund wall, keeping the overland water flows from entering the bed. Rain falling onto the bed will enter the system and become part of the treated effluent. There will be a concrete tank, sunk into the ground at both the top and bottom ends of the reed bed. Screen planting, to reduce visual impact will surround the concrete structures. The reeds will be the most obvious feature and these already exist, to a lesser extent in the existing dam on the property and also at other locations in ponds and water courses along the highway in the Shire.

W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

10. It failed at Tuross, why will it work here.

The Tuross system did not fail. It did not get started. The funding application for the Turlinjah system commenced before the Tuross system was withdrawn. The Tuross system was modified to accommodate the reed bed system proposed for this project, however it was not possible to continue and meet deadlines set by the funding authority. This Turlinjah system will be slightly different as it will be treating septic effluent as opposed to the withdrawn Tuross system which would have been treating fresh sewerage.

11. We want it in writing it's not going to stink.

The reed bed technology has been used extensively in Europe. It has been used to effectively treat sewerage from residential developments and industrial areas. During the public meeting on 26 March 2002, a slide showed the proximity of the reed bed to a commercial outlet and service station. The reed bed treats sewage effluent below ground where anaerobic bacteria works effectively. There is no flow of effluent taking place at the ground surface. The reeds grow, thrive and die-back on a natural cycle. No odours emanate from the bed.

**Environmental**

This project will ensure that the quality of groundwater in the tightly developed residential area of Turlinjah is improved and reduce the risk of public health of the township. It will also eliminate the possibility of faecal coliform contamination to Tuross Lake.

**Asset**

This project will provide Council with a relatively economic way of providing sewerage to a small township, while at the same time utilising funds from State sources.

**Financial**

The total cost of the project is \$499,000 with the Coast and Clean Seas Program providing a grant of \$241,000 towards this cost. Council will finance the work from the funds that had previously been allocated to the Tuross Effluent Re-use Scheme.

**CONCLUSION**

As a result of the apparent support at the public meeting of 26 March 2002 and advice provided through public consultation (copies attached for Councillors' information) it is recommended that Council proceed with this project and enter into a contract for the Coast and Clean Seas Grant.

W3 TURLINJAH SEPTAGE EFFLUENT PROJECT

02.6179

**RECOMMENDED**

A Turlinjah Special Sewer Rate be introduced, based on a value of one half of the Shire Sewer Rate and that this rate not be applied to the Turlinjah residents until the full scheme has been completed and working. The rate also includes an annual inspection of each connected private property septic tank.

THAT:

1. Council proceed with the Turlinjah Septage Effluent Project.
2. Authority be given to the General Manager to enter into the Coasts and Clean Seas Project Management Agreement.
3. Residents of Turlinjah be advised of Council's resolution.
4. A Turlinjah Special Sewer Rate be introduced and applied to the connected properties of Turlinjah, once the project has been completed and fully operating. This special rate will be set at half the Shire's sewer rate.
5. The introduction of an annual septic tank inspection for septic tanks connected to the scheme be included into the Turlinjah Special Sewer Rate.

ANGUS MCLEAN  
MANAGER  
WATER AND WASTE DIVISION

\*\*\* (Clrs)

W4 LAND ACQUISITION - PART LOT 22 DP 546597 TURLINJAH

93.5913.E

**SYNOPSIS**

To obtain consent to acquire land for sewer reed bed purposes within Lot 22 in Deposited Plan 546597 Princes Highway, Turlinjah.

**BACKGROUND**

A Report to Council dated 26 February 2002 states, in part, that:

*Council successfully made a submission to the State Clean Seas Program to seek funding to allow the project to be developed. It will capture the individual septage outflows from each septic tank and have it further treated, using the Deep Reed Bed technology, as has been recently publicly described for the Tuross Head Country Club.*

*The Turlinjah septage effluent project will allow this very small township to effectively move from its current status of ground water contamination, having its sewage waste water collected in a controlled manner to be applied beneficially onto crops.*

*The project would include the construction of collection pipework, small individual pumping units in some residential allotments and a main pumping station in the gully on the Princes Highway, north of Turlinjah.*

*It is proposed to construct a Reed Bed on an allotment adjacent to this pumping station. Discussions have taken place with a land owner and an independent land valuation is currently being sought. The treated effluent would then be pumped to areas around Turlinjah, where it will be available for application onto olive plantations.*

**ISSUES**

In order for the Turlinjah Septage Effluent Project to proceed it is necessary to acquire land being part Lot 22 in Deposited Plan 246597 to locate the sewer reed bed.

The area required is 3342 square metres of the 10.5ha property.

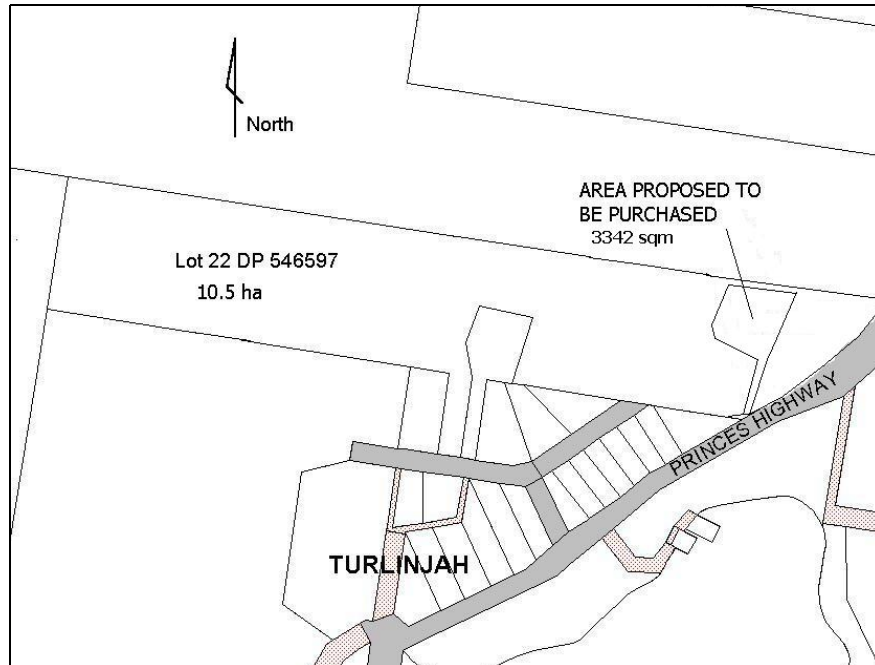
A Valuation dated 14 February 2002 was received from Terry Hanrahan (Valuations) however the amount set out in the valuation was not agreed to by the registered proprietor.

Further negotiations have taken place and the registered proprietor of the land is agreeable to the amount of compensation outlined in the Confidential Attachment.

W4 LAND ACQUISITION - PART LOT 22 DP 546597 TURLINJAH

93.5913.E

A sketch of the land is set out below.



**Legal**

The acquisition of the required land is necessary to locate the sewer reed bed.

**Environmental**

The effluent project will allow this very small township to effectively move from its current status of ground water contamination, having its sewage waste water collected in a controlled manner to be applied beneficially onto crops.

**Asset**

The Turlinjah Septage Effluent Project is an important environmental project in the Turlinjah area.

**Social Impact**

Public Consultation has taken place and a separate Report to Council refers to consultation and development of this project.

**Financial**

As stated in the Council Report of 26 February 2002, the project has been estimated at a total cost of \$712,000, with the Clean Seas subsidy attracting an amount of \$241,000. Council's costs would therefore be \$471,000.

Funds are available for the purchase of the land required from the abovementioned sources.

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W4 LAND ACQUISITION - PART LOT 22 DP 546597 TURLINJAH 93.5913.E

**CONCLUSION**

For this project to proceed it is necessary to acquire land being Part Lot 22 Deposited Plan 546597 and the registered proprietor has agreed to the acquisition and amount of compensation.

Funds are available for the land acquisition.

**RECOMMENDED**

THAT:

1. All actions necessary be taken for the acquisition of Part Lot 22 Deposited Plan 546597 required for sewer reed bed purposes in accordance with Council policy.
2. Upon acquisition of the land the land is to be classified as operational.
3. All survey and legal costs associated with the acquisition be borne by Council.
4. Authority be given to affix the Common Seal of Council to the necessary documentation with the acquisition.

ANDREW PARKINSON  
MANAGER TECHNICAL SERVICES  
TECHNICAL SERVICES AND PROPERTY DIVISION

\*\*\* (Clrs – Conf)