

Ordinary Meeting

Meeting Date: Monday, 23 May, 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. Acknowledgement of Country
2. Moment of Silence and Reflection
3. Australian National Anthem
4. Apologies / Leave of Absence
5. Confirmation of Minutes
 - Ordinary Meeting - 9 May 2022
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minute
9. Deputations and Presentations
10. Call Over of the Business Paper
11. A Committee of the Whole (if necessary)

12. Committee Reports

Nil

13. Reports

CEO

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14. Notices of Motion / Questions on Notice

Nil

15. Confidential Reports

Nil

CL22.223 Draft Policy - Anzac Day Services - Wreath Laying Ceremonies

HPERM Ref: D22/201783

Approver: Stephen Dunshea, Chief Executive Officer

Attachments: 1. Draft Policy - Anzac Day Services - Wreath Laying Ceremonies [↓](#)

Reason for Report

All Public Policies are to be submitted to Council within 12 months of the election of Council.

Recommendation

That Council confirm the Anzac Day Services - Wreath Laying Ceremonies Policy (attached)

Options

1. Adopt the recommendation as written

Implications: The revised policy will ensure that Council adheres to the procedures in relation to Anzac Day Services conducted within the City of Shoalhaven.

2. Not adopt the recommendation

Implications: Council can request further details, seek community input, or make other changes.

Background

A minor amendment has been made to the draft policy being the removal of the words in Clause 3, part a) *“as well as the Culburra Bowling Club Anzac Day March Convenor”*. It is understood that this wording was added to the Policy previously, for reasons associated with Sub Branch membership which are no longer relevant.

The Anzac Day Services - Wreath Laying Ceremonies Policy was adopted by Council on 26 March 1979. The Policy was reaffirmed on 31 August 2004 and 28 April 2009 and amended on 26 March 2013 and 16 May 2017.

CL22.223

ANZAC Day Services – Wreath Laying Ceremonies

Adoption Date:	26/03/1979
Reaffirmed	31/08/2004, 28/04/2009
Amendment Date:	26/03/2013, 16/05/2017
Minute Number:	MIN79.268, MIN04.985, MIN09.488, MIN13.256, MIN17.391
Review Date:	01/12/2024
Directorate:	City Services Office of the CEO
Record Number:	POL22/100

[t0REGG01.DOC](#)

1. Purpose

To outline Council's procedures in relation to Anzac Day Services conducted within the City of Shoalhaven.

2. Statement

This policy recognises the importance of Anzac Day to the Shoalhaven Community and acknowledges those who have served our country and details the contribution that Council shall provide to the perpetuation of this day.

3. Provisions

- a) Approval be granted to the various R.S.L. Sub-Branches, ~~as well as the Culburra Bowling Club Anzac Day March Convenor,~~ to conduct marches and ceremonies on the 25th April and that the usual arrangements be made in connection with the supply of road barriers, Council flags, etc., for the services, subject to Police approval to the route of the proposed marches, where these are held.
- b) Council purchases one wreath for use at each Anzac Day Service.
- c) Each Councillor may attend whichever Anzac Day ceremony they nominate.

4. Implementation

The ~~General Manager's Group~~Office of the CEO administers this policy.

5. Review

The ~~General Manager's Group~~Office of the CEO will review this policy within one year of the election of every new Council.

CL22.224 Investment Report - April 2022

HPERM Ref: D22/190011

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Shoalhaven Monthly Report - April 2022 (under separate cover) [⇒](#)

Reason for Report

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, a written report is provided to Council setting out the details of all funds it has invested.

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 30 April 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.73% per annum for the month of April 2022, exceeding the benchmark AusBond Bank Bill Index (-0.19% pa) by 92 basis points (0.92%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

Options

1. The report on the Record of Investments for the period to 30 April 2022 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 April 2022 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 30 April 2022 to be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 May 2022.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's independent Investment Advisor, CPG Research and Advisory Pty Ltd.

All investments are within the current Minister's Order, having closed out legacy fund positions at their peak. Council invested \$20M in Long Term Growth Fund, coincident with securing loans from TCorp and adapting TCorp Investment Management policy rules.

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Portfolio Return

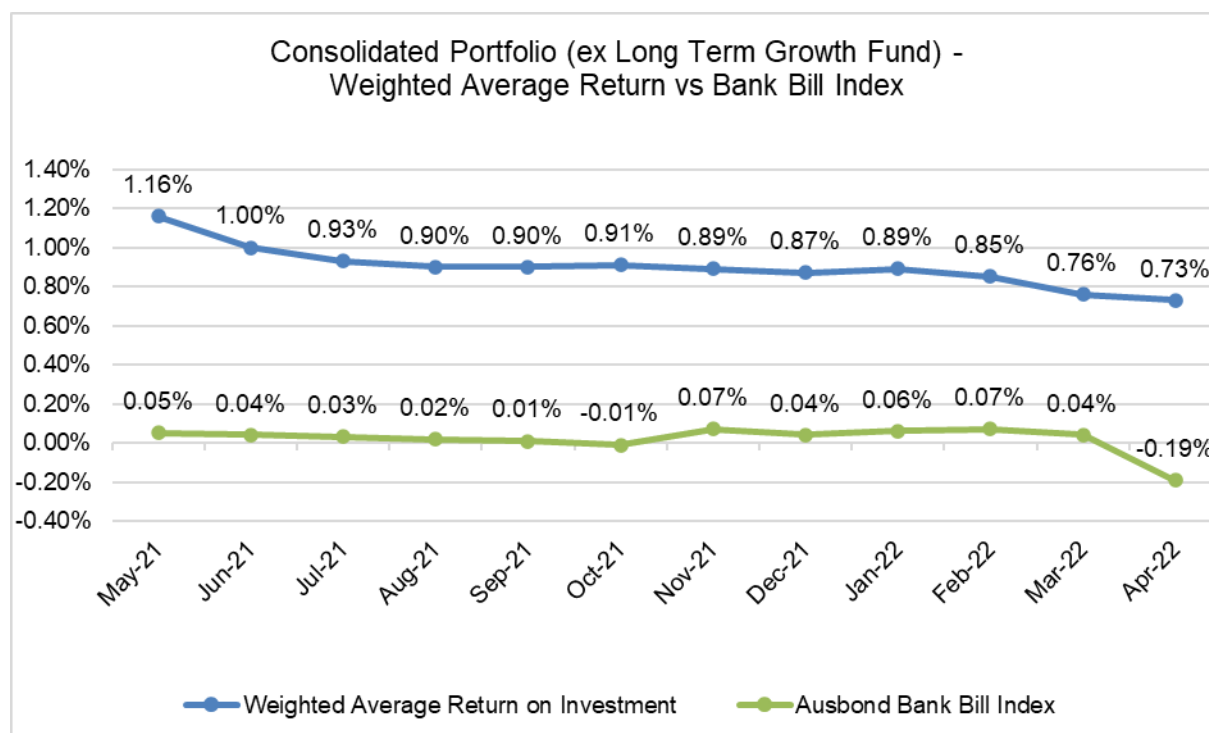
The Overall portfolio returned a -1.20% p.a. for the month of April 2022, entirely due to the negative movement of the growth fund.

The investment returns excluding growth fund were a stable 0.73% p.a., exceeding the benchmark AusBond Bank Bill Index (-0.19% p.a.) by +92bp p.a.

The headline annual consumer price index in March was 5.1% being the highest in 21 years. Underlying inflation which removes the large price variations such as fuel for the March quarter was 3.7%. While the Reserve Bank noted the inflation figures in its April meeting it did not believe the data was compelling. This potentially indicates that interest rates on deposits will increase in the near future.

Investments (Excluding Long Term Growth Fund)

The following graph shows the performance of Council's Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



Investment Interest Earned – April 2022

The following table shows the interest earned for the month of April 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	95,260	53,796	(41,464)
Water	62,137	39,434	(22,703)
Sewer	29,534	24,391	(5,143)
Total excluding Long-Term Growth Fund	186,931	117,622	(69,310)

CL22.224

The interest earned for the month of April, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$117,622 compared to the monthly budget of \$186,931.

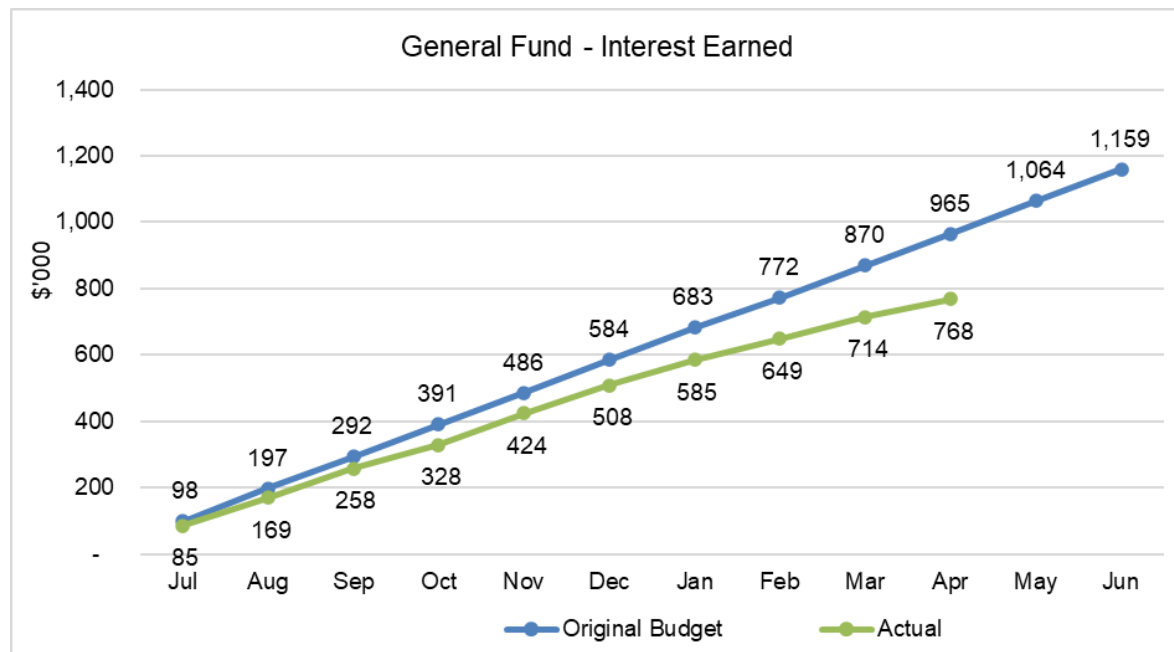
Investment Interest Earned - Year to Date

The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

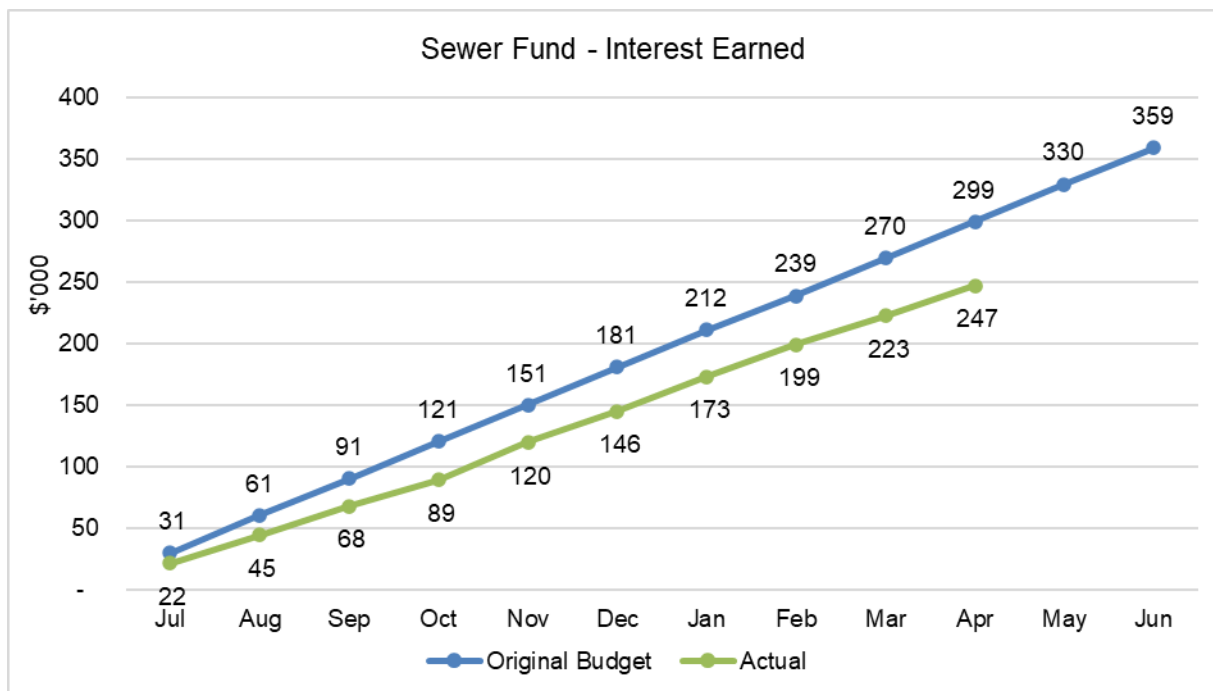
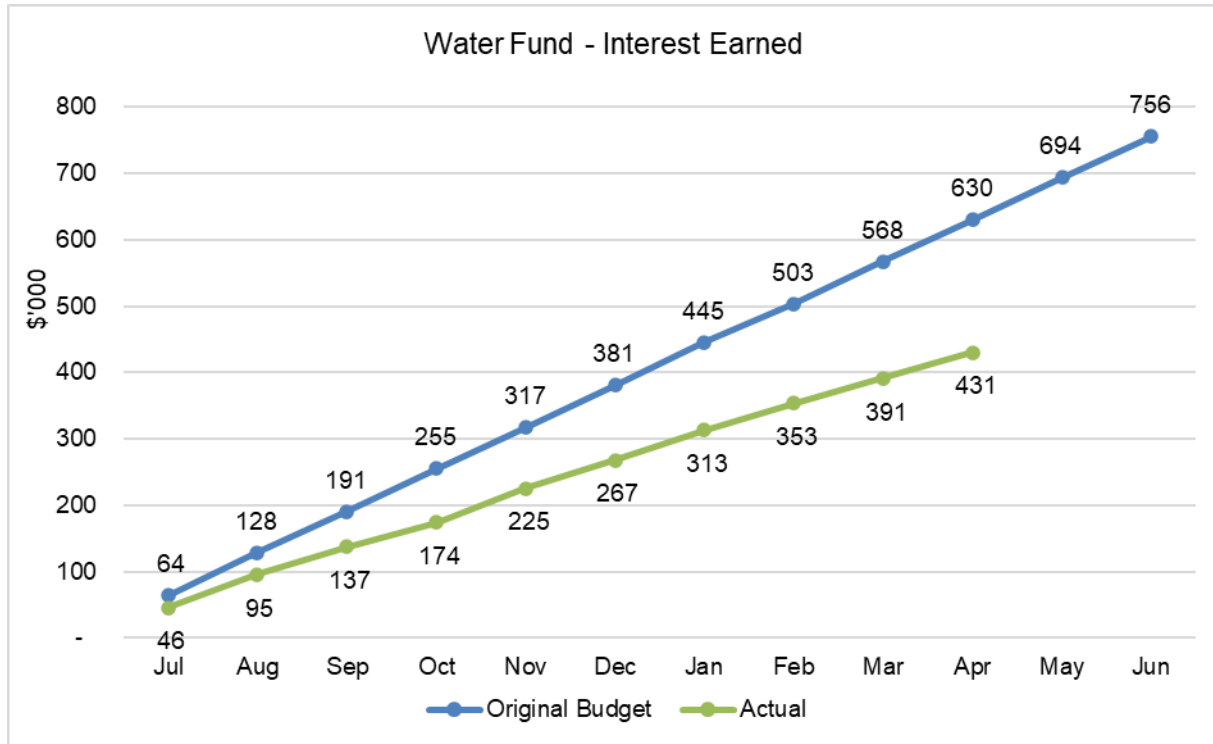
Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	767,580	66.23%
Water	756,000	430,542	56.95%
Sewer	359,333	247,480	68.87%
Total excluding Long-Term Growth Fund	2,274,333	1,445,602	63.56%

The interest earned to the month of April excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,445,602 which is 63.56% of the current full year budget.

The graphs below illustrate the cumulative interest earned for the year for each fund against budget:



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Long Term Growth Fund

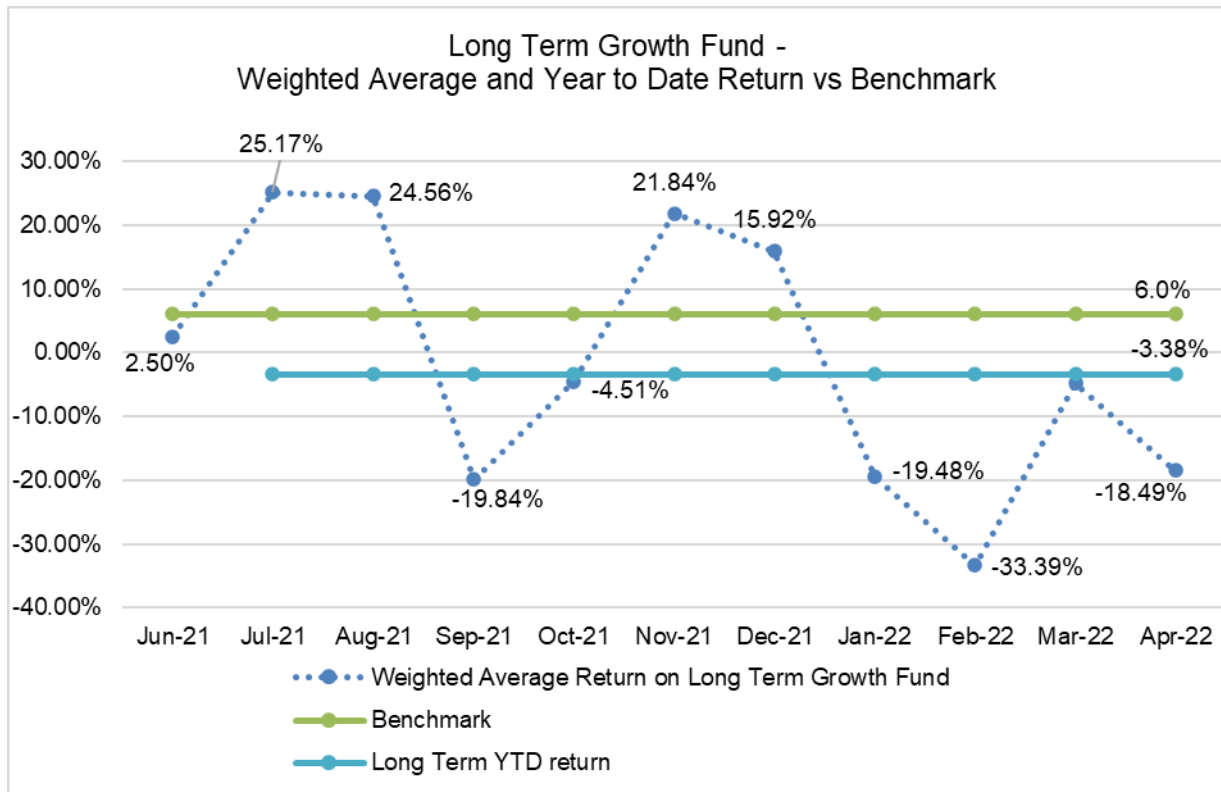
Council's investment in Long-Term Growth Fund returned -18.49% (annualised) for the month of April 2022, further offsetting previous significant market gains, bringing the year-to-date return to -3.38% (-9.38% below the benchmark).

It is important to note that the fund is expected to return an average of 6.0% per annum over a seven-year cycle and the positive months will outweigh the negative months over the long term.

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Whilst year to date returns of the Long-Term Growth Fund is below the benchmark, the fund continues to exceed its long-term return objective (currently CPI+3.5% p.a. over 10 years = 4.19% benchmark) with the net return of 5.02% p.a. over the past 10 years.

The following graph shows the performance of Council's Long-Term Growth Fund against the benchmark on a rolling twelve (12) months basis.



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Long Term Growth Fund Fair Value – April 2022

The following table shows movement in the fair value for the month of April 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
Long-Term Growth Fund	16,438	(330,278)	(346,717)

The fair value of TCorp Long-Term Growth Fund decreased in April by -\$330,278. It is important to note that it is expected that this value will fluctuate monthly and the actual return on this fund should be assessed against our budget forecast on an annual basis.

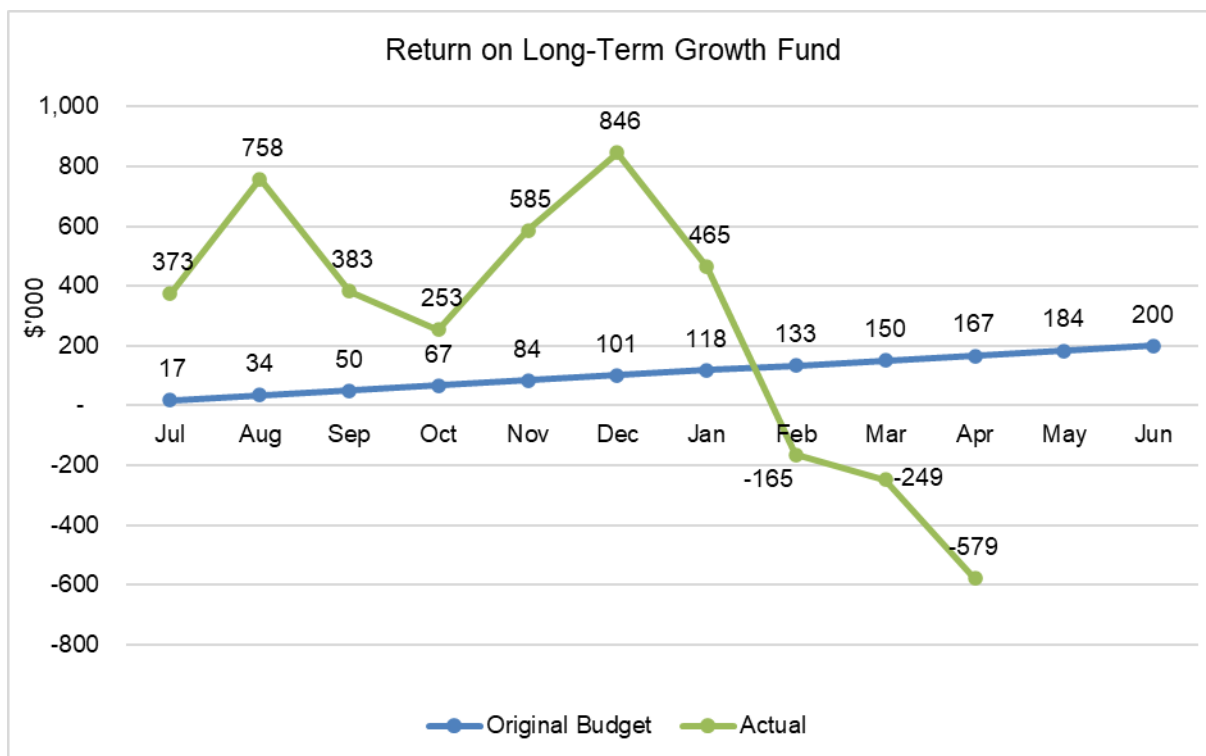
Long-Term Growth Fund Fair Value - Year to Date

The following table demonstrates how the fair value movement to date has performed against the total budget.

Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
Growth fund	200,000	(578,939)	(289.47%)

The fair value of TCorp Long-Term Growth Fund decreased to April by -\$578,939 which is -289.47% of the current full year budget.

The graph below illustrates the fair value movement for the year of the Long-Term Growth Fund against budget:



CL22.224

Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$ April 2022	\$ March 2022
Cash and Investments Held		
Cash at Bank - Transactional Account	10,960,381	859,238
Cash on Hand	21,530	21,530
Other Cash and Investments	203,303,356	197,630,412
	214,285,267	198,511,179
Fair Value Adjustment	(114,968)	(114,968)
Bank Reconciliation	(6,962)	95,049
	(121,930)	(19,919)
Book Value of Cash and Investments	214,163,337	198,491,260
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	7,049,913	7,049,913
Critical Asset Compliance	659,485	666,259
Other Internal Reserves	3,692,949	3,962,857
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	4,707,116	4,952,448

Plant Replacement	2,280,972	1,462,029
S7.11 Recoupment	2,165,664	4,245,157
Commitment To Capital Works	2,238,398	2,333,286
Total Internally Restricted	23,105,666	24,983,119
Loans - General Fund	17,874,024	20,647,769
Self-Insurance Liability	2,820,030	2,884,435
Grant reserve	29,578,151	13,197,253
Section 7.11	20,303,373	20,224,656
Special Rate Variation	5,681,885	5,711,408
Storm Water Levy	708,080	702,226
Trust - Mayors Relief Fund	161,481	161,468
Trust - General Trust	3,810,548	3,703,316
Waste Disposal	2,610,542	4,678,464
Sewer Fund	31,959,070	32,064,822
Sewer Plant Fund	4,972,568	4,952,336
Section 64 Water	20,425,036	20,459,086
Water Fund	28,127,222	28,360,310
Water Communication Towers	4,422,803	4,568,681
Water Plant Fund	6,582,404	6,459,004
Total Externally Restricted	180,037,219	168,778,235
Total Restricted	203,142,885	193,761,354
Unrestricted Cash Balance - General Fund	11,020,452	4,729,906

Restricted Asset Movements

The table below lists the major movements in cash reserves increase/(decrease):

Total Cash	15,672,077	April was not a rates instalment month as well as significant capital project payments during April. Offset by receipt of Far North Collector Road Grant (17.1M) and Financial Assistance Grant (10.2M).
S7.11 Recoupment	(2,079,493)	Delivery of capital projects continues, including temporarily funding grant projects from this reserve in advance until grant claims have been lodged.
Loans - General Fund	(2,773,744)	Delivery of major capital projects funded by loans such as Materials Recovery Facility (-1.6M) and SEC Upgrade & Cladding (-1.1M).
Plant Replacement	818,943	Fleet operations revenue
Waste Disposal	(2,067,922)	April was not a rates instalment month.
Grant reserve	16,380,898	Receipts - Albatross Aviation Technology Park - stage 5 (0.8M), Far North Collector Road D & C (17.1M). Spend Flinders Roadworks stage 10 (-0.5M) and special local roads (-0.8M).
Unrestricted cash	6,290,545	Overall increase due to receipt of Financial Assistance Grant (10.2M) offset by April not being a rates month.

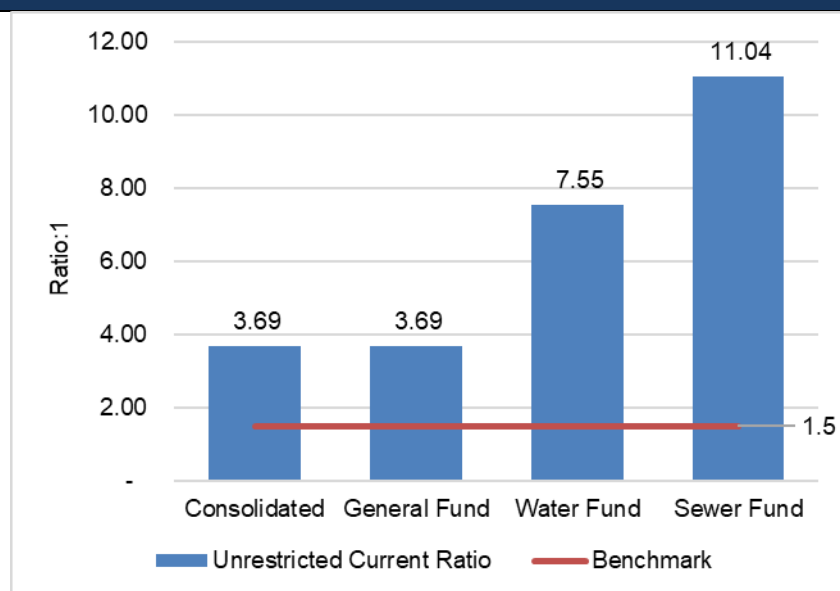
CL22.224

Liquidity Indicators

In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators were included in the Monthly Investment Report which will continue to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above their respective benchmarks and Council remains in a sound financial position.

Unrestricted Current Ratio

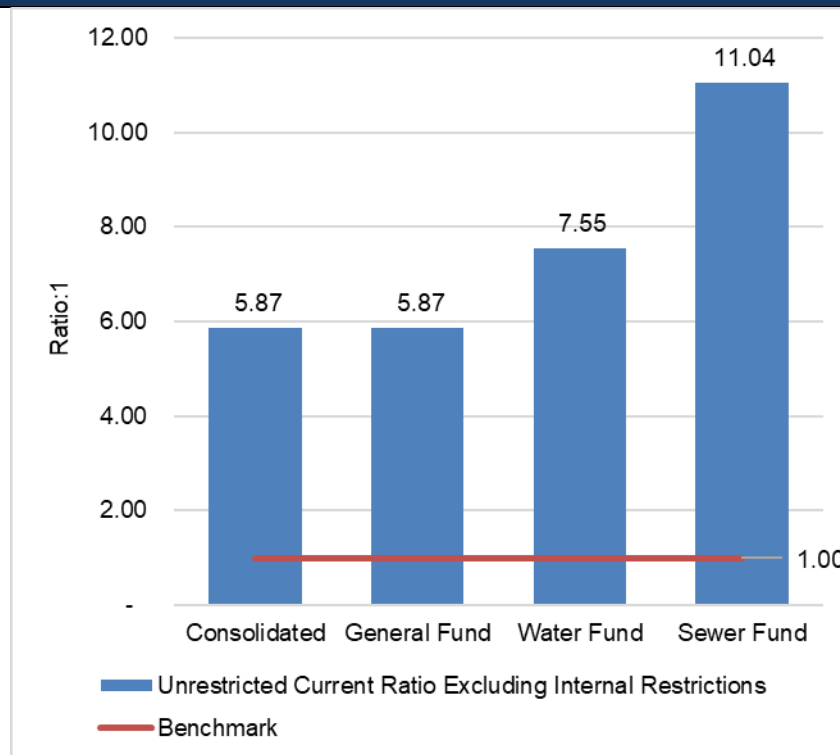


The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio = (Current Assets less all external restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.

Unrestricted Current Ratio Excluding Internal Reserves



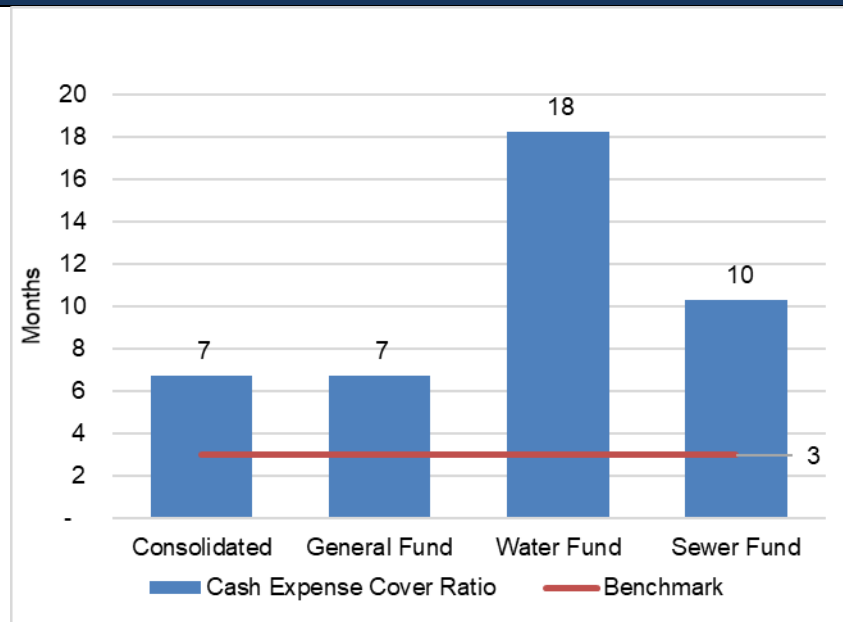
The **Unrestricted Current Ratio Excluding Internal Reserves** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves = (Current Assets less all external and internal restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.

CL22.224

Cash Expense Cover Ratio

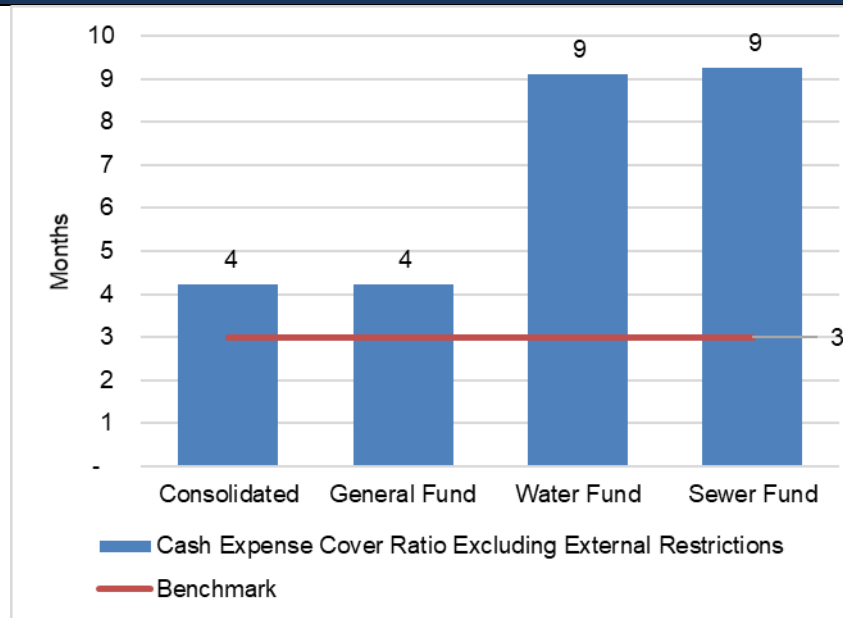


Cash Expense Cover Ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

Cash expense cover ratio = $\frac{(\text{Cash equivalents, TDs and FRNs} \times 12)}{(\text{Payments from cash flow of operating and financing activities})}$

The ratio remains above the benchmark of 3 months as at the end of April 2022 for all funds.

Cash Expense Cover Ratio Excluding External Restrictions

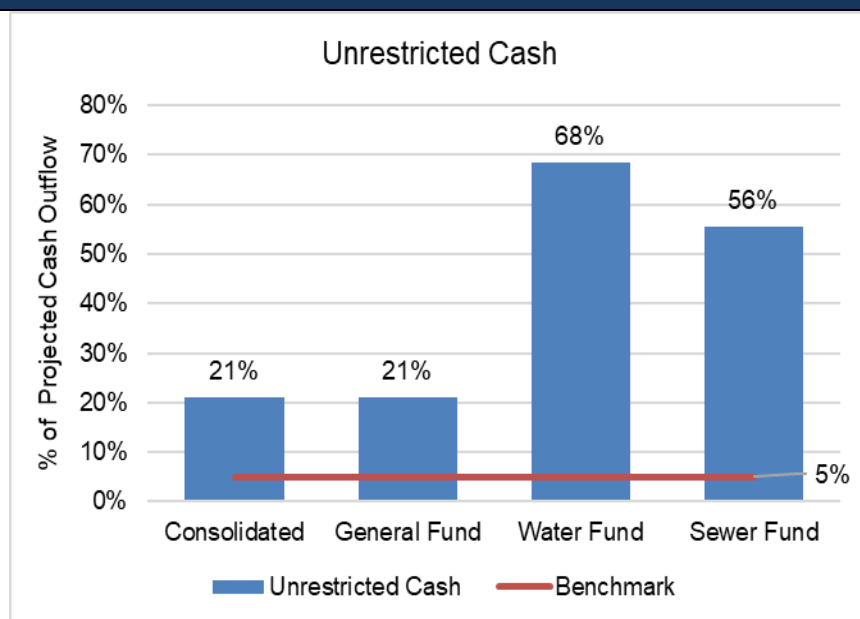


Cash Expense Cover Ratio Excluding External Restrictions takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.

The ratio remains above the benchmark of 3 months as at the end of April for all funds.

CL22.224

Unrestricted Cash



Unrestricted Cash is calculated as a total Cash and Investments, less external and Internal restrictions.

The unrestricted cash balance remains above the benchmark as at the end of February for all funds.

The benchmark is set up at 5% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL19/72.

Olena Tulubinska

Date: 12 May 2022

CL22.224

CL22.225 Proposed Finalisation - Planning Agreement (VPA016): Public Reserve Dedication, Fishermans Paradise

HPERM Ref: D22/173390

Department: Strategic Planning

Approver: Carey McIntyre, Director - City Futures

Reason for Report

- Present the public exhibition outcomes regarding Planning Agreement (VPA016) relating to the dedication of land for a public reserve at Lot 212 DP 884276, Fishermans Paradise Road, Fishermans Paradise.
- Seek formal endorsement to enter into VPA016 with the owners of the subject land.

Recommendation

That Council:

1. Formally enter into Planning Agreement (VPA016) with the landowner of Lot 212 DP 884276, as exhibited, with a minor amendment that requires the landowner/developer to register the Planning Agreement instead of Council.
2. Advise relevant stakeholders when VPA016 is executed and registered on title.

Options

1. Endorse and enter into VPA016 with minor amendments, which would ensure the landowner/developer is required to procure registration of the Planning Agreement.

Implications: This option is recommended as it will enable the finalisation of the Planning Agreement. A minor change is required to enable registration of the Planning Agreement by the landowner/developer, as opposed to Council, which will enable it to be finalised more efficiently.

2. Endorse and enter into VPA016 as exhibited (no changes).

Implications: This option will still enable finalisation of the Planning Agreement however, the exhibited wording requires Council to procure registration of the Planning Agreement, which in recent experience has resulted in a more delayed process than might otherwise have been achieved under Option 1 above.

3. Not endorse and finalise VPA016.

Implications: Council resolved to prepare the Planning Agreement (MIN20.829) and Development Consent for the subdivision (SF7079, as modified) was granted on the basis that the Planning Agreement would be completed before certain aspects of the development could be undertaken. Not proceeding to enter into the Planning Agreement would delay the subject development and require further modification to the consent which is considered unnecessary.

CL22.225

Background

Planning Agreements, are a planning tool used to negotiate development outcomes for a variety of public purposes.

Part 7 Division 7.1 Subdivision 2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides the legislative framework for Planning Agreements.

Part 4 Division 1A of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) has further requirements relating to the form and subject matter of Planning Agreements, making, amending and revocation of Planning Agreements, giving public notice and other procedural arrangements relating to Planning Agreements. This draft Planning Agreement (VPA016) applies to land at Lot 212 DP884276, Fishermans Paradise Road, Fishermans Paradise. The staged subdivision of that land is authorised by approval SF7079 (as modified) that was granted by Council on 13 December 1991.

Figure 1 below identifies Lot 212 DP 884276 as well as the land to be dedicated via the Planning Agreement.

Figure 1: Excerpt from exhibited VPA016 showing location of dedication land



On 10 November 2020, Council resolved (MIN20.829) to endorse the preparation of a Planning Agreement for the dedication of land at Fishermans Paradise as a public reserve in conjunction with the subdivision. The endorsement was subject to a range of requirements which can be generally summarised as the:

- Carrying out environmental management actions on the land to be dedicated prior to the dedication and for the first two years after dedication, and
- Payment of monetary contributions to Council to be applied by Council towards further environmental management actions on the dedication land.

These requirements have been incorporated into the draft Planning Agreement (VPA016).

CL22.225

Community Engagement

VPA016 was publicly exhibited between 2 March and 1 April 2022 (30 days), complying with the minimum 28 days required by legislation. The VPA was publicly notified on Council's webpage and consisted of the following documents, which remain available for viewing:

- [1. VPA016 - Notification of Public Exhibition - \(101kb\)](#)
- [2. VPA016 - Explanatory Note - \(252kb\)](#)
- [3. VPA016 - Draft Planning Agreement - \(1,232kb\)](#)
- [4. VPA016 - Location Plan - \(261kb\)](#)

Notification letters were sent to six neighbouring property owners as well as the Conjola Community Association and Red Head Villages Association for its consideration and distribution amongst its networks.

No submissions were received during the public exhibition period for VPA016.

Post Exhibition Amendments

Council's Planning Agreement Policy provides a standard template for Planning Agreements including wording in standard clauses. The standard template, and the relevant section of VPA016, specifies that it is the responsibility of Council to register the Planning Agreement on the title.

Recent experience with other Planning Agreements (e.g., VPA15 - Hitchcocks Lane, Berry) has identified that registration of the Planning Agreement is more appropriately the responsibility of the developer and is likely to be a more cost effective, straightforward and a quick process if this is the case.

Potential amendments to the standard template have been flagged for the upcoming review of the Policy which is anticipated for third quarter 2022 as part of the standard policy reaffirmation process. In the meantime, an amendment to the wording in the present Planning Agreement (VPA016) is considered appropriate to specify that the developer is to register this Planning Agreement, which in turn should facilitate a more straightforward finalisation of VPA016.

The developer appears generally agreeable to this minor amendment which will not require re-exhibition of VPA016.

Conclusion

VPA016 will provide public benefits by extending the existing public foreshore reserve at Fishermans Paradise and promote environmental conservation in the area. In addition, the finalisation of VPA016 will satisfy certain conditions of development consent for the subdivision and enable the supply of new residential land at Fishermans Paradise. It is therefore recommended that VPA016 proceed to execution, including the minor post exhibition change outlined.

Policy Implications

VPA016 has been prepared in accordance with legislative requirements and is consistent with DPIE's Practice Note for Planning Agreements (February 2021) and Council's Planning Agreement Policy.

CL22.225

Financial Implications

The legal costs associated with the preparation of VPA016 have been met by the developer/landowner in accordance with Council's Planning Agreements Policy. Any future costs associated with the proposed amendments as per Option 1 in this report, or executing, stamping and enforcing the Planning Agreement will also be met by the developer, as required.

The Planning Agreement contains provisions for monetary contributions to be paid to Council for environmental management. These contributions are to be paid on the third, fourth and fifth anniversary of the date of dedication of the land. Environmental management of the dedicated land is the responsibility of the developer for the first two years.

The Planning Agreement also contains provisions for the payment of security by the developer to Council in relation to the performance of the developer's obligations under the Planning Agreement. This security will be provided to Council prior to the issuing of the first subdivision works certificate for any part of development on Lot 212 DP 884276. The amount of the security to be paid to Council will be determined with Council's approval upon the completion of the environmental management plan (EMP).

Risk Implications

Risks to Council and the broader community have been considered and mitigated throughout the negotiation and legal drafting process.

CL22.225

CL22.226 Classification of Land - Lot 3 DP 154453 37 Hyam Street Nowra

HPERM Ref: D22/173177

Department: Technical Services

Approver: Carey McIntyre, Director - City Futures

Attachments: 1. Aerial Map - 37 Hyam Street Nowra - Lot 3 DP 154453 [↓](#)

Reason for Report

The reason for this report is to provide Council with an opportunity to consider the classification of land being Lot 3 DP 154453 known as 37 Hyam Street Nowra, as 'Operational Land' within the meaning of the Local Government Act 1993, for the future strategic purpose of the Nowra Riverfront Precinct activation.

Recommendation

That Council classify the land described as Lot 3 DP 154453, 37 Hyam St Nowra, as Operational Land within the meaning of the Local Government Act 1993.

Options

1. As Recommended.

Implications: The operational classification will provide for the future use of the land as part of the Riverfront Precinct.

2. Not resolve as recommended.

Implications: The classification of land will default to Community Land and be subject to the Community Land provision as outlined in the Local Government Act 1993. This would then limit its future redevelopment potential.

Background

Council acquired 37 Hyam Street Nowra for future strategic purposes pertaining to the Riverfront Precinct in accordance with MIN22.45C.

The subject land adjoins Council's existing landholding at 39-43 Bridge Road, Nowra, and as such can help support or realise the development potential of part of the 'Hyam Street sub-precinct' area, located opposite the Shoalhaven Entertainment Centre, within the broader Riverfront Precinct - site plan is provided at **Attachment 1**.

Under the Shoalhaven Local Environmental Plan 2014 (SLEP 2014), the land is currently zoned B4 Mixed Use

It should be noted such a reclassification does to imply or provide approval from any specific land use. Rather, it makes potential land uses possible.

Community Engagement

In accordance with Section 34 of the LGA 1993, a public notice of Council's intention to classify the land as Operational was placed in the South Coast Register allowing 28 days for written submissions. No submissions have been received.

It should be noted that while the notice of intent can be placed under officer delegation, reclassification of the land cannot occur by resolution of the Council.

Policy Implications

Section 31(2) of the Local Government Act, 1993 (LGA 1993) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – land in Council's ownership which is held for and on behalf of the Community subject to the Community Land provisions of the LGA 1993.

A resolution of Council, within the time frame prescribed in the LGA 1993, is required to finalise the classification of land as Operational.

Financial Implications

Should the recommendation not be resolved, the land will default to community classification in accordance with the LGA 1993. Any future reclassification to operational land to enable future use/development, will require an LEP amendment under the Environmental Planning & Assessment Act 1979. This is a time-consuming and costly exercise that would require a budget allocation.

Risk Implications

Nil

CL22.226

Aerial map showing 37 Hyam St, Nowra and adjacent SCC land 39, 41 & 43 Hyam St Nowra, highlighted in yellow:



CL22.227 Development Application – 31 Porter Circuit Milton – Lot 319 DP 1231192

DA. No: DA21/1991

HPERM Ref: D22/139738

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments: 1. Planning Report - S4.15 Assessment (under separate cover) ➡
2. Draft Determination Refusal (under separate cover) ➡
3. Development Plans (under separate cover) ➡

Description of Development: Construction of Multi Dwelling Housing – Four (4) Attached Two Storey Dwellings, and Community Title Subdivision

Owner: TL Houston & MJ Malone

Applicant: PDC Lawyers & Town Planners

Notification Dates: 8 September until 23 September 2021
Revised Plans - 19 January until 3 February 2022

No. of Submissions: 31 submissions and 1 petition in objection in first notification period.
19 submissions in objection in second notification period.

Purpose / Reason for consideration by Council

The development application (DA) was called in for determination by the Council due to the public interest by a Notice of Motion dated 8 February 2022 (MIN22.54)

Recommendation

That development application DA21/1991 to construct multi dwelling housing (four (4) x 2 attached two storey dwellings) and community title subdivision at Lot 319 DP 1232292, 31 Porter Circuit, Milton be refused for the reasons contained in Attachment 2 of this report.

Options

1. Refuse the development application (DA) in accordance with the recommendation of this report.

Implications: The development would be unable to proceed as applied for, and a section (s)8.2A Review could be sought by the applicant and / or an appeal lodged with the Land and Environment Court (LEC).

2. Approve the application.

Implications: Council will need to provide planning grounds for which the application could be approved, having regard to section (s)4.15(1) considerations.

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3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

Location Map



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Background

Proposed Development

The DA seeks approval for the construction of multi dwelling housing, comprising four (4) attached dwellings, and Community Title subdivision:

- Four (4) x three (3)-bedroom two storey dwellings
- Ground floor private open space and first floor living areas and private open space balconies with a northeast aspect
- A single driveway crossover and shared access and manoeuvring areas
- Each unit has a double enclosed garage that provides 8 car spaces provided onsite
- Vehicular access from Porter Circuit

What is Community Title?

Community title divides the land into allotments. Each lot owner is entitled to their respective parcel of land with its own title defined by survey. Community titles have common property areas. Examples can include swimming pools, roads, or equestrian facilities.

Figure 1 – Site Plan

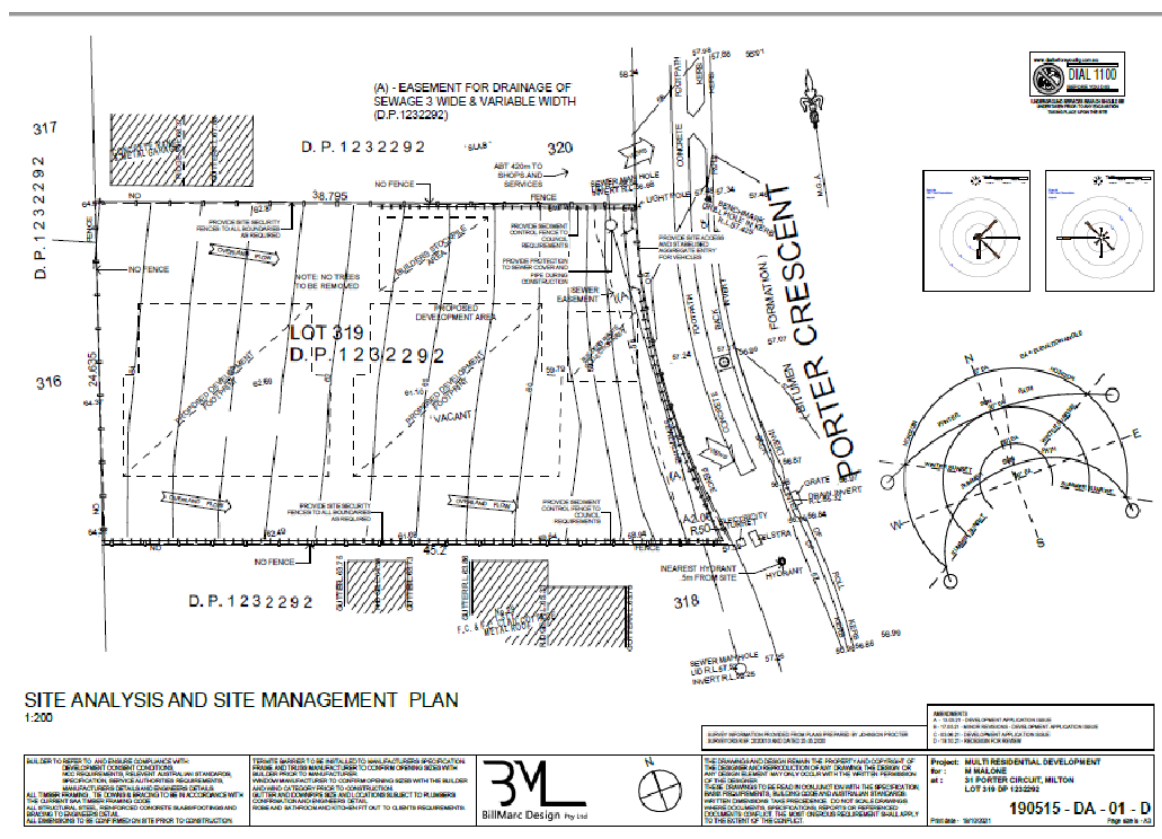
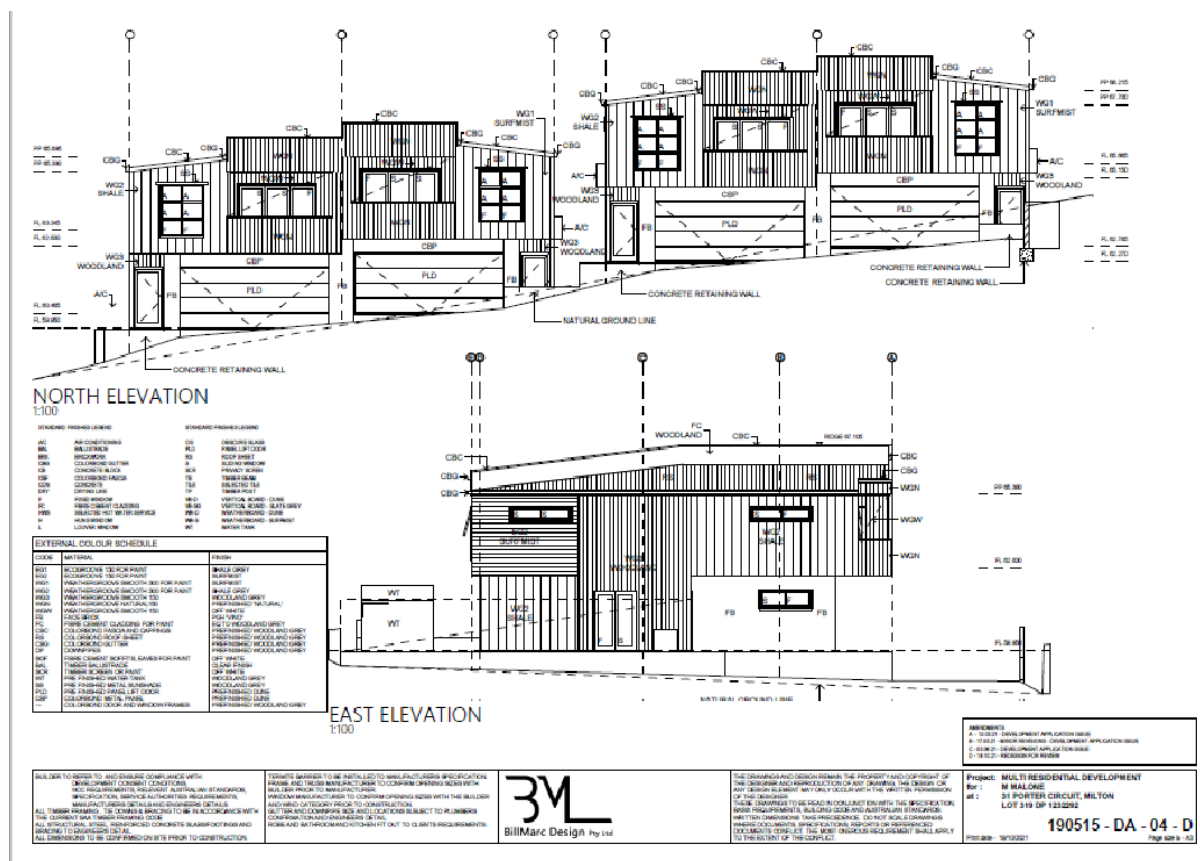


Figure 2 – Elevations (north elevations are internal, the east faces the street)



Subject Land

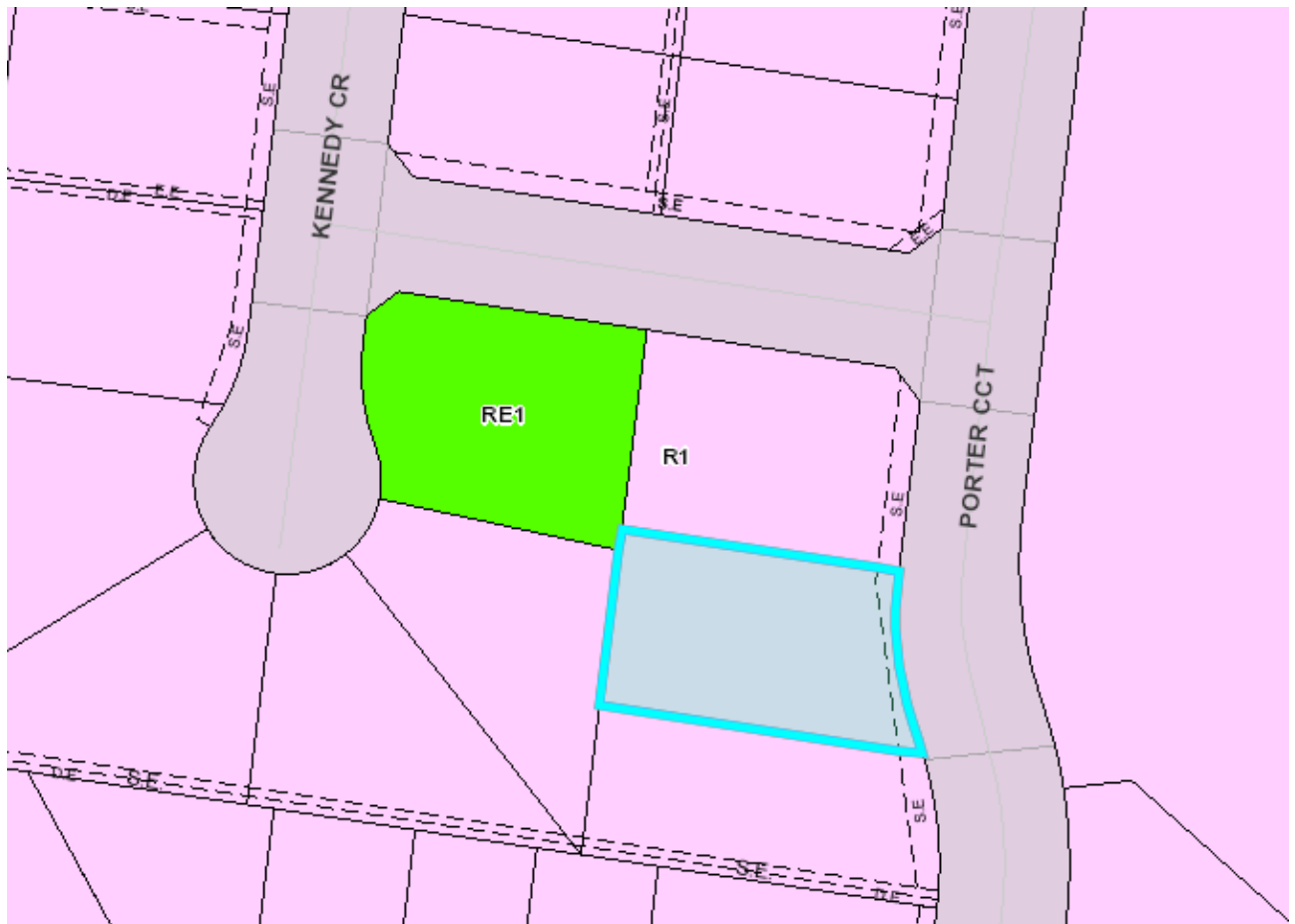
The development site comprises Lot 319 DP 1232292 (31 Porter Circuit, Milton). Refer to Figure 1.

Site & Context

The development site:

- Is vacant and rectangular in shape, located on the western side of Porter Circuit, in the eastern side of the Corks Hill Estate. The site is opposite a drainage reserve that provides a pedestrian link to Valley View Close and the Milton township.
- Adjoins a single storey dwelling to the south, a two-storey dwelling to the north, and a vacant residential lot to the west.
- A small portion of the lot adjoins a public reserve at the rear which has a large fig tree on it and is a landmark for the estate.
- Was created as part of the release of Stage 2 of the Corks Hill subdivision (being Development Consent SF9634 as modified).
- Is zoned R1 General Residential and is 1002sqm in area.
- The surrounding area is characterised by a mix of single and two storey dwellings, and dual occupancies.
- Slopes from west to east, with a cross fall of approximately 6m.
- Has existing access to Porter Circuit.
- The lot has a sewer easement that runs adjacent to the front boundary.
- Adjoins land zoned R1 General Residential and RE1 Public Recreation.

▪ **Figure 4 – Zoning Map**



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History

The following provides details on pre-lodgement discussions, post-lodgement actions and general site history for context:

- No pre lodgement discussions.
- The application was lodged on 18 August 2021.
- Following the first notification period 25.8.2021 to 23.9.2021 the plans were redesigned to improve the solar access to the neighbouring property to the south. These plans were received on 3.11.2021.
- As a result of detailed assessment of the application, additional information was requested from the applicant on three (3) occasions – 1 September 2021, 21 September 2021, and 3 December 2021.
- On 3 November 2021, 12 January 2022, 10 February 2022 and 23 March 2022 the applicant submitted additional information, which was subsequently referred to the relevant sections of Council.

Issues

S6 Town of Milton, Deposited Plan and 88B Instrument:

The development site is burdened by s88B Restrictions on the Use of Land (RATU) (which Council is authorised to release, vary or modify) as follows:

- No dwelling shall be erected on the land burdened unless it is designed in such a manner that it will not detract from and will be compatible with the existing bulk and scale of the existing housing stock within the Milton Township.
- No building shall be constructed on the land burdened of metal deck cladding having an external surface area greater than 50% of the building.
- No building shall be erected on the land burdened unless it has a roof pitch in the range of 15% to 45%. (**Note this equates to approximate roof pitch of 9 to 24.5 degrees**)
- No building shall be constructed on the land burdened of metal deck cladding having an external surface greater than 50% of the building.
- No dwelling shall be constructed on any lot burdened unless the total floor area does not exceed the following percentages having regard to the lot size.
 - i. Lot size 650m² – 750m² – 50%
 - ii. Lot size 750m² – 850m² – 45%
 - iii. Lot size Greater than 850m² - 40%
- No dwelling shall be constructed on the lot burdened unless a nominal 2kl rainwater tank is provided.
- The authority empowered to release vary or modify the terms of this restriction is Shoalhaven City Council.

These s88B restrictions appear on the more recent subdivisions on the north-western area (Valley View Close, Corks Hill, Price Parkway) of the Milton township and were designed to reinforce the Draft Milton Development Control Plan (DCP) 110 that was formulated with the community in the early 2000s.

This DCP was converted into the current DCP 2014 as Chapter S6 Town of Milton. The main relevant objectives of the DCP were to enable Milton to grow in a controlled and appropriate way, and that emerging residential areas are sympathetic to the character of the existing town through being of an appropriate scale and style, whilst establishing a more contemporary character.

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This was reinforced with acceptable solutions that require roofs to be typically pitched between 15 and 30 degrees (A12.1), second storeys of buildings to be setback from the dwelling frontage and utilisation of the topography where possible (A12.2), using key elements in the design such as verandas, large eave overhangs, timber and fibre cement wall cladding, corrugated roof sheeting and avoiding expansive wall areas or single cladding materials.

While many of the dwellings in the vicinity comply with the DCP acceptable solutions for the emerging residential area, there are many dwellings that have been approved via the complying development pathway which does not require consideration of the DCP but do need to consider the s88B restrictions.

The development is proposing a Floor Space Ratio (FSR) of 0.486:1 which will comply with Council's DCP requirement of 0.5:1 for multi-unit dwellings on R1 zoned land but will **not comply with s88b restriction of 40%** on a lot greater than 850m². The applicant has requested that Council vary the restriction of 40% floor area to be included as a condition of consent.

The intention of the s88B restriction is to control density. However, Council's DCP applies an FSR of 0.5:1. This is Council's adopted position concerning density for this type of development.

The s88b restriction is at odds with the DCP FSR controls for the various types of residential development that are available in the R1 General Residential Zone. The request to vary the s88B is however, supportable given that the development will comply with the DCP, which provides development guidelines that complement the R1 General Residential zone in which a wide range of residential densities are permissible and which the objectives are to provide housing needs for the community, with a variety of housing types and densities.

The roof pitch of the proposed development is in the vicinity of 7 degrees which would not comply with the acceptable solution (A12.1) (or the s88 restrictions). In addition, the front façade of the dwellings which faces the internal driveway has a square façade as 50% of the design, which gives the impression of a flat roof behind, and is inconsistent with the built form of the existing Milton township and the roof pitch provisions. These are intended to create or contribute to a building character.

The proposed design includes overhanging upper storey verandas, does not have any eave overhangs and the wall presentation of the east elevation (to the street) appears large and expansive with only two upper storey high set horizontal windows and a glass double door and garage window on the ground floor.

This front elevation presents as a bulky side elevation to the street. Landscaping is however, proposed in the front setback which will aid in softening the building, but concern remains with the street façade / presentation which is inconsistent with the bulk of the dwellings in the estate which 'face' the street.

This development is designed to address the internal (common) driveway. In addition, the second storey of the units is not setback but overhangs the front storey on the north elevation with an encroachment into the north-eastern corner facing the driveway which will reinforce the bulk and scale of the structure when viewed from the street and surrounding development.

The applicant was invited to modify the plans to comply with the Milton DCP and the s88B restrictions on 3 December 2021. The applicant provided a response to Council on 11 December 2021 with a letter advising that they disagree with Council's comments that the

proposal is inconsistent with Chapter S6 or the existing and desired character of the Milton area, and accordingly request that s88B restrictions be removed.

The applicant has provided the following justification.

“The proposed development represents contemporary residential architecture. The architectural design does not seek to replicate or mimic the heritage styling of older properties within Milton village but rather blends with the developing residential streetscape of the immediate surrounds, as the images below demonstrate.

The images below have been taken within the Porter Circuit development and its immediate surrounds, known as the Corks Hill residential area and demonstrate that skillion roof lines and roof profiles with less than 15 degree pitches form part of the established streetscape.

The first property off Corks Lane, at the entry to Porter Circuit (#1 Porter Circuit), incorporates skillion roof lines with repetitive massing, similar to that proposed for the subject site.”

The applicant also provided the following photographic material showing development within or nearby to the Corks Hill Estate:



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“As the images above show, the streetscape within Corks Hill estate, including Porter Circuit, includes several examples of skillion roof lines with pitches below the 15 – 45 % specified in the s88b restriction. The proposed roof profile is consistent with existing local residential development and meets the objectives of DCP Chapter S6 and as such variation/removal of the s88b restriction in this regard is warranted. Additionally, as the images show, the proposal is consistent with the existing bulk and character of the area and therefore achieves compliance with objective (i) of Chapter S6.”

Comment

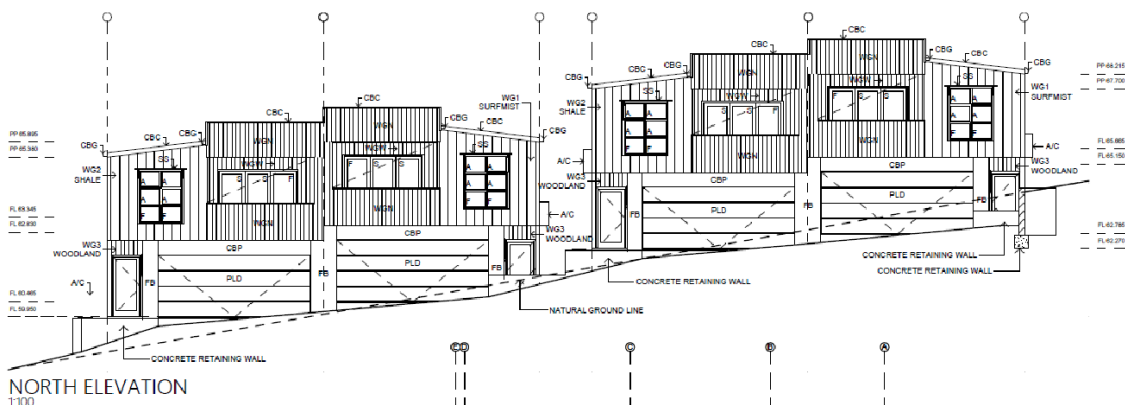
The restriction actually states that the roof pitch is between 15% and 45% which equates to between 9 degrees and 24.5 degrees, however the previous restrictions in neighbouring earlier subdivisions, such as the one at Valley View Close which uses between 15 degrees and 45 degrees.

While it is acknowledged that there may be some dwellings in the estate which may not strictly adhere with this restriction as the applicant has argued, all of the dwellings so far built in the estate have had a pitched roof. The proposed large square façade gives the impression of a flat roof behind, and therefore is unsympathetic to the surrounding development and the desired future character objectives of the Milton DCP chapter.

Figure 5 – North East Perspective - street elevation



Figure 6 - North elevation fronting common driveway



Development Control Plan (DCP) Chapter G13 Medium Density and Other Residential Development:

5.1.3 Building Envelope, Heights and setbacks

The proposed development does not comply with the performance criteria as the upper storey of the dwelling is not setback a further 1m and encroaches in the northeast corner for which the applicant has requested a variation.

The request to vary this control is summarised as follows:

- Dwelling 1 has the upper floor setback at the same distance as the ground floor. The ground floor has a greater than minimum setback (minimum is 5.5m, actual setback is minimum 7m).
- The variation is partly created by the arc shaped frontage of the lot. The ground floor setback is 7m at the northeast corner and 10.1m at the southeast corner.
- The first floor extends further north than the ground floor, and due to the arc of the front boundary the minimum front setback reduces to 6.1m. The maximum front setback remains 10.1m at the southeast corner of the building. The variation is therefore limited to the northeast corner of the first floor and relates to a 459mm protrusion, or 7% of the required 6.5m.

How are the objectives of the DCP met?

The proposed development is consistent with the local streetscape and character as follows:

- The proposed setback variation does not add to the height or scale of development proposed.
- The whole of the building falls within the vertical building envelope and complies with the minimum setbacks that would apply for standard two storey development (single residential dwelling).
- The height and relationship with the streetscape is consistent with residential development surrounding the site and the local residential character.
- The upper floor includes a deck located further into the site that extends further north than the part of the building subject to the variation which provides building articulation of the upper floor.
- The upper floor, while setback the same distance as the ground floor, has a larger footprint, thus creating overhangs at the entry door and garage which contributes

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further articulation to reduce the apparent bulk of the buildings. The variation therefore does not exaggerate the built form.

- The proposed dwellings provide appropriate living conditions whilst maintaining amenity for surrounding properties. The variation to the first-floor setback does not impact living conditions or amenity in any measurable way.
- The proposed variation does not affect any view corridors or solar access for private or public land.
- The proposed development complies with construction standards and separation distances required under the National Construction Code. The proposed setback does not unduly affect privacy, solar access, ventilation or landscape areas.
- There are no negative impacts on the public domain resulting from the proposed variation.

How are the performance criteria of the DCP met?:

The proposal is consistent with the performance criteria as follows:

- The front setback variation is partly created by site specific lot conditions (front boundary arc) and are consistent with adjoining residential developments. The proposed variation in no way undermines the integrity of prevailing building lines.
- The proposal is consistent with existing setbacks and maintains the pattern of residential development.
- The proposed setback is appropriate with consideration of the street reserve width and adjoining development.
- The proposal will not result in an overbearing built form for pedestrians.
- The proposed setback to the first floor does not affect view corridors, solar access or privacy for adjoining development or the public domain. It will not affect traffic safety in any way.
- The proposed development does not cause problematic overshadowing of adjoining land. Refer to the submitted shadow diagrams for further detail on overshadowing.
- The proposed setback does not affect light or ventilation access for adjoining development.
- The proposal complies with car parking requirements set by Chapter G21 of the DCP.

Comment

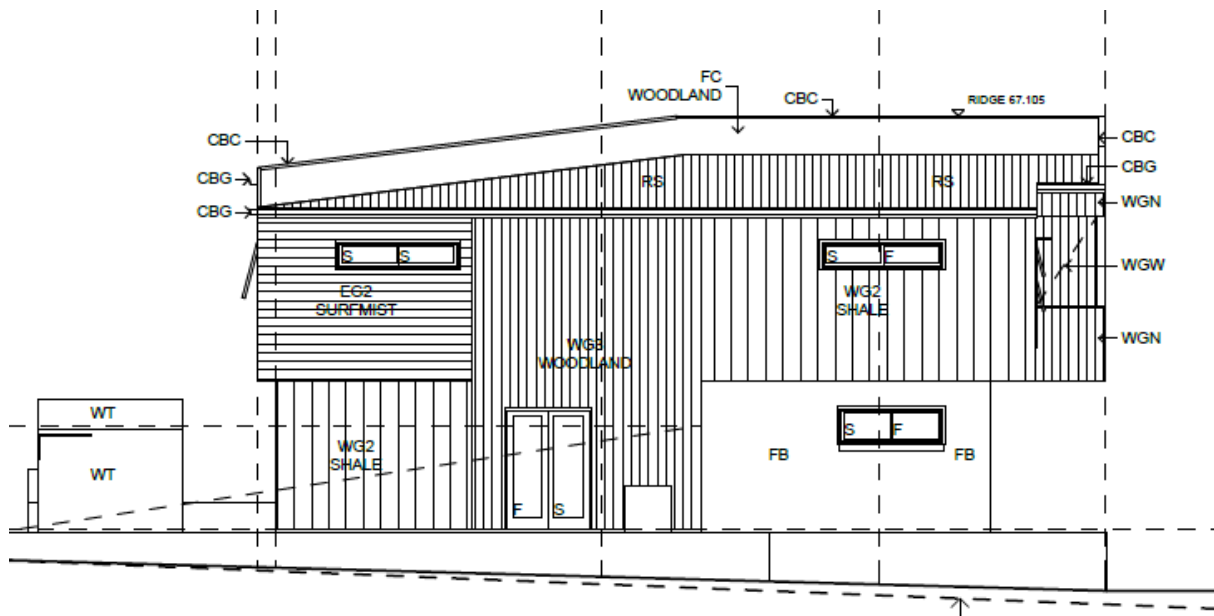
The performance criteria of the control state at *P5.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.*

It is acknowledged and agreed that the variation is only for a small section of the front of the building and due to the arc shaped frontage of the lot, however, the applicant has also argued that the first-floor overhang design reduces the bulk and scale of the development when viewed from the street. The overhang is not open or lightweight. It is enclosed floorspace which visibly adds bulk making the building top heavy. Refer to Figure 7.

The intent of the DCP requirement is that setbacks are progressively increased to reduce bulk and while they have improved the solar amenity to the adjoining neighbour to the south, the overhang design of the north elevation of the building and encroachment of part of it into the setback actually amplifies the bulk and scale of the structure when viewed from the street.

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Figure 7 – East Elevation (Street Facing)



5.2.1 Local Character & Context

There is an issue with acceptable solution A7.1 of Control 5.2.1 *Local Character and Context* having regard to the bulk and scale and appearance of the development and how it is compatible with and sympathetic to the existing and future desired development in the locality and amenity and character of the locality.

The current design of the development (architectural features and scale) is considered to be out of character in this locality. The key issue lies with the street façade.

Although the estate is incomplete with one more stage nearing subdivision completion, the subject planning controls and subdivision restrictions have established a low-density environment and architectural style largely attributable to the s88B restrictions and the Milton DCP.

The design follows the topography of the slope with the fronts of the dwellings facing the common side driveway. The site falls to the street with an approximately 14% slope, and the dwellings are terraced up the hill which will also add to the bulk and scale of the development when viewed from the street and surrounding area.

The front elevation, as mentioned earlier, is of concern in that this elevation (see Figure 7) with small highset windows with a lack of articulation does not contribute or engage with the existing streetscape and character of the local area. It is inconsistent with recently constructed single dwellings and dual occupancy developments which present as pitched roof dwellings that address i.e., face the street.

Whilst this type of development is permissible in the zone, it is the largely the design, siting and arguably the density which is incompatible with the Milton DCP Chapter and s88B restrictions that is causing 'issue' having regard to what constitutes a suitable character and compatibility with surrounding development.

Significantly, this development will be the *first* multi-unit dwelling development in the estate and may indicate or suggest a suitable style for future developments.

In this regard, a more articulated front elevation that addresses i.e., faces the street potentially with a pitched/sloping roof form would sit more comfortably within the locality.

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Consideration of the compatibility of the proposal and its surroundings can be undertaken having regard to the Land and Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments V Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- i. *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- ii. *Is the proposal’s appearance in harmony with the buildings around it and the character of the street?*

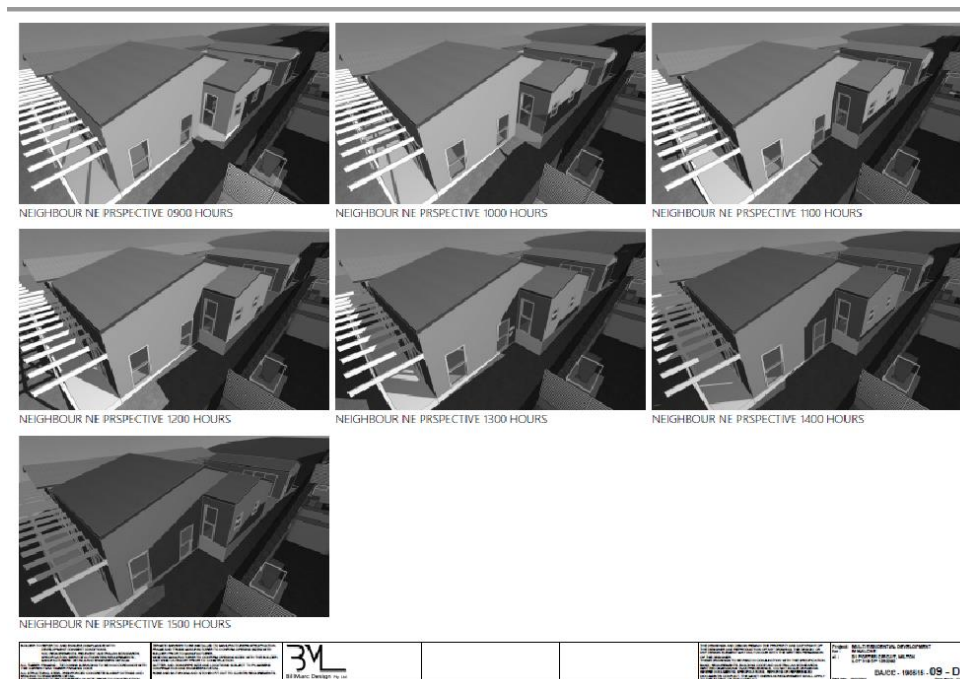
Comment

There is no disagreement that this type of development is suitable having regard to the zone namely the strategic planning control which envisage this type of development. The issue lies with the design and siting which raise concerns with the street presentation, sunlight provision and car parking.

5.3.2 Solar and Daylight Access

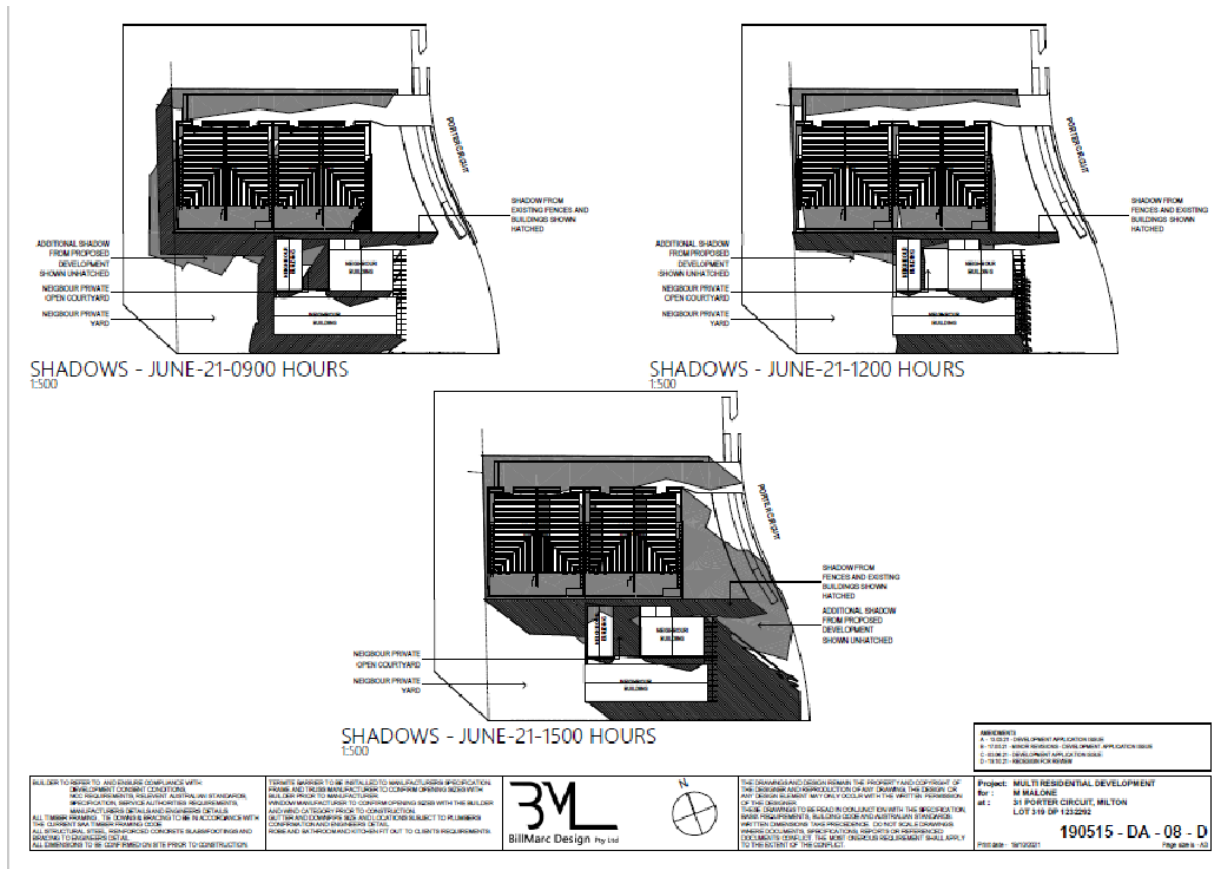
The applicant has provided shadow diagrams and a detailed shadow analysis that indicates that the property adjoining to the south will receive adequate sunlight of the north facing windows and private open space between 9am and 3pm on the 21 June. This is in line with the NSW Land and Environment Court – Planning Principle for Access to Sunlight. Given the lot’s west east orientation, it is expected that future development would occur on the subject lot at some point in time. Contingent on the design (noting that a conventional dwelling can be erected up to 900mm from the boundary) and the levels adopted, it would be reasonable to assume and expect that some overshadowing would occur to the southern neighbour. The proposed development shows that the upper floor is setback from the boundary by 4.555m.

Figure 8 – Shadow Analysis on Neighbouring Dwelling



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Figure 9 – Shadow Diagram



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The Land and Environment Court in *The Benevolent Society v Waverley Council* [2006] NSWLEC1082 has established the following planning principles and considerations that should be considered when assessing solar access and overshadowing impacts:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*
- *The amount of sunlight lost should be considered, as well as the amount of sunlight retained.*
- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*
- *For a window, door, or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.*

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*
- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be considered in a qualitative way, in particular dense hedges that appear like a solid fence.*
- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Comment

As demonstrated in the shadow diagrams earlier, the neighbouring north facing living area windows, which are floor to ceiling and of a reasonable size have sunlight in the morning up until midday.

The plans also indicate that the private open space (POS), which is in the middle courtyard has almost full sunlight at the three hours surrounding midday.

Good solar access available in the rear yard throughout the day.

5.3.3 Private Open Space

There is a non-compliance with acceptable solution A17.3 of Control 5.3.3 *Private Open Space* (POS) which requires an area of 35m² to be provided for each dwelling and the defined hardstand area of usable space required to be provided for each dwelling where it is provided at ground level.

The POS for each dwelling is 14m² of verandah which faces the north and is accessible from the living areas, which will enjoy good solar access, and 26.5m² in the rear yard which faces south and is almost completely overshadowed by the building, accessed through the double glass sliding doors provided at the ground floor entry and each bedroom on the ground floor has sliding door access.

In multi dwelling housing or higher density development, it is not only the area or amount of open space that is important, but also the quality of that space. Quality goes to matters such as sunlight, privacy and useability.

The verandahs have a minimum area of 2m x 3m, however the units' POS is not exclusively upper floor as it has a ground floor component and there is no hardstand area of 5m x 4m at the ground level with 50% cover provided for the ground floor and therefore does not comply with the acceptable solution.

Applicant's Submission

"A17.3 states that where the private open space is provided at ground level a defined hardstand area with dimensions 5m x 4m should be provided. In this instance the defined, covered hardstand space immediately adjacent to the internal living areas is provided at the upper floor, therefore A17.4 applies. A17.3 also states that all other

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areas at ground level should have a minimum dimension of 2m. The POS area at ground level exceeds 2m in depth – it is 4.555m in depth and over 8m in width.

A17.4 states that where the private open space of a dwelling is provided at an upper level, it shall have a minimum dimension of 2m x 3m which is covered to provide protection from the elements.

The primary upper floor open space area exceeds the minimum requirements with dimensions of 3.78m x 3.78m.

The proposal complies with the acceptable solutions for private open space as specified in SDCP 2014.”

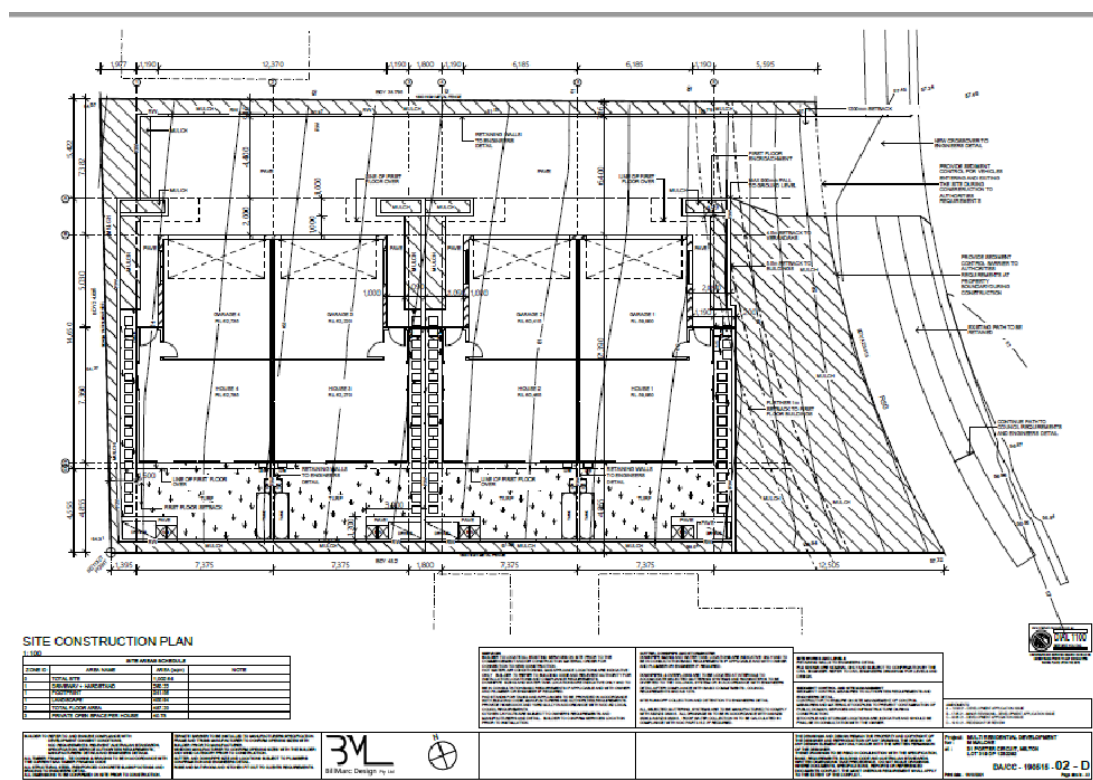
Discussion

The applicants have indicated that the POS for each unit is comprised of both the upper floor verandah (14.3m²) and the rear yard (26.5m²). The ground floor component of POS should have a minimum 5m x 4m hard stand area with 50% cover. This is not provided.

Taking into account potential occupancy of the units, noting each unit contains three (3) bedrooms, the reduced hardstand area poses concern. The verandah area is considered to be small for a three (3) bedroom multi-unit development.

It is noted that the POS provided on the verandah could potentially ‘fit’ a table and chairs, however given the ground floor POS are located at the rear south side of the units and will remain in shade for most of the year which are not easily accessible from any living areas, the POS proposed is not considered a good design outcome or provide reasonable amenity to future residents which could include families.

Figure 10 – Site Plan with Rear Yard Private Open Space on Southern Side.

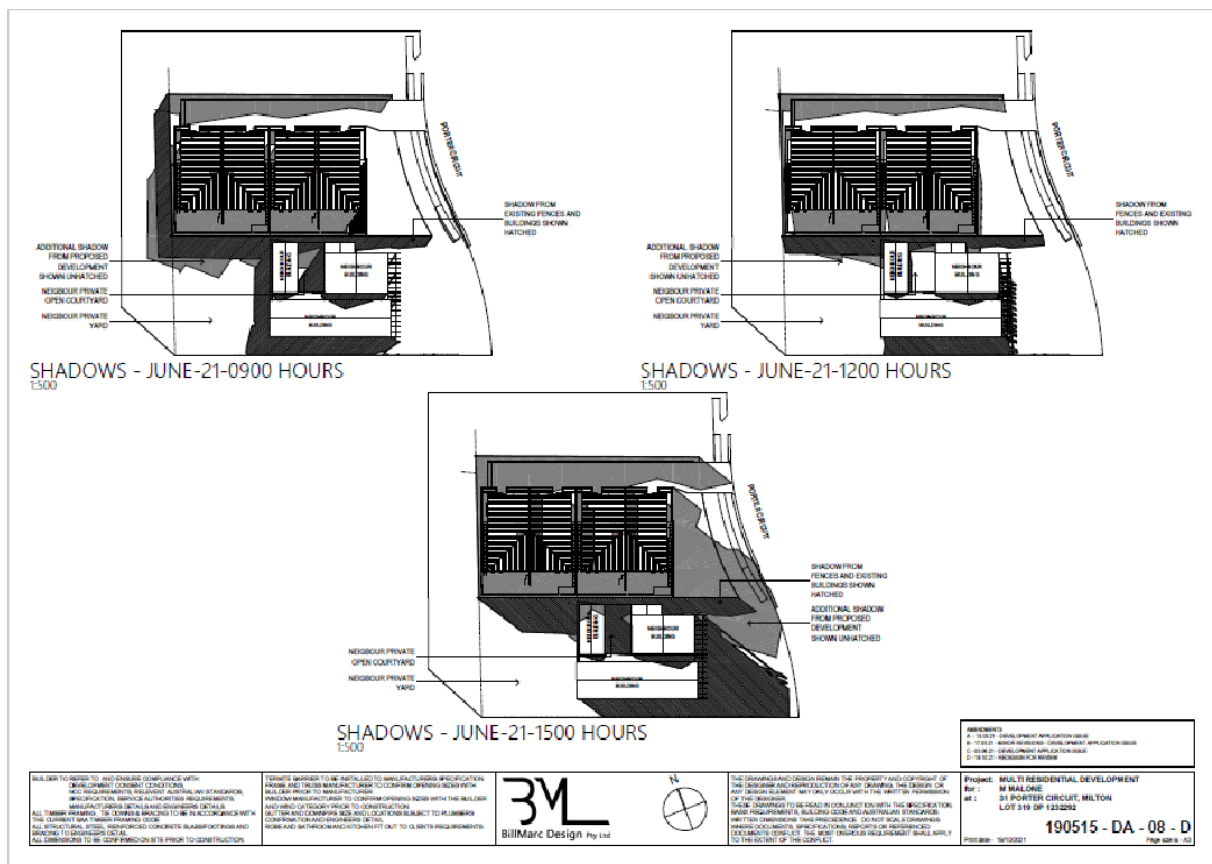


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With regard to solar access for POS areas during the winter solstice (21 June) and based on the submitted shadow diagrams there is minimal to no sunshine on 21 June. Noting the depth of the rear yard to be 4.5m, the amount of solar access throughout the year will be minimal.

In conclusion, the amount of space (setting aside drying, bin storage and water tanks) is considered small and quality is a concern. The ground open space is at the rear of the dwellings and on the southern side. The space is also accessed via bedrooms or by exiting a door off the entry hall to walk 'around' the building. The upper level has adequate solar access and would 'fit' an outdoor dining setting.

Figure 11 – Shadow Diagram Showing Shadow Impacts on POS



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Development Control Plan (DCP) Chapter G21 Car Parking

The car parking requirements for multi dwelling housing development was recently amended (on 1 October 2021). The new standard requires two (2) spaces per dwelling containing three (3) or more bedrooms.

The parking rates specified include visitor spaces. At least one space per dwelling should be provided for the sole benefit of each dwelling. Any parking on site exceeding the minimum requirement is to be provided as visitor spaces.

The application is proposing two (2) car parking spaces per dwelling enclosed in a double garage for each unit. The applicant has indicated in their Statement of Environmental Effects (SEE) that the development proposes one space dedicated to each unit for the residents and the additional car space per unit is able to be used by visitors as per the requirements of

Chapter G21. The applicant has stated that the proposal does not rely on any variations or on-street parking spaces for compliance with the DCP control.

While it can be interpreted that the proposed car parking is numerically compliant with Chapter G21, the visitor parking component being included within each enclosed garage is not practical or functional for visitors.

Visitors seldom arrive at a dwelling or a multi dwelling complex with access to a private double garage allocated to a townhouse / villa in a complex. Arrangements would have to be made in advance of a visit, or a visitor would have to be given a key / remote to enable access. Accordingly, it is reasonable to conclude that the outcome will be that visitors park on the street.

Porter Circuit is a narrow collector street 7.5m wide including kerbing, the subject site is also located on a curve in the road, with a pedestrian footpath on the verge that makes parking in front of the proposed development difficult and unsafe for road users and pedestrians. The surrounding road network does not lend itself to on-street parking for visitors for these types of developments as such activity will impact on the ability of service vehicles (garbage trucks and the like) to pass. These developments also have multiple bins to be presented on collection day.

Importantly, the DCP aims to discourage the use of on street parking for new development. It would be a better outcome if visitor car parking was located on site and ideally within common property.

Planning Assessment

The DA was under s4.15(1) of the Environmental Planning and Assessment Act 1979. Please refer to Attachment 1.

Consultation and Community Engagement:

The Development Application was notified in accordance with Council's Community Consultation Policy. The original plans were notified from the 25 August 2021 until 10 September 2021 within a 25m buffer which was inconsistent with Council's Policy for Multi-Unit Developments.

The application was renotified with an extended buffer (60m) from the 8 September 2021 until 23 September 2021.

A total of 32 submissions were received from 30 submitters, including one (1) petition with 49 signatures opposing the development.

Council requested further information on 21 September 2021. The applicant subsequently submitted revised plans to address the issues raised by Council and submitters on 3 November 2021. Further revisions were requested by Council on 3 December 2021 and a response from the further information request was received on 12 January 2022.

The revised plans were then renotified to submitters from 19 January 2022 until 3 February 2022.

A total of 19 submissions were received in the second notification period.

All submissions were in objection to the development. The following is a summary of the issues raised.

- Compatibility with the character and density of the surrounding area.

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- Non-compliance with the s88B subdivision restrictions.
- Density.
- Privacy and overshadowing.
- Lack of visitor parking.
- Traffic and parking safety issues.
- Neighbour notification.

The assessment of the application considered the matters raised in the submissions (as prescribed by s4.15(d) and concluded on balance having regard to all the heads of consideration (section 4.15 Evaluation), that the application should be refused. A detailed analysis can be found in the attached section 4.15 assessment report.

Summary of Key Issues

The submissions from both notification periods raised similar issues. An improvement between the original plan set and the revised plan set was that solar access to the neighbour to the south.

The redesign of the units are considered a move further away from compliance / intent of the s88B restrictions and character provisions of the Milton DCP.

The key issues are summarised in the following table.

Summary of Public Submissions	
Objection Raised	Comment
Out of Character	<p><u>Issue</u> Concerns that the development is visually dominant and of a bulk and scale that is not keeping with the surrounding development and the wider Milton area, which is comprised of one and two storey dwellings and dual occupancies.</p> <p><u>Comment</u> Having regard to the emerging development and character of the estate, the 88B Instrument, and the available controls, the current design of the development is considered out of character in this locality largely as a result of the developments design and its relationship with the adjoining development.</p> <p>The development stepping up the slope will potentially contribute to the bulk and scale. It is noted that there are no other examples of multi-unit development in the estate or in the vicinity as this type of development tends to be closer and within a short walking distance from the Milton CBD.</p>
Privacy	<p><u>Issue</u> Privacy from first floor windows will overlook the property to the south. Balconies will overlook the northern neighbour.</p>

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	<p><u>Comment</u> The first floor windows on the south elevation are not living room windows and are low use rooms.</p> <p>The driveway provides separation and the neighbour to the north and their POS is on the north western side accessed off their living areas. The neighbours have a large shed adjacent to the boundary which will also obscure views from the balconies to their POS.</p>
Solar Access	<p><u>Issue</u> Revised plans have improved the solar access to the neighbour but there is still overshadowing of their windows and private open space.</p> <p>Concerns from the neighbours that the boundary fence is always shown on the shadow diagrams where one does not exist.</p> <p><u>Comment</u> The applicant has provided a more detailed shadow diagrams and perspectives that indicate that the revised design will provide reasonable solar access to the neighbour to the north facing windows and POS in accordance with the Planning Principle – Access to Sunlight. LEC NSW 09/10848 The Benevolent Society v Waverley Council. The Planning Principle sets out that overshadowing by fences should be taken into consideration and this why they have shown a future fence on the boundary on their plans. A fence is not included as part of the application. Any future fencing needs to comply with NSE Exempt Development Code for fences.</p>
Car Parking	<p><u>Issue</u> The revised plans do not address the absence of functional visitor car parking onsite, and the use of the narrow road which is on a curve at the front for parking. Car parking at the front of the property will conflict with the use of the road for pedestrians and bicycles, and there were concerns of visibility for the safety of children who play in the street. The SEE states that parking is available in front of the reserve opposite however this is an upright kerb which makes parking there more of a concern as it will take up road space. It will create safety issues for pedestrians and children who use the</p>

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	<p>footpath and the walkway that crosses the drainage reserve to the east and links to the Milton township.</p> <p><u>Comment</u> The lack of functional and practical visitor parking on site is of concern as it will mean that visitors will park on the street at the front of the property which has a pedestrian footpath, is on a bend in the road, is in close proximity to where pedestrians cross to link up with the access pathway that leads into town and will hamper visibility of passing traffic. The applicant initially requested a variation to this requirement under the old DCP chapter parking schedule and now comply with the new DCP chapter schedule as they provide 8 carparking spaces on site, which include visitor car parking.</p> <p>The proposed visitor parking in an enclosed privately owned garage will not be functional for visitors and it is reasonable to assume that they will park on the street.</p>
Traffic	<p><u>Issue</u> The development will increase the traffic in what is a narrow street which will be of a safety concern to pedestrians and children.</p> <p><u>Comment</u> The increase in traffic will be nominal from 4 dwellings, the subdivision was approved with the knowledge that multi-unit dwellings was a permissible use on the site and the roads are considered generally adequate to handle the potential traffic.</p>
S88B restrictions compliance	<p><u>Issue</u> The non-compliance with the s88B restrictions, particularly in relation to the ones in relation to the bulk and scale of the Milton township and the 40% floor area requirement. It would only be fair that this development complies like everyone else in the estate has been required to do.</p> <p>One submitter raised the dissatisfaction with Council enforcing compliance with the restriction related to the building of detached garages and the use of building materials.</p> <p><u>Comment</u> The architectural design of the multi-unit development, within an established low density environment of mostly single storey dwellings and dual occupancies with a</p>

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	<p>scattering of two storey housing between raises concern.</p> <p>The floor space percentage does not comply (with the 88B), and the applicant is seeking a variation. It is however noted that an 88B is not a planning instrument as defined in planning legislation.</p> <p>The redesign of the dwellings has reduced the number of bedrooms and lowered the FSR which is now compliant with the DCP FSR of 0.5:1.</p> <p>The request to vary the s88B restriction is supportable as discussed in the report.</p> <p>Non-compliance with s88B restrictions related to building materials used <i>on other lots</i> is not a matter for the assessment of this development application.</p>
Density	<p><u>Issue</u></p> <p>The density of the development is inconsistent with surrounding development as there are no other examples of multi-unit development in the estate, and it could set a precedent for similar development in the yet to be released stages of the estate. The 250m² for each lot is small. Existing multi-unit development is close to the Milton CBD.</p> <p><u>Comment</u></p> <p>There are no other examples of multi dwelling housing in the estate, and it is agreed that the development will be incompatible in its current form, with surrounding development. However, Multi dwelling housing is a use that is permissible in the R1 zone and the DCP FSR of 0.5:1 is consistent with what is allowed for single dwelling houses and dual occupancies in the zone.</p> <p>One of the objectives of the zone is to provide for a <i>range</i> of housing types and densities.</p>
Stormwater	<p><u>Issue</u></p> <p>That the increase in impervious surfaces will increase stormwater runoff to what is a low point in the street.</p> <p><u>Comment</u></p> <p>The applicant has provided stormwater plans prepared by an engineer which have been assessed by Councils Development Engineer</p>

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	and considered acceptable.
Fig Tree Reserve	<p><u>Issue</u> That the fig tree provides habitat for birds, views from neighbouring dwellings to the tree will be lost, and the windows will be overlooking the fig tree reserve where children play.</p> <p><u>Comment</u> The proposed development is unlikely to have an adverse impact on the use of the fig tree for bird habitat, it is already surrounded by a large amount of development.</p> <p>Views across neighbouring lots to the fig tree from the dwelling to the south would be difficult to maintain and view loss considered reasonable as the view is up hill and there is no direct view from any living room windows or verandas. The reserve is a public space and already has several dwellings that overlook it. Public spaces are considered to be safer with dwelling windows providing passive surveillance.</p>
Driveway	<p><u>Issue</u> The gun barrel driveway will be out of character, cause noise impacts to neighbours to the north and safety/congestion issues in the street considering the number of cars that will be using it.</p> <p><u>Comment</u> The driveway access and manoeuvrability has been assessed by Councils Development Engineers who have no objections to it subject to conditions of consent. The driveway and traffic movements from 4 dwellings will not cause significant noise or traffic issues.</p>

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Financial Implications:

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

Legal Implications

A section 8.2 review and / or an appeal with the Land and Environment Court are possible if the application is refused.

Summary and Conclusion

The proposed development satisfied some of the provisions of SLEP 2014; however, there are departures to the overall objectives and acceptable solutions contained within SDCP 2014, which are not supported.

There are issues with the street presentation, compatibility with the character existing and emerging, internal amenity of the development with regard to private open space and car parking. These matters are considered capable of resolution with a modified design. The applicant was invited to modify the proposal during the assessment.

Accordingly, based on the current scheme, a negative conclusion has been reached as a result of the s4.15 *Evaluation* assessment. Attachment 2 contains the draft determination notice and the reasons for the refusal.

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CL22.228 Proposal - On-site Sewage Management Charges to Rates

HPERM Ref: D22/48031

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Attachments:

1. Response to SA21.197 Question on Notice - Fees and Charges for Environmental Health Regulation - Operate a System of Sewerage Management [↓](#)
2. Mail Merge Letter to Residents - Proposing to make Changes to the Way We Charge for On-site Sewage Management Systems [↓](#)

Reason for Report

To seek Council's approval to apply charges for on-site sewage management to the Annual Rates Notice for affected properties, in a staged approach, commencing from the beginning of the 2022/23 financial year and to provide answers to the questions raised at the Strategy and Assets meeting SA21.197 12 October 2021 (Attachment 1).

Recommendation

1. That Council:
 - a. Approve the application of a charge for on-site sewage management to the Annual Rates Notice for affected properties, in a staged approach over five years, commencing from the beginning of the 2022/23 financial year.
 - b. Approve the application of fees for additional inspections of high-risk on-site sewage management systems and re-inspections of non-compliant on-site sewage management systems.
 - c. Note the results from the community consultation outlined in the report.
 - d. Inform ratepayers in writing of the new on-site sewage management charge and provide further, detailed information to all affected ratepayers. This will involve advice to be sent to affected properties with the first rates Notice of 2022/23.
 - e. Note that current Approvals to Operate will remain in place. An on-site sewage management charge will not be generated until the same financial year that the current approval expires. An annual approval to operate will then be issued in the name of the current owner(s) of the applicable properties.
2. That the Shoalhaven Local Approvals Policy is amended post exhibition to reflect the on-site sewage management charge being applied to the Annual Rates Notice.

Options

1. Adopt the recommendation.

Implications: Customers will no longer be presented with a large, bill every five years. For example, the costs to a ratepayer with a single on-site sewage management system on a residential premises will change from an upfront fee of **\$311** to quarterly payments of **\$15.55**. The community and environment will benefit from a successfully implemented on-site sewage management program. This will in turn reduce Council's liability

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exposure. Eligible ratepayers will experience improved customer service and Council will benefit financially from a more efficient process.

2. Not adopt the recommendation.

Implications: The current process of issuing payment advices for renewals for Approval to Operate will continue. The benefits of a more efficient and improved on-site sewage management program will not be experienced by the community, Council and the environment.

3. Choose an alternative recommendation

Implications: This would depend on the alternative recommendation and may delay improved efficiencies in the on-site sewage management program and customer service. Any implications of the alternative recommendation relating to legislative responsibility, cost, policy and risk would need to be considered.

Background

Legislation and Council's On-site Sewage Management Program

Section 68 of the *Local Government Act 1993* (the Act), as amended, and as further defined in the *Local Government (General) Regulation 2021*, requires that Council approval is required to operate a system of sewage management.

This requirement enables Council to assess the operation of effluent management systems and require property owners to meet environmental and health performance standards. Council can provide appropriate supervision and support to assist property owners to keep their on-site sewage systems working well and can better identify and monitor the source and cumulative impacts of sewage pollution.

Internal Audit Recommendation

An Audit of Council's Environmental Services Department, in accordance with the Internal Audit Plan 2021 approved by the Audit, Risk and Improvement Committee (ARIC), was conducted in September to December 2021. The results were reported to the Confidential ARIC on 7 March 2022. The following recommendation was made regarding On-site Sewage Management:

Recommendation R6: The undertaking of inspections relating to On-site Sewage Management Systems to be undertaken by Environmental Health on a priority basis according to environmental risk and previous systemic non-compliances.

The Manager – Environmental Services was tasked with implementing a priority enriched process to conduct inspections of highest risk OSSMs.

Current Process

As of February 2022, Council has 7,648 properties registered for approval to operate an on-site sewage management system (OSSM). Approximately 400 of these are connected to sewer and will be removed from the register following confirmation that the property has been connected to sewer and the OSSM decommissioned.

Depending on the potential risk to public health and the environment from operating the system, an approval period of either one or five years is issued. Approximately 98% of these approvals are considered low risk have been issued for five years. Approvals are issued at various times throughout the year, depending on when the application was made and when it has been inspected and approved by Council.

Under Section 107A of the Act, to make application to renew an Approval to Operate, an applicant is only required to make payment and does not need to submit a signed

application. Accordingly, payment advices are sent each month by Environmental Services to invite applicants to renew their Approval to Operate. A similar payment advice is sent to new property owners that also incorporates a request for consent for both the application and for Council to complete an inspection on their property.

As a payment advice is only issued five years after an inspection has been completed and an approval to operate issued, the generation of operational income is dependent on Council's inspection program. However, inspections may not always be achieved due to circumstances beyond Council's control, such as periods of prolonged wet weather, staff shortages or more recently, COVID-19 public health orders prevented Council Officers from completing standard renewal inspections for approximately four months.

Council's current fees comprise an administration component and an inspection component. The administration component depends on whether the property owner is new or existing. The inspection component depends on whether the property is residential or commercial; the number of systems present; the type of system; and, if the property owner is an eligible pensioner (non-commercial premise only). These fees provide the basis of funding for the on-site sewage management program and are outlined in Table 1.

Table 1 – 2021/22 fees (with 2% CPI increase to reflect increase for 2022/23) to renew an approval to operate a system of sewage management.

Operate a System of Sewage Management					
Fee Name	Purpose	Amount (Including GST)	% Cost Recovered	GST	Pricing Policy
New OSSM Installation	As stated	\$166.00	%70	N	Partial cost recovery
OSSM Renewal Fee	Admin Fee – Residential systems	\$132.00	70%	N	Partial cost recovery
OSSM Application Transfer Fee	Admin Fee – Residential systems	\$132.00	70%	N	Partial cost recovery
OSSM Inspection Charge (1-2 systems)	As stated	\$179.00	70%	N	Partial cost recovery
OSSM Inspection Charge (3-5 systems)	As stated	\$382.00	70%	N	Partial cost recovery
OSSM Inspection Charge (more than 5 systems)	As stated	\$490.00	70%	N	Partial cost recovery
OSSM Inspection Charge (1-2 systems) – discounted for Pensioner Concession Card holders	As stated	\$110.00	N/A	N	Partial cost recovery
OSSM Inspection Charge (3-5 systems) – discounted for Pensioner Concession Card holders	As stated	\$313.00	N/A	N	Partial cost recovery

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OSSM Inspection Charge (more than 5 systems) – discounted for Pensioner Concession Card holders	As stated	\$421.00	N/A	N	Partial cost recovery
Operate a System of Sewage Management - Commercial					
OSSM Renewal Fee	Admin Fee – Commercial systems	\$132.00	70%	N	Partial cost recovery
OSSM Application Transfer Fee	Admin Fee – Commercial systems	\$132.00	70%	N	Partial cost recovery
OSSM Inspection Charge (1-3 systems)	As stated	\$424.00	70%	N	Partial cost recovery
OSSM Inspection Charge (more than 3 systems)	As stated	\$606.00	70%	N	Partial cost recovery
OSSM Single Pump-out or Private Pump Station Inspection	As stated	\$247.00	70%	N	Partial cost recovery

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The estimated annual time and corresponding cost of Environmental Services administration staff to manage on-site sewage management payments are summarised in Table 2.

Table 2 – Annual time and cost for separate administration of OSSM fees.

Task	Time (hours)	Cost @ \$48.85 per hour
Create/send payment advices	36	\$1,758.60
Check for payments	78	\$3,810.30
Reminders	54	\$2,637.90
Final Reminders	42	\$2,051.70
Pensioner Discounts	72	\$3,517.20
Payments Plans	32	\$1,563.20
Other – fee enquiries, refunds etc.	48	\$2,344.80
Total	362	\$17,683.70

Where a property owner refuses to pay the current fees, a Penalty Infringement Notice of \$330 may be issued for operating a system of sewage management without approval. However, cooperation with property owners is Council's primary aim and a penalty notice is only issued as a last resort. Accordingly, only two such penalty infringement notices were issued in 2021.

Historical fee exemptions are currently applied to the owners of 52 properties with on-site sewage management systems (Table 3). The land is owned by either the NSW State Government, charities/community groups, religious institutions, or is operational land owned by Council. This exemption has not been applied in accordance with Council Policy. It is a

historical position dating back to when exemptions were automatically applied to either Council-owned land or if the property was listed on the community directory.

Table 3 – Property owners with fee exemptions for applications to operate a system of sewage management.

Property Owner	Fee-exempt applications
Shoalhaven City Council	17
Crown Lands	14
Charities/Community Groups	11
Religious Institutions	5
Minister/Department of Education	4
Forestry Commission of NSW	1

Proposal – Replace Renewal Fees with an On-site Sewage Management Charge on the Annual Rates Notice

Under Section 501(1) of the Act, an annual charge can be imposed for sewerage services, including the ongoing approval to operate systems of sewage management. Consequently, a separate charge can be applied in the invoice section of the Annual Rates Notice provided it is separately specified.

The proposed annual charges will be a simplified version of the existing fee structure. Instead of the separate administration and inspection components, one charge for on-site sewage management will be generated on the Annual Rates Notice for contributing to the on-site sewage management program. In addition to issuing approvals and completing an inspection, this charge encompasses a broader range of tasks, including the development of policy and procedures, management of Council's website and education of property owners.

A higher charge will still be applied to commercial properties and to property owners with multiple systems (Table 4).

A reduced charge for eligible pensioners will be retained to continue assisting financially constrained ratepayers. Pensioner eligibility will be reviewed annually. Accordingly, should pensioner status change during the year, the charge will be updated with the Annual Rates Notice the following year.

Table 4 – proposed 2022/23 annual charges for On-site Sewage Management

Charge Name	Amount (Including GST)	% Cost Recovered	GST	Pricing Policy
Non-commercial				
On-site Sewage Management (1-2 systems)	\$ 62.20	70%	N	Partial cost recovery
On-site Sewage Management (3-5 systems)	\$ 102.80	70%	N	Partial cost recovery
On-site Sewage Management (more than 5 systems)	\$ 124.40	70%	N	Partial cost recovery
On-site Sewage Management (1-2 systems) – discounted for Pensioner Concession Card holders	\$ 48.40	N/A	N	Partial cost recovery

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On-site Sewage Management (3-5 systems) – discounted for Pensioner Concession Card holders	\$ 89.00	N/A	N	Partial cost recovery
On-site Sewage Management (more than 5 systems) – discounted for Pensioner Concession Card holders	\$ 110.60	N/A	N	Partial cost recovery
Commercial				
On-site Sewage Management (1-3 systems)	\$ 111.20	70%	N	Partial cost recovery
On-site Sewage Management (more than 3 systems)	\$ 147.60	70%	N	Partial cost recovery
On-site Sewage Management - Single Pump-out or Private Pump Station Inspection	\$ 75.80	70%	N	Partial cost recovery

There are approximately 150 OSSMs currently considered to be operating at a higher risk to the environment and public health and require an annual renewal and inspection. This is primarily due to them being located in close proximity to a waterway and/or environmentally sensitive areas.

The charges proposed in Table 4 allow for only one inspection being completed approximately every five years. To ensure that the program is sustainable and that higher risk systems can still be inspected more frequently, the inspection fees outlined in Table 5 are proposed. It is also proposed to retain a fee for the re-inspection of non-compliant systems.

These fees will not be included on the Annual Rates Notice. Following completion of an additional inspection, an invoice for the relevant fee will be sent to the property owner(s). This will be managed through Council's established accounts receivable processes.

Table 5 – proposed 2022/23 fees for an Additional Inspection of an On-site System of Sewage Management

Fee Name	Amount (Including GST)	% Cost Recovered	GST	Pricing Policy
OSSM – High Risk Inspection	\$179.00	70%	N	Partial cost recovery
OSSM – High Risk Inspection (including review of annual report)	\$424.00	70%	N	Partial cost recovery
OSSM re-inspection	\$179.00	70%	N	Partial cost recovery

It is also proposed that historical fee exemptions are not automatically applied. The charities, community groups, religious institutions and NSW Government Departments/Agencies that are currently not paying fees for approval to operate a system of sewage management are to be re-informed of the new charging process and that a written request and Council resolution

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is required for any future exemptions. In addition, the asset custodian will be responsible for the annual charge for the management of on-site sewage management systems on Council land.

Staged Approach

An on-site sewage management charge will only be added to the Annual Rates Notice where the existing approval to operate is due to lapse that financial year. Accordingly, over the next five years, between 1,000 and 1,500 property owners will be rolled over to the Rates system each year.

Property owners will no longer be charged with an application fee prior to installation for an Approval to Operate a new system. Once Council has passed the final inspection of the newly installed system, an approval to operate will be generated and the on-site sewage management charge added to Rates. The charge will be calculated from the date the Approval to Operate was issued. In the event where a property is connected to sewer, the on-site sewage management charge will no longer be applied. Pro-rata refunds will not be issued.

When a property changes ownership, Council's Revenue Management Team will notify the Environmental Services Department. Information regarding the OSSM charge will then be sent to the new owner(s), along with a request for consent for both an application for approval to operate and to complete an inspection on their property under the Act.

An annual approval to operate will be generated in the name of the current owner(s) for all properties with an OSSM charge at the same time each year. The approval will be generated electronically and registered to Council's electronic record-keeping system. A copy of the approval will only be sent to ratepayers upon request. From both Environmental Services' previous experience and that of other Council's consulted, this is likely to only be requested by property owners or conveyancers at time of sale.

Improved Customer Service

Improved customer service will be provided to the Shoalhaven's property owners with OSSMs. Customers will no longer be faced with a larger, mostly unexpected bill every five years. Instead, this will be split into a smaller, more manageable annual charge. Ratepayers will then also have the option of paying in quarterly instalments. For example, the costs to a ratepayer with a single on-site sewage management system on a residential premises will change from an upfront fee of \$311 to quarterly payments of \$15.55.

In addition, the discounted pensioner rate will also be automatically and fairly applied across the Shoalhaven. Customers will also have the additional convenience of being able to pay this account at their local Post Office.

The continued application of compliance re-inspection fees for "failing" systems ensures that a "polluters pay" approach continues. Ratepayers with functioning systems will not be subsidising owners of OSSMs that fail to meet performance objectives. This same approach will be applied for high-risk systems that require more than one inspection every five years.

As per the existing inspection program, Environmental Services will continue to provide excellent customer service by notifying all property owners whose systems are due for inspection and providing an opportunity for owners to make an appointment for the inspection, if required.

Community Engagement

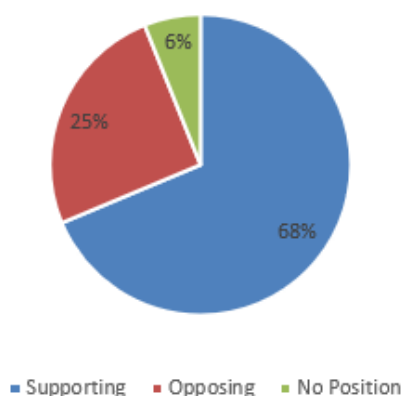
Council has listened to and acted on feedback received from property owners over recent years. The proposal addresses the community's requests for on-site sewage management costs to be applied to rates to facilitate ease of payment. Pensioners concerns regarding a large single fee have been considered by both continuing to apply a discount for eligible

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pensioners and by effectively facilitating payment over five years and in quarterly instalments for everyone.

Community engagement has been implemented. Information on the proposal was posted to more than 7,200 affected ratepayers and their feedback was requested (Attachment 2). A total of 370 submissions were received, with majority (68%) of respondents in support of the proposal (see Figure 1). Additional support for the proposal has been received from property owners via telephone enquiries and while staff have been conducting on-site sewage management inspections. Whilst supporting the proposal, these ratepayers indicated that they felt it was not necessary to provide formal feedback.

Figure 1 – summary of community feedback on the proposal



The community will be kept informed of the changes with information regarding the charge to be included in the 2022/23 Annual Rates Notice. A brochure will be included with the Annual Rates Notice for those property owners who have an OSSM Charge being applied.

Local conveyancers will also be informed of the new process.

The application of a similar charge on the Annual Rates Notice has been completed by other NSW Local Councils for more than 10 years. Consultation with Queanbeyan-Palerang Regional Council, Mid-Coast Council and Blue Mountains City Council revealed that the charge has been successfully applied with little to no issue. All three Councils highly recommended this approach and emphasised the time-saving efficiencies, ease of payment for ratepayers and other benefits experienced. The proposed annual review of pensioner eligibility is also consistent with other Councils.

This proposal has been developed following on-going internal consultation and collaboration with Council's Revenue Management Team; Business Systems Team and Continuous Business Improvement Team (Project Q) since December 2017. The proposal has been timed and developed to ensure that the needs and concerns of all teams have been addressed.

Policy Implications

The proposal will facilitate Council's provision of a more comprehensive OSSM program, focusing on achieving the objectives of the program, whilst ensuring that operational expenses are achieved. This will ensure compliance with Council's policies, including Chapter G8 *On-site Sewage Management* Shoalhaven DCP 2014 and Shoalhaven Local Approvals Policy 2017.

In addition, any exemption from charges will now only be applied following Council resolution, which is consistent with existing Council policy.

Financial Implications

Applying charges for OSSM to Rates will facilitate more efficient processes and create cost-savings for Council.

Renewal inspections will still be completed, however, the program will be more efficient as inspections for a locality may be completed at the same time, as opposed to when each renewal falls due during the year. In addition, the number of inspections completed can be scheduled more evenly over the five-year period. Currently, some years have a larger number of renewal inspections due than others, depending on resourcing and how many approvals to operate were issued five years prior.

In 2022/23, Council Officers can focus on the 1,300 already outstanding applications to not only ensure that these systems are performing satisfactorily, but to also enable the future annual charge for on-site sewage management on the Annual Rates Notice.

The management of accounts for OSSM by the Revenue Management Team is more efficient than the current process. Staff trained in account management will be performing this task and duplication will no longer occur, saving the equivalent of one day per week in administration. This will afford Environmental Services administration staff time to perform duties currently not resourced, to better support Officers and to provide better customer service.

An additional investment of time will be required by the Revenue Management Team. It is anticipated that the initial application of charges to the Annual Rates Notice will be relatively efficient. However, the predicted 100 or so adjustments required per year for changes in eligible pensioners and for adding charges to new systems will require an investment of time from Rates Officers. However, this additional time is predicted to be substantially less than the time required by Staff for the current processes.

Payment for approval to operate will no longer be received upfront, which will affect Council's income for the next four years. Approximately one fifth of the previously predicted income will be received in 2022/23; two fifths in 2023/24; and so on until 2026/27 and the years thereafter when all property owners will be paying annual charges for on-site sewage management and the full income will again be realised. However, during this time, Council will save both time and money by not expending additional resources issuing payment advices and chasing up payment for renewals. Also, savings will be realised through the implementation of a more efficient inspection program and additional income received by concentrating on the rectification of non-compliant systems and subsequent invoices for re-inspection and administration fees under the *Protection of the Environment Operations (POEO) Act 1997*.

Another benefit is that the main source of income for the on-site sewage management program will now be regularised. The amount of income to be received each year can be clearly identified for budgeting purposes and will no longer be dependent on external factors, such as the weather and resourcing.

Risk Implications

In accordance with Recommendation R6 from the Environmental Services Internal Audit Report, the proposal will reduce the potential risk to Council regarding inspections of On-site Sewage Management Systems.

Under Section 501(1) of the Act, an annual charge can be imposed on the Annual Rates Notice for sewerage services. The charge proposed is for the broader on-site sewage management program and there is no obligation for Council to complete an inspection. Although it is anticipated that Council will still continue to complete at least one inspection every five years, Council will still be meeting its service obligations if this is not achieved.

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The proposal therefore facilitates the implementation of a priority enriched inspection program, developed according to environmental and public health risks and previous systemic non-compliances.

Rather than completing renewal inspections to meet targets, inspecting officers can focus on rectifying non-compliant systems. This will reduce Council's exposure in the event of a public health emergency, as was experienced by a local Council with a hepatitis A outbreak in Wallis Lakes in 1998.

The proposal also ensures that operational budgets will be maintained in the long term, whilst continuing to undertake inspections of OSSMs to protect the environment and manage public health risks. The current focus on ensuring that operational income is generated by inspecting OSSMs, detracts from these important objectives of the program.

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Response to SA21.197 Question on Notice 12 October 2021 - Fees and Charges for Environmental and Health Regulation - Operate a System of Sewerage Management

The following provides the answers to the questions that were raised in SA21.197.

1. What is the cost recovery for Septic inspections for property owners and what is the cost to Council?**Response**

Legislation requires that Onsite Sewerage Management System (OSSM) owners have an *Approval to Operate*. Council rationalises the risk of the system and consequences should it fail and pose environmental harm concerns. A one-, three-, or five-year operational approval is then issued. The duration of operational approval is driven by environmental risk factors. For example, a one-year operational approval is typically provided to owners located in foreshore/riparian areas and other environmentally sensitive areas. A five-year operational approval is typically provided to rural owners, due to the low environmental and public health risks in most circumstances.

The application fees are as follows:

- \$162 for the application; and,
- \$175 inspection fee per unit.

Council is currently investigating the incorporation of these fees into the rates for relevant landowners to reduce the need to individually invoice each of the 7,000 properties that operate an OSSM across the Shoalhaven.

The application and inspection fee incorporates 70% cost recovery for Council involvement and associated resources.

In recent years, Council has adopted a “polluter pays” approach by utilising formal directions and penalty infringement notices under the *Protection of the Environment Operations (POEO) Act 1997* (NSW) for the more serious and high-risk failing systems that require additional Council resources to prevent and/or mitigate environmental harm.

If the landowner transacts the property, the *Approval to Operate* needs to be provided as part of the conveyance process.

2. Why is there an OSSM application fee where the septic system already exists and then an OSSM Inspection Charge? Are residents charged both fees?**Response**

The NSW State Government introduced legislation in 1998 requiring all property owners and/or occupiers with an OSSM to have a current *Approval to Operate* issued under the *Local Government Act 1993* (NSW). Previously, Council approval to install an on-site sewage management system ensured that the system was appropriate and installed correctly. However, it did not enable Council to address the ongoing operation of that system. Furthermore, the previous approval regime did not require operators to meet environmental and health performance standards. The current OSSM program permits Council to monitor and identify failing systems and reduce

the cumulative impact of sewage pollution on the environment and to reduce public health risks.

Council resolved to split the costs for *Approval to Operate* into an administration fee and an inspection fee to clearly articulate to owners the costs associated with such approvals. The administration fee contributes to the costs associated with the on-site sewage program, the creation of approvals and the keeping of a database that tracks the renewal frequency for the 7,000 systems located within the Shoalhaven Local Government Area. The inspection fee contributes to the assessment officer's time, with components that include – travel costs, professional labour costs and consultation with owners / trade persons regarding upgrading of a system and community awareness programs.

The OSSM fees and charges were advertised with the 2015/16 budget for community comment prior to adoption. In response to these changes, Council listened and acted on feedback provided by the community. Most of the concern regarding the increase in fees was raised by pensioners. Accordingly, in the 2017/18 financial year, a pensioner discount was introduced into Council's Fees and Charges.

To further ease the burden imposed on rate payers, Council's Department of Environmental Services is currently investigating the incorporation of a charge to rates for OSSMs as an alternative to the current fees and charges. This will facilitate rate payers to be able to pay in small quarterly instalments over five years rather than being invoiced for the approval and inspection charges upfront.

3. How often is a system inspected (i.e., annual; 3 years etc) and are properties located close to waterways inspected within different timeframes?

Response

Following the review of the OSSM Program in 2015, to lessen the cost to the community, Council increased the approval period for most systems from one or three years to five years. Approximately 12% of systems have been issued with a one-year *Approval to Operate*, with the remainder inspected every five years. Not only is this a direct saving for property owners, but because systems that are being operated well are inspected less frequently, Council staff can stratify efforts to focus on systems that are being operated unsatisfactorily and may pose environmental harm.

The systems allocated with a one-year approval are either a high potential risk to the environment and/or higher public health risk. These include systems located near oyster farms, directly adjacent to waterways and/or environmentally sensitive areas or are within large commercial systems.

4. What effort is made to identify the same owners of adjoining lots to minimise costs and charges and multiple visits?

Response

Inspections are completed when the *Approval to Operate* is due to expire. Depending on when the application was made, adjacent property owners may have inspections that vary by years. However, inspections are completed on the same day for properties in the same area that are due for renewal.

Applying charges to rates will facilitate further efficiencies in inspection planning as all the inspections that are due in a financial year for one area can be completed at the same time.

5. Has council considered contracting this service out?

Response

Contracting the OSSM approval and associated inspection services is not feasible as Council is the appropriate regulatory authority under the *Local Government Act 1993* and for the investigation of pollution incidents under the *Protection of the Environment Operations Act 1997*. Accordingly, Council's solitary involvement in this process ensures legislative compliance, but also it enables the integration of subject matter expertise to reduce the impact on the environment and public health and to provide community education on these systems.



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia
shoalhaven.nsw.gov.au/contact | 1300 293 111

shoalhaven.nsw.gov.au    

Council Reference: 10970E (D22/162512)
Your Reference: «Name» «Suburb_»

26 April 2022

«OWNER_address_name»
«Mailing_address»

Dear Sir/Madam

**Shoalhaven City Council is proposing to make changes
to the way we charge for on-site sewage management systems**

Instead of a lump-sum inspection and renewal fee, Council is proposing to incorporate charges for on-site sewage management in the Annual Rates Notice beginning with the first rates notice issued in July 2022.

Why have you received this letter?

We are writing to you because you are one of over 7,000 people in Shoalhaven City with a property registered for approval to operate an on-site sewage management (OSSM) system. This approval is legislated by Section 68 of the *Local Government Act 1993* (NSW), which requires Council to:

- assess the operation of effluent management systems
- issue approvals to properties with compliant systems of sewage management
- require property owners to meet environmental and health performance standards

Approvals are issued for either one or five years, depending on the potential risk to public and environmental health.

Under this legislation, Council may charge for sewerage services, including the ongoing approval to operate systems of sewage management. Currently, Council's fees comprise two separate invoicing components – administrative and inspection – and these are typically invoiced once every five years.

We want to know whether you support the proposed change in fee structure and payment.

What is Council proposing?

We are proposing a simplified version of the existing fee structure:

- The OSSM system charge will appear as an itemised fee on the rates notice
- Replace the lump-sum fee with a smaller, more manageable annual charge reflected in quarterly rates notices, and spread over the period of the approval (either one or five years).

What will the fee cover?

The OSSM system charge contributes to the costs for the ongoing approval to operate an OSSM system on your property. The charge also contributes to inspections of OSSM systems, providing education to property owners, facilitating the upgrade of systems, managing complaints, and more. There are no proposed changes to the program or what the fees cover.

How will you benefit from Council placing the OSSM system charge on rates?

The proposed OSSM system charge will simplify the large lump-sum fee with smaller, more manageable, and convenient quarterly payments.

For example, a rate payer with a single OSSM system on a residential premises whereby the lump-sum fee is \$311 for a five-year approval, will now only be required to pay quarterly instalments of \$15.55 (equating to the full \$311 fee split equally over five years).

How will your approval to operate be issued?

Council will generate approvals to operate in August on an annual basis for all applicable rate payers. We will generate and store approvals electronically, and a copy will be sent to ratepayers upon request.

What happens if you have an existing/current approval to operate?

An OSSM charge will only be added to the Annual Rates Notice where the existing approval to operate is due to lapse that financial year. Accordingly, over the next five years, between 1,000 and 1,500 property owners will be rolled over to the Rates system each year. This will ensure that ratepayers do not pay for the same service twice.

Existing approvals to operate will continue to have effect, until such time as their expiration. You will not be charged anything additional or see new charges on your rates notice while your existing approval is current. At the expiration of the approval, you will see the new charges appear on your rates notice.

Property owners will no longer be charged with an application fee prior to installation for an approval to operate a new system. Once Council has passed the final inspection of the newly installed system, an approval to operate will be generated and the OSSM charge added to rates. The charge will be calculated from the date the approval to operate was issued. In the event where a property is connected to sewer, the on-site sewage management charge will no longer be applied. Pro-rata refunds will not be issued.

What will stay the same?

Council will continue to apply the pensioner discount rate automatically and fairly across the Shoalhaven. A higher charge will still be applicable to commercial properties and property owners with multiple systems. Higher risk OSSM systems and those that fail continuously will be inspected more frequently, and any additional fees will be invoiced separately to the rates notices.

Do you agree with the proposed changes, and how can you give feedback to Council on this proposal?

There are three ways you can have your say on the OSSM system charge proposal:

- Email your feedback to Council at council@shoalhaven.nsw.gov.au, using the subject line 'OSSM Proposal Feedback'
- Written feedback posted back using the enclosed the pre-paid return envelope. Subject line 'OSSM Proposal Feedback'
- Written feedback and drop it into the Customer Service desk at Council's City Administration Centre, 36 Bridge Road, Nowra, 2541. Quote subject line 'OSSM Proposal Feedback'

All feedback, either by post or email, must be returned by 13 May 2022.

What will we do with your feedback?

Staff will anonymise and collate all feedback into a report that will be considered by Council at the Ordinary Council Meeting on 23 May 2022. Feedback received later than 13 May 2022 will not be included in the report to Councillors.

Where can you find out more information about on-site sewer management systems?

You can find more information on Council's website: <https://www.shoalhaven.nsw.gov.au> by searching 'On-site Sewage Management.'

Yours faithfully



James Ruprai
Director - City Development

CL22.229 Council Policy Review - Rangers

HPERM Ref: D22/157788

Department: Certification & Compliance

Approver: James Ruprai, Director - City Development

Attachments:

1. Fee Waivers - Ranger Services Unit [↓](#)
2. Companion Animals - Management of Feral Infant Cats Dogs [↓](#)
3. Animals - Management of Sick or Injured Animals [↓](#)
4. Domestic Poultry Abandoned on Public Land [↓](#)
5. Protocols for Directing Signs Enquiries and Complaints [↓](#)

Reason for Report

These policy reviews are presented to Council in accordance with the recommendation for all policies to be reviewed within the first 12 months of the new Council.

Council consider the adoption of these public policies which deal with the responsibilities of Ranger Services within the Certification and Compliance Section.

Recommendation

That Council

1. Adopt the following policies with minor amendments:
 - a. Fee Waivers – Ranger Services Unit
 - b. Companion Animals – Management of Feral and Infant Cats and Dogs
 - c. Animals - Management of Sick or Injured Animals
2. Rescind the following policies
 - a. Domestic Poultry Abandoned on Public Land Policy.
 - b. Protocols for Directing Signs Enquiries and Complaints.

Options

1. Adopt the recommendation.

Implications:- Nil. The minor changes made to the policies will assist in policy implementation.

2. Adopt an alternative recommendation.

Implications:- Council will need to direct staff on the way forward.

Background

The Certification and Compliance Section (Ranger Services Unit) policies listed below have been reviewed and amendments have been made as follows:

- (a) POL22/16 – Fee Waivers – Ranger Services Unit (Attachment 1):- Council previously received a report for this draft policy at its Strategy & Assets Committee meeting on

CL22.229

21 July 2020. Only some minor wording changes have been made to this policy and these are identified in the attachment.

- (b) POL22/9 - Companion Animals – Management of Feral and Infant Cats and Dogs (Attachment 2):- This policy was adopted by Council in 2016. Only some minor wording changes have been made to this policy and these are identified in the attachment.
- (c) POL19/30 – Animals - Management of Sick or Injured Animals (Attachment 3):- The policy has been streamlined to eliminate repetition and remove operational information. The aim of the policy remains the same. These changes are identified in the attachment.
- (d) POL16/238 - Domestic Poultry Abandoned on Public Land (Attachment 4):- This policy was adopted by Council in 2016. Council internal procedures provide guidance on the management of poultry in public places. All poultry retrieved are taken to the Shoalhaven Animal Shelter where they are either rehomed or euthanized. The Domestic Poultry Abandoned on Public Land Policy is no longer required.
- (e) POL07/15 – Protocols for Directing Signs Enquiries and Complaints (Attachment 5):- This policy was adopted by Council in 2004. Council internal procedures provides guidance is directing signs enquiries and complaints. This policy is therefore no longer required.

Summary

There are five public policies dealing with the responsibilities of Ranger Services. It is recommended that the Domestic Poultry Abandoned on Public Land and the Protocols for Directing Signs Enquiries and Complaints be rescinded and the other three policies be affirmed with the amendments identified.

CL22.229

Fee Waivers – Ranger Services Unit

Adoption Date:	08/12/2020
Amendment Date:	
Minute Number:	MIN20.912
Review Date:	01/12/2020
Directorate:	City Development
Record Number:	POL22/16

Fee Waivers – Ranger Services Unit

1. Purpose

Fee Waivers or Reductions

- (a) Establish a framework and consistent approach to reduce or waive fees to enable the Ranger Services Unit, which includes the Animal Shelter, to function efficiently.
- (b) Establish a framework and consistent approach to consider applications for waivers, fee freezing from time the application is made or any other form of fee relief for pet owners and other applicants which considers the involvement of other agencies.
- (c) Ensure any subsidies provided are equitable, transparent and effective and reduce the risk of corrupt conduct.
- (d) Define Council's criteria for the approval of any reduction in adopted fees, clearly identifying responsibility and accountability levels.
- (e) Recognise the social value and animal welfare benefits of providing this assistance.
- (f) Endeavour to recoup costs from animal related fee waivers via adoption of animals.

Service Provision

Establish protocols with agencies and pet owners who rely on Council to provide temporary housing for animals who are victims of circumstance. Factors include financial or other hardship, environmental or personal emergency or event, public safety and animal welfare.

Establish protocols for owners of impounded vehicles, articles and livestock to apply for fee waivers.

2. Statement

Shoalhaven City Council owns and operates the Shoalhaven Animal Shelter.

This policy relates to Council's Delivery Program and Operational Plan, Fees & Charges. It will complement the Code of Conduct and Council's guidelines relating to protocols in the way in which Council officers carry out their obligations.

3. Provisions

Definitions

article means anything capable of ownership except a living creature as prescribed by the Impounding Act

companion animal means each of the following:

- (a) a dog,
- (b) a cat,
- (c) any other animal that is prescribed by the Companion Animals Regulation as a companion animal.

hardship means where there is evidence that the payment of the fee or charge will impose unreasonable financial hardship on the applicant given their particular circumstances and assessed by the authorised officer.

motor vehicle means:

- (a) a motor vehicle within the meaning of the Road Transport Act 2013, and includes a caravan, boat trailer or other trailer (whether or not attached to such a vehicle), and

Fee Waivers – Ranger Services Unit

- (b) the remains of such a vehicle, and
- (c) any article (including parts and accessories) that is secured to or in such a vehicle at the time it is impounded.

Application Process

The applicant is required to complete fee waiver form 3540 and submit this to Council. The matter will be assessed by an authorised officer and the applicant will be notified of the outcome. Applications are saved into Council's record keeping system.

Categories for fee waivers or reductions

The option to reduce or waive fees will be based on the following assessment criteria:

- (a) Personal hardship is demonstrated (including unemployment, financial loss or the impacts of COVID-19).
- (b) Encourage adoptions when the Shelter is at capacity (e.g. kitten season, the animal is elderly or has health issues or a disability, or for animals that have been at the shelter for more than two weeks after the seizure or impound period is complete). This also enables Council to comply with section 64(5) of the Companion Animals Act (i.e. consider an alternative to destroying an animal).
- (c) Reduce the price of merchandise, including collars and tags, –to assist pet owners experiencing financial hardship, encourage adoptions or for clearance sales.
- (d) Reduce trap hire for residents who provide a community service by trapping abandoned or feral cats or feral dogs on private land which benefits animal welfare and the environment.
- ~~(e)~~ The surrender of a cat or dog, including an aggressive dog or a dog that has attacked, when the owner is experiencing financial hardship or when it is in the interest of public safety or animal welfare.
- (e)
- (f) Release a cat brought in by a member of the public when it is microchipped and registered and no offence can be proven as cats can roam except in prohibited areas as stated in section 30 of the Companion Animals Act.
- (g) Events which result in dogs escaping, such as fireworks and storms.
- (h) Encourage prompt reclaim of dog or cat by waiving fee if animal is picked up within four hours by agreement and there is no history.
- (i) Microchipping a cat or dog when the owner is experiencing financial hardship.
- (j) Promote responsible pet ownership at events by providing microchipping at a reduced cost or free of charge.
- (k) Provide an owner with a dangerous dog sign to assist compliance with the Companion Animals Act, and in the interest of public safety, when dog is declared a Dangerous, Restricted Breed or Menacing.
- (l) Enable an owner of livestock, vehicles or articles to reclaim their property when they are experiencing financial or personal hardship.
- (m) Animals can be seized, displaced, abandoned or handed over to authorised officers by:
 - (i) The Police, Sheriff's Office, Southern Cross Housing, RSPCA, AWL or by the public;
 - (ii) Pet owners who are implicated in the activity being undertaken or are vulnerable due to personal circumstances or an event.

Fee Waivers – Ranger Services Unit

A timeframe is negotiated with an agency or pet owners to determine the length of time Council will care for the animal free of charge.

Criteria for Assessment

The option to waive or reduce fees is based on an assessment made by the authorised officer which considers:

- a) The applicant's reason for the request
- b) Any prior history or enforcement action relating to the pet owner
- c) The degree of contrition
- d) How quick pet owner responds to rectify the situation

Fee waivers in relation to enforcement action

Where the fee waiver process is linked to an enforcement matter, fee waivers may need to be applied where it is a first offence.

Sometimes roaming animals are brought to the Animal Shelter and there may have been extenuating circumstances as to why they were roaming. Examples may include storm and fireworks events resulting in extraordinary feats for an animal's escape. This can be taken into consideration when assessing the application to waive the fee.

Legislated Fees Waivers (excluded from this policy)

The following will continue to apply:

- (a) Section 65 of the Companion Animals Act provides for certain fee waivers in relation to the release of dogs and cates to their owners.
- (b) Section 95(1)(b) of the Companion Animals Act provides that any fee or charge payable under the Act may be reduced or waived in respect of persons in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.
- (c) Section 26(7) of the Impounding Act provides that an impounding authority may waive payment of a fee or charge, or part of a fee or charge, in respect of the impounding of an animal in a public place that had strayed because a gate or fence had ceased to be animal proof due to fire, flood or other natural disaster.

Delegations and Authorities

The ~~Section Manager~~ [Certification, Building and Compliance](#) or the ~~Lead Unit Manager~~, Ranger Services may authorise a fee waiver or reduction.

Reporting

An annual summary on all fee waivers will be submitted to the Finance Section for reporting purposes.

4. Implementation

This Policy will be implemented by the Ranger Services Unit.

The policy will be reviewed within twelve (12) months of the election of Councillors, or earlier should circumstances arise to warrant revision.

Companion Animals - Management of Feral and Infant Cats and Dogs

Adoption Date:	22/02/2011
Reaffirmed:	02/06/2013
Amendment Date:	19/07/2016, 24/01/2017, 9/06/2020
Minute Number:	MIN11.149, MIN13.638, MIN16.554, MIN17.24, MIN20.413
Review Date:	01/12/2020
Directorate:	City Development
Record Number:	POL22/9

Companion Animals – Management of Feral and Infant Cats and Dogs

1. Purpose

The purpose of this policy is to comply with the Guideline on the Exercise of Functions (the Guideline), the *Companion Animals Act 1998* (the Act) and the *Companion Animals Regulation 2019* (the Regulation).

MANAGEMENT OF FERAL AND INFANT COMPANION ANIMALS

1.1. Definitions

Companion animal means each of the following:

- (a) a dog,
- (b) a cat,
- (c) any other animal that is prescribed by the Regulations as a companion animal.

Infant animal: Is an animal generally under 800 grams and still totally reliant on its mother to eat, drink and for evacuations.

Feral animal: Is an animal in wild state, especially after escape from captivity domestication. It is an unidentified, aggressive animal that has had no demonstrable human, social interaction.

1.2. Context

The Shoalhaven Animal Shelter receives feral and infant animals, mostly cats, from members of the public in person or via Ranger Services Officers. The public may trap feral cats or manage to catch unowned litters without their mother or pet owners may leave litters in the overnight kennels without their mother. The Shelter will only take surrendered kittens without their mother if the kittens are old enough and able to survive without their mother.

As feral animals are unowned, multiply readily and are destructive to wildlife, they pose a nuisance to the community and a threat to the environment. Feral cats received at the shelter suffer from capture stress which is considered by animal welfare organisations to be inhumane. As these animals are not suitable for rehoming, the earlier a decision is made to euthanize the more humane for the animal.

As infant animals are totally reliant on their mother, an educated decision must be made by staff as to the viability of the animal. In relation to eating and drinking, infants may require bottle feeding every two hours. However, these infants do not have the capacity to evacuate unless stimulated by their mother or by a foster carer.

Section 64(5) of the Act requires that, before destroying a seized animal, Council considers whether there is a possible alternative and, if practicable, adopt/implement this alternative. It is Council's policy to comply with Section 64(5) wherever possible, and in the case of healthy infant animals and as resources permit, Council endorses that the animals be placed:

- a) In temporary care with a sanctioned foster carer until such time as the animal's legislated holding period is surpassed; or
- b) In the permanent care of an associated organisation. Associated organisations include other animal welfare organisations and like-minded community groups (which are sometimes referred to as 'rescue groups').

Council will retain sufficient control over infant animals placed into temporary care.

1.3. Euthanasia of feral and infant companion animals

Companion Animals – Management of Feral and Infant Cats and Dogs

In accordance with Section 64(2) of the Act, feral and infant companion animals seized or surrendered to Council's pound may be destroyed prior to the standard holding period as set out in Section 64(1) of the Act. Any policy adopted by the council for the purposes of subsection (2) must comply with such guidelines as may be issued by the Director-General.

Council authorises the humane euthanasia of feral and infant animals that are unsuitable or unlikely to be rehomed, or when it is in the best interest for the welfare of the animal following any advice provided by a veterinarian or the Shoalhaven Animal Shelter Supervisor.

The ~~Section Manager, Building Certification~~ and Compliance or ~~Unit Manager/Lead~~ Ranger Services may authorise such euthanasia.

2. Implementation

This Policy will be implemented by the Ranger Services Unit.

3. Review

The policy will be reviewed within twelve (12) months of the election of Councillors, or earlier should circumstances arise to warrant revision.

Management of Sick or Injured Animals

<u>Adoption Date:</u>	<u>27/01/2009</u>
<u>Reaffirmed:</u>	<u>21/06/2013</u>
<u>Amendment Date:</u>	<u>24/01/2017</u>
<u>Minute Number:</u>	<u>MIN09.71, MIN13.638, MIN17.24</u>
<u>Review Date:</u>	<u>1/12/2020</u>
<u>Directorate:</u>	<u>City Development</u>
<u>Record Number:</u>	<u>POL19/30</u>

<u>Adoption Date:</u>	<u>27/01/2009</u>
<u>Reaffirmed:</u>	<u>21/06/2013</u>
<u>Amendment Date:</u>	<u>24/01/2017</u>

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Minute Number:	MIN09.71, MIN13.638, MIN17.24
Review Date:	1/12/2020
Directorate:	City Development
Record Number:	32667E

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1. Purpose

The purpose of this policy is to:

- a) Detail the circumstances where Council will ~~assist to~~ ensure ~~vet~~ veterinary treatment is provided for sick or injured animals.
- b) Inform a 'person in charge' of an animal of their responsibilities under the Prevention of Cruelty to Animals Act 1979 (POCTAA) and clarify what action Council will take if they do not fulfil these obligations.

~~b)~~

2. Statement

The POCTAA prohibits cruelty to animals and promotes animal welfare by requiring a 'person in charge' of an animal to provide care for the animal, to treat the animal in a humane manner and to ensure the welfare of the animal, including ~~vet~~ veterinary treatment ~~as necessary~~. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the NSW Animal Welfare League ~~is are~~ responsible to enforce this legislation.

The Companion Animals Act 1998 provides for the identification and registration of companion animals and for responsible pet ownership. Local Government is responsible to ensure owners of companion animals comply with the Act.

The Impounding Act relates to livestock which is a Council responsibility when livestock are on public land without authority.

This policy underpins the POCTAA, the Companion Animals Act, the Impounding Act and any other legislation relating to the management of animals relevant to this issue.

Wildlife Rescue should be contacted if the sick or injured animal is a native animal.

3. Provisions

4.4.3.1. Legislative Responsibilities

Section 5 (3)(c) of the POCTAA provides that a 'person in charge' of an animal ~~must shall not fail at any time, where it is necessary for the animal to be~~ provided ~~ywith vet~~ veterinary treatment; when ~~required ther or not over a period of time, to provide it with that treatment~~.

~~Error! No document variable supplied.~~**Management of Sick or Injured Animals Policy**

~~The maximum penalty for failing to do so is \$27,500 for a Corporation and \$5,500, or 6 months imprisonment (or both) in the case of an individual.~~

The 'person in charge' ~~in relation to~~ of an animal includes the owner ~~of the animal or~~ and a person who has the animal in their ~~person's~~ possession or custody, or under their ~~person's~~ care, control or supervision.

1.2.3.2. Sick and Injured Animals

A sick or injured animal comes to the attention of Council in a variety of ways:

- ~~a) Chance find by a Council Officer in a public place.~~
- ~~b)a) Seized or impounded animal in Council's care.~~
- ~~c)b) Responding to a call from the public about a~~An animal is found in a public place.
- ~~d)c) Responding to a request to collect A~~ stray or surrendered animal from a private residence.
- ~~e)d) A member of the public seeking to surrendered~~ed or hand in a stray animal at the Shoalhaven Animal Shelter.

~~In Situations outlined at such as those outlined in a) and b) above clearly place the Council officer will become the as the 'person in charge' for the purposes of the POCTAA by virtue of taking the animal into the officer's possession at the time of the animal being found or seized. In situations outlined at c), d) and e), the Council or its authorised officer will become the 'person in charge' at the time of the animal coming into the officer's possession. As suc_h, aAny animals that require treatment by a veterinarian will receive such treatment at Council's expense in the event that Council or its authorised officer(s) is properly defined as the 'person in charge'.~~

Where an animal is in the charge of a person who is not a Council employee, ~~such as outlined in c), d) and e) above,~~ the responsibility for ensuring the animal receives ~~vete~~terinary treatment rests with that person.

~~Accordingly, in situations outlined in c), d) and e) above, until such time as possession of the animal passes to Council via its authorised officer, there is no responsibility on Council or its authorised officer to obtain veterinary treatment for the animal.~~

At times there are mitigating circumstances which may require assistance from Council to deliver the animal to a ~~vet~~Vet clinic. Each ~~of these matters~~ will be assessed with action taken in the best interest of the animal. ~~However, Council's officers should be aware that as soon as possession or custody of an animal passes to them, responsibility for the animal will also pass.~~

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3.3. Decision to Euthanize

~~The power to euthanize or destroy an animal varies depending on the legislation being relied on.~~

The power to destroy an animal ~~that has been seized~~ is available under the following legislation:

- Companion Animals Act - ~~{section 64 after notice has been given under section 63}.~~
- ~~Impounding Act - {section 11(4) impounding officer may destroy an animal immediately rather than take the animal to the animal shelter pound if the animal is in the opinion of the impounding officer is seriously injured, diseased, starved or otherwise in a distressed state}~~
- ~~POCTAA - {section 26AA}~~
- ~~Note that the powers conferred powers to -on a Council officer to destroy an animal under either the Companion Animals Act or Impounding Act relies on the officer acting in accordance with one of those Act, and being an authorised officer in accordance with one of those Acts.~~

A Council officer may engage a ~~vet~~Veterinary surgeon to euthanize an animal. ~~{“vet”} whether by arranging the vet’s attendance at the animal shelter or by the officer taking the animal to the vet’s practice.~~

~~In the event that the officer takes the animal to the vet, the vet may take possession of the animal for the purpose of destroying it. In the event that a vet attends Council’s pound or animal shelter the vet may take possession of the animal and may remove the animal to a place where the vet thinks fit and may then destroy the animal.~~

~~If an animal is to be destroyed by a vet, the All reasonable costs incurred by of the vetVet are recoverable by the vet from the owner of the animal under POCTAA (section 26AA (2)). Whilst a Council officer may be defined as a “person in charge” of an animal, the officer (and vicariously, the Council) is not the owner of the animal. As such, tThere is no power for the vetVet to recover the costs of destroying an animal from the Council. Indeed, if it is the vet’s position that an animal should be destroyed, then that is a matter for the vet. The council is not liable to pay for the destruction of the animal.~~

~~In the event that an animal is to be taken by Council’s authorised officer to a vet for assessment, prior to taking the animal to the vet practice the Council officer should make this it patently clear to the vetVet practice that the Council is not under any obligation to pay for~~

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the destruction of the animal and that any decision to destroy the animal will be based on the vet's ethics.

Any In the event that Council has details of the ownership of the animal, these details should be passed to the vet so that the vet can recover the cost of destroying the animal from the owner.

Council officers should note that vet may take an animal for destruction in circumstances where the animal is not about to be destroyed, or is about to be destroyed in a manner that will inflict unnecessary pain upon the animal.

If in the event that an animal is presented to a vet for treatment and it that does not involve its destruction of the animal, Council may be liable for such treatment.

At times there are mitigating circumstances which may require assistance from Council to make decisions and cover costs incur

When the owner cannot be contacted and Council is required to pay for treatment, the decision to treat an animal or destroy it will likely be based on costs. However, Council officers are reminded of the obligation to have an animal treated pursuant to section 5 (3) (c).

Ultimately, if an animal fits the criteria as set out at section 26AA (1) of the POCTAA it should be Council's position that the animal is destroyed.

If the animal requires treatment, Council's authorised officer should seek that possession and control of the animal passes to the vet such that the vet becomes the person in charge of the animal. This would seem to alleviate any obligation of Council to pay for treatment.

Some comfort for Council can be taken by section 30A(e) which allows Council to seek an Order of the Court that a person charged with an offence against the Act (note: conviction is not required) must pay for the animal's vet treatment. Of course, this requires that the owner can be located and/or somebody is charged with an offence against the Act.

In any case, Council must be prepared to pay for the treatment of an animal so that it or its authorised officer is not in breach of section 5 (3) (c).

Council may consider a fund raising venture to assist in meeting any payment obligations.

d.

1.3.3.4. Cost Recovery

~~Error! No document variable supplied. Management of Sick or Injured Animals Policy~~

Prior to the animal being released from the animal shelter, the reclaim fee payable is to include the cost of any ~~vet~~ veterinary treatment provided to the animal.

Where such an animal is not claimed and the owner can be identified, the cost of the ~~vet~~ veterinary treatment is to be recovered as a civil debt by ~~Council~~ Council.

~~Council officers will seek full cost recovery of any costs incurred by Council for veterinary treatment for sick or injured animals as part of any proceedings before the courts.~~

~~If the owner takes full responsibility and pays the veterinary fees and collects the animal from the veterinary clinic the above requirements do not apply~~

4. Implementation

This policy will be implemented by the Ranger Services Unit.

5. Review

This policy will be reviewed within one year of the election of each new Council or earlier if circumstances arise to warrant revision.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Planning, Environment & Development Group

DOMESTIC POULTRY ABANDONED ON PUBLIC LAND

Policy Number: POL16/238 • **Adopted:** 20/09/2005 • **Reaffirmed:** 11/11/2008 • **Amended:** 21/06/2013, 24/01/2017 • **Minute Number:** MIN05.1228, MIN08.1465, MIN13.622, MIN17.24 • **File:** 32667E • **Produced By:** Planning, Environment & Development Group • **Review Date:** 1/12/2020

1. PURPOSE

The aim of this policy is to provide guidelines to manage domestic poultry abandoned on public land and waterways.

2. STATEMENT

The abandonment of poultry in waterways and on other public land is an ongoing concern in many local government areas and requires appropriate management. Complaints about the poultry are received from the public for a variety of reasons including welfare concerns, aggressive behaviour, animals being a traffic hazard, droppings creating a mess and being a health concern, and concerns for the impact on the natural environment.

2.1. Background

Council acknowledges that domestic poultry is abandoned on public land despite signage to discourage this and advising the public to contact the Shoalhaven Animal Shelter for assistance.

2.2. Legislation

Section 125 of the Local Government Act states a Council may abate a public nuisance.

3. PROVISIONS

Common areas where poultry are abandoned includes Harry Sawkins Park, Nowra; Marriott Park, Nowra; Mark Radium Park, Berry; and Sussex Inlet Keys.

In the interest of animal welfare all abandoned poultry may be removed as soon as practicable including abandoned poultry dumped on public land other than locations specified above.

4. IMPLEMENTATION

This policy will be implemented by the Ranger Services Unit.

*Shoalhaven City Council - Domestic Poultry Abandoned on Public Land***5. REVIEW**

This policy will be reviewed within one year of the election of every new Council, or earlier if circumstances arise to warrant revision.

6. APPLICATION OF ESD PRINCIPLES

This policy supports Council's commitment to ESD principles through social integrity and animal welfare management.



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For more information contact the Finance & Corporate Services Group

PROTOCOLS FOR DIRECTING SIGNS ENQUIRIES AND COMPLAINTS

Policy Number: POL07/15 • Adopted: Group Directors Meeting 18/11/04 • Revised: 29/03/2007 • Minute Number: N/A • File: 31233 • Produced By: Finance & Corporate Services Group • Review Date: 29/03/2008

1. PURPOSE

To assist staff in directing signs enquiries and complaints to the appropriate area of Council.

2. STATEMENT

These protocols relate to all types of signs, including commercial advertising signs, events promotion signs and public information signs.

3. PROVISIONS

Signs enquiries and complaints, whether verbal or written, should be referred to the appropriate area of Council according to the following table:

TYPE OF SIGN	ENQUIRIES OR COMPLAINTS TO:
Signs on Privately Owned Land (Including advertising and tourist directional)	Area Planners – Development Section Development and Environmental Services
Signs on Public Land	
<u>“A” Board advertising signs</u> (“Sandwich boards” “A” Frame signs)	Area Planners – Development Section Development and Environmental Services
Advertising signs on <u>bus shelters and street furniture</u>	Roads Assets Manager - Infrastructure Planning Section – Strategic Planning
<u>All other advertising signs</u> (including garage sale, real estate, election, vehicle & trailer, signs on trees, power poles & other public assets)	Ranger Services Section – Finance and Corporate Services

Shoalhaven City Council - Protocols for Directing Signs Enquiries and Complaints

<u>"Official" Directional Signage</u> including •road names •tourist directional (fingerboards, TASAC etc) •industrial area directories •traffic restriction/advisory - other than along RTA controlled Moss Vale Rd & Princes Hwy)	Traffic and Transport Unit - Infrastructure Planning Section - Strategic Planning
<u>Litter Control Signage</u> • <u>RID Signs</u> • <u>Anti-Litter Signs</u>	RID Squad Coordinator – Waste Management Section – City Services & Operations Waste Management Section – City Services & Operations
<u>Town and Village Entrance Signs</u>	Infrastructure Planning Manager– Strategic Planning
<u>Locality Name Signs</u> (splash)	Tourism Office – Finance & Corporate Services
<u>Temporary Events Signs</u> (Banner Signs etc)- • <u>Jane Street Overpass</u> • <u>Other streets</u> • <u>Parks and Reserves</u>	Traffic and Transport Unit – Infrastructure Planning Section - Strategic Planning Works & Services Section - City Services & Operations Community Facilities Officer – City Services & Operations
<u>"Identilite" Signs</u>	Roads Assets Manager – Asset Management Unit - Infrastructure Planning Section - City Services
<u>Reserve Signage</u>	Parks Operations Unit – Works & Services Section – City Services & Operations
<u>Beach Access Signage</u>	Coasts & Estuaries Officer – Natural Resources and Floodplain Unit – Strategic Planning
Other Use of Public Land (including car yard displays)	Ranger Services – Finance and Corporate Services

*Shoalhaven City Council - Protocols for Directing Signs Enquiries and Complaints***4. IMPLEMENTATION**

All members of staff have a responsibility to implement these protocols when they are the first point of contact for the enquiry or complaint.

5. REVIEW

These protocols will be reviewed annually to ensure details are kept current, particularly in relation to areas of responsibility for signage matters.

6. APPLICATION OF ESD PRINCIPLES

None applicable.

CL22.230 Quarterly Review for Compliance Matters

HPERM Ref: D22/138322

Department: Certification & Compliance

Approver: James Ruprai, Director - City Development

Attachments: 1. Penalty Notices & Warnings Issued & Beach Patrols - Quarterly Review
- City Development - January to March 2022 [↓](#)

Reason for Report

At Council's Ordinary meeting held on 13 November 2018 it was resolved to receive a detailed quarterly report on compliance activities (MIN18.907).

This report provides information on the period from 1 January to 31 March 2022 (third quarter 2021/2022).

Recommendation

That Council receive the January to March 2022 quarterly report on compliance matters for information.

Options

1. Council receives the report for information.

Implications: Nil

2. Council receives the report and provides additional direction for future reports.

Implications: Any changes or additional matters can be added to future reports.

Report

Compliance activities are completed by the following Teams within City Development:

- (a) Compliance Team: Development compliance matters including unauthorised development, development not in accordance with development consent, minor land, and water pollution incidents (including building sites), land use management issues, fire safety and swimming pool safety issues.
- (b) Environmental Health: Pollution incidents (noise and water), environmental incidents, food shops and the operation of on-site sewage waste management facilities.
- (c) Parking: All parking offences.
- (d) Rangers: Animal control, littering, unauthorised camping, rubbish dumping and other environmental offences.

This report provides Councillors with an update on the penalties issued (number, type, and ticket value) and any Local or Land and Environment Court matters determined or progressing.

This report relates to January - March 2022 (third quarter).

CL22.230

Penalties Issued During the Period

A combined total of 1,500 penalty notices were issued by the Teams during the period. These penalties have a face value of \$377,642. Historically Council stands to receive approximately 70% of this ticketed figure.

A total of 128 warnings were issued during the period.

Attachment 1 to this report provides a breakdown of the penalties and warnings issued.

The following is a summary of the penalties issued for each team:

Team	Number Issued	Total Amount	% of total amount	Warnings issued
Compliance	19	\$44,210	1.2	34
Compliance – Fire Safety	0	0	0	0
Compliance – Pools	5	\$1,870	0.33	5
Environmental Health	0	0	0	0
Rangers – Animal issues	194	\$90,290	12.94	48
Rangers – Environmental issues	31	\$14,620	2.06	10
Rangers – Parking	1,251	\$226,652	83.4	31
Sewer Management Facility	0	0	0	0
Total	1,500	\$377,642	100%	128

Penalties Related to Compliance issues

The following details are provided in relation to compliance penalty notices issued during the period:

- a) Callala Bay (\$1,500): - One penalty notice was issued to a licensed builder for development without consent (class 1a or building) for the unauthorised conversion of a garage to a detached habitable room.
- b) Nowra (\$1,500): - One penalty notice was issued to the occupier of a premises for development without development consent for the unauthorised installation of an above ground swimming pool. A warning notice was also issued to the occupier for a breach of the Swimming Pools Act 1992. This would have equated to \$220 if issued as a penalty notice.
- c) Nowra (\$550): - One penalty notice was issued to the owner of a premises for having a residential pool without a complying barrier.
- d) Sanctuary Point (\$660): - Two penalty notices were issued to the owner of an unauthorised pool for not having a complying barrier and not having a warning notice as required under the Swimming Pool Act 1992. Two warning notices were issued for other offences which would have equated to a further \$1,720 if issued as penalty notice.
- e) Callala Bay (\$3,000): - One penalty notice was issued to the occupier of a premises for development not in accordance with consent relating to a commercial premises. Further cautions were given for other identified offences which would have totalled \$13,500 if issued as penalty notices.

CL22.230

- f) Kangaroo Valley (\$6,000): - One penalty notice was issued to a licensed builder for development without consent relating to unauthorised tourist and visitor accommodation. Three further cautions were given for other identified offences which would have equated to \$18,000 if issued as penalty notices.
- g) Barrengarry (\$3,000): - One penalty notice was issued to a licensed builder for development without consent relating to an unauthorised conversion of a dairy to a dwelling. A further caution was given for another identified offence which would have equated to \$3,000 if issued as a penalty notice.
- h) Woodburn (\$3,330): - Two penalty notices were issued to a property owner for the installation and operation of tents and other moveable dwellings for tourist accommodation without consent and for connecting the amenities to the existing on-site sewage management system without approval. A further four warning notices were issued for other identified offences which would have totalled \$7,500 if issued as penalty notices.
- i) Wattamolla (\$9,000): - Three penalty notices were issued to the owner of a premises for development without consent for the demolition and rebuilding of three habitable buildings. A further 12 warning notices were issued for other identified offences which would have equated to \$24,990 if issued as penalty notices.
- j) Callala Beach (\$1,500): - One penalty notice was issued to a licenced carpenter for development without consent relating to the conversion of a garage to a secondary dwelling. A further four warning notices were issued which would have equated to \$6,000 if issued as penalty notices.
- k) Bellawongarah (\$7,000): - Two penalty notices were issued to the owner of a property for failing to comply with a development control order and for an incident involving the pollution of water.
- l) Tapitallee (\$8,490): - Eight penalty notices were issued to the owner of a property for development without consent relating to an unauthorised habitable building, decks and swimming pool offences. A further six warning notices were issued which would have equated to \$8,050 if issued as penalty notices.

Warnings Related to Compliance issues

A total of 34 warning notices were issued for compliance matters in the period and these have no dollar value. Potentially the Compliance Team could have issued a further \$85,640 in penalties for the period. The caution rate is approximately 66% of the total potential.

Court Elected Penalties:

- a) SCC v Maund:- Court elected a penalty infringement notice for failing to comply with a development control order.

On 23 February 2022, the presiding magistrate dismissed the charge on the basis Council had failed to establish the jurisdictional pre-requisite for issuing the Order. Whilst Council's legal representation was of the view Council had established the prerequisite, it was agreed to add this as a lesson learnt and changes have been made to the procedure.

CL22.230

Compliance merits received this quarter

The Compliance Team received 137 Merits, and these are detailed in the following table.

Type of Merits Received	Number Received	Percentage of total
Asbestos issues	5	5
Building Works - Not in Accordance Consent	17	13
Building Works - Without Consent	41	30
Defective Building Works	2	1
Earthworks - Without Consent	4	2
Erosion Control - Building Sites	1	1
Erosion Control - Subdivision sites	0	0
Land Use - Without Consent	5	2
Sewerage Management Facility	0	0
Special event – without consent	1	1
Stormwater Runoff - Building Site	37	27
Swimming Pool Fencing Inspection	24	18
Vegetation Clearing - Without Consent	0	0
TOTALS	137	100

Development without consent remains the highest percentage of all complaints received representing 30% of the total number of merits.

Stormwater complaints reflect a high number of merits representing 27% of the total created. The number of complaints received was substantially higher, however these matters can be difficult to establish cause and in many cases were as a result of excess overland flow due to the recent rainfall events.

Swimming pool merits also represent a high volume at 18% of the total created and this was due to a higher-than-normal number of referrals having been received from private certifiers. It is likely this is due to property owners opting not to repair pool barriers where a house is for sale and instead passing on the repair works to new owners due to the quick sale of homes in the Shoalhaven.

Ranger Activities

- (a) Dog attacks: Rangers received and attended 50 reports of dogs attacking during the period. Of these reports, 26 investigations have been completed with 31 penalty notices issued (i.e., 31 x \$1,320 = \$40,920). A further 24 matters remain under investigation.
- (b) Animal registrations: - A total of 66 penalty notices were issued for non-compliance with the lifetime registered requirements by the Companion Animals Act.

CL22.230

- (c) Beach patrols: - Rangers completed 457 beach patrols during this quarter. A number of dog owners have been spoken to during this period. A total of 13 penalty notices and 11 warnings have been issued.
- (d) Foreshore vegetation vandalism: - Rangers received 33 reports of foreshore vandalism and 6 are still under investigation. Rangers continue surveillance and on-going monitoring of these vandalised areas in accordance with Council's Foreshore Vandalism Policy.
- (e) Illegal dumping: Rangers have documented 162 new illegal dumping incidents within the Shoalhaven. Council's Assets & Maintenance Division and Parks & Operations Division have collectively removed 37.94 tonnes of illegally dumped waste. It cost \$13,320 to deposit this material at Council's Waste Facility.
- (f) Clean up Australia day (CUAD) - On 13 March 2022, four Rangers participated in Clean up Australia day. Rangers attended sites in Worrigeer, Nowra, Bay & Basin and Kings Point to assist community groups and promote Council's Regional Illegal Dumping (RID) program. In excess of 2.5 tonnes of litter was collected during the day.
- (g) Illegal Dumping (RID) Memorandum of understanding (MOU) – covert camera deployment: - Consultation with a variety of landowners has been undertaken. Two major Landowners/Managers have signed a MOUs authorizing use of Covert Camera deployment on lands under their control to detect illegal dumping offences. Discussions are on-going with other landowners/managers, and it is expected more MOU's will be signed in the near future.
- (h) Animal Shelter:
- i. Adoptions and reclaims: - The Shoalhaven Animal Shelter recorded 154 adoptions and 92 reclaims for the reporting period.
 - ii. Animal desexing vouchers given to pensioners: - The Shelter collaborated with many external units and was able to obtain continued support for the animal desexing program. This resulted in 40 free animal desexing vouchers being provided to pensioners.
 - iii. Contributions to the shelter: - The Shelter received \$3,200 in contributions from the public and businesses in the last quarter. This includes an \$800 donation from Husky Sports Club following a fund-raising event they held specifically for the Shelter.

The Shelter would like to publicly acknowledge the generosity of the public and these businesses. The Shelter will be using these donations to create larger exercise areas for the dogs.
 - iv. The Shelter "Did You Know" posts: - The Shelter "Did you know?" posts covered topics such as responsible cat ownership, fur removal and socialisation of puppies. These posts are popular with followers and offer great information to all pet owners.

The Shelter current has over 17,000 followers on Facebook.

Penalty Notices and Warnings Issued & Beach Patrols Undertaken

List of penalties issued from 1 January to 31 March 2022 via offence Code

Team	Offence Code	Number issued	Offence penalty	Total amount
Compliance	Development without development consent - any other case - Corporation	2	6000	12000
Compliance	Development without development consent - any other case - Individual	2	3000	6000
Compliance	Development without development consent - class 1a or 10 building - Individual	8	1500	12000
Compliance	Fail to comply with terms of development control order - Individual	1	3000	3000
Compliance	Not comply with written direction - Owner	1	550	550
Compliance	Operate sewage management system otherwise than as approved	1	330	330
Compliance	Development not accord consent - any other case - Individual	2	3000	6000
Compliance	Operate sewage management system without approval	1	330	330
Compliance	Pollute waters - class 1 officer - Individual	1	4000	4000
Compliance Pools	Residential pool not have complying barrier - Owner	3	550	1650
Compliance Pools	Fail to erect prescribed warning notice - Occupier	2	110	220
Ranger Animal	Companion animal (other) not registered as prescribed - first offence	48	330	15840
Ranger Animal	Companion animal (other) not registered as prescribed - second or subsequent offence	3	330	990
Ranger Animal	Fail to comply with nuisance dog order - 1st offence	1	275	275
Ranger Animal	Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	61	220	13420
Ranger Animal	In charge of dog which rushes at/attacks/bites/harasses/chases any person/animal	10	1320	13200
Ranger Animal	Not comply notice re registration (other) - first offence	12	305	3660
Ranger Animal	Not identify companion animal as prescribed - not dangerous/menacing/restricted dog	2	180	360
Ranger Animal	Owner of dog in prohibited public place	3	330	990

Ranger Animal	Owner of dog not under control in public place	18	330	5940
Ranger Animal	Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	21	1320	27720
Ranger Animal	Fail to comply with menacing dog control requirements	3	1760	5280
Ranger Animal	Companion animal (other) not registered if required by regulations - first offence	3	305	915
Ranger Animal	Not notify change in registration/identification information - not dangerous/menacing/restricted dog	4	180	720
Ranger Animal	Dog not wear collar and name tag - not dangerous/menacing/restricted dog	3	180	540
Ranger Animal	Fail to prevent dog from escaping - menacing dog	2	220	440
Ranger Environment	Abandon a motor vehicle in a public place	2	550	1100
Ranger Environment	Aggravated deposit litter excluding cigarette and from vehicle - Individual	1	450	450
Ranger Environment	Aggravated deposit litter from vehicle no exclusions - Individual	1	450	450
Ranger Environment	Fail to comply with terms of notice erected by council	18	110	1980
Ranger Environment	Leave fire lit/used in open air with out extinguishing it	1	2200	2200
Ranger Environment	Transport etc waste to unlawful waste facility - class 1 officer - Individual	2	2000	4000
Ranger Environment	Unlawfully remove plant/animal/rock/soil from public place	3	220	660
Ranger Environment	Development not accord consent - any other case - Individual	1	3000	3000
Ranger Environment	Aggravated deposit litter (lit cigarette) excluding from vehicle - Individual	1	450	450
Ranger Environment	Dispose of waste into council sewer without approval - item 4 of Part C	1	330	330
Ranger Parking	Disobey motor bike parking sign	14	117	1638
Ranger Parking	Disobey no parking sign	31	117	3627
Ranger Parking	Disobey no stopping sign	65	275	17875
Ranger Parking	Disobey no stopping sign (in school zone)	14	352	4928
Ranger Parking	Double park	1	275	275
Ranger Parking	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	110	110	12100
Ranger Parking	Not angle park as on parking control sign or road marking	12	84	1008
Ranger Parking	Not parallel park in direction of travel	92	275	25300

Ranger Parking	Not park wholly within parking bay	4	84	336
Ranger Parking	Not position front/rear of vehicle correctly - 90 degree angle parking	57	84	4788
Ranger Parking	Not position rear of vehicle correctly - 45 degree angle parking	215	84	18060
Ranger Parking	Not stand vehicle in marked parking space	12	84	1008
Ranger Parking	Obstruct access to ramp/path/passageway	1	275	275
Ranger Parking	Parallel park close to dividing line/strip	1	275	275
Ranger Parking	Park continuously for longer than indicated	124	84	10416
Ranger Parking	Park vehicle for longer than maximum period allowed	101	84	8484
Ranger Parking	Stop at side of road with continuous yellow edge line	187	275	51425
Ranger Parking	Stop in bus zone (clearway or transit/bus lane)	2	275	550
Ranger Parking	Stop in bus zone (in school zone)	19	352	6688
Ranger Parking	Stop in bus zone (not clearway or transit/bus lane)	7	275	1925
Ranger Parking	Stop in disabled parking area without current permit displayed	16	587	9392
Ranger Parking	Stop in loading zone	4	196	784
Ranger Parking	Stop in taxi zone	21	196	4116
Ranger Parking	Stop on path/strip in built-up area	50	275	13750
Ranger Parking	Stop on/across driveway/other access to/from land	17	275	4675
Ranger Parking	Stop within 10 metres of an intersection (no traffic lights)	57	352	20064
Ranger Parking	Not parallel park in direction of travel (road related area)	10	117	1170
Ranger Parking	Disobey no parking sign (in school zone)	1	196	196
Ranger Parking	Stop on path/strip in built-up area (in school zone)	2	352	704
Ranger Parking	Park so as to obstruct vehicles/pedestrians	1	117	117
Ranger Parking	Stop on/near childrens crossing (in school zone)	1	469	469
Ranger Parking	Stop near postbox	2	117	234

Grand Total		1500		377642
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Warnings issued from 1 January to 31 March 2022 via offence Code

Compliance	
Carry out building work without required certificate-class 1a or 10 building - Corporation	1
Carry out building work without required certificate-class 1a or 10 building - Individual	4
Development not accord consent - any other case - Individual	1
Development not accord consent - class 1a or 10 building - Individual	2
Development without development consent - any other case - Corporation	2
Development without development consent - any other case - Individual	3
Development without development consent - class 1a or 10 building - Individual	14
Fail to comply with terms of notice erected at public place	1
Fail to comply with terms of notice erected by council	1
Fail to give notice required under section 6.6-not class 1a/10 building - Individual	2
No prior approval waste management activity-item 6 Part C	2
Pollute waters - class 1 officer - Individual	1
Compliance Pools	
Fail to ensure registration information entered on Register	2
Fail to maintain child-resistant barrier effective and safe	2
Residential pool not have complying barrier - Owner	1
Ranger Animal	
Dog not wear collar and name tag - not dangerous/menacing/restricted dog	2
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	18
In charge of dog in prohibited public place	1
In charge of dog not under control in public place	2
Not notify change in registration/identification information - not dangerous/menacing/restricted dog	2
Owner of dog in prohibited public place	3

Owner of dog not under control in public place	19
Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	1
Ranger Environment	
Dog not wear collar and name tag - not dangerous/menacing/restricted dog	2
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	18
In charge of dog in prohibited public place	1
In charge of dog not under control in public place	2
Not notify change in registration/identification information - not dangerous/menacing/restricted dog	2
Owner of dog in prohibited public place	3
Owner of dog not under control in public place	19
Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	1
Ranger Parking	
Disobey no stopping sign	1
Disobey no stopping sign (in school zone)	2
Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	4
Not parallel park in direction of travel	6
Parallel park close to dividing line/strip	2
Stop at side of road with continuous yellow edge line	5
Stop heavy/long vehicle longer than 1 hour	1
Stop in bus zone (in school zone)	1
Stop in disabled parking area without current permit displayed	3
Stop on path/strip in built-up area	5
Stop on/across driveway/other access to/from land	1
Grand Total	128

Beach Patrols – 1 January to 31 March 2022

Row Labels	Count of Beach	Sum of # Dogs – breaches	Sum of # Dogs – no breaches	Sum of Penalty Notice	Sum of Warning
Basin View Boat Ramp Reserve - Off Leash 24 hrs	1	0	0	0	0
Bawley Beach	3	0	3	0	0
Bawley Point Gannet Beach	1	0	0	0	0
Bendalong Boat Harbour Beach	7	0	0	0	0
Bendalong Boat Harbour Rocks	1	0	0	0	0
Bendalong Dee Beach	9	0	0	0	0
Bendalong Flat Rock Beach Prohibited	5	0	0	0	0
Bendalong Monument Beach	1	0	0	0	0
Bendalong Washerwomans Beach Off Leash 24 hrs	6	0	3	0	0
Burrill Lake Burrill Beach	1	0	0	0	0
Burrill Lake Entrance Beach	2	0	0	0	0
Callala Bay	11	0	12	0	0
Callala Bay Bicentennial Park	6	2	5	0	0
Callala Bay Wowly Creek	3	1	4	2	0
Callala Beach East End	7	0	6	0	0
Callala Beach Prohibited Area	14	6	0	0	0
Callala Beach West End	16	3	27	0	0
Crookhaven Boat Ramp	9	0	0	0	0
Culburra Beach South Off Leash timed	6	6	4	3	1
Culburra Beach Tilbury Cove	8	0	2	0	0
Culburra Lake Wollumboola Prohibited	17	0	0	0	0

Culburra Warrain Beach	8	0	1	0	0
Cunjarong Beach	1	0	0	0	0
Cunjarong Point	4	0	0	0	0
Curarong Abrahams Bosom Beach	23	3	12	0	0
Curarong Beach Off Leash timed	1	0	6	0	0
Curarong Kinghorn Point	16	0	3	0	0
Curarong Warrain Beach	21	0	21	0	0
Dolphin Point	1	0	0	0	0
Greenwell Point Foreshore Reserve	10	0	19	0	0
Huskisson Beach Off Leash timed	14	0	22	0	0
Huskisson Currumbene Creek Prohibited	7	0	0	0	0
Huskisson Moona Moona Beach / Creek	20	1	0	1	0
Huskisson Shark Net Beach Prohibited	8	0	0	0	0
Hyams (Seamans) Beach	7	1	15	0	0
Hyams Beach Chinamans Beach - NPWS	3	0	4	0	0
Hyams Beach Little Hyams Beach	4	0	0	0	0
Kioloa Beach	4	0	6	0	0
Kioloa Shelly Beach	1	0	0	0	0
Lake Tabourie Tabourie Beach	1	0	0	0	0
Manyana Beach	1	0	0	0	0
Merry Beach	1	1	1	1	0
Mollymook Beach North Prohibited	3	0	0	0	0
Mollymook Beach On Leash 24 hrs	1	0	0	0	0
Mollymook Beach South Prohibited	8	0	0	0	0

Mollymook Colliers Beach Off Leash 24 hrs	2	0	0	0	0
Myola Spit Prohibited	16	0	2	0	0
Narrawallee Beach North Prohibited	5	0	0	0	0
Narrawallee Beach Off Leash timed	1	0	0	0	0
Narrawallee Beach South Prohibited	7	0	1	0	0
Narrawallee Spit Prohibited	3	0	0	0	0
Orient Point Foreshore Reserve Osterley Avenue	1	0	0	0	0
Sanctuary Point Paradise Beach Reserve	6	0	0	0	0
Sanctuary Point Ray Brooks Reserve (Boat Ramp to Stairs) Prohibited	5	1	0	0	1
Shoalhaven Heads Seven Mile Beach Off Leash 24 hrs / on leash	15	12	74	4	7
Shoalhaven Heads Spit Prohibited	26	2	0	1	1
Vincentia Blenheim Beach Prohibited	24	0	0	0	0
Vincentia Collingwood Beach Prohibited	23	3	0	1	1
Vincentia Nelsons Beach Off Leash timed	6	0	10	0	0
Vincentia Orion Beach	1	0	0	0	0
Vincentia Plantation Point	2	0	2	0	0
Woollamia Boat Ramp	12	0	8	0	0
Grand Total	457	42	273	13	11

CL22.231 Draft Nowra Showground Master Plan - Update to Council and Progress to Exhibition

HPERM Ref: D22/146121

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Draft Master Plan - Nowra Showground 2021 (under separate cover) ➡
2. Nowra Showground Community Engagement Report (under separate cover) ➡

Reason for Report

This report provides Council with an update on the Draft Nowra Showground Master Plan and seeks Council's endorsement to publicly exhibit the document.

Recommendation

That Council endorse the Draft Nowra Showground Master Plan to progress to public exhibition for a period of 28 days.

1. If no significant adverse feedback is received as part of the exhibition, the Draft Nowra Showground Master Plan be finalised and deemed endorsed; or
2. If significant adverse feedback is received a further report on the outcomes of the public exhibition of the Draft Nowra Showground Master Plan will be submitted to Council with any proposed changes.

Options

1. Council adopt the recommendation

Implications: This option will enable the Draft Nowra Showground Master Plan to be placed on public exhibition and will give the community an opportunity to comment. This will allow the project to progress to finalisation, in line with community expectation.

2. Council adopt an alternative recommendation and provide direction to staff

Implications: Depending on the significance of the recommendation, this may affect the progression of the project, resulting in delay in finalising plans and not being ready to apply for any upcoming funding where the projects may be eligible.

Background

The Nowra Showground is on public land on the western edge of the township of Nowra in the City of Shoalhaven. The Showground is a mixture of Council owned community land and Crown land, for which Shoalhaven City Council is trust manager.



CL22.231

Nowra is the largest of the Shoalhaven's four showgrounds. It is located on high ground overlooking the Shoalhaven River with views to the Cambewarra Range in the north and west, and across the floodplain to Coolangatta Mountain in the east. The Showground has a range of significant buildings and other facilities, including several with important heritage values.

The Nowra Showground is an important public space used by many people, both Shoalhaven residents and visitors, with flow-on social and commercial benefits to the local community. This multi-functional site, a major recreational centre in Nowra, is of high social value for past and present generations and a reminder of the enterprise of volunteer labour in providing facilities for the district. It contains a number of built structures, which reflect changing community needs and interests in the district. The Nowra Showground site is highly utilised and valued by the community for various gatherings, events, sporting, and camping uses.

Key stakeholders have been engaged throughout the process to date and in particular the Nowra Show Society. The PCG would like to acknowledge and recognise the hard work and dedication from these stakeholders.

As a result of the Crown Lands legislative reforms, the Nowra Showground was subject to a revision of the Plan of Management for the site. In accordance with the Plan of Management review, Council took the opportunity to prepare the Nowra Showground Master Plan.

Locale Consulting were engaged to conduct the community consultation and prepare a Master Plan for the Nowra Showground. An internal Project Control Group (PCG) was established to provide oversight on the preparation of the draft Nowra Showground Master Plan. The Community Planning and Projects department led the planning and design of the Master Plan, in collaboration with The Asset Custodian – Shoalhaven Swim Sport and Fitness.

Community Engagement

The community engagement process was delivered by Locale Consulting, who provided a thorough engagement process that included the community and relevant stakeholders.

The engagement process for the Draft Nowra Showground Master Plan (Draft Master Plan) was undertaken during February and March 2021. The focus and aim of the consultation were to understand how the community values the area and what their vision for the Showground may be in the future.

The process was also to obtain ideas and priorities that inform the Plan of Management and Master Plan for the Nowra Showground.

Over the course of the consultation, over 120 stakeholders were involved, they are listed as follows:

- Showground user groups - 12+ groups
- Community drop-in sessions - 40+ participants
- External stakeholders - 12+ participants
- Internal stakeholders - 10+ participants
- Community survey - 60 respondents
- Written submissions - 3 received

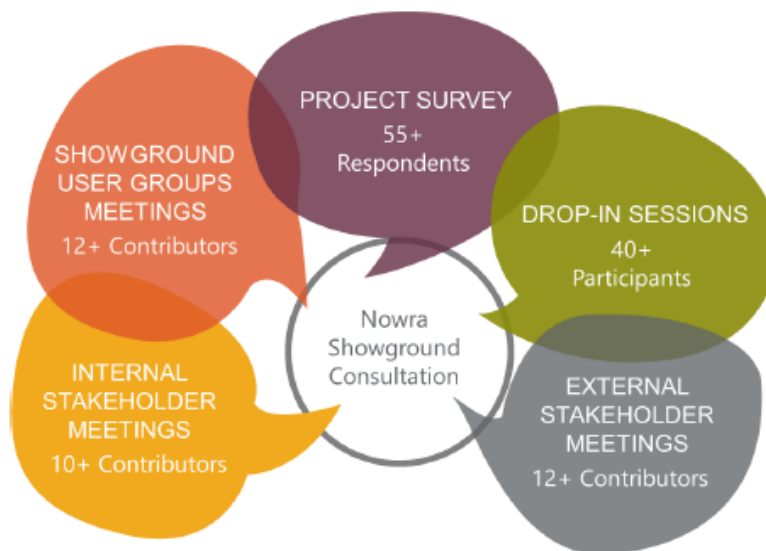


Figure 1. Graphic representation of stakeholder engagement process.

The consultation process highlighted that the Nowra Showground is well utilised with a wide variety of user groups operating out of the site. It also highlighted that investment into the amenity and facility provision at Nowra Showground is desired by many. Generally, there is a strong appreciation of the Showground's history and combined with the surrounding natural environment with the presence of camping on the site. The area was generally seen to be highly valued by a range of different stakeholders.

Survey

A community survey was hosted on the Get Involved webpage between 18 February and 15 March 2021. The survey received a total of 60 responses over this period.

Drop-In Sessions

Locale conducted two drop-in sessions for showground users, which were used to inform the Draft Master Plan. The drop-in sessions were held on 24 and 25 February 2021. The

sessions were scheduled in 30-minute blocks with the objective being to listen and understand the needs of the users. Locale led the consultation with community, supported by Council staff. The option for a teleconference was utilised by the Nowra Local Area Command and the Nowra Show Society on 4 March 2021.

24 February 2021

Showground users were consulted on this day, inclusive of:

- West St Nowra Croquet Club
- Nowra RSL Branch
- Bomaderry AFL
- One Door Mental Health
- Nowra Poultry Club
- Shoalhaven Dog Training
- South Coast Beef

25 February 2021

Showground users were consulted on this day, inclusive of:

- NSW Health / Shoalhaven Hospital
- Shoalhaven Woodcraft Society
- Shoalhaven City Council Policy Planning Coordinator
- Shoalhaven Swim Sport and Fitness staff (Asset Custodian)
- Nowra Show Society
- Nowra Athletics
- Nowra Spinners and Weavers

Project Control Group (PCG)

Council's PCG had regular meetings to discuss the Draft Master Plan progress and the way forward. The PCG was comprised of staff from Community Planning and Projects, and Swim Sport and Fitness (Asset Custodian). Many other internal stakeholders informed the Draft Masterplan.

The PCG were instrumental in providing valuable information regarding current usage, future needs, infrastructure delivery, and community expectations.

1. Ensure that the existing community buildings are meeting the broader needs of the community.
2. Promote the Showground through place-making and marketing to increase use and opportunities to engage with Nowra's heritage / history, passive and active recreation, agricultural pursuits, camping, and community events.
3. Improve interaction between showground users and the adjoining natural areas, including Bens Walk, the escarpment and the Shoalhaven River through viewing opportunities, safe edges, connectivity, and other infrastructure improvements such as seating, waste management, BBQ facilities, and shade cover.
4. Establish an effective site management model to facilitate ongoing community input to the improvement and operation of the site with consideration of active on-site management.

A detailed community engagement report can be viewed in [Attachment 2](#).

Draft Nowra Showground Master Plan

The feedback from the community engagement process was used to inform the Draft Master Plan. This plan is a conceptual document that guides future upgrades to the site.

The Draft Master Plan outlines the general approach to planning and implementation of infrastructure and landscaping improvements at the Nowra Showground. Whilst the Draft Master Plan is a Council document, it is community driven. The overarching approach seeks to coordinate the intentions of the community with the objectives of Council's improvement programs.

Emerging principles in the Draft Master Plan to inform future planning include:

1. Nine precincts within the site that respect the existing built footprint and natural environmental values, whilst supporting existing and future user groups.
2. Increased accessibility of the space, including review of vehicular and pedestrian networks within and around the site to reduce conflict and increase pedestrian amenity.
3. Identify opportunities for directional and interpretive signage to create a stronger sense of place and increased functionality which is consistent with recognition of the heritage significance (both Aboriginal and European).
4. Increase the attractiveness of Nowra Showground as a destination by improving infrastructure to act as an 'attractor' for residents and visitors alike.
5. Consider options to increase activation of the southern portion of the Showground, along with improvements to safety principles have been elected to guide the Draft Master Plan.

Once finalised, the Draft Nowra Showground Master Plan can be used to assist with funding applications, as well as providing a strategic methodology to deliver infrastructure and upgrades to the Nowra Showground.

Projects in the final adopted Master Plan will be included in future years of the long-term financial plan, which if supported and funded, will enable grant funding applications to be submitted once the elements within the plan have progressed through detail design stage and are 'shovel ready'.

The Draft Master Plan can be viewed in [Attachment 1](#).

Next Steps

Exhibition

Once endorsed by Council, the public exhibition of the Draft Master Plan will occur. Any submissions received will be compiled into an exhibition report, and the way forward will be determined pending Council's resolution. If there are no significant adverse comments, it is proposed that the Master Plan be deemed adopted.

If there are significant adverse comments these will be collated, considered with a further report submitted to Council after the public exhibition period for Council's consideration.

Final Plan

Once the Draft Master Plan has been adopted, it will become a public document and be used for future funding opportunities.

CL22.231

Funding will be required to develop key infrastructure elements through the detail design stage to enable them to become shovel ready. Council staff will actively seek funding on aspects related to the draft Master Plan.

The final Nowra Showground Master Plan will be utilised to guide future projects and upgrades to the Nowra Showground.

Financial Implications

The preparation of the Nowra Showground Master Plan and Plan of Management has been and will continue to be resourced from the existing Plan of Management budget within the Community Planning and Projects team.

Future funding will be sought for the delivery of the overall Master Plan. Grant funding opportunities continue to be explored to allow for the delivery of these elements.

Policy Implications

The Community Infrastructure Strategic Plan (CISP) recommends an upgrade to the road network to increase the usage capacity of the Showground. The Draft Master Plan is in accordance with the CISP, indicating an upgrade to road network to create better connectivity and safety for users of the Showground.

CL22.232 Draft Ulladulla Sports Park Master Plan - Update to Council and Progress to Exhibition

HPERM Ref: D22/191889

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Final Draft - Ulladulla Sports Park Master Plan [↓](#)
2. Pre-Design Consultation Report [↓](#)
3. Comments from User Groups [↓](#)

Reason for Report

This report provides Council with an update on the Draft Ulladulla Sports Park Master Plan and seeks Council's endorsement to publicly exhibit the document.

Recommendation

That Council endorse the Draft Ulladulla Sports Park Master Plan to progress to public exhibition for a period of 28 days.

1. If no significant adverse feedback is received as part of the exhibition, the Draft Ulladulla Sports Park Master Plan be finalised and deemed adopted; or
2. If significant adverse feedback is received a further report on the outcomes of the public exhibition of the Draft Ulladulla Sport Park Master Plan will be submitted to Council with any proposed changes.

Options

1. Adopt the recommendation

Implications: This option will enable the Draft Ulladulla Sports Park Master Plan to be placed on public exhibition and will give the community an opportunity to comment if needed. This will allow the project to progress to finalisation, in line with community expectation.

2. Adopt an alternative recommendation and provide direction to staff

Implications: Depending on the significance of the recommendation, this may affect the progression of the project, resulting in delay in finalising plans and not being ready to apply for any upcoming funding where the projects may be eligible.

Background

The Ulladulla Sports Park is located on Camden Street, Ulladulla. The site currently contains facilities and infrastructure for the following activities:

- 2 x Croquet courts
- 3 x Rugby League fields
- 8 x Netball Courts
- Skate Park
- Synthetic turf cricket pitch
- AFL pitch

- 2 x Amenities/Canteen/Changeroom (AFL and Rugby League)
- Parking lot
- Irrigation dam



Figure 1. Aerial view of Ulladulla Sports Park

At the Strategy and Assets Committee meeting on 16 October 2018, a report was referred to Council regarding an audit report for the skate park within the Ulladulla Sports Park. As a result of the meeting, it was resolved (in part MIN18.807):

That Council:

5. *Commence the preparation of the master plan for the Ulladulla Sports Park using any savings from the current budget allocation of \$200,000 for the Ulladulla Skate Park.*

Although many projects had been completed on the Ulladulla Sports Park site, a plan was deemed necessary to identify the strategic direction for the site and to support future funding opportunities. The Draft Master Plan was intended to assess and prioritise projects within the site footprint through inclusion of projects already completed, removing projects that no longer reflect the needs of the community, and identifying new projects.

CL22.232

Council engaged the in-house Design Services Team to develop the Draft Master Plan, which was to be informed through community and user group consultation.

Community Engagement

Pre-design survey

A pre-design survey was made available to the community from 29 April to 1 June 2021, which was hosted on Council's Get Involved platform. During this time, a total of 10 survey responses were received from members of the general public.

40% percent of respondents were between 35 and 49 years of age, followed by 20% being 18 - 24 years of age and 50 – 59 years of age.

80% of respondents had utilised the sports park, while 20% of respondents had not used the facility.

Notice of the survey was sent to all of the surrounding neighbours, identified User Groups, and interested parties including Ulladulla Local Area Land Council, Council's Advisory Groups, and the Sports Board.

Further information on the Pre-design Survey can be viewed in [Attachment 2](#).

Face to face consultation

A consultation session was held at the Ulladulla Civic Centre on 12 May 2021 between 2:30 and 4:30pm. 5 User Group representatives attended the session and discussions were held regarding the park, its uses, and its future. The views of the attendees were captured in the Draft Master Plan.

User Group Consultation

The User Groups at the Ulladulla Sports Park represents various activities and sports, including:

- Milton Ulladulla Junior League
- AFL
- USP User Group
- Netball

Upon completion of the Draft Master Plan, staff provided the User Groups with the document for a preview prior to reporting to Council and placing it on public exhibition.

After reviewing the Draft Master Plan, in August 2021 the User Groups provided 33 comments regarding the Draft Master Plan. Staff reviewed and addressed each of the 33 comments within the internal Project Control Group (PCG).

An onsite meeting was held on 11 November 2021 consisting of representatives from the User Groups, Councillors, and Council staff to discuss the feedback that Council had received. Details of the consultation with the User Groups can be viewed in [Attachment 3](#).

The User Groups of the Ulladulla Sports Park are passionate and highly engaged - their contribution to Draft Ulladulla Sports Park Master Plan to date has been extremely valuable and has assisted staff to prioritise infrastructure projects. The PCG have recognised the

hard work and dedication from this Group in advocating on behalf of users of the Ulladulla Sports Park.

On-Site User Group Meeting

On Wednesday 27 April 2022, an on-site meeting was held between Council staff, Councillors and User Groups, including delegates from AFL, rugby league, netball and USP User Group, regarding the croquet club, rugby league amenities and the Draft Master Plan at Ulladulla Sports Park.

Questions were raised about the Draft Master Plan, and it was advised that all User Groups would have a further opportunity to review the Draft Master Plan when on public exhibition. The User Groups can provide a submission throughout this exhibition period if there are further matters they may wish to raise.

Draft Ulladulla Sports Park Master Plan

The Draft Master Plan is a conceptual document that guides future upgrades to the site. This document contains social infrastructure in key areas of the site.

The Draft Master Plan outlines the general approach to the planning and implementation of infrastructure and landscaping improvements at the Ulladulla Sport Park. Whilst the Draft Master Plan is a Council document, it is community driven. This overarching approach seeks to coordinate the intentions of the community with the objectives of Council's improvement programs.

The Draft Ulladulla Sports Park Master Plan can be viewed in [Attachment 1](#).

Once finalised, the Master Plan can be used to assist with funding applications and has provided a methodology to deliver infrastructure and upgrades at the Ulladulla Sports Park.

Although majority of the projects identified in the Draft Master Plan are not currently fully funded, it is important to note that once this Master Plan has been endorsed, there will be greater opportunity to seek grant funding opportunities.

Projects in the final adopted master plan will be included in future outyears of the long-term financial plan, which if supported and funded, will enable grant funding applications to be submitted once the elements within the plan have progressed through detail design stage and are 'shovel ready'.

The Draft Master Plan identifies infrastructure installations and upgrades, including but not limited to and dependent on funding:

Organisation	Proposed works based on draft MP	Funded
Rugby League	<ul style="list-style-type: none"> Building extension to include clubhouse facilities and second floor extension Viewing mount to be moved and shaped on Western field and provisioned with shade Car park provision of 7 car spaces and 2 accessible spaces – room to extend if and when required Sealed access road for service vehicles and approved park users. Fence to be realigned, new gates and separated pedestrian access. Playground and picnic facilities with BBQ and shade – fencing to be provided to ensure safety 	No

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	<ul style="list-style-type: none"> Further grassed terraced seating and steps on Eastern field 	
Netball	<ul style="list-style-type: none"> Extend courts on Western side by approximately 3.5m to allow for sufficient room for covered structure over 2 Western Courts Resurface all courts and re-line mark Offset existing fence on Eastern side approximately 1.5m to allow for a 2m wide path which also allows for car overhang ensuring safety for pedestrians. Entrance gates to netball courts to be centred to the facility. Providing a safer entrance for users and better access for maintenance. Shade and seating structures. Trees for amenity and shade. Screen planting for wind reduction. Create dedicated pull-in bay / informal parking for netball officials. Inclusive of bollards and fencing. 	No
Pump Track	<ul style="list-style-type: none"> Proposed sealed pump track north of the Rugby League fields 	No (funding earmarked for design)
Learn to ride facility	<ul style="list-style-type: none"> Create a formal learn to ride track to the south of the access path with a smaller sealed pump track style on the northern side around existing trees Remove all dead trees and dead wood on Asphalt concrete surface 	No
Park entrance	<ul style="list-style-type: none"> Pedestrian refuge and crossing to encourage traffic calming and to provide access into the northern section of the Sports Park 2 – 2.5m wide concrete path to connect with the town refer to Pedestrian and Mobility Plan (PAMP). Lighting along access road to be improved. 	No
Existing carpark	<ul style="list-style-type: none"> Lineal tree pit with structural soils Shade tree planting also reducing runoff and heat sink of bitumen Relocate accessible parking adjacent to proposed footpaths 	No
Park Entrance	<ul style="list-style-type: none"> Signs and landscaping in line with SCC Reserve Signage Guidelines 	No
Skatepark	<ul style="list-style-type: none"> Demolition and delivery of the skatepark and associated amenity block 	Yes: 23/24 and 24/25 FY - grant dependent
Croquet	<ul style="list-style-type: none"> Clubhouse Courts 3 and 4 Future car park to provide additional 25 spaces 	Clubhouse is partially funded by Council and MUCC
AFL / Cricket	<ul style="list-style-type: none"> AFL / Cricket field remediation of oval to improve usability for all sports Building extension to existing building to incorporate additional female changerooms Precinct compound – removal of existing cricket nets to 	No

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	construct a fenced area to accommodate a storage shed, storage bays and parking for fleet vehicles.	
Cricket	<ul style="list-style-type: none"> AFL / Cricket field remediation of oval to improve usability for all sports Cricket nets to be relocated in the Northeast corner of the pitch AFL grass terraced seating, steps, ramp, and path 	No

Next Steps

Exhibition

Following endorsement by Council, the exhibition of the draft Master Plan will occur. Information from community will be compiled into an exhibition report and the way forward will be determined pending Council's resolution. If there are no significant adverse comments it is proposed that the master plan be deemed adopted.

If there are significant adverse comments these will be collated, considered with a further report submitted to Council after the public exhibition period for consideration.

Final plan

Once the Master Plan has been adopted, it will become a public document and be used for future funding opportunities.

Funding will be required to develop key infrastructure elements through the detail design stage to enable them to become shovel ready. Council will proceed to seek funding on aspects related to the draft Master Plan.

The final Master Plan will be utilised to guide future projects and upgrades to the Ulladulla Sports Park.

Financial Implications

The Master Planning process has been funded from internal budgets within the Community Planning and Projects department.

Future funding will be sought for the delivery of the overall Master Plan as part of Council's budget process. Currently, the croquet clubhouse and the skate park are partially funded by Council. Contingent on securing grant funding, these projects will commence construction in the next financial year. Grant funding opportunities continue to be explored to allow for the delivery of these elements.

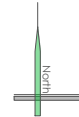
Policy Implications

The Community Infrastructure Strategic Plan (CISP) recommends development of the netball courts and internal paths within the Ulladulla Sports Park. The Draft Master Plan aligns with this recommendation.

CL22.232

The Ulladulla Sports Park Masterplan outlines a general approach to the planning and future development of the sporting facility. The plan caters to the needs of the many sporting groups and the general public that visit the Sports Park. The design considers public safety, sustainability, amenity and general improvements to existing infrastructure.

The Master Plan seeks to co-ordinate the philosophy and intentions of the community with the objectives of Shoalhaven City Council's (SCC) capital and minor improvement programs. These plans will assist in future funding and grant applications and will guide the upgrade of the Sports Park into the future.



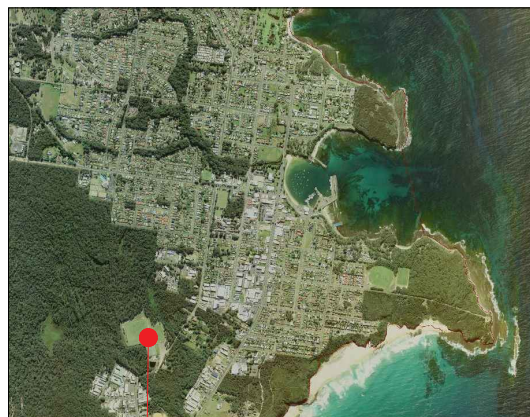
Ulladulla Sports Park Foreword - written by Betty Turley

My husband Bob and his mate Stan Blundell would be overjoyed to know that the land they first cleared for Polo Crosse is now fully utilised by a diverse range of local and districts sporting communities. It is currently used by Junior, Senior and Unisex Sports such as Rugby League, Netball, Cricket, AFL, Skateboarding, Cycling, RC and Croquet. They both had a love for all types of sport and were passionate to make the present-day site of Ulladulla Sports Park a place for families to come and enjoy, both playing and spectating sport.

Bob Turley and Stan Blundell operated the machinery to clear the fields for sporting activities. Our families spent 'picnic' weekends on the site gathering smaller remnants of the tree-felling in order to assist with clearing - it was called "Stick Picking". I recall that the site was very wet, and both took the risk of operating their machinery outside working hours. If they bogged their equipment, they didn't get to work the next day.

On behalf of Mrs Blundell and our families I wish all of our local Sports People the very best and trust that the Ulladulla Sports Park Masterplan has a speedy and positive passage through the Council processes, bringing many more years of enjoyment for all.

Betty Turley
November 2021



Location of Ulladulla Sports Park
Camden St Ulladulla

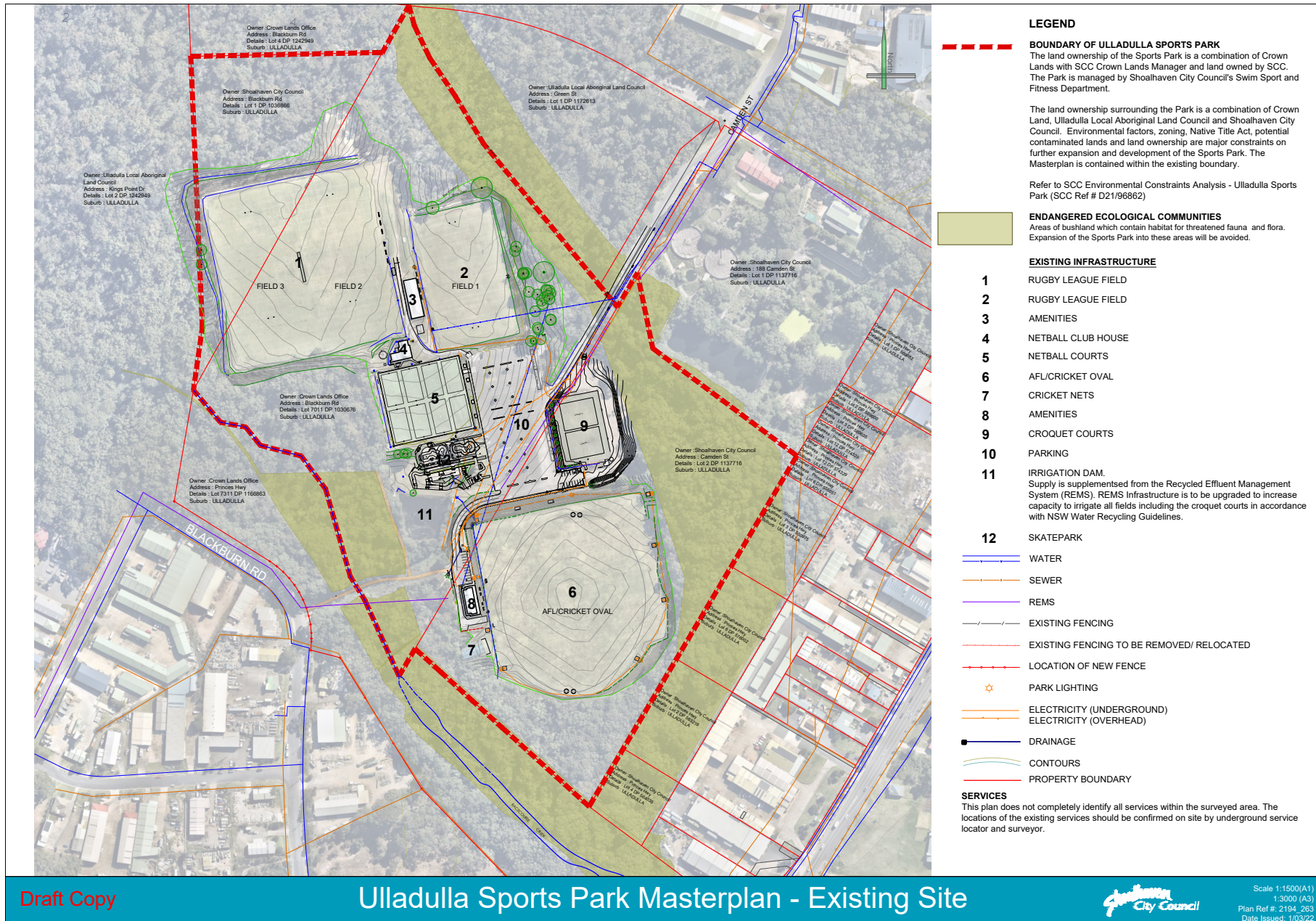
Ulladulla Sports Park - Timeline

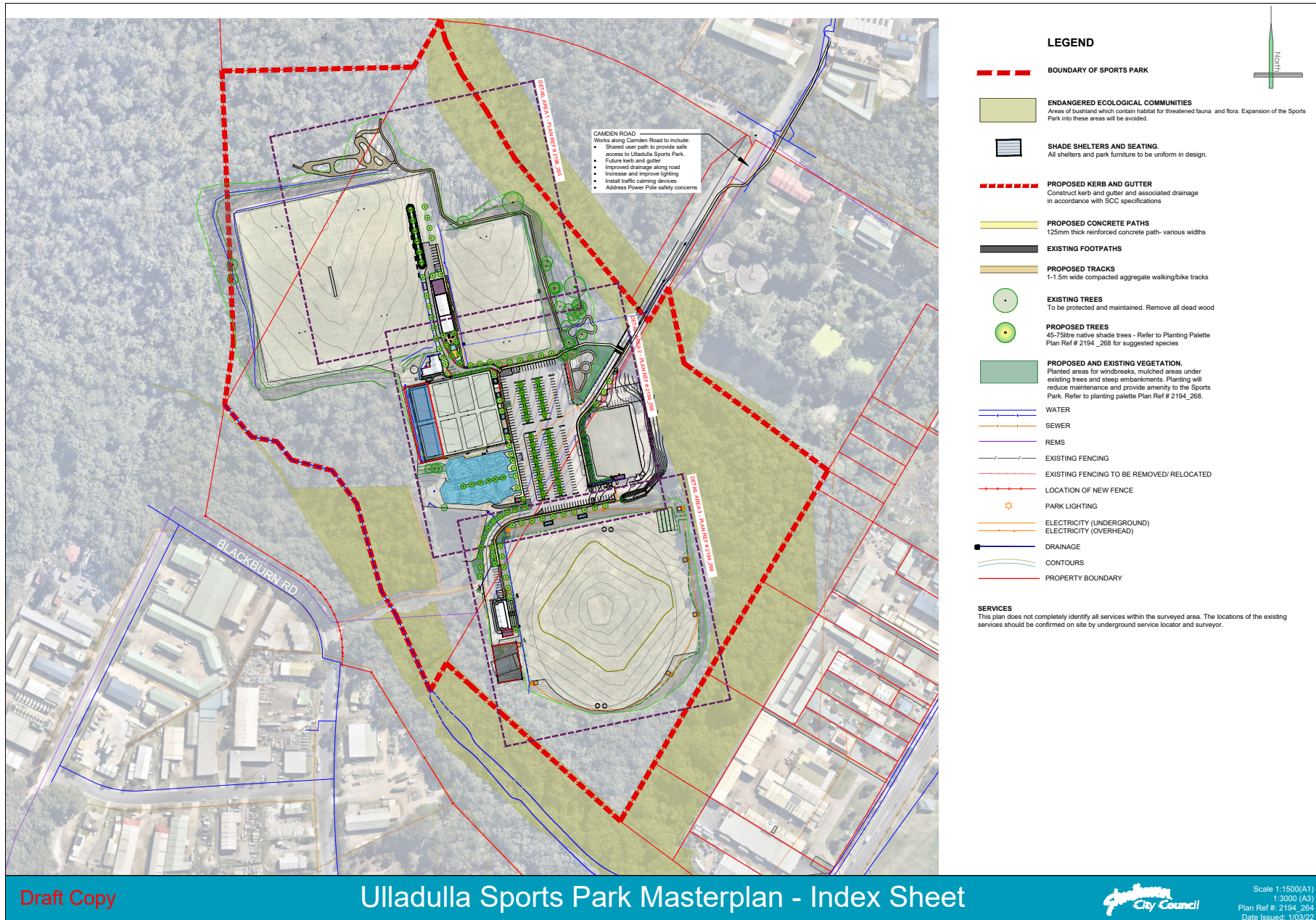
- 1988 - Volunteers of the local AFL community erected a clubhouse building
- 1990 - A skateboard ramp was built from timber and maritime board
- 1993 - Netball facility upgraded with the addition of two more buildings - Club House and Storage shed
- 2001 - Skatepark was designed and built to national and international standards.
- 2012 - AFL ground developed at south-eastern end of facility. Works include a cricket wicket, cricket nets, car parking, amenities building and flood lighting.
- 2020 - Milton Ulladulla Croquet Club - The new facility included the design of four courts to allow for future club expansion. The construction of two full croquet courts was completed in 2020.
- 2021 - Ulladulla sports park MP consultation and development to guide future direction of the Sports Park
- 2022 - Floodlighting upgrade - at Rugby League fields and Netball courts

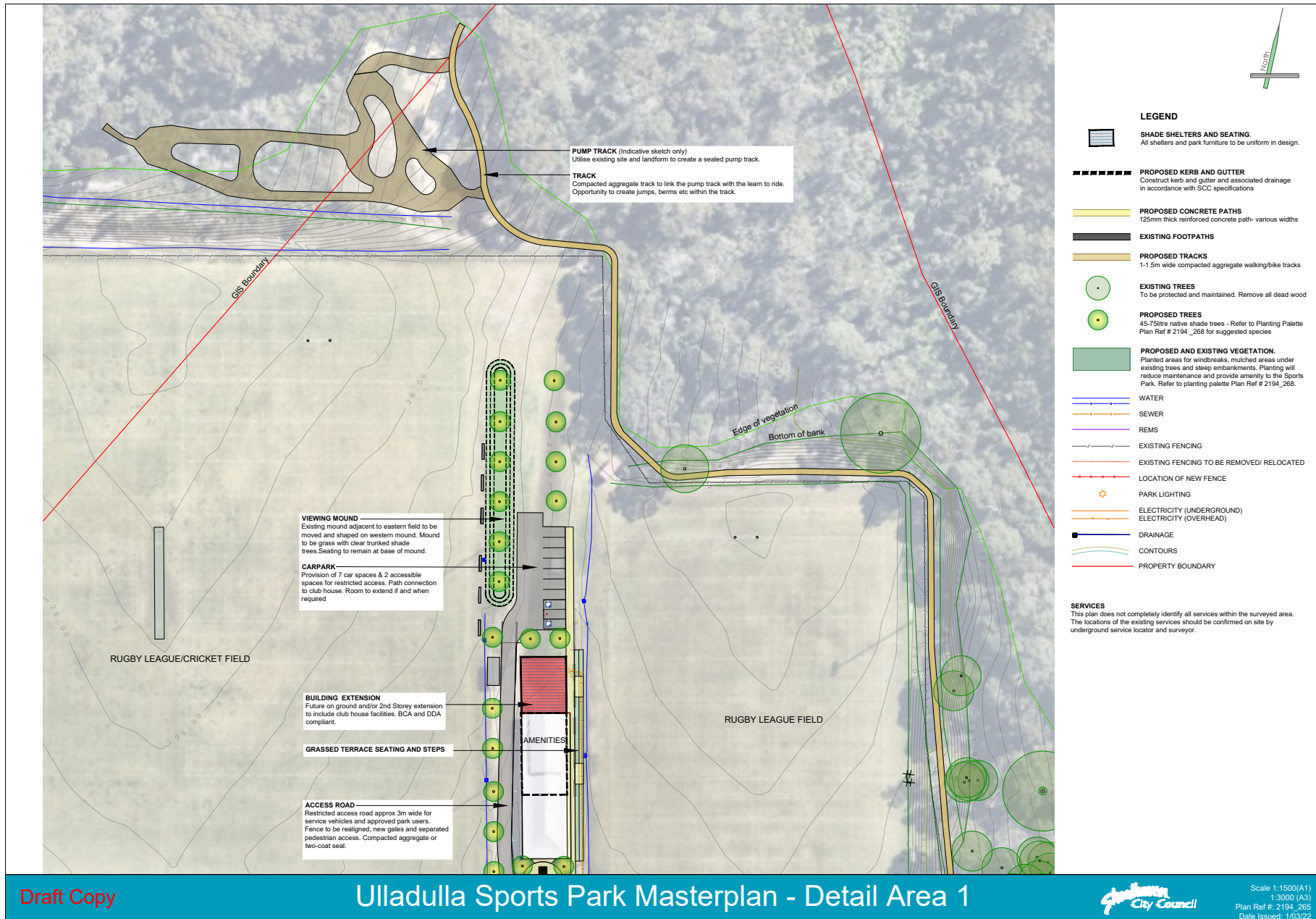


LIST OF PLANS

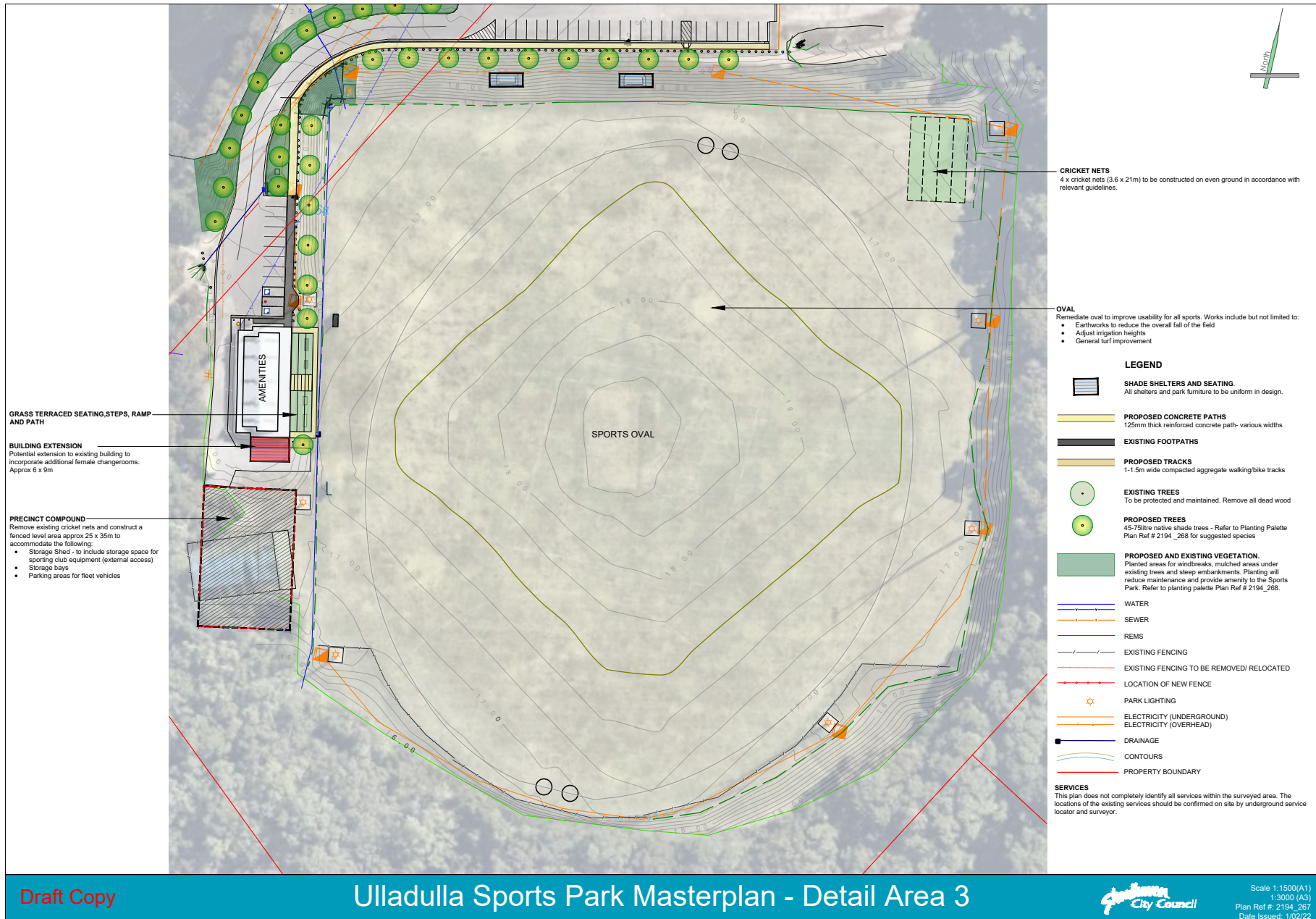
2194_262	Title Page
2194_263	Existing Site
2194_264	Index Sheet
2194_265	Detail Area 1
2194_266	Detail Area 2
2194_267	Detail Area 3
2194_268	Planting Palette
2194_269	Design Palette











GRASSES/STRAPPY PLANTS -- Indicative list of native grasses



Dianella 'Utopia'



Lomandra 'Crackerjack' or 'Shara'



Lomandra 'Tropicbelle' or 'Lime Tuff'



Lomandra 'Tanika' or 'Verday'



Lomandra longifolia and/or Lomandra Lime Jet'

GROUNDCOVERS - Indicative list of native groundcovers



Carpobrotus glaucescens



Eromophila glabra prostrate 'Blue Horizon'



Grevillea species



Hardenbergia violacea 'Meema'



Rhagodia scenescens



Westringia 'Low Horizon'

SHRUBS - Indicative list of native shrubs



Acmena 'Forest Flame'



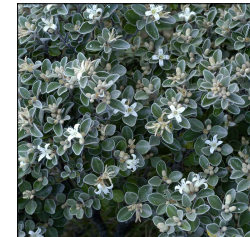
Banksia 'Birthday Candles' and 'Ulladulla Beacon'



Callistemon 'Little Silver'



Callistemon cirtinus 'Endeavour'



Correa alba



Grevillea barkleyana or Grevillea species



Melaleuca species

TREES - Indicative list of native shade trees



Banksia integrifolia



Cupaniopsis anacardioides



Callistemon citrinus x viminalis
'Harkness'



Lophostemon confertus



Hibiscus tiliaceus



Melaleuca quinquenrvia



Tristaniopsis 'Luscious'

Draft Copy

Ulladulla Sports Park - Planting Palette

PAVEMENTS



Asphaltic Concrete (Bitumen)
- access roads & pathways.

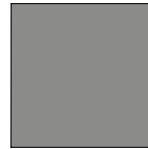


CSS 'Butter Scotch'
- concrete oxide pathways.



Compacted Road Base

PAVEMENT COLOURS - Skatepark



CCS 'Portland Grey'
- concrete oxide.



CCS 'Butter Scotch'
- concrete oxide.



CCS 'Light Peach'
- concrete oxide.



CCS 'Caramel'
- concrete oxide.



CCS 'Lizard Skin'
- concrete oxide.



CCS 'Zeus'
- concrete oxide.

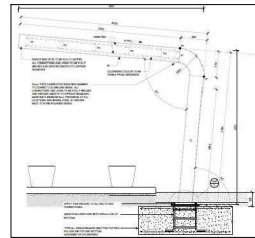
SHADE SHELTERS



Landmark - Longreach Shelter.



Landmark - Peninsula Shelter.



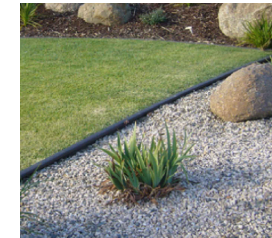
Skatepark Custom Shelter.

BOLLARDS



Advanced Plastic Recycled Bollard (200x 100mm chamfered).

GARDEN EDGING



Advanced Plastic Recycled Garden Edging.

PARK FURNITURE



Botton & Gardiner - 'Urban Post Seat' (AS1428.2) with arm rests, Alugrain 'Spotted Gum' slats and galvanised steel powdercoated 'Colorbond' 'Monument' frame.



Botton & Gardiner - 'Urban Post Table' (AS1428.2) and access, Alugrain 'Spotted Gum' slats and galvanised steel powdercoated 'Colorbond' 'Monument' frame.



GrilleX - 'Frontier Double BBQ Easy Access', BBQ Range: Deluxe, Charcoal Finish.



Tamora Bin Surround
- Extra Slat



Cora Stainless Steel Bike Rack

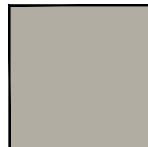


Information Noticeboard
- SCC Custom Design

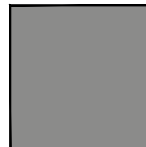


Water Filling Station
- SCC Shoalwater Design

COLOUR PALETTE - Colorbond® Colours



'Dune'.



'Windspray'.



'Woodland Grey'.



'Terrain'.



'Deep Ocean'.



'Ironstone'.



'Monument'.

**Summary of Pre-Design Survey – Ulladulla Sports Park Master Plan
1783e Document: D21/228823 (GI page - Summary of submissions)
29 April to 1 June 2021**

Overview

A Community Survey was made available from 29 April to 1 June 2021, hosted on Council's Get Involved webpage platform. During this time, a total of 10 survey responses were received from members of the general public.

A percentage of respondents (40%) were between the ages of 35 and 49 years of age, followed by 20% being 18 - 24 years of age as well as 50 – 59 years of age.

80% of respondents had utilised the sports park, while 20% of respondents had not utilised the facility.

Survey Responses

Question - What is your age group?

Age group	Number of responses	Percent
Less than 12 years old	0	0
12 – 17 years	0	0
18 – 24 years	2	20%
25 – 34 years	1	10%
35 – 49 years	4	40%
50 - 59 years	2	20%
60 – 69 years	0	0
70 – 84 years	1	10%
85+ years	0	0

Question - What is your town of residence?

Town	Number of responses	Percent
Ulladulla	7	70%
Mollymook	2	20%
Bawley Point	1	10%

Question - What is your gender?

Gender	Number of responses	Percent
Female	1	10%
Male	9	90%

Question – Are you an Ulladulla Sports Park user?

Answer	Number of responses	Percent
Yes	8	80%
No	2	20%

Question – Why do you go to the Ulladulla Sports Park?

Answer	Number of responses
Not answered	2
Sports participant	7

Observer	3
Parent	2
Taking my children there	1

Question – Which activities do you use the Ulladulla Sports Park for?

Activities	Number of responses
Not answered	2
Skate park	8
Netball	1
Cricket	1
Rugby League	3
AFL	1
Running	1
Skate park	8
Walking	1

Question: How frequently do you visit the Ulladulla Sports Park?

Answer	Number of responses	Percent
Not answered	2	20%
Daily	2	20%
Several times a week	6	60%
Fortnightly	1	10%

Question: For what purpose?

Key Purpose	Number of responses
Not answered	3
Skating	5
Training at both ovals	1
Taking children to sport	1
Kicking football around	1
Walking	1
Riding	2

Question – Do you access the park during the night?

Answer	Number of responses	Percent
Yes	5	
No	3	
Not answered	2	

Question: What are the top 5 future projects you would like to see at the Ulladulla Sports Park? Please explain why.

Answer	Number of responses
Mini ramp	1
Small kidney bowl	
Street section	

Flow	
Lights at skatepark	2
Toilets at skatepark	1
MTB pump track	3
Scooter / Skateboard pump track	
Learn to ride facility	
White water rafting park	1

Question – Please provide any additional comments you may have
10 survey respondents had no additional comments.

Additional comments	Number of responses
Equity between townships – Bawley Point needs kerb and guttering	1
Request for further sport activation and school tournaments to increase tourism.	1

Ulladulla Sports Park Master Plan - August 2021 - User Group Comments				
No.	Comment	SCC response	PCG agreed amendments	Further Community comment - 17/11/2021 Site visit with stakeholders
Milton Ulladulla Junior League				
1	More parking	Quantity of existing parking spaces is: 25 additional parking spots at MUCC north side	Make note of additional 25 parking spots north of MUCC	Group agreed this was sufficient.
2	Switch car park with playground - child safety and sharing of car park with netball.	Restricted access only - children safe from vehicles.	Playground moved down and paved area for BBQ.	Group understood and supports direction.
3	Review curb and guttering - will exacerbate lack of parking	Noted	none	Group understood and supports direction.
4	More toilets - skatepark extra is still not enough (6 toilets at park is not enough)	2 ladies, 2 mens, urinal - Public 24/7 Clubhouse extension - inclusive of female amenities.	Future extension of clubhouse to include additional changerooms, top story clubhouse, meeting rooms, deck.	Group understood and supports direction.
5	Clubhouse is only amenities - reminded SCC of two story plans previously completed.	2nd story to be included	Amend doc to reflect 2nd story - add in plan number in order to BCA / DDA compliance.	Future extension of clubhouse to include additional changerooms, top story clubhouse, meeting rooms, deck.
6	Female amenities not mentioned - propose to be close to Netball so they can share during big events.	Not enough room - extension to be identified in the extension area - of league clubhouse.	Look to number 4.	Group understood and supports direction.
7	Traffic calming measures on Camden Street.	Included in plan	Additional device to be included to entry to road. traffic calming device.	Group agreed this was sufficient.
8	Second access road - Near AFL carpark into Blackburn Rd and the Kings Point Industrial estate	Further investigation - LH to identify potential for Road under Easement	If potential road is allowed, will note on plan. Make it exit only.	Group understood and supports direction.
9	Tree planting to avoid: <input type="checkbox"/> falling limbs <input type="checkbox"/> roots interfering with drainage <input type="checkbox"/> roots interfering with the ground surfaces <input type="checkbox"/> magpies nesting and swooping - every season we have people swooped by magpies from trees outside the fields placing trees within the grounds only increases the chances of more attacks <input type="checkbox"/> trees over seating - bird faeces on seating are council going to clean this weekly?	Suitable planting to be provided in line with the city preferred tree planting list and will be tended to by the City.	Substituted Eucalyptus botryoides with Callistemon. suitable planting to be provided in line with the tree planting list.	Group agreed this was sufficient.
10	Area proposed for playground would rather be used as a permanent BBQ / hot food area	BBQ area to be by Canteen on North side	Children's section moved down. - Done	Group understood and supports direction.
11	Drainage needs to be repaired on Field 1	Underway Dec 2021	none	Group understood and supports direction.
12	Lighting upgrade needed on Field 1	Operational issue	none	Group understood and supports direction.
13	Lighting to cover road improvements, pathways and additional parking.	Noted	On plan	Group understood and supports direction.
AFL				
14	Oval remediation	Already on plan	none	Group understood and supports direction.
15	Mower provided (old promise)	Confirm: cylinder mower? LH	none	Mower still in use but at other location.
16	Top dressed twice per year (operational)	Operation	none	Group agreed this was sufficient.
17	Proposed tree planting (for shade) are not welcome as people sit in their cars and watch during cold months.	Plant semi mature trees with clear trunks. Maintained regularly with crown raise.	clear trunked trees-crown raise.	Group understood and supports direction.
18	Further seating in front of the existing club rooms	Already on plan	none - Refer to plan terraced seating	Group understood and supports direction.
19	additional storage in place of the existing cricket nets	location of Precinct compound	none	Group understood and supports direction.
20	Each sport has their own dedicated, weather protected, secured space	precinct compound	none	Group understood and supports direction.
21	Repainting both interior / exterior of amenities block	Operational issue	none	Group understood and supports direction.
22	Field lighting – flickers – goes on and off as it overloads	Operational issue	none	Group understood and supports direction.
23	Interior lighting – fluorescent fittings loose – circuit breaker overloads as well	Operational issue (AFL responsibility)	none	Group understood and supports direction.
24	Jr's need storage facility	precinct compound	none	Group understood and supports direction.
25	Rain damage inside changerooms – roof inspection needed	operational issue	none	Group understood and supports direction.
26	Women want urinals removed from men's / women's changerooms (I don't think this is fair to the men)	operational issue	none	Group understood and supports direction.
27	more site storage	On plan	none	Group understood and supports direction.
	Move cricket nets to NE corner	On plan	none	Group understood and supports direction.

Stakeholders attendance:

Netball

Rugby League

Model Aircraft
Swim, sport and fitness
Community planning and projects

Pump track

USP User Group				
21	There are no Club Houses located at either the RL or AFL facilities. The Buildings are amenities buildings and contain facilities such as Toilets, some are for 24/7 public use. They also contain Change Rooms, Store Rooms and Canteens. There are no provisions for Meeting Rooms , Secretaries Offices and any such comforts such as protection from the weather for spectators, visiting teams etc.. Recently the Building at Bill Andriske Oval was erroneously named a Club House in the Council Records and later corrected to Amenities. There is a DA Approved to complete a second level on the existing RL Facility at USP. The completed second level is intended for all Users of the Complex from time to time.	SSF response - need to decide	none	All current buildings at USP are amenities. The only clubhouse is MUCC. In the future, a multiuser clubhouse will be built at the Rugby fields.
22	Ornamental Trees such as Cupaniopsis , Botryoides, Lophostemon, Melaleuca and Tristiaoptus are unsuitable for such a refined area. They all grow into large trees and their extensive root systems are prone to uplift and crack both concrete tar sealed pedestrian and MV surfaces. Smaller acacias are more suitable and can be pruned and their height controlled. Sparser planting needs to be considered.	Will omit the Eucalyptus botryoides. Suitable planting to be provided in line with the tree planting list. Planting in appropriate locations. Measures undertaken to ensure low impact on infrastructure.	Substituted Eucalyptus botryoides with Callistemon. Suitable planting to be provided in line with the tree planting list. Amenities, aesthetics, and shade.	Group understood and supports direction.
23	Are female change rooms being included in the red shaded areas . Future extension to Club House if required ?? ie. for female Cricket, RL and AFL players. Reads" .to incorporate additional female facilities" on 267 . But on 265 there is no reference to Female Facilities". Lack of such facilities is limiting the growth of the codes and is the RL's greatest concern.	Amenities included in red part of extension at League area. Amenities cannot be close to netball due to site constraints. Noted as additional amenities.	none	Group understood and supports direction.
24	Northward of RUGBY LEAGUE FIELD 1 there is a "Bush Loading Ramp" which was built by pioneers Turley and Blundell to load and unload their machinery. The site should be preserved and named a Historic Site.	Discuss opportunity to get user group to formulate historic / heritage Foreword	none	Tony Hardman to send LH information to include in Foreword of plan.
25	CAMDEN ROAD- Better known as Turley Blundell Drive . There is no confirmation that the Power Pole located at the kink in the road will be removed.	Address power pole safety concerns.	Address power pole safety concerns.	Group understood and supports direction.
Netball				
26	Moving of the 'Emergency Entry Gate' to reposition the gate. (this Emergency Gate was originally designed to permit an Ambulance to have direct access to the courts.) The repositioning of this gate would create restricted & unsafe access for an Ambulance, and also what impact would this have on our Floodlights pole?	Have ascertained that this location is the safest for ambulance and service vehicles to have access the all courts. The flood light pole would not be affected by this design.	none	Safety issue - Group understood and supports Council's decision.
27	Taking ground from the Netball Complex thereby moving the fenceline on the Eastern side near carpark. (This will not be possible as we have already had 4 concrete slabs laid for future seating and sunshade covers when Courts A & B were laid in 2018.)	Proposed to lay new slabs which connect to the courts. SCC has a duty of care to address the vehicle overhang of footpath and for pedestrian, safety, mobility, and connectivity within the park.	none - New slabs will be poured off netball court through to fencing - Easier maintenance	Safety issue - Group understood and supports Council's decision.
28	Whilst we are all for beautification and sunshade, Trees/Shrubs or Planter Boxes cannot be placed between our future seating and sunshade covers because when carnivals, tournaments and gala days are held all teams set-up additional tents to protect their players and equipment	West of clubhouse remove, east clubhouse removed, remove two trees between fence and roadway. Eastern fence - remove 2 of 6 trees. Chosen species will have a crown lift.	remove 8 trees	Group understood and supports direction.

29	The current plan of the Netball Complex Buildings – There are two buildings, i.e. Clubhouse/Canteen/Amenities Building and a separate Equipment Storage Shed with an overhead roof covering between two buildings; this gives us a covered area which can be used for fundraising activities, training courses for umpires & coaches, presentations, meetings, carnival days, special events etc. There is also a small grassed area opposite the Disabled & Male Toilets hidden behind the Equipment Storage Shed where in the past we have been able to erect tent coverage for special events etc when needed.	Noted	none	Group understood and supports direction.
30	The existing fencing to be removed/relocated where proposed trees have been placed on your plan must not be removed or relocated and both small entry gates to our courts near the Netball Clubhouse to be left as is.	MG	MG - Have left path on plan - Safety of park users is paramount	Group understood and supports direction.
31	Beside the Netball Clubhouse which is the main entry door for access on that grassed area and closer to the female toilets are 2 permanently located rubbish bins for Association use; perhaps it is time now for a defined parking area be designated for 'NETBALL OFFICIALS ONLY' here as well as we bring in canteen stock, equipment etc. As part of our Netball Complex Policy only authorised Committee members and a First Aid Officer are allowed to park near the Netball Clubhouse.	Will review if there is suitable space for 3 spots.	Have placed a pull in bay/infromal parking area for officials - Note it is non-compliant.	Group understood and supports direction.
32	We do have concerns on your plan that you may have or already plan to remove the fenceline between the Skatepark and the Netball Courts in the future; all our Courts in total are eight (8) and MUST ALL be fenced off completely and can only be used for the sport of netball. In our future plans in the next 5-10 years when we are hoping to have Courts 1 & 2 covered, then with the Council Project Manager's assistance we will then look at ensuring that all fenceline corners link up with no gaps and look at where we can add additional exit gate/s to permit safe exit for our netball community should the need arise. <i>(All our entry gates have to be padlocked at the end of our netball training & competitions because of continual vandalism and damage to our Courts and our Netball Complex Buildings.)</i>	No - fence to remain. Noted.	none - No plans to remove fence	Group understood and supports direction.
33	As part of our future goals, located at Courts 1 & 2 currently are 4 small seating structures which we are hoping to make use of these and relocate these and place them beside Courts 1 & 2 as they sit now when we extend these courts to permit a covered structure over them in the future. The new fenceline indicated on the plan beside the Equipment Storage Shed, the Association will need to look at that location and make further comment when lockdown is completed as there are floodlight power boxes, etc. there.	noted	none - Have left fencing as current status on northern side/ removed proposed fencing	Group understood and supports direction.

Netball note:

- Council in August just before lockdown, added two outside taps for our members to access water, one near the main Clubhouse entry door and one on the left-hand side inside of the 'Emergency Entry Gate'.
- Due to COVID the 'Emergency Entry Gate' is part of the Association's COVID-19 Safety Plan which is the **Entry/Exit** point for all our members, parents, volunteers, etc. for all netball training, competitions, events, carnivals, meetings etc.
- We have very limited space within the confines of the netball courts and surrounds and it is therefore crucial that the Association is consulted before making changes to the Netball Complex.

CL22.233 Community Recovery Officer - Advocacy For Continuation of Funding

HPERM Ref: D22/177232

Department: Community Connections

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

Funding for Council's Community Recovery Officer role is due to expire on 14 October 2022. As funding allocated by Resilience NSW, under Disaster Recovery Funding Arrangements (DRFA), is determined by incident, Council has been advised there are no plans to extend this funding. This report seeks support to further advocate for funding for the continuation State funding to support this role within Council.

Resilience NSW are currently developing a Statewide Resilience Strategy. A further report will be prepared for Council to consider the implications of this report when it is published.

Recommendation

That Council:

1. Support and engage in advocating to our Local State Members for Kiama and South Coast for the continuation of funding for the Community Recovery Officer role within Council.
2. Formalise the advocacy representation with the development of a Ministerial Briefing Paper to be presented to the Minister for Emergency Services and Resilience, and Minister for Flood Recovery, the Hon. Stephanie Cooke MP.
3. Receive a future report on the outcome of representations to Local Members.
4. Note that Resilience NSW are developing a Statewide Resilience Strategy and a future report will be prepared for Council to consider the implications of this strategy for Council once this information is published.

Options

1. That Council Support the above recommendations and Council seek a meeting with the Local State Members.

Implications: This is the preferred option. This matter will be elevated to the Local State Members and the Minister for Emergency Services and Resilience, and Minister for Flood Recovery, and the advocacy documents distributed through State Agencies including Resilience NSW and Regional NSW.

2. That Council decline to make advocacy representations on funding a Community Recovery Officer role at this time and further consider the matter once Resilience NSW have released their Statewide Resilience Strategy and the implications for Council can be considered

Implications: This option would enable Council to have a fuller understanding of the implications of the awaited Resilience NSW Statewide Resilience Strategy, however it may adversely impact on the continuity of service for affected community members and the current recovery functions at Council should the Strategy document not be released prior to the expiry of the funding for the Community Recovery Officer role.

CL22.233

3. That Council adopt an alternative recommendation

Background

Black Summer Bushfire – Fixed Term Community Recovery Officer:

In May 2020, Resilience NSW contacted 22 Councils affected by the Black Summer Bushfires to offer funding for a fixed term role within Council of a Community Recovery Officer (CRO). This offer was extended to Shoalhaven City Council. These positions were jointly funded by the NSW and Australian governments through Disaster Recovery Funding Arrangements (DRFA).

The funding was for \$220,000 which was to be allocated to \$150,000 for employee related expenses including salaries and on costs, and \$70,000 for operating expenses and project funding for programs and activities to support recovery from the designated disaster (in this case the Currowan Bushfire 2019/20). The funds were claimed via reimbursement.

Key activities of the NSW CRO's that Resilience NSW suggested included:

- Establishment of Community Resilience Network/s which could include community service organisations, rural reference groups, business networks, community group representatives and community leaders
- Mapping and analysis of the impact of the bushfires on community groups, networks, community infrastructure and identifying service gaps. As well as mapping on what additional services are being implemented by new recovery partners
- Participation on the Local Recovery Committee
- Linking with local community groups to input community needs/strengths and project ideas to inform development and implementation of the Local Recovery Plan and recovery activities
- Planning and reporting to ensure contribution of community needs and aspirations into the Local Recovery Action Plan
- Supporting community led activities and events including anniversary and memorial events
- Liaising and working with key stakeholders including the National Bushfire Recovery Agency (NBRA) Recovery Support Officers
- Supporting the council communications team to develop recovery information for the community in multiple formats e.g., online content, newsletters, local media etc.

The purpose of the Community Recovery Officers was to support communities through their recovery journey. The officers were embedded into Councils and were responsible for the development of a range of recovery initiatives alongside community groups and other stakeholders.

This includes work to connect community organisations that are working with communities, supporting local coordination between public, private and community sector bodies, facilitating community recovery events, facilitating access to information, and undertaking recovery planning and actions based on local context and need.

In April of 2021, Resilience NSW extended the Community Recovery Officer funding for a further 12 months. The current CRO funding is due to end on 14 October 2022.

Looking Forward

Disasters can happen anytime. As key contributors to recovery, Councils need to be ready to support the community and begin restoration immediately after the danger has passed.

Councils do not work alone in recovery: all levels of government, individuals, businesses, and non-government organisations have a role to play.

“Planning for recovery can be a complex and demanding process, involving a broad range of stakeholders, and often exposing challenging issues to be negotiated. Usual processes and practices may not work in the recovery environment, and staff need to be flexible and adaptable when responding to changing community needs.

Successful recovery requires planning, and all Councils should consider how they will meet their responsibilities under the State Emergency Management Plan. Working with other Councils, the community and recovery partners to establish plans, will build relationships, increase collective capabilities, and improve recovery outcomes.

Unfortunately, recovery planning can be seen as a low priority compared to more pressing or immediate issues. This is often the case for locations with low-risk profiles or that have not been impacted by events for some time. However, pre-planning is critical to success.”¹

Shoalhaven City Council has been in some form of recovery for the last decade, whether it be from drought, flood, fire, pandemic, and now flood again. With the effects of climate change being felt across the world, it is only a matter of time until another natural disaster affects the Shoalhaven. With a Community Recovery Officer embedded into the Community Connections team, Council will be well placed to:

- Respond quickly and decisively to community needs
- Have a member of staff who is well versed in Disaster Recovery Principles, with the ability to apply them and offer assistance to other areas of Council.
- Have pre-existing relationships at all levels of government and NGO’s to ensure swift action and activation of services.
- Be connected into Council services and staff to ensure collaboration and coordination of efforts.

Emergency Response and Recovery are closely linked. With this in mind, the Local Emergency Management Officer (LEMO) is currently investigating opportunities for the CRO to be embedded into the Local Emergency Management Committee (LEMC) to ensure that recovery is immediately considered as part of any response to Natural Disaster.

If the Shoalhaven experiences periods when no recovery activities are required, the CRO will be able to develop programs and projects alongside the Local Emergency Management Officer to encourage communities to be disaster ready. They will also be able to provide in-house training to staff on disaster preparedness as well as on Disaster Recovery Principles.

It is anticipated that, if Council can make the CRO role permanent through securing external funding, there will be significant positive impact to community outcomes which have been discussed in this report but include:

- A deeper connection between Response and Recovery
- Maintenance of existing relationships and development of new relationships within Council
- Continued dedicated support for recovering community members
- Opportunity for immediate recovery initiatives to commence during an emergency response as experience in recent flood events.
- Staff fully versed and up to date with the latest Recovery Principles and able to offer training and expertise to all areas of Council.

¹ Australian Institute for Disaster Resilience – Community Recovery Handbook

Advocacy

Council staff propose to produce a Ministerial Briefing Paper which will be provided to State Members and the Minister for Emergency Services and Resilience, and Minister for Flood Recovery. Further, the briefing paper will be distributed through State Agencies including Resilience NSW and Regional NSW for consideration.

Council would then seek a meeting with the local State Members to discuss ongoing recovery arrangements for the Shoalhaven.

If supported, a further report will be provided to Council on the outcomes of this advocacy.

Resilience NSW – Statewide Resilience Strategy:

Resilience NSW are currently developing a Statewide Resilience Strategy. The timeframes for completion of this strategy and any opportunity to comment on the document are currently unknown. A further report will be prepared for Council to consider the implications of this report when it is published.

Community Engagement

During the initial stages of the social recovery from the Currowan Bushfires of 2019/2020, a Health and Wellbeing Committee was established to help guide social recovery and to be an avenue to coordinate and prioritise actions and programs to aid recovery.

This Committee is still active today and comprises multiple NGO's, state government departments and federal government including the National Recovery and Resilience Agency (NRRRA), Resilience NSW, NSW Health, Dept of Education, Dept of Communities and Justice, Dept of Primary Industries, Sport NSW, National Indigenous Australians Agency (NIAA), Coordinare, Local Land Services, Anglicare, Vinnies, Barnardo's, Save the Children, The Smith Family, Salvation Army, Foundation for Rural and Regional Renewal (FRRR), Headspace, Ulladulla Community Resource Centre, Saltcare, Mission Australia, Red Cross, Shoalhaven Women's Health Centre, South Coast Aboriginal Medical Service and Catholic Care.

The Community Recovery Officer chairs this group and the purpose of the group is to coordinate and collaborate on programs and initiatives to support bushfire affected communities as well as share information and ensure that there is no duplication. The purpose has transitioned to include supporting people affected by other natural disasters including flood and pandemic.

These relationships have been key in ensuring that Council is well connected to offer referral pathways to individuals that require assistances as well as ensuring collaboration between agencies across the Shoalhaven. This network has also been valuable in unearthing issues and concerns of members of the community.

As well as working alongside key stakeholders the CRO has developed relationships with members of the community through various initiatives including through community outreach and reaching out to individuals.

In seeking support for additional funding allocations for the CRO role Council staff have already spoken with a representative from Illawarra Shoalhaven, Dept of Regional NSW who indicated that while supportive of embedding this recovery function into Councils, the funding under Disaster response is the purview of Resilience NSW.

Council Staff also spoke with representatives from Illawarra and Southeast, Resilience NSW. In this meeting it was clarified that funding for positions such as the CRO is triggered under State Disaster Recovery Funding Arrangements (DRFA) and is provided for each identified disaster. Under such arrangements Council received 24 months of funding for a CRO for the Black Summer Bush Fire disaster but did not receive funding for a CRO for the recent East Coast Low weather event. It was also made clear that should such funding be allocated; the expectation would be that Council would employ a CRO for each recovery event.

Under the current arrangements it is not possible to provide funding for an officer on a permanent basis through the DRFA. If Council were successful in making the CRO role permanent, this would not affect funding under the DRFA.

Financial Implications

Council will be seeking support from State Members to advocate for ongoing funding of up to \$220,000 per annum (including wages, on costs and project funds) to enable the embedding of a recovery function into Council on a permanent basis.

CL22.233

CL22.234 Request for Plaques and Memorials

HPERM Ref: D22/187846

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Detailed Information - Request for Plaques and Memorials - May 2022
(Councillors Information Folder) [↓](#)

Reason for Report

To seek endorsement through Council resolution for the requests for four (4) new seats and plaques to be installed within the public domain in Shoalhaven Heads, Merry Beach, Dolphin Point, and Sussex Inlet in accordance with the Plaques and Memorials Policy.

Recommendation

That Council:

1. As per the Plaques and Memorials Policy:
 - a. Approve the request for a new seat and plaque at River Road, Shoalhaven Heads.
 - b. Approve the request for a new seat and plaque at Wooroonga Crescent, Merry Beach.
 - c. Approve the request for a new seat and plaque at Seaside Parade, Dolphin Point.
 - d. Approve the request for a new seat and plaque at Lakehaven Drive Bowling Club Reserve, Sussex Inlet
2. Advise the applicants of Council's determination of the requests.

Options

1. Adopt the recommendation.

Implications: This is consistent with the adopted Plaques and Memorials Policy and will allow staff to advise the applicants of the outcome of their request.

2. Adopt an alternative recommendation.

Implications: An alternative recommendation may be inconsistent with the Plaques and Memorials Policy.

Background

As per the adopted Plaques and Memorials Policy (POL19/70), Council staff have received requests to install a plaque in memory of a person on Council owned and/or managed land. This report summarises these requests received, identifies whether they are for new or existing infrastructure and whether the request is consistent with the adopted Policy.

The requests received are located in various areas within Shoalhaven City Council Local Government Area, and are addressed in the next section of this report. In accordance with the adopted Plaques and Memorials Policy (POL19/70), a Council resolution is required to approve the installation of a plaque or memorial.

Community Engagement

Council has received four (4) requests for plaques on Council owned and / or managed land. These are summarised in *Table 1* below. Additional details of the individual requests are provided within the **Councillors Information Folder** to ensure that these requests are managed sensitively.

Table 1 – Summary of Requests for Plaques

	Infrastructure Request	Preferred Location	Consistent With Policy
1	New Seat and Plaque	River Road, Shoalhaven Heads	Yes
2	New Seat and Plaque	Wooronga Crescent, Merry Beach	Yes
3	New Seat and Plaque	Seaside Parade, Dolphin Point	Yes
4	New Seat and Plaque	Lakehaven Drive - Bowling club Reserve, Sussex Inlet	Yes

Policy Implications

The requests received have been considered in line with the criteria contained within the adopted Plaques and Memorials Policy.

As per the approval process of the Policy, a Council resolution is required to approve the installation of the plaque or memorial.

Each application is consistent with the Plaques and Memorials Policy and is therefore recommended to be supported by Council. Where applications have been for 'townships', Council staff have negotiated with the applicant to determine a specific location. Further details on the request, location, correspondence, and assessment are included in Attachment 1.

Financial Implications

As per the adopted Plaques and Memorials Policy, the delivery of the requests will be funded by the applicant. However, Council will be responsible for ongoing maintenance and operational costs.

The Asset Custodian for the preferred locations of these requests has considered each individual request and noted that costs associated with the maintenance and operation of the new infrastructure is able to be delivered within existing Operational Budgets.

CL22.234

CL22.235 Acquisition of Sewer Easement - 7 Victa Way Bomaderry - Lot 6 DP 248150

HPERM Ref: D22/25451

Department: Technical Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Easement Sketch Plan [↓](#)

Reason for Report

To provide Council with the opportunity to consider the acquisition of an Easement for Sewerage Purposes 3 metres wide over Lot 6 DP248150, 7 Victa Way Bomaderry from Varute Pty Limited. The easement is shown as 'S' on the easement sketch plan (refer to Attachment 1) and is required for an existing sewer rising main.

Recommendation

That Council:

1. Acquire an Easement for Sewerage Purposes 3 metres wide over part of Lot 6 DP 248150, 7 Victa Avenue Bomaderry, as shown highlighted in the attached easement sketch plan;
2. Pay compensation of \$30,000, plus GST if applicable, and reasonable legal costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991;
3. Fund all costs associated with the acquisition from Shoalhaven Water's Sewer Fund.
4. Delegate authority to the Chief Executive Officer (Executive Manager Shoalhaven Water) to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council's Solicitor;
5. Authorise the Chief Executive Officer (Executive Manager Shoalhaven Water) to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended

Implications: Acquisition of the easement is required to formalise existing Shoalhaven Water sewerage infrastructure.

2. Not resolve as recommended

Implications: Council will continue to have no legal entitlement for future access, repair and maintenance of the subject Shoalhaven Water asset.

Background

The subject sewer rising main was constructed in 1993 over 7 Victa Way Bomaderry. At that time no legal entitlement was created to benefit Council for future access, repair and maintenance of the asset.

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A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd in March 2021 assessed compensation for the easement at \$12,000, excluding GST, based on 2020 sales evidence. A conditional offer was made at that amount plus reasonable costs associated with the acquisition.

The landowner advised that the valuation severely undervalued the current land value of the property and requested increased compensation based on current values. The owners Valuer, Karl Poulton Valuers, provided a valuation that assessed compensation for the easement at \$30,000 excluding GST supplied in October 2021.

Walsh & Monaghan in consultation with the owner's valuer, Karl Poulton Valuers, negotiated the agreed amount of \$30,000 excluding GST and the landowner has agreed to that amount as compensation for the easement.

Community Engagement

No community engagement is required as the matter relates to operational purposes.

Policy Implications

Nil

Risk Implications

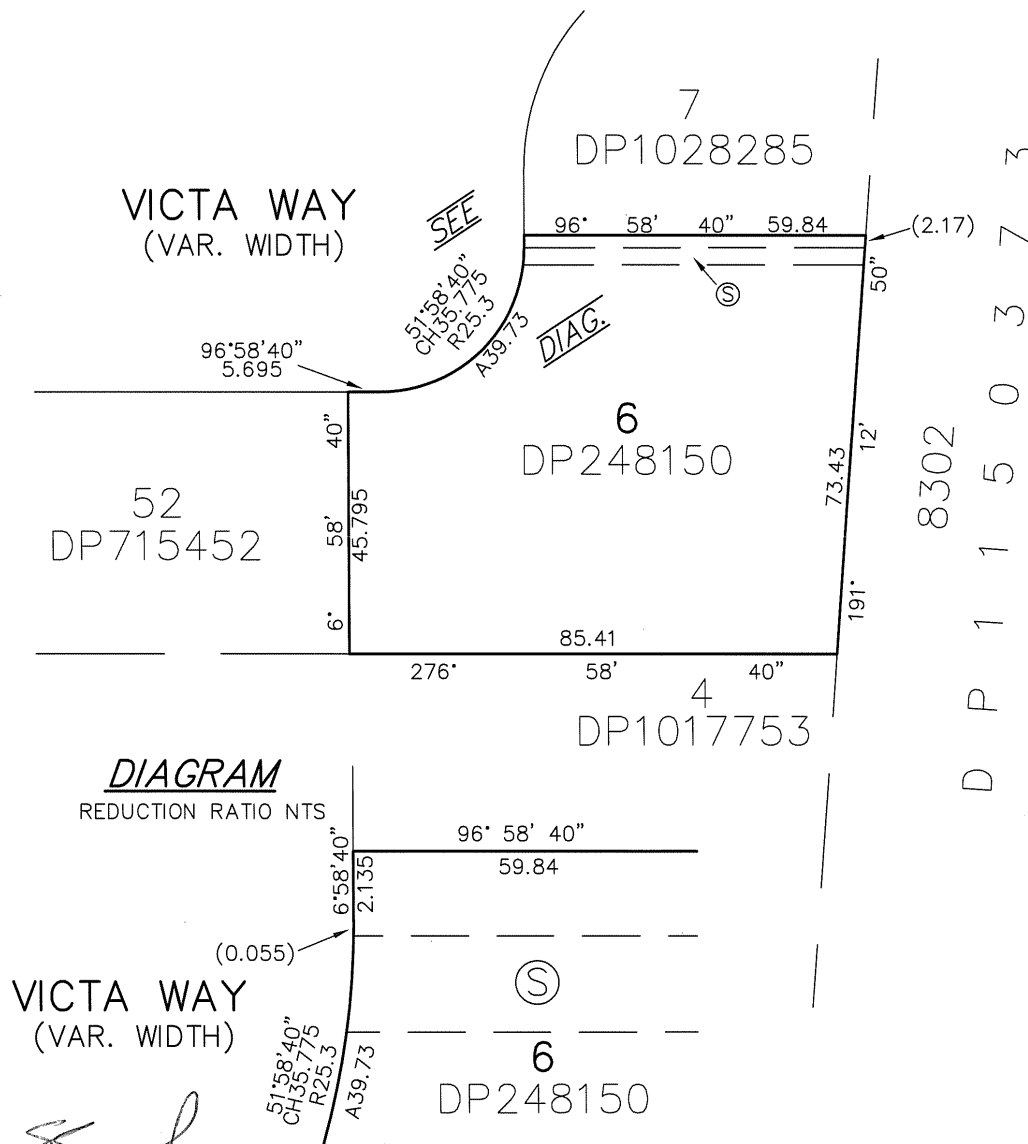
Acquisition of the easement is necessary to secure Shoalhaven Water's legal operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.

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PLAN OF PROPOSED
EASEMENT FOR SEWER MAIN
3 WIDE
AFFECTING LOT 6 DP 248150

LGA: SHOALHAVEN
LOCALITY: BOMADERRY
PARISH: BUNBERRA
COUNTY: CAMBDEN

⑤ PROPOSED EASEMENT FOR
SEWER MAIN 3 WIDE



STEPHEN CHARLES SAUNDERS
REGISTERED SURVEYOR

DATE: 21/12/2020
SURVEYORS REF: N28506-01

SHEET 1 OF 1 SHEET
RATIO 1:100

CL22.235 - Attachment 1

CL22.236 Danjera Dam Camping Ground & Day Visitors Area - Establishment of a Biodiversity Stewardship Site

HPERM Ref: D22/153745

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

To update Council on the progress of the Danjera Dam Camping Ground Project. To seek Council's endorsement for the creation of a biodiversity protection area within the subject property, via the establishment of a Biodiversity Stewardship Agreement in accordance with the *Biodiversity Conservation Act 2016*.

To facilitate the onsite retirement of Biodiversity Offset Credits, which have been imposed as a condition of approval on the Development Consent for the Camping Ground.

Recommendation

That Council

1. Endorse the establishment of a Biodiversity Stewardship Agreement (*Biodiversity Conservation Act 2016*) on eligible land within Part lots 1, 4, 5 DP 252335 and Lot 1 DP 1256763, at Yalwal, being part of Council owned land adjoining Danjera Dam.
2. Authorise the CEO (Executive Manager - Shoalhaven Water) to sign all necessary documentation to facilitate the establishment of the Stewardship Site.
3. Note the progress of the Danjera Dam camping area project as outlined in this Report.

Options

1. Adopt the recommendations.

Implications: Establishment of a Biodiversity Stewardship Agreement (BSA) at Danjera Dam will assist in achieving environmental and financial objectives for the Danjera Dam Project. These include:

- Providing the in-perpetuity protection and improvement in biodiversity values of the site, including the Commonwealth listed Critically Endangered Ecological Community Illawarra and South Coast Lowland Forest and Woodland and the NSW State listed endangered plant, *Solanum celatum*.
- Enabling the onsite retirement of biodiversity credits that have been imposed as a condition on the DA consent to offset the impacts on native vegetation required for the construction and maintenance of the Camping Ground.
- Facilitating potential financial savings associated with the retirement of biodiversity credits with the onsite offset currently valued at approximately \$66,000 - \$101,000 (ex GST) compared to up to \$173,039.62 if credits are retired offsite via a payment to the Biodiversity Conservation Trust.
- Enabling the money paid to retire the biodiversity credits to be used to fund the in-perpetuity management of the BSA area for conservation purposes.
- Potentially enabling excess offset credits generated by the site to be used to offset

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other relevant Council projects, sold to the Biodiversity Conservation Trust or, where deemed appropriate, sold on the open market. Such sale on the open market is, however, potentially subject to some uncertainty and also the need for a demonstration of impartiality.

2. Not proceed with the Stewardship Site proposal.

Implications: This would mean that on-going disturbance and damage to threatened biodiversity within Council owned land at Danjera Dam would continue to occur (goats and cattle currently graze informally on the property) resulting in loss of habitat value and biodiversity.

In addition, Council would lose the opportunity:

- To offset the biodiversity impacts on the Camping Ground (as required by Condition 13 of the Development Consent) on Council owned land and as required by the Biodiversity Conservation Act 2016 (NSW);
- To gain in-perpetuity and adequate funding to manage the land through the sale of offset credits generated by the site (both internally and on the open market).

Background

An update of the Danjera Dam camping proposal was last reported to Council on 6 October 2020, in relation to the adoption and finalisation of a Planning Proposal to rezone the subject land to permit a camping ground use. The following extract provides some history of the property:

*The subject land is owned by Council and comprises Part Lots 1, 4 & 5 DP 252335; Lot 1 DP 874512; Lot 1 DP 217080; Part Lot 15 DP 1216343; Part Lot 11 DP 755931; and Part Lot 122 DP 1255641 (see **Figure 1**).*

*The land is classified as “operational” under the Local Government Act 1993, is administered by Shoalhaven Water and is currently zoned E2 Environmental Conservation under Shoalhaven LEP 2014 (see **Figure 2**).*

The subject land has been used for camping and day use since the Dam was constructed in 1971. There is a need to formalise the existing camping ground use to enable Council to make planned improvements to its facilities and management, consistent with the endorsed redevelopment plan outlined in the Danjera Dam Future Directions Report that was finalised by Council in 2018.

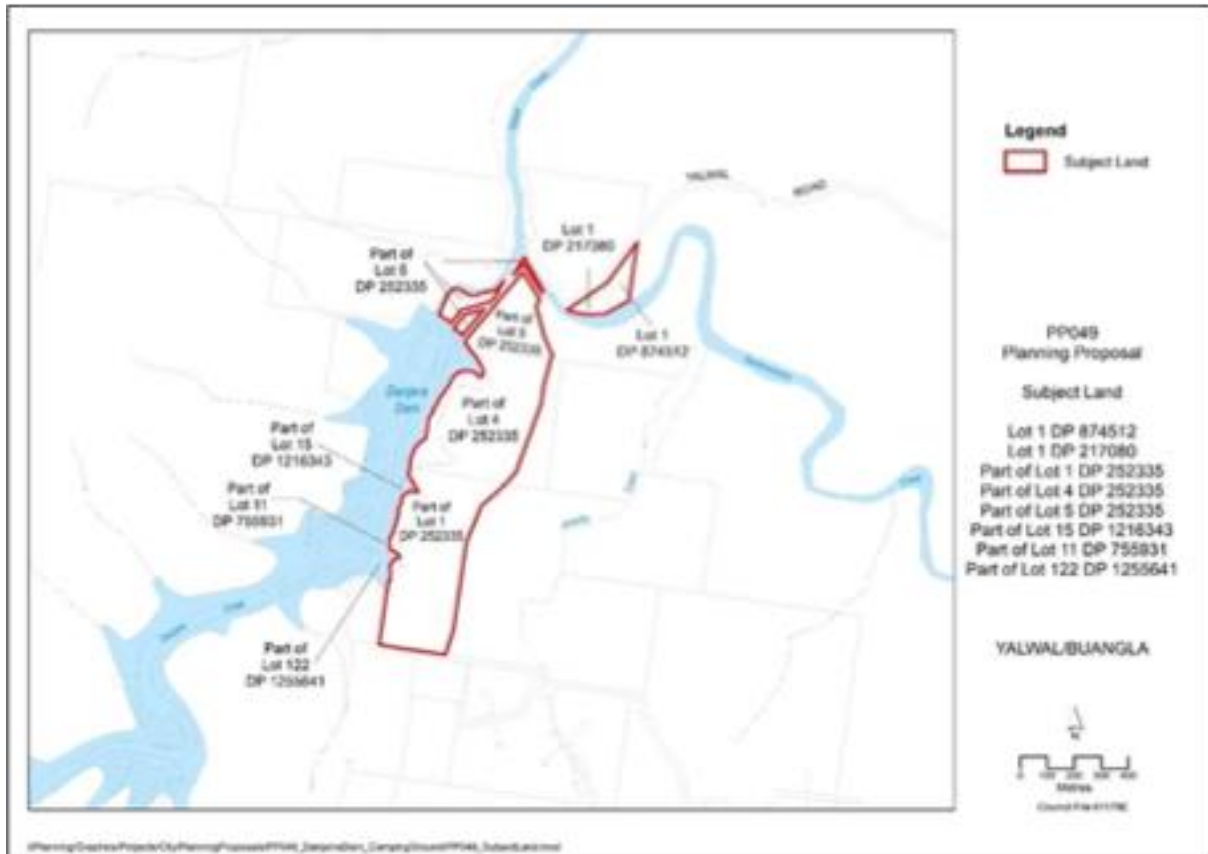


Figure 1. Subject Land

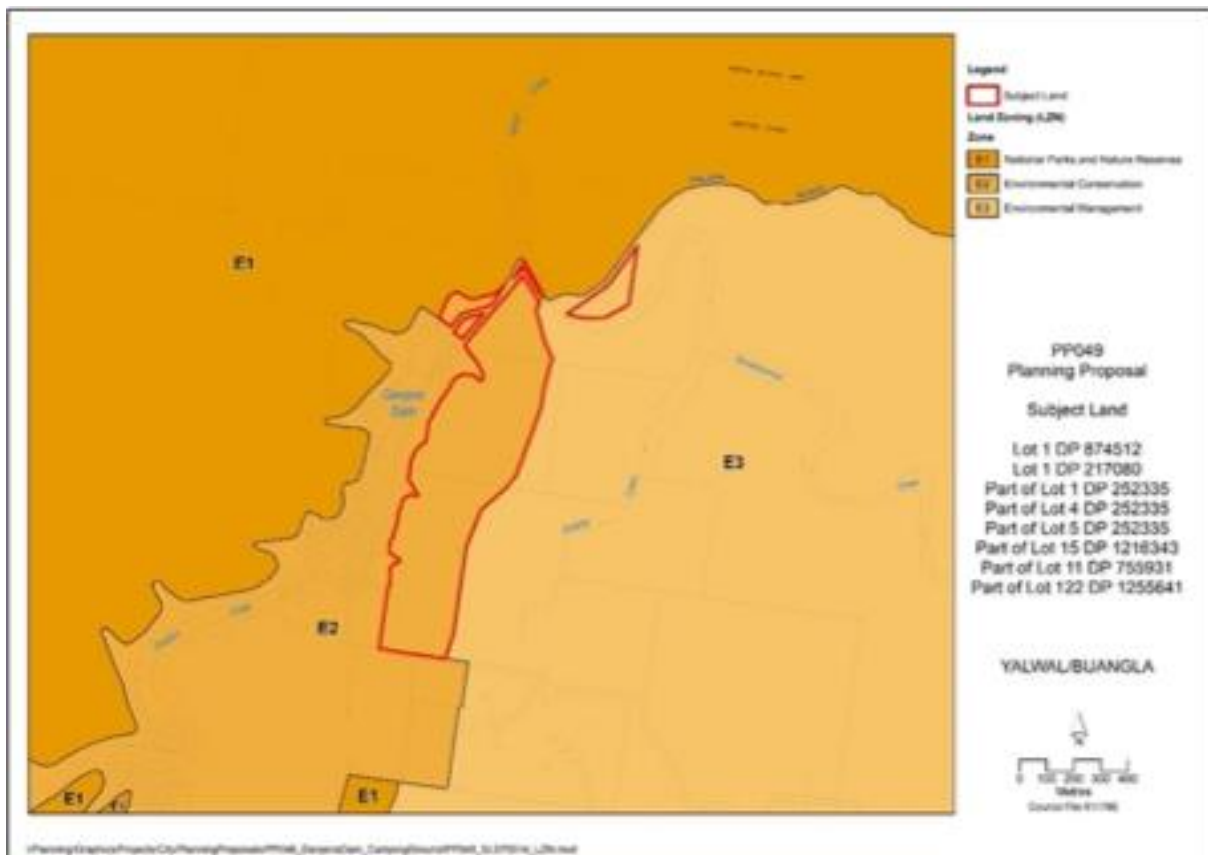


Figure 2: Current Land Use Zones

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Since the last report, significant progress has been made toward facilitating the construction of the camping ground and day-visitors area, these include:

- The preparation and lodgement of the DA for the proposal – 17 May 2019
- DA approval – 10 February 2021
- Preparation and lodgement of a grant application under the *Black Summer Bushfire Recovery Grants Program* – 6 October 2021
- Grant for \$1.4mill (being 50% of the estimated project cost) awarded – 14 February 2022
- Preparation and lodgement of Modification of DA application - 21 November 2021
- Modification to DA approved – 10 February 2022
- Safety in Design Workshop held – 10 February 2022

Figure 3 below provides a conceptual illustration of the Camping Ground proposal.

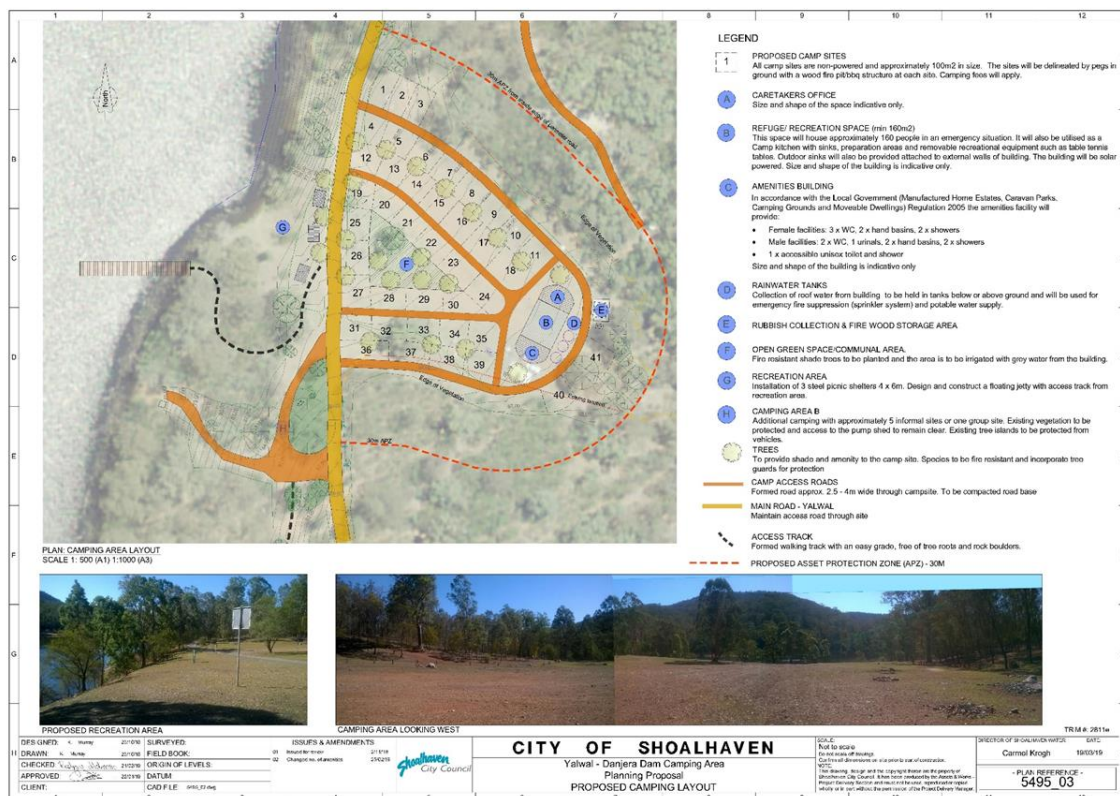


Figure 3: Proposed Camping Ground

Staff are currently working on the following:

- Collation of consultant reports and detailed design documentation for submission of the Construction Certificate application.
- Preparation of documentation for submission of a Biodiversity Stewardship Site application.

The next steps to be undertaken are:

- Preparation of tender documentation and call for tenders.
- Evaluation of tenders and awarding the Building Contract.

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- Project Manage the construction.

Council will be kept informed of progress through these phases of the project.

Biodiversity Stewardship Agreement (BSA)

Biodiversity Stewardship Agreements are in-perpetuity agreements, registered on the property title. The land is protected and managed to achieve an improvement in biodiversity values, including threatened species habitat. The level of improvement achieved by ongoing management actions, generates 'biodiversity credits' which can be sold to offset the impacts of approved developments onsite or elsewhere within a specified locality around the site.

As required by Condition 13 of the Danjera Dam Campground Upgrade Development Consent, Council is required to retire 13 ecosystem credits (specifically, Plant Community Type 838 - *Forest Red Gum - Thin-leaved Stringybark grassy woodland on coastal lowlands, southern Sydney Basin Bioregion*) prior to the commencement of works.

Eligible areas of the Council owned Operational Land surrounding the campground (see Figure 4) are highly likely to generate sufficient credits to offset the campground works onsite via the in-perpetuity improvement to biodiversity values under a BSA. After offsetting the campground works, it is likely that the site will also generate in excess of 119 credits which can be used to offset other relevant Council developments, sold to the NSW Biodiversity Conservation Trust or, where appropriate, sold on the open market. The funds obtained through the sale of credits will fund the ongoing management costs of the proposed Danjera Stewardship site.

While the process to establish a BSA can be protracted (up to 12 months), Council does have experience with the establishment and ongoing management of such sites (e.g., Garrad Reserve, Narrawallee and Huskisson Waste Depot BioBank sites). Council also has specific staff expertise located in City Development (Environmental Services) to prepare the BSA application, to manage the ongoing requirements of the BSA to the satisfaction of the Biodiversity Conservation Trust once established and more generally for Council to meet legislative requirements under the *Biodiversity Conservation Act 2016* (NSW).

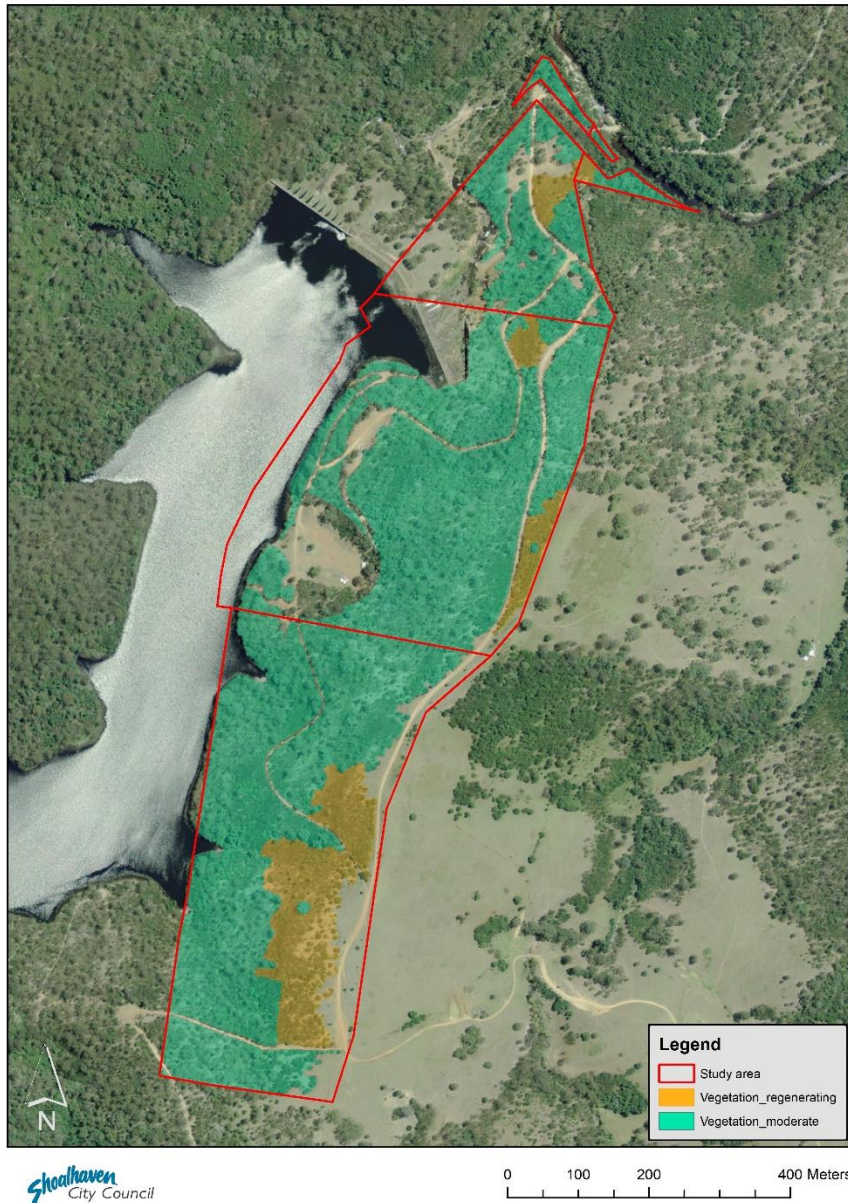


Figure 4: Vegetation likely eligible for protection and improvement under the proposed Danjera Biodiversity Stewardship Agreement.

Community Engagement

Community engagement has taken place at previous development stages:

Planning Proposal to rezone the land

Development Application for the Camping Ground and Day Visitors Area

There were a small number of submissions made in both applications, from surrounding owners and local recreation groups (e.g. Fishing and 4WD). Most submissions were in favour of the proposed camping improvements and better access arrangements. Most submissions noted the potential to address existing user concerns in relation to behavioural, safety and environmental impacts.

Some submissions also outlined a strong desire for the rustic nature of the location, given the historical use of the site, to be maintained.

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Policy Implications

Pursuing a BSA on the subject will be consistent with the recommended actions in Council's adopted Yalwal Management Plan (December 1999).

A BSA on the site will assist in fulfilling the DA condition requirements, by providing offset credits.

Financial Implications

Establishment of the BSA will directly reduce the cost of the overall project by reducing the costs associated with offsetting the biodiversity impacts as required by the DA approval. It is estimated that costs to offset the campground project onsite are currently valued at approximately \$65,858 - \$101,000 (ex GST) compared to up to \$173,039.62 if credits are retired offsite via a payment to the Biodiversity Conservation Trust.

The BSA also has the potential to provide additional credits that can be retired by other relevant Council projects or sold externally (where appropriate) to fund the establishment and remaining in-perpetuity management costs of the BSA.

Risk Implications

Following an initial assessment of the subject lands' suitability for a BSA and discussions with the NSW Biodiversity Conservation Trust, staff are confident that the BSA will provide the anticipated credit return to offset the biodiversity impacts associated with the campground upgrades.

The Biodiversity Offset Scheme is a market-based system driven by supply, demand and other factors and is subject to variability. While the credits that the proposed BSA would generate are currently in demand (e.g., the Biodiversity Conservation Trust are currently seeking over 130 Plant Community Type 838 credits to offset other developments in the region), Council staff cannot ensure that the residual credits created at the site and required to fund the full management costs of the BSA will still be in demand at the time of establishment, and that they will be sold.

In the event that the BSA is established and there are no parties interested in the purchase of credits (i.e. no funding provided for in-perpetuity management), Section 5.10(6) of the *Biodiversity Conservation Act 2016* allows for the voluntary termination of a BSA within 3 months or after the expiry of 5 years after the agreement has been entered into, provided that at the time of termination none of the credits created have been retired and all the credits are cancelled by the Environment Agency Head. Council would be absolved of the BSA and any further costs or obligations (excluding any costs prior to termination).

Again, Council currently manages two Stewardship Sites being Garrad Reserve, Narrawallee and Huskisson Waste Depot (established as BioBank sites under previous legislation). The in-perpetuity management costs associated with Garrad Reserve are currently fully funded. Council is still looking to retire the credits at Huskisson Waste Depot to secure the full amount required to manage the site in-perpetuity. Initial site costs including appropriate fencing to exclude human disturbances has been outlaid, however given that the land is in Council ownership and is to be managed in such a way anyway, the BSA over the land does not pose an additional financial burden to Council. The proposed BSA at Danjera would be managed in a similar passive way as the Huskisson Waste Depot, until sufficient funds are obtained through the retirement / sale of credits.

More broadly, the Camping Ground proposal will also assist in the management of bushfire risk in this isolated locality. This will occur through the construction of a community bushfire refuge building that can act as a worst-case contingency (safe place) in times of extreme bushfire behaviour.

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CL22.237 Review of Shoalhaven Water Group Policies - Round Five

HPERM Ref: D22/172948

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Pressure Sewer System Policy - Backlog Sewerage Schemes [↓](#)
2. Water and Sewer - Minor Mains Extension [↓](#)

Reason for Report

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of a new Council. This is the fifth round of policies proposed for reaffirmation with respect to Shoalhaven Water responsibilities.

Recommendation

That Council reaffirm the following policies with minor changes:

1. Pressure Sewer System - Backlog Sewer Schemes
2. Water and Sewer – Minor Mains Extension

Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency. Specific details of changes are outlined further below.

2. Not adopt the recommendation.

Implications: Council can request further details, seek further community input or make other changes.

Background

Minor changes (tracked) have been made to the two subject policies as shown in the attachments to this Report. A summary of these changes are outlined below.

- **Pressure Sewer System - Backlog Sewer Schemes**
Editing to improve clarity on policy (without altering the context of the policy) and update of information to align with Council's current structure.
- **Water and Sewer – Minor Mains Extension**
Editing of text to align with Council's current structure.

Community Engagement

There is no statutory requirement to publicly exhibit any of the policies contained in this Report. Council may choose to do so should they consider any proposed changes are significant.

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Policy Implications

All policies included in this Report are proposed for reaffirmation as the nature of the changes are minor and therefore have no implications or deviation from the existing intent of the current approved policies.

Financial Implications

Changes proposed to the policies will have no financial implications to current approved budgets.

Risk Implications

No risks identified from minor changes proposed for the attached policies.

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Pressure Sewer System Policy - Backlog Sewerage Schemes

For more information contact
Shoalhaven Water

City Administration Centre

Bridge Road (PO Box 42)
Nowra NSW Australia 2541
P: (02) 4429 3214
F: (02) 4429 3170
water@shoalhaven.nsw.gov.au
www.shoalwater.nsw.gov.au

Policy Number: POL22/131
Adopted: 20/12/2011
Reaffirmed: 26/02/2013 [01/03/2022](#)
Amended: 18/07/2017
Minute Number: MIN11.1274, MIN13.148, MIN17.631
File: 12039E
Review Date: 1/12/2020 [01/03/2025](#)

1 PURPOSE

The objectives of this policy are to:-

- Detail the circumstances where pressure sewers may be considered as part of Council's sewerage system.
- Provide direction to staff, contractors and property owners as to the responsibilities each party has through the phases of a backlog pressure sewerage scheme implementation.

2 STATEMENT

Shoalhaven City Council has adopted pressure sewer technology as an acceptable alternative to conventional gravity systems in certain circumstances.

Council has adopted a pressure sewer technology supplier to be used in its sewerage schemes, where approved.

Where pressure sewer proves to be the most appropriate technology for a particular application, it may be adopted (by the Council) as the means for providing sewerage services to a wider area.

This policy may need to be altered for individual schemes in situations where State Government subsidies have certain conditions applied. The [General Manager/CEO \(Delegated to Executive Manager\)](#) Shoalhaven Water) has delegation to alter the policy to comply with subsidy rules where applicable.

3 PROVISIONS

This is a policy document only and is further supported by the following documents that also pertain to the use of pressure sewerage systems in the Shoalhaven Area:

- Shoalhaven Water Technical Specification on Pressure Sewerage systems
- The Technology Suppliers Installation Instructions (Specific to application)
- The Technology Suppliers Warranty (Specific to application)
- The Water Services Association of Australia "Pressure Sewer Code".

4 DEFINITIONS

Boundary kit – A valve box at the property boundary incorporating an isolating valve, non-return valve and inspection tee.

House drain – The internal plumbing drain pipe connecting into the pressure sewer unit (PSU).

Discharge pipe – The pipeline from the PSU to the pressure sewer main via the boundary kit.

Council – Shoalhaven City Council.

Control panel – The box incorporating the alarm controls for the pump and the emergency generator connection point.

Emergency storage – That capacity in the pressure sewer unit above the high level alarm point.

High level alarm – An alarm activated when the volume of wastewater in the storage vessel exceeds the normal level that controls the pump by a pre-determined amount.

Overflow relief gully – Overflow control device to prevent overflows occurring in the dwelling.

Pressure sewerage system – An overall system including the PSU, control panel, discharge pipe, boundary kit and pressure sewer pipes up to a discharge point in a conventional sewer.

Pressure Sewer Unit (PSU) – The container in which the pump is located and is typically made from plastic compounds of fibreglass.

5 EXEMPTION CIRCUMSTANCES

None applicable. ~~Properties who choose not to connect are advised against this and are advised they will be levied availability charges regardless and may be forced to connect by City Development Group in the future. There are no reasons for exemption from a backlog scheme.~~

6 GENERAL

Council, along with its backlog sewerage scheme partner(s) (if applicable), will determine the appropriate technology for each backlog sewerage scheme. The determination will be made based, in part, on topography, geology, ground conditions and environmental sensitivity of the area to be served.

It is mandatory for all properties within the defined scheme boundary to be connected to the sewerage scheme.

Where a scheme has been determined to be served by a pressure sewer system (either fully or in part) the following will apply.

6.1 Consultation

~~Given that pressure sewer technology is relatively new to Shoalhaven,~~ Council staff will undertake consultation to inform the community of all aspects of the proposed scheme. Consultation would be in accordance with Council's Community Engagement Policy.

6.2 Scheme Design and Infrastructure Supply

Council's contractor will carry out the design of all pressure sewer system reticulation (street mains) for the scheme, including connection to an existing system or treatment facility.

Council's contractor will carry out design of all on-property pressure sewer infrastructure in the following circumstances:-

- Existing buildings on single residential properties within the scheme boundary.
- Existing buildings on multi residential, commercial/light industrial properties.

All on-property designs will be undertaken in consultation with the property owner.

Council's contractor will not carry out design of on-property infrastructure in the following circumstances:-

- Any vacant properties.

- Any proposed buildings, whether or not they have development consent.

All on-property infrastructure will be provided by Council to the extent of the design completed in accordance with the above.

6.2.1 Specific Design Considerations

- All vacant properties within the scheme boundary (and identified to be serviced by the scheme) will be provided with a standard boundary kit at a location agreeable with the property owner, irrespective of the development status.
- ~~Council will cover the cost of the connecting pipe work (from the on-site tank to the PSU) if it is agreed with the land owner that the PSU is to be located within 5 metres of the septic/pumpout tank. The existing septic/pumpout tank is to be decommissioned and new PSU's connected to existing building plumbing.~~
- Council's designer will design existing split systems (black and grey water) to drain to the PSU.

6.3 Property Audits

Council's contractor will conduct audits of the existing property's electrical and internal sewer drains. If these audits identify defective or non-compliant system(s) the property owner is required to arrange for timely rectification and meet the costs for those works. Property owners will be notified of a period to rectify the defect(s) identified.

Property owners that have not rectified defects by the period nominated will need to arrange for completion of their pressure sewer installation and risk additional costs at completion of the scheme (eg. pumpout + availability charges).

6.4 Construction of Pressure Sewer System

Council's contractor will install and commission the pressure sewer system per the approved designs, which includes the full connection of the properties that have no outstanding defects from the audits. Property owners will be advised when their properties are fully connected to the new scheme.

6.5 Additional Pressure Sewer Units

If the backlog scheme has been provided with additional PSU's, the allocation of these will be on a 'first in first served' basis. Additional units will only be provided for single vacant (residential) lots existing at the time of scheme completion.

6.6 Decommissioning On-site Treatment Systems

Once connected to the scheme the property owner is required to meet all costs and health requirements associated with the decommissioning of their on-site system. At minimum the on-site tanks must be "de-sludged and cleaned out". Council will provide details ~~with regard to~~ regarding decommissioning options and the associated costs as part of the consultation process.

When decommissioning of the onsite system has been completed, a final inspection of the property is to be arranged by the property owner with [Planning, Environment and Development Group](#) of Council.

6.7 Implementation of Availability Charge

At the completion of the scheme Council will provide written notification to all property owners within the scheme of the impending wastewater availability charge.

6.8 On-going Ownership, Maintenance and Repair

All pressure sewer infrastructure installed as part of a backlog scheme will remain in the ownership of Council. Residents will be provided with a detailed home owner's manual and a quick reference home owner's guide to assist with troubleshooting and the process to follow in time of alarm or system failure.

7 IMPLEMENTATION

Shoalhaven Water is responsible for the implementation of this policy.

8 REVIEW

In accordance with S 165 (4) of the Local Government Act 1993, this policy will be reviewed within one year of the election of every new Council.

9 APPLICATION OF ESD PRINCIPLES

To reduce the impact on the environment by:

- Eliminating stormwater inflow and ground water infiltration;
- Eliminating area pumping stations;
- Substantially reducing potential overflows from the sewerage system; and
- Reducing the footprint for installation and thus reducing clearing of vegetation.



Minor Mains Extension

For more information contact
Shoalhaven Water

City Administration Centre
Bridge Road (PO Box 42)
Nowra NSW Australia 2541
P: (02) 4429 3214
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www.shoalwater.nsw.gov.au

Policy Number: POL22/140
Adopted: 20/07/1999
Amended: 22/02/2005, 21/09/2009, 24/09/2013, 15/08/2017, 14/03/2022
Minute Number: MIN99.1236, MIN05.235, MIN09.1270, MIN13.974, MIN17.715
File: 12039E
Review Date: 1/12/2020, 14/03/2025

1 PURPOSE

To provide equitable cost sharing of water and/or sewer mains extensions to unserved properties paying water and/or wastewater availability charges.

2 STATEMENT

This policy statement is based on Council Minute 99.1236 of 20th July 1999.

3 EXEMPTION CIRCUMSTANCES

Nil.

4 CRITERIA FOR DETERMINATION OF AN APPLICATION

The following applies to properties that are subject to availability charge(s) and are unserved.

Upon application for connection to Council's water and / or sewerage system(s), the following process will apply:-

- The applicant is to meet their share of the cost of the water and / or sewer extension. For example, if an extension will potentially service the applicant's property and two other properties then the applicant will be required to pay one third the cost of the extension. Council will fund the other two thirds of the cost of the extension, and recoup this cost from the other two properties when they apply for connection.
- A rebate of up to 5 years previously paid availability charges will apply to the properties contributing to the extension.
- Normal charges for connection to the mains (water meter, sewer junction) will be met by the property owners. Charges are per Council's current Fees and Charges.
- Owners of properties able to connect to Council's water supply / sewerage system as a result of the extension will be advised of their obligation to pay a proportion of the cost of extension when making application to connect. The cost will be adjusted by the annual CPI up to the time of connection.
- The apportioned cost to other properties will be shown on the Section [449-10.7](#) Certificate at the completion of the main extension.
- Funding of mains extensions will be from the water supply / sewerage annual budget allocation.

5 OTHER MATTERS

5.1 Implementation

Shoalhaven Water-Group is responsible for the implementation of this policy.

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5.2 Review

In accordance with S 165 (4) of the Local Government Act 1993, this policy will be reviewed within one year of the election of every new Council.

5.3 Application of ESD Principles

Not applicable.



LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.