

11. DA No. 2007.0144: Request for modification of consent – construction of 222 seat entertainment establishment – Stage 2 Twyford Hall redevelopment – Market Street, Merimbula

A formal request has been received from the Twyford Hall Committee under Section 96 of the Environmental Planning and Assessment Act 1979 to modify Development Consent No. 2007.0144 by the deletion of condition 7.

Condition 7 states:

10 "That the existing Twyford Hall shall be modified to provide public toilet facilities in accordance with the plan prepared by Murray Watts and Associates dated July 2007 plan number 701-217. Full details to be submitted and for approval of the Director Engineering Services prior to the issue of Construction Certificate by the Principal Certifying Authority. Should the applicant demonstrate to Council that toilets within the hall facility is not feasible that the Twyford Hall Committee shall enter into an agreement with Council for the provision of toilet facilities at an alternative location within the locality. This agreement shall be finalised prior to the issue of the Construction Certificate by the Principal Certifying Authority. The full cost of provision of the facilities shall be borne by the applicant."

The request for modification is submitted for Council determination.

Group Manager, Planning and Environment

20 BACKGROUND

The development application was presented to the Council meeting held on 26 June 2007 with the following staff recommendation:

1. That Council, as consent authority, exercise its delegations granted by the Director-General of the Department of Planning to vary the building height standard under Clause 85(1)(a) of Bega Valley Local Environmental Plan 2002 in accordance with the provision of the State Environmental Planning Policy No. 1.
2. That Development Application No 2007.0144 being for the construction of an Entertainment Establishment (Theatre) on Lots 1&2 DP 504572 and Lot 511 DP 818052 Market Street Merimbula be approved on a deferred commencement basis with the consent not to operate until
 - a) A detailed archaeological survey of the land is carried out by a suitably qualified person and the recommendation of the survey implemented. A copy of the survey shall be submitted to Council upon completion
 - b) Subject to standard Council conditions and the following special conditions:
 - That the height of the building shall be reduced to a maximum of 10m above ground level and amended plans submitted, incorporating the comments of Councils Heritage Advisor dated 13

June 2006 attached to the approved development plan, for Council approval prior to release of the construction certificate.

- That the seating to row 1 be redesigned to be adaptable as a seating area for persons with a disability.
- Payment to Council of the following contributions pursuant to Section 94 and Section 94B of the Environmental Planning and Assessment Act and the following Development Contributions Plans, prior to the release of the construction certificate.

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- c) Section 94 Contributions Plan No. 4 – Car parking
 Payment for provision of Car parking of a cash contribution of \$308,637 prior to the release of a Construction Certificate/commencement of the use to offset the short fall of 23 car spaces not provided on site.

The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

3. That those persons that made a submission be advised of Council's decision.

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Mrs C Amundsen addressed the meeting in respect of the report and in keeping with Council's Code of Meeting Practice the item was deferred.

A further report was presented to Council on 24 July 2007 with the recommendation that Council adopt the staff recommendation to the report submitted to the Council meeting held on 26 June 2007.

Council at the meeting held on 24 July 2007 resolved the following:

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1. That Council, as consent authority, exercise its delegations granted by the Director-General of the Department of Planning to vary the building height standard under Clause 85(1)(a) of Bega Valley Local Environmental Plan 2002 in accordance with the provision of the State Environmental Planning Policy No. 1.
2. That Development Application No 2007.0144 being for the construction of an Entertainment Establishment (Theatre) on Lots 1&2 DP 504572 and Lot 511 DP 818052 Market Street Merimbula be approved on a deferred commencement basis with the consent not to operate until:
 - a) A detailed archaeological survey of the land is carried out by a suitably qualified person and the recommendation of the survey implemented. A copy of the survey shall be submitted to Council upon completion.
 - b) Subject to standard Council conditions and the following special conditions:

80

- That the height of the building shall be reduced to a maximum of 10m above ground level and amended plans submitted, incorporating the comments of Council's Heritage Advisor dated 13 June 2006 attached to the approved development plan, for Council approval prior to release of the construction certificate.

- That the seating to row 1 be redesigned to be adaptable as a seating area for persons with a disability.
- That the existing Twyford Hall shall be modified to provide public toilet facilities in accordance with the plan prepared by Murray Watts and Associates dated July 2007 plan number 701-217. Full details to be submitted for approval of the Director of Engineering Services prior to the issue of the Construction Certificate by the Principal Certifying Authority. Should the applicant demonstrate to Council that toilets within the hall facility is not feasible that the Twyford Hall Committee shall enter into an agreement with Council for the provision of toilet facilities at an alternative location within the locality. This agreement shall be finalised prior to issue of the Construction Certificate by the Principal Certifying Authority. The full cost of the facilities shall be borne by the applicant.

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3. That those persons who made a submission be advised of Council's decision."

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Council at its meeting held on 13 May 2008 gave consideration to a request by the Twyford Hall Committee for a review of Condition 7 of the development consent under Section 82A of the Environmental Planning and Assessment Act and resolved the following:

"That on review of Development Consent No. 2007.0144 under Section 82A of the Environmental Planning and Assessment Act 1979, that Condition 7 remains as resolved by Council on 24 July 2007."

(See Attachment 1 – Council report and minute of 24 July 2007)

DESCRIPTION OF PROPOSAL

110 The proposal involves the construction of a sloping theatre comprising;

Basement;

- under stage dressing room area including toilet facilities. The area would have access to the orchestra pit and direct access to Beach Street.

Ground Floor;

- raised stage and orchestra pit with loading dock access to Beach Street.
- dressing room and toilet facilities
- entrance foyer
- staircase to upper level

Upper Level;

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- storage area. It should be noted that this area was originally designed to be a dress circle area but was deleted due to the costs associated with providing disabled access to the area.
- directors box.

Permanent seating for 192 persons would be provided with the sloping seating area commencing at the ground floor level and rising to the upper level. Access to the lower seating would be available via the main foyer entrance with a staircase providing access to the upper level from the ground level.

Additional temporary seating for 30 people would be available when the orchestra pit was not in use bringing the total seating capacity to 222.

130 It is proposed to install a lift adjoining the northern end of the main stage to provide disabled access to the basement, stage and dressing room areas.

The main public access to the development would be off Market Street via a theatre foyer entrance. This proposed foyer area is currently occupied by shop three of the stage one retail development which would be converted to create the entrance.

The proposed building would be constructed of masonry with a steel roof. The proposed building adopts the roof pitches of the existing hall with the vertical line of the windows mirrored in the first floor façade to Market Street. The northern roof of the existing hall would have the eave removed and a box gutter constructed.

140 The existing public toilets at the rear of the subject land would be demolished as part of the proposal as would any existing storage shed.

No off street car parking would be provided as part of the proposed development.

Plans on display at Council meeting.

REQUEST FOR MODIFICATION OF CONSENT UNDER SECTION 96 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In support of the request for modification the Committee has submitted the following:

Enclosed please find a Section 96(2) application for review, along with a copy of our previous submission to have Clause 7 of the conditional approval in the development consent reviewed.

150 The Twyford family donated the land on the corner Market and Beach Streets to the Merimbula community, for the establishment of a hall to meet the needs of community functions and activities. For the past seventy-seven years successive hall management committees have kept this community land in trust for the local people and for the spirit of intent of Mr and Mrs Twyford.

160 This has not been a static thing as the types of activities have evolved from war-efforts, balls and church service etc to arts, crafts and theatrical productions etc as the town has grown and modernised. For many years now, the next logical step has been to see a raked-floor theatre established to complement and broaden the scope of use. Community feedback has been to have the new facility at the same site and, as the land is zoned for community use, and the buildings can be linked to share kitchen and ticket office spaces, this makes sense.

However, to fit all the facilities needed into a space that size has taken a considerable amount of planning to ensure all needs are met. We are very conscious that toilets are a major cost per sq.m. (whether public or private) and

they will certainly be one of our major costs, as to meet the needs of patrons, staff and performers on different levels, we are now obliged to include at least fourteen. This is well above our initial expectation. Therefore to provide separate facilities for the public would be an even greater imposition.

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In the past there has been pressure from certain sections of Council for the public to have access to the patrons' toilets. We have vigorously opposed this as we believe that a small percentage of the public cannot be trusted to treat the facilities with respect. Further to that, there are security risks in having the building accessed at any time as we cannot afford a full-time care-taker.

The recent vandalism of the Twyford Hall toilets has brought home, yet again, the vulnerability when the public are given free access. (Attached are photos which show the type of damage that can occur). We wish to establish and maintain a quality establishment that our community can be proud to use. Having public toilets anywhere on the site would negate that.

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Without our committee's input, other sites were devised as presumed possibilities. These are detailed in the original submission (enclosed). The fact remains that due to all the space constraints, there is no viable place, on the site, to place toilets accessible to the public but not intruding on an integral part of the development.

We do understand that public toilets are an ongoing burden for Council but we don't believe that because the hall's toilets were made available to Council for public use in the past that this should be the case for evermore, or that we should have to fund public toilets in addition to all those in the complex. We hope that with some new councillors and staff that this matter may be viewed with fresh eyes to help find a solution to this problem.

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On 15 July 2002, members of the Twyford Hall Committee met with representatives of the Planning and Environment Committee to discuss matters pertaining to Stage 1 of the development, including toilets. In the subsequent Planning and Environment Committee report it was written:

"One set of public toilets would be lost for the area but it is acknowledged that this could be addressed by expansion and improvement of the Palmer Carpark toilets."

The toilets were subsequently handed back exclusively for the hall's use as in the early days. The committee resumed maintenance and they remained in tact for the patrons of the hall. Some time later, bowing to pressure from a certain sector, Council reversed that decision.

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For at least the past fourteen years our committee has been trying to get this project begun and this issue is the last major barrier to the community and hirers having better function and access to their much used hall.

CONCLUSION

The reports submitted to Council on 26 June 2007, 24 July 2007 and 13 May 2008 clearly address the issue of public toilets. Staff are of the opinion that the benefits of the proposed theatre to Merimbula are considerable and the loss of the public toilets can be justified given the proximity of the site to the Palmer Street public toilets. Nevertheless staff previously recommended that carparking contributions should be

imposed but Council has determined to waive those and instead require the provision of public toilets as part of the redeveloped Twyford Hall site.

RECOMMENDATION

That the request for modification under Section 96 of the Environmental Planning and Assessment Act 1979 of Development Consent No. 2007.0144 being for the construction of an entertainment establishment – theatre by deletion of Condition 7 is submitted for Council consideration and determination.

Attachment 1 – Council report and minute of 24 July 2007

PLANNING AND ENVIRONMENT COMMITTEE

24 July 2007

6. DA No. 2007.0144: Construction of 222 seat entertainment establishment – Stage 2 Twyford Hall redevelopment – Market Street, Merimbula

Acting Manager, Planning Services

Applicant	Twyford Hall Committee
Owner	Bega Valley Shire Council
Site	Lots 1 & 2 DP 504572 and Lot 511 DP 818842 Market Street, Merimbula
Zone	3(a) General Business Zone
Site area	151.8m ²
Proposed development	Construction of entertainment establishment - theatre

PRECIS

The development was presented to the Council meeting held on 26 June 2007 with the following staff recommendation:

- 10 "1. That Council, as consent authority, exercise its delegations granted by the Director-General of the Department of Planning to vary the building height standard under Clause 85(1)(a) of Bega Valley Local Environmental Plan 2002 in accordance with the provision of the State Environmental Planning Policy No. 1.
2. That Development Application No 2007.0144 being for the construction of an Entertainment Establishment (Theatre) on Lots 1&2 DP 504572 and Lot 511 DP 818052 Market Street Merimbula be approved on a deferred commencement basis with the consent not to operate until:
- 20 a) A detailed archaeological survey of the land is carried out by a suitably qualified person and the recommendation of the survey implemented. A copy of the survey shall be submitted to Council upon completion.
- b) Subject to standard Council conditions and the following special conditions:
- That the height of the building shall be reduced to a maximum of 10m above ground level and amended plans submitted, incorporating the comments of Councils Heritage Advisor dated 13 June 2006 attached to the approved development plan, for Council approval prior to release of the construction certificate.

PLANNING AND ENVIRONMENT COMMITTEE

24 July 2007

- That the seating to row 1 be redesigned to be adaptable as a seating area for persons with a disability.
 - Payment to Council of the following contributions pursuant to Section 94 and Section 94B of the Environmental Planning and Assessment Act and the following Development Contributions Plans, prior to the release of the construction certificate.
- 30
- c) Section 94 Contributions Plan No. 2 – Car parking
Payment for provision of Car parking of a cash contribution of \$308,637 prior to the release of a Construction Certificate/commencement of the use to offset the short fall of 23 car spaces not provided on site.

The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

3. *That those persons who made a submission be advised of Council's decision."*

40 Mr C Amundsen addressed the meeting in respect of the report and in keeping with Council's Code of Meeting Practice the item was deferred.

The issues raised in the address to Council are assessed as part of this report.

The report also includes options for the retention of public toilet facilities in the area.

The report recommends Council adopt the staff recommendation to the report submitted to the Council meeting held on 26 June 2007.

DESCRIPTION OF THE PROPOSAL

The proposal involves the construction of a sloping theatre comprising;

Basement;

- under stage dressing room area including toilet facilities. The area would have access to the orchestra pit and direct access to Beach Street.
- 50

Ground Floor;

- raised stage and orchestra pit with loading dock access to Beach Street.
- dressing room and toilet facilities
- entrance foyer
- staircase to upper level

Upper Level

- storage area. It should be noted that this area was originally designed to be a dress circle area but was deleted due to the costs associated with providing disabled access to the area.
 - directors box.
- 60

Permanent seating for 192 persons would be provided with the sloping seating area commencing at the ground floor level and rising to the upper level. Access to the lower seating would be available via the main foyer entrance with a staircase providing access to the upper level from the ground level.

Additional temporary seating for 30 people would be available when the orchestra pit was not in use bringing the total seating capacity to 222.

70 It is proposed to install a lift adjoining the northern end of the main stage to provide disabled access to the basement, stage and dressing room areas.

The main public access to the development would be off Market Street via a theatre foyer entrance. This proposed foyer area is currently occupied by shop three of the stage one retail development which would be converted to create the entrance.

The proposed building would be constructed of masonry with a steel roof. The proposed building adopts the roof pitches of the existing hall with the vertical line of the windows mirrored in the first floor façade to Market Street. The northern roof of the existing hall would have the eave removed and a box gutter constructed.

The existing public toilets at the rear of the subject land would be demolished as part of the proposal as would any existing storage shed.

80 No off street car parking would be provided as part of the proposed development.

Plans on display at Council meeting.

ADDRESS TO COUNCIL BY MRS C AMUNDSEN

In the address to Council Mrs Amundsen stated that she was not against the proposed development but raised the following issues:

- It is essential that the proposal retain some public toilet facility that would be available during the day.

90 When the toilets were previously closed I witnessed first hand the anguish and distress caused to the elderly, mothers with children who were playing at the playground and tourists generally who were unable to locate a toilet in the area. These people had to be directed to the toilets at Palmer Street carpark. This is not an acceptable situation for a tourist town like Merimbula.

» **Staff Comment:**

The demolition of the existing toilets was included in the concept of Stage 2 development approved by Development Consent No. 2002.0189 which approved the overall concept.

Council's Manager, Civil Assets and Urban Projects Unit has considered the proposed demolition of the toilets and advised the following:

100 *"The existing toilets at Twyford Hall were re-opened to public use just prior to the 2006 Christmas holiday season. The toilets are fully maintained by Council. The central part of Merimbula is now serviced by these and the recently renovated Palmer Street facility nearby. The existing Twyford Hall toilets will be demolished as part of this proposal. It could be argued that this will reduce the level of service available for the Merimbula resident and visitor community. It will also reduce the cost to Council of maintaining the Merimbula public toilets. Should this proposal be approved Council may need to consider the provision of a replacement toilet to meet demand and to identify capital and recurrent costs."*

110 Whilst the demolition of the existing toilets would reduce the level of service in Merimbula, staff are of the opinion the benefit of the proposed public facility would outweigh the loss of the toilets.

Notwithstanding this, options for the retention of public toilet facilities in the area are included in this report for Council consideration.

- If Council is to waive the requirement for carparking contributions and breach of the height requirements in the community interest, Council must ensure that the proposal is retained as a multi functional community asset.

» **Staff Comment:**

120 The proposed building would be a public asset with the day to day management by a Council appointed committee comprised of local community representatives. This committee would be responsible for the letting of the facility.

The committee would be accountable to the Council including the use of the proposed building.

RESPONSE BY APPLICANT TO REQUEST TO MAKE TOILETS WITHIN THE PROPOSED BUILDING AVAILABLE TO THE PUBLIC

I have considered your request for public usage of the toilets and offer the following comments for your consideration.

To provide access would require secure closure to the other parts of the building not in use.

130 Auditorium.

This is straight forward as far as the auditorium goes as security doors will be installed.

Main Hall. (existing)

This is also straight forward as security doors will be installed between the flat floor hall and the foyer.

Staircase to first floor.

This is where the thought comes apart. I cannot find a place that will satisfy the fire egress requirements and maintain visual surveillance to minimize misuse and

PLANNING AND ENVIRONMENT COMMITTEE

24 July 2007

140 vandalism. The only place for a secure door is at first floor level, but this means that uncontrolled access is available to the first floor.

Theatre Foyer

It is intended to provide a foyer that is decorated and finished in a manner warranted for such an establishment. Not conducive to a public toilet block that needs to be hosed out on a daily occurrence.

I strongly feel that to insist on the use of the internal toilets for public use will undermine the purpose of the theatre and hall complex.

Murray Watts

On behalf of the Hall Committee. (Applicant)

150 **OPTIONS FOR RETENTION OF PUBLIC TOILET FACILITIES IN THE TWYFORD HALL AREA**

In response to questions raised regarding the retention of public toilet facilities as part of the proposed development the following options have been identified by staff and are included for Council consideration.

1. Provision of public access to the toilet area of the proposed theatre.
2. Provision of public toilet facilities within the existing Twyford Hall building.
3. Conversion of one of the two shops fronting Market Street.
4. Construction of a free standing toilet block within the Beach Street road reserve adjoining the eastern side of the Visitor Information Centre. (See the map to Appendix 1).
- 160 5. Construction of a free standing toilet block within the landscaped area of the Alice Street carpark. (See the map to Appendix 2).

Staff consider that the Twyford Hall Committee should be responsible for meeting all costs associated with providing any of the above options, should Council resolve the provision of public toilets is essential.

CONCLUSION

Merimbula's Twyford Hall plays a key role in the range of cultural activities and events this region has to offer. The committee has worked very hard to ensure the existing facility is well managed and makes a positive contribution to the social and cultural fabric of the local and broader region. Its plan to improve that function by expanding the theatre is to be applauded.

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The proposed theatre is a permitted use with Council consent within the 3(a) general business zoning of the land.

The proposal as originally submitted has been amended by the conversion of the dress circle area to a storage room and the provision of a lift and additional toilet facilities to meet the Building Code of Australia requirements for persons with a disability. Further the Councils Access and Equity Committee has recommended proposed row one to the theatre should be accessible for persons with a disability. This has been included as special condition to the recommendation.

180 Councils Heritage Advisor has recommended a variation to the façade and roof of the proposed building. The recommendations of the Heritage Advisor were discussed with the Committees Draftsperson and will be included in amended plans submitted with the application for construction certificate. The amendments to the roof profile will reduce the height of the building to 10m, complying with Councils maximum height requirement.

The departure from the 7.5m height control by a maximum of 1.2m is considered to be justified in the circumstances of the case and supported by the SEPP No. 1 objection.

The issues raised in the address to Council have been thoroughly assessed by staff. It is considered the issues raised would not warrant a change to the staff recommendation of the report submitted to the Council meeting held on 26 June 2007.

190 The provision of public toilet facilities has been addressed by staff and options included for Council consideration.

Staff are of the opinion that the benefits of the proposed theatre to Merimbula outweighs the impact of the loss of the public toilets.

IMPACT ON THE OPERATIONAL PLAN

Council is not committed to provide any funding assistance to the project other than staff time in assisting the committee where possible. In the longer term any failure to collect car parking contributions would impact on Council's budget significantly as would demand for replacement toilets in Merimbula.

IMPACT ON COUNCIL POLICY/PROCEDURES

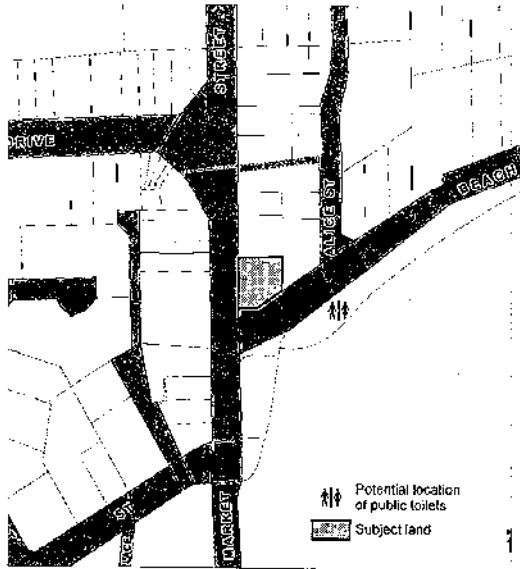
200 Should Council resolve to waive the requirement for a parking contribution in lieu of the provision of parking on site there may be applications in the future from like groups or the broader community citing this example as a precedent.

RECOMMENDATION

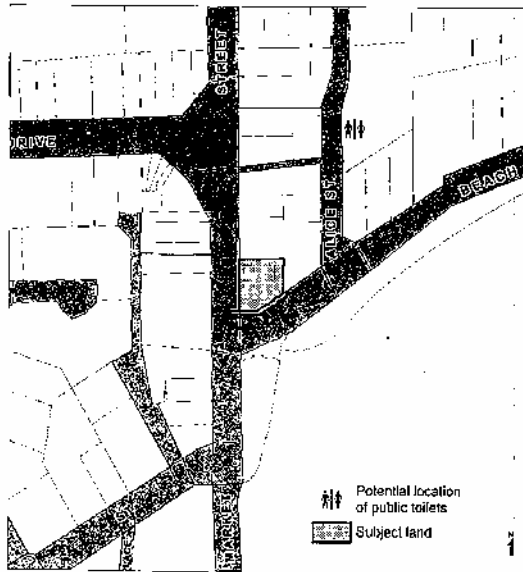
1. That Council, as consent authority, exercise its delegations granted by the Director-General of the Department of Planning to vary the building height standard under Clause 85(1)(a) of Bega Valley Local Environmental Plan 2002 in accordance with the provision of the State Environmental Planning Policy No. 1.

- 210 2. That Development Application No 2007.0144 being for the construction of an Entertainment Establishment (Theatre) on Lots 1&2 DP 504572 and Lot 511 DP 818052 Market Street Merimbula be approved on a deferred commencement basis with the consent not to operate until:
- a) A detailed archaeological survey of the land is carried out by a suitably qualified person and the recommendation of the survey implemented. A copy of the survey shall be submitted to Council upon completion.
- b) Subject to standard Council conditions and the following special conditions:
- 220 • That the height of the building shall be reduced to a maximum of 10m above ground level and amended plans submitted, incorporating the comments of Councils Heritage Advisor dated 13 June 2006 attached to the approved development plan, for Council approval prior to release of the construction certificate.
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- c) Section 94 Contributions Plan No. 2 – Car parking
Payment for provision of Car parking of a cash contribution of \$308,637 prior to the release of a Construction Certificate/commencement of the use to offset the short fall of 23 car spaces not provided on site.
- 230 The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.
3. That those persons who made a submission be advised of Council's decision."

APPENDIX 1: Potential location of public toilets adjacent to Visitor Information Centre



APPENDIX 2: Potential location of public toilets in Alice St Car Park



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ORDINARY MEETING MINUTES

24 July 2007

the following Development Contributions Plans, prior to the release of the construction certificate.

Section 94 Contributions Plan No. 2 – Car parking

Payment for provision of Car parking of a cash contribution prior to the release of a Construction Certificate/commencement of the use to offset the short fall of 5 car spaces not provided on site.

- ii. The site is located within a commercial precinct. Prior to lodgement of the Construction Certificate, the applicant shall provide Council with an acoustic assessment to demonstrate how the residential dwelling will be treated to minimise noise generated by adjoining commercial premises. The noise assessment shall detail building design options to minimise noise generated from commercial premises including exhaust fans, air conditioning systems and the like.

Note: The operation of fixed plant and equipment used in association with the proposal shall be acoustically treated or limited so that the LAeq (15min) noise level shall not exceed the background noise level LA90 by more than 5dBA. The provisions of the Protection of the Environment Operation Act 1997 apply to the development, in terms of regulating offensive noise.

2. That those people who made submissions during the notification period be advised of Council's decision.

300/07 RESOLVED on the motion of Crs Aveyard and McGill that Item 5 of the Planning and Environment Committee as reported be adopted.

6. DA No. 2007.0144: Construction of 222 seat entertainment establishment – Stage 2 Twyford Hall redevelopment – Market Street, Merimbula

RECOMMENDATION

1. That Council, as consent authority, exercise its delegations granted by the Director-General of the Department of Planning to vary the building height standard under Clause 85(1)(a) of Bega Valley Local Environmental Plan 2002 in accordance with the provision of the State Environmental Planning Policy No. 1.
2. That Development Application No 2007.0144 being for the construction of an Entertainment Establishment (Theatre) on Lots 1&2 DP 504572 and Lot 511 DP 818052 Market Street Merimbula be approved on a deferred commencement basis with the consent not to operate until:
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ORDINARY MEETING MINUTES

24 July 2007

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The actual payment due will be calculated at the rate specified in Council's adopted Fees and Charges Schedule as at the time of payment. The payments listed in this condition are as at the date of issue of this consent.

3. That those persons who made a submission be advised of Council's decision.

301/07 RESOLVED on the motion of Crs Aveyard and McGill that Item 6 of the Planning and Environment Committee as reported be adopted.

7. DA No. 2007.0209: Erection of a single storey dwelling with an attached garage at 151 Max Slater Drive, South Bega

RECOMMENDATION

1. That Development Application No. 2007.0209 for a dwelling on Lot 37 DP 1092572 at 151 Max Slater Drive, South Bega be approved subject to the attached draft consent that requires a revised site plan that is consistent with the recommendations of Arborist Andrew Norman's report dated 3 May 2007, be provided for the building prior to release of the Construction Certificate.
2. That the General Manager be authorised to modify the S88b instruments attached to the title of the land described as Lot 37 in DP 1092572, at his discretion to facilitate the revised location of the proposed dwelling.