

Ordinary Meeting

Meeting Date: Monday, 31 October, 2022

Location: Council Chambers, City Administrative Building, Bridge Road, Nowra

Attachments (Under Separate Cover)

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Monthly Investment Report

September 2022

CL22.542 - Attachment 1

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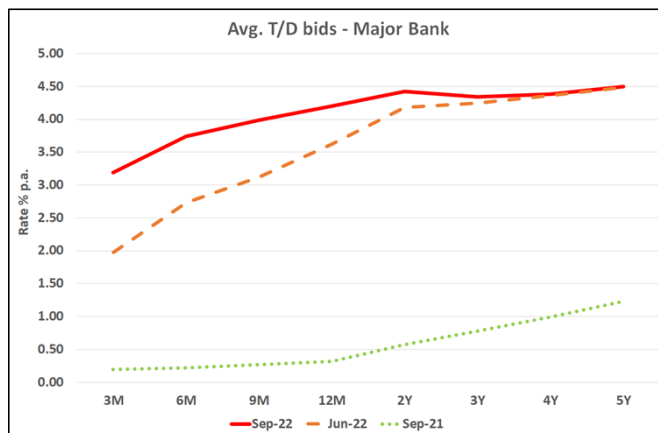


Market Update Summary

The COVID-19 pandemic has adversely impacted financial markets, which in turn, has also affected Council's investment portfolio. We provide a quick summary in this section.

Global central banks are now aggressively increasing interest rates to get inflation back under control. Ongoing supply chain issues, China's zero-COVID strategy and the war in Ukraine has resulted in surging inflation both internationally and domestically. Longer-term bond yields have gone into overdrive, spiking through the year on central banks rhetoric and forward guidance on their stance to fight inflation. **Domestically, the RBA increased the official cash rate by another 50bp in September and again by 25bp in October, taking the cash rate to 2.60%.** Their forward guidance indicated that *"the size and timing of future interest rate increases will continue to be determined by the incoming data and the Board's assessment of the outlook for inflation and the labour market. The Board remains resolute in its determination to return inflation to target and will do what is necessary to achieve that"*.

Outside of the NSW TCorp Long-Term Growth Fund, which Council only began investing in mid-July 2021, the largest impact to Council's investment portfolio is with regards to its largest exposure being assets held in bank term deposits (fixed and floating), which accounts for around ~63% of Council's total portfolio. The deposit market has largely already factored in the current rate hike cycle, but continues to react to inflation and central bank guidance. The longer end (+2yrs) of the deposit curve has flattened over the past few months as the market continues to factor in the (likely) possibility of a recession over coming years. There was a slight shift in deposit yields (upwards) this month on the back of the US Fed's forward guidance suggesting they will continue to lift rates aggressively (at 'restrictive levels') in order to bring inflation under control:



Source: Imperium Markets

'New' investments above 4%-4½% p.a. now appears likely if Council can continue to place the majority of its surplus funds for terms of 12 months to 2 years. *With recessionary fears being priced in coming years, investors may take an insurance policy by investing across 3-5 year fixed deposits and locking in rates above 4½% p.a. (small allocation only).*

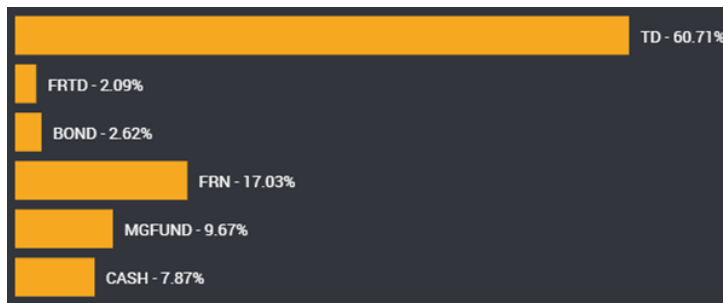


Council's Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to fixed and floating rate term deposits, followed by liquid senior FRNs. The remainder of the portfolio is directed to the managed with TCorp, the introduction of fixed bonds with Northern Territory, as well as cash accounts.

Senior FRNs are now becoming more attractive as spreads have widened in 2022 – new issuances should now be considered again on a case by case scenario. In the interim, fixed deposits for 12 months to 3 years appear quite appealing following the spike in medium-to longer-term yields this calendar year. With recessionary fears being priced in coming years, those investors that can allocate longer-term surplus funds may take an insurance policy by investing across 3-5 year fixed deposits and locking in rates above 4½% p.a.



CL22.542 - Attachment 1



Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. Short-Medium Term (1-2 years) assets account for around 18% of the total investment portfolio, with capacity of ~\$99m remaining.

We recommend surplus funds be allocated to 1-3 year fixed rate term deposits in combination with any attractive new FRNs as they come to market (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$50,539,049	26.45%	0%	100%	\$140,519,169
✓	91 - 365 days	\$57,999,265	30.36%	0%	100%	\$133,058,953
✓	1 - 2 years	\$34,992,098	18.32%	0%	70%	\$98,748,655
✓	2 - 5 years	\$29,051,589	15.21%	0%	50%	\$66,477,520
✓	5 - 10 years	\$18,476,217	9.67%	0%	25%	\$29,288,337
		\$191,058,218	100.00%			

CL22.542 - Attachment 1



Individual Counterparty Limits

As at the end of September 2022, all counterparty exposures comply within the Policy limits. This can be addressed by withdrawing from their cash accounts. We note the AMP Business Saver and AMP 31 Day Notice Account are now sub-optimal investments given the rise in deposit yields in recent months.

Capacity limits are also dependent on the movement in the cash balances. Overall, the portfolio is well diversified across the entire credit spectrum, including some exposure to the regional bank (lower rated) ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	ANZ	AA-	\$3,505,199	1.83%	100.00%	\$187,553,019
✓	CBA	AA-	\$47,489,553	24.86%	100.00%	\$143,568,665
✓	NAB	AA-	\$45,954,180	24.05%	100.00%	\$145,104,038
✓	Northern Terr.	AA-	\$5,000,000	2.62%	100.00%	\$186,058,218
✓	NSW (SIRA)	AA+	\$3,077,000	1.61%	100.00%	\$187,981,218
✓	Westpac	AA-	\$18,003,268	9.42%	100.00%	\$173,054,950
✓	Citibank	A+	\$998,794	0.52%	100.00%	\$190,059,424
✓	Macquarie	A+	\$6,928,933	3.63%	100.00%	\$184,129,285
✓	Rabobank	A+	\$5,975,181	3.13%	100.00%	\$185,083,037
✓	Suncorp	A+	\$4,729,769	2.48%	100.00%	\$186,328,449
✓	Bank of China	A	\$2,483,631	1.30%	100.00%	\$188,574,587
✓	ING Bank	A	\$6,000,000	3.14%	100.00%	\$185,058,218
✓	BoQ	BBB+	\$5,000,000	2.62%	10.00%	\$14,105,822
✓	Bendigo	BBB+	\$1,647,017	0.86%	10.00%	\$17,458,805
✓	AMP Bank	BBB	\$9,192,800	4.81%	5.00%	\$360,111
✓	Auswide Bank	BBB	\$1,499,265	0.78%	5.00%	\$8,053,646
✓	MyState Bank	BBB	\$3,000,000	1.57%	5.00%	\$6,552,911
✓	Newcastle PBS	BBB	\$2,097,411	1.10%	5.00%	\$7,455,500
✓	NSW TCorp LTG	Unrated	\$18,476,217	9.67%	100.00%	\$172,582,001
			\$191,058,218	100.00%		

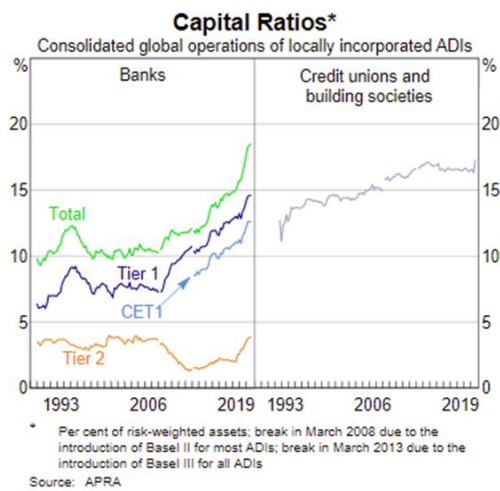
In late June 2022, Standard & Poor's downgraded Suncorp-Metway from AA- to A+ (negative watch). Suncorp recently announced that it is undertaking a strategic review of its banking operations. The downgrade reflects S&P's view that the Suncorp Group's likelihood of support for the bank had "slightly" diminished and that it was no longer a core part of the Group. In July 2022, ANZ (AA-) announced it was putting a bid to buy Suncorp's banking division for ~\$3.9bn. Should that takeover be formalised, Suncorp-Metway's (A+) current credit rating is likely to be upgraded to ANZ's (AA-).

We remain supportive of the regional and unrated ADI sector (and have been even throughout the GFC period). They continue to remain solid, incorporate strong balance sheets, while exhibiting high levels of capital – typically, much higher compared to the higher rated ADIs. Some unrated ADIs have up to 25-40% more capital than the domestic major banks, and well above the Basel III requirements.



Overall, the lower rated ADIs (BBB and unrated) are generally now in a better financial position than they have been historically (see the Capital Ratio figure below). We believe that deposit investments with the lower rated ADIs should be considered going forward, particularly should they offer 'above market' specials. Not only would it diversify the investment portfolio and reduce credit risk, it would also improve the portfolio's overall returns. The lower rated entities are generally deemed to be the more 'ethical' ADIs compared to the higher rated ADIs.

In the current environment of high regulation and scrutiny, all domestic (and international) ADIs continue to carry high levels of capital. There is minimal (if any) probability of any ADI defaulting on their deposits going forward – this was stress tested during the GFC and the pandemic period. **APRA's mandate is to "protect depositors" and provide "financial stability".**





Overall Credit Quality Limits

The portfolio is well diversified from a credit ratings perspective. The portfolio is predominately invested amongst the investment grade ADIs (BBB- or higher). The allocation to the Unrated category reflects the investment in the TCorp Long-Term Growth Fund.

Pre-pandemic (March 2020), a 'normal' marketplace meant the lower rated ADIs (i.e. BBB category) were offering higher rates on term deposits compared to the higher rated ADIs (i.e. A or AA rated). But due to the cheap funding available provided by the RBA via their Term Funding Facility (TFF) since mid-2020¹, allowing the ADIs to borrow as low as 0.10% p.a. fixed for 3 years, those lower rated ADIs (BBB rated) did not require deposit funding from the wholesale deposit from the likes of Council. Given the higher rated banks had more capacity to lend (as they have a greater pool of mortgage borrowers), they subsequently were offering higher deposit rates. In fact, some of the lower rated banks were not even offering deposit rates at all. As a result, most investors placed a higher proportion of their deposit investments with the higher rated (A or AA) ADIs over the past two years.

Going forward, with the RBA now removing these cheap borrowing facilities, this has meant the lower rated banks (BBB rated) have started to become more competitive as the market starts to 'normalise'. Investors should have a larger opportunity to start investing a higher proportion of their surplus funds with the lower rated institutions (within Policy limits), from which the majority are considered to be the more 'ethical' ADIs as they generally do not lend to the Fossil Fuel industry.

All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	AAA Category	\$0	0%	100%	\$191,058,218
✓	AA Category	\$123,029,200	64%	100%	\$68,029,018
✓	A+ to A Category	\$27,116,309	14%	100%	\$163,941,909
✓	A- Category	\$0	0%	40%	\$76,423,287
✓	BBB+ to BBB Category	\$22,436,492	12%	30%	\$34,880,973
✓	BBB- & NR Category	\$0	0%	5%	\$9,552,911
✓	NSW TCorp LTGF	\$18,476,217	10%	100%	\$172,582,001
		\$191,058,218	100.00%		

¹ The RBA's Term Funding Facility (TFF) allowed the ADI to borrow as low as 0.10% fixed for 3 years: <https://www.rba.gov.au/mkt-operations/term-funding-facility/overview.html>



Performance

Council's performance for the month ending September 2022 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.19%	0.46%	0.57%	0.46%	0.62%
AusBond Bank Bill Index	0.15%	0.42%	0.49%	0.42%	0.52%
T/D Portfolio	0.12%	0.32%	0.55%	0.32%	1.11%
FRT/D Portfolio	0.32%	0.83%	1.56%	0.83%	3.04%
FRN Portfolio	0.26%	0.85%	1.64%	0.85%	3.21%
Bond Portfolio	0.09%	0.27%	0.54%	0.27%	1.08%
Council's Fixed Interest[^]	0.15%	0.46%	0.85%	0.46%	1.66%
TCorp LTGF	-3.17%	-0.12%	-6.79%	-0.12%	-9.45%
TCorp Long-Term Target ^{^^}	0.48%	1.48%	2.96%	1.48%	6.00%
Council's Total Portfolio	-0.21%	0.39%	-0.01%	0.39%	0.17%
Performance (to Bank Bills)	-0.35%	-0.03%	-0.50%	-0.03%	-0.35%

[^]Council's Fixed Interest portfolio returns excludes Council's cash account holdings.

^{^^}TCorp has a target of 3.5% above inflation of ~2.5%. The long-term target is therefore 6% p.a. on an ongoing basis.

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	2.35%	1.84%	1.14%	1.84%	0.62%
AusBond Bank Bill Index	1.79%	1.69%	0.99%	1.69%	0.52%
T/D Portfolio	1.47%	1.30%	1.09%	1.30%	1.11%
FRT/D Portfolio	3.92%	3.32%	3.14%	3.32%	3.04%
FRN Portfolio	3.22%	3.40%	3.29%	3.40%	3.21%
Bond Portfolio	1.12%	1.09%	1.09%	1.09%	1.08%
Council's Fixed Interest[^]	1.90%	1.85%	1.71%	1.85%	1.66%
TCorp LTGF	-32.41%	-0.46%	-13.08%	-0.46%	-9.45%
TCorp Long-Term Target ^{^^}	6.00%	6.00%	6.00%	6.00%	6.00%
Council's Total Portfolio	-2.50%	1.57%	-0.02%	1.57%	0.17%
Performance (to Bank Bills)	-4.29%	-0.12%	-1.00%	-0.12%	-0.35%

[^]Council's Fixed Interest portfolio returns excludes Council's cash account holdings.

^{^^}TCorp has a target of 3.5% above inflation of ~2.5%. The long-term target is therefore 6% p.a. on an ongoing basis.

For the month of September, the total portfolio (excluding cash) provided a return of -0.21% (actual) or -2.50% p.a. (annualised), underperforming the benchmark AusBond Bank Bill Index return of +0.15% (actual) or +1.79% p.a. (annualised). Over the past year, the portfolio returned a positive return of +0.17% p.a., underperforming bank bills by 0.35% p.a.



The longer-term positive performance continues to be anchored by the handful of deposits that were originally placed for terms greater than 12 months. Going forward, with additional rate hikes over coming months, Council's interest income can be increased significantly by undertaking a slightly longer duration position (12-24 months), with rates on offer along this part of the curve likely to be offered at over ½% higher than the rate compared to shorter tenors. However, the volatility of the TCorp Long-Term Growth Fund will also greatly impact returns on any month.

The T-CorpIM Growth Fund was the biggest detractor to outperformance this month, with the Fund returning -3.17% (net actual) as shares (domestic and international) were sold off. Despite the volatility in the Fund over the past few years, the Growth Fund has performed well over longer-term time periods.



NSW T-CorpIM Growth Fund

The Growth Fund returned -3.17% (actual) for the month of September. The losses this month were attributed to international shares (the MSCI World ex-Australia Index fell -9.39%) and domestic shares (the S&P ASX 200 Accumulation Index fell -6.17%). Contributing to the losses was the exposure to fixed bonds (AusBond Composite Bond Index fell -1.36%).

Financial markets had previously been thinking that rate hikes in 2022 would flip into rate cuts in 2023. That brief positively for risk assets all but faded as the optimism about 'peak inflation' gave way as central bankers pivoted in a hawkish direction, and this was exacerbated as Europe's energy woes continued to mount.

Stagflation continues to be the entrenched macroeconomic environment. Evidence is increasing that supply problems are easing, but this is a gradual process and still a long way to go. Demand is greater than supply, but this is not excess demand it is because supply is compromised. Central banks are being explicit in their desire to lower demand to ease the inflation pressure. They hope for a soft landing but with the energy crisis pushing inflation rates even higher the risk for a hard landing for the economy are increasing. The coming months and quarters will see a battle between slowing demand and improving supply and who wins will ultimately determine the outlook for both growth and inflation. It's a high stakes game and asset markets are at the table so expect volatility to persist.

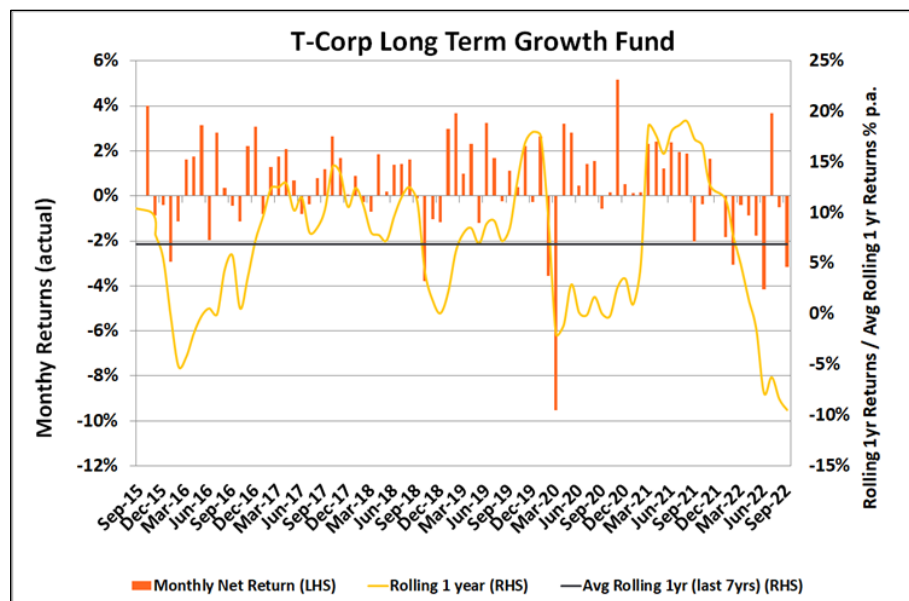
Meanwhile, fiscal stimulus of 2020-21 has given way to fiscal drag (that is, lower spending compared to the previous year) which is typical following a crisis spike in government spending. This combined policy tightening is rare and the risks for growth are firmly to the downside. Stagflation has been a bad environment for asset markets, but recession would be worse.

Overall, we remain cautious on the future performance of the T-Corp Growth Fund given the high volatility associated with a diversified growth fund, which generally allocates a range of 60%-80% in domestic and international shares. Investors are bracing for central banks to raise official rates more aggressively than previously anticipated to combat inflation driven by supply-chain bottlenecks, a global energy crunch and ongoing geopolitical risks.

The Fund should be looked at with a long-term view, with a minimum holding period of +7 years. Given the exposure to the volatile asset of shares, Council should expect to see, on average, a negative month once every 3 months over a long-term holding period.



Since Inception	T-Corp Long Term Fund
Negative Months	137 (~1 in 3 months)
Positive Months	262
Total Months	393 (33.3 yrs)
Average Monthly Return	+0.64% (actual)
Median Monthly Return	+1.02% (actual)
Lowest 1 year Rolling Return	-21.12% p.a. (Nov 2008)
Highest 1 year Rolling Return	+29.89% p.a. (Jan 1994)





Council's Term Deposit Portfolio & Recommendation

As at the end of September 2022, Council's deposit portfolio was yielding 1.69% p.a. (up 26bp from the previous month), with a weighted average duration of ~228 days (7½ months).

Where possible, we recommend Council extends this average duration closer to a minimum of 12 months. With an upward sloping deposit curve, investors are rewarded if they can continue to maintain a longer average duration. As the past decade or so has highlighted (post-GFC era), we have seen too many portfolios overpay for liquidity and generally not insured themselves by diversify their funding across various tenors.

At the time of writing, we see value in:

ADI	LT Credit Rating	Term	T/D Rate
ICBC, Sydney	A	5 years	5.10% p.a.
ICBC, Sydney	A	4 years	5.00% p.a.
ICBC, Sydney	A	3 years	4.75% p.a.
ING	A	2 years	4.75% p.a.
ICBC, Sydney	A	2 years	4.45% p.a.
AMP Bank	BBB	2 years	4.45% p.a. [^]
BoQ	BBB+	2 years	4.30% p.a.
Westpac	AA-	2 years	4.28% p.a.
NAB	AA-	2 years	4.25% p.a.
CBA	AA-	2 years	4.25% p.a.
Suncorp	A+	2 years	4.25% p.a.
P&N Bank	BBB	2 years	4.20% p.a.

[^]Contact us for an additional 0.20% p.a. rebated commission. Rate changes daily. Current limit of \$10m in aggregate.

The above deposits are suitable for investors looking to maintain diversification and lock-in a premium compared to purely investing short-term. For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (dependent on daily funding requirements):



ADI	LT Credit Rating	Term	T/D Rate
Suncorp	A+	12 months	4.33% p.a.
AMP	BBB	12 months	4.30% p.a.^
ING	A	12 months	4.26% p.a.
BoQ	BBB+	12 months	4.10% p.a.
CBA	AA-	12 months	4.10% p.a.
Westpac	AA-	12 months	4.08% p.a.
NAB	AA-	12 months	4.05% p.a.
Bendigo-Adelaide	BBB+	12 months	3.90% p.a.
P&N Bank	BBB	12 months	3.95% p.a.
Suncorp	A+	6 months	3.95% p.a.
BoQ	BBB+	6 months	3.85% p.a.
NAB	AA-	6 months	3.75% p.a.

^Contact us for an additional 0.20% p.a. rebated commission. Rate changes daily. Current limit of \$10m in aggregate

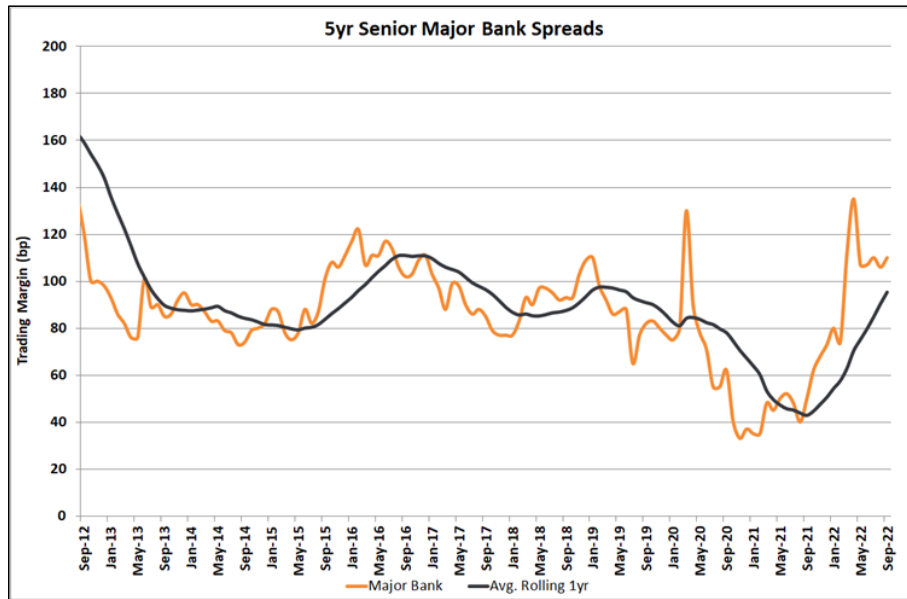
For those investors that do not require high levels of liquidity and can stagger their investments longer-term, they will be rewarded over coming years if they roll for an average min. term of 12 months-2 years (this is where we current value), yielding, on average, up to ½% p.a. higher compared to those investors that entirely invest in short-dated deposits.

With recessionary fears being priced in coming years, those investors that can allocate longer-term surplus funds may take an insurance policy by investing across 3-5 year fixed deposits and locking in rates above 4½% p.a.



Senior FRNs Review

Over September, amongst the senior major bank FRNs, physical credit securities widened by around 3-4bp at the long-end of the curve. Major bank senior securities are now looking fairly attractive again in a rising rate environment (5 year margins around the +110bp level):



Source: IBS Capital

There was a lack of primary issuance during the month, as most risk assets including credit assets were sold off. Amongst the “A” and “BBB” rated sectors, the securities were marked around 5bp wide at the 3-5 year part of the curve.

Credit securities are looking much more attractive given the widening of spreads in 2022. FRNs will continue to play a role in investor’s portfolios mainly on the basis of their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment).



Senior FRNs (ADIs)	30/09/2022	31/08/2022
"AA" rated – 5yrs	+110bp	+106bp
"AA" rated – 3yrs	+85bp	+82bp
"A" rated – 5yrs	+125bp	+120bp
"A" rated – 3yrs	+100bp	+95bp
"BBB" rated – 3yrs	+120bp	+125bp

Source: IBS Capital

We now generally recommend switches ('benchmark' issues only) into new primary issues, out of the following senior FRNs that are maturing:

- **On or before mid-2024 for the "AA" rated ADIs (domestic major banks);**
- On or before mid-2023 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

Investors holding onto the above senior FRNs ('benchmark' issues only) in their last few years are now generally holding sub-optimal investments and are not maximising returns by foregoing realised capital gains. In the current low interest rate environment, any boost in overall returns should be locked in when it is advantageous to do so, particularly as switch opportunities become available.

Primary (new) FRNs are now looking more appealing and should be considered on a case by case scenario.



Council's FRN Portfolio – Sale/Switch Recommendations

Over the next few months, we recommend Council sells out of the following FRN as it is yielding a low rate to maturity (less than 3½% p.a.):

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	Capital Price (\$)	Unrealised Gain (\$)
ANZ	AA-	29/08/2024	AU3FN0049730	\$3,500,000	+63.5bp	\$100.149	\$5,199
WBC	AA-	16/08/2024	AU3FN0048187	\$1,000,000	+65.0bp	\$100.327	\$3,268

A switch into a newly issued (attractive) FRN is suitable. Alternatively, a switch into a term deposit yielding above 4.20%-4.40% p.a. can be achieved with the major banks if replacing for a term between 1-2 years.

We recommend that Council retain its FRNs at this stage. We will continue to monitor them individual and advise when it is appropriate to undertake a similar strategy to boost overall returns.

Council's Senior Fixed Bonds

In September 2020, Council has invested into the following NTTC (AA-) fixed bonds:

Investment Date	Maturity Date	Principal	Rate % p.a.	Interest Paid
15/09/2021	15/12/2024	\$3,000,000	1.00%	Annually
15/09/2021	15/12/2025	\$2,000,000	1.10%	Annually
Totals / Wgt. Avg.		\$5,000,000	1.04%	

We believe this was prudent given the low rate environment and particularly after the RBA's easing decision in early November 2020 and forward guidance towards official interest rates (no rate rises "until at least 2024").

The NTTC bonds are a 'retail' offering and not 'wholesale' issuances. Given the lack of liquidity and high penalty costs if they were to be sold/redeemed prior to the maturity date, they are considered to be a hold-to-maturity investment and will be marked at par value (\$100.00) throughout the term of investment.



Senior Fixed Bonds – ADIs (Secondary Market)

As global inflationary pressures have escalated, this has seen a significant lift in longer-term bond yields (valuations fell) as markets have reacted accordingly.

This has resulted in some opportunities in the secondary market. We currently see value in the following fixed bond lines, with the majority now being marked at a significant discount to par (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0255776	ING	AAA	Covered	07/09/2023	0.94	3.00%	4.34%
AU3CB0258465	Westpac	AA-	Senior	16/11/2023	1.13	3.25%	4.35%
AU3CB0265403	Suncorp	AA-	Senior	30/07/2024	1.83	1.85%	4.90%
AU3CB0265593	Macquarie	A+	Senior	07/08/2024	1.87	1.75%	4.91%
AU3CB0265718	ING	AAA	Covered	20/08/2024	1.89	1.45%	4.78%
AU3CB0266179	ANZ	AA-	Senior	29/08/2024	1.91	1.55%	4.66%
AU3CB0266377	Bendigo	BBB+	Senior	06/09/2024	1.93	1.70%	4.93%
AU3CB0268027	BoQ	BBB+	Senior	30/10/2024	2.09	2.00%	5.08%
AU3CB0269710	ANZ	AA-	Senior	16/01/2025	2.30	1.65%	4.75%
AU3CB0269892	NAB	AA-	Senior	21/01/2025	2.30	1.65%	4.80%
AU3CB0270387	Macquarie	A+	Senior	12/02/2025	2.37	1.70%	5.10%
AU3CB0287415	Westpac	AA-	Senior	17/03/2025	2.46	2.70%	4.80%
AU3CB0291508	Westpac	AA-	Senior	11/08/2025	2.86	3.90%	4.74%
AU3CB0291672	CBA	AA-	Senior	18/08/2025	2.88	4.20%	4.82%
AU3CB0280030	BoQ	BBB+	Senior	06/05/2026	3.58	1.40%	5.43%
AU3CB0282358	ING	AAA	Covered	19/08/2026	3.78	1.10%	5.06%
AU3CB0284149	BoQ	BBB+	Senior	27/10/2026	4.07	2.10%	5.46%
AU3CB0286037	Westpac	AA-	Senior	25/01/2027	4.32	2.40%	5.12%



Economic Commentary

International Market

Financial markets were sold off in September as risk sentiment deteriorated. The US Fed's hawkish outlook took markets by surprise. Market participants were spooked on worries of a global economic downturn from aggressive central bank policy and fears that a rout in global currency and debt markets could further exacerbate the selloff in shares. Bond yields went into overdrive, spiking through the month on the US Fed's tough talk in fighting inflation.

In the US, the S&P 500 Index fell -9.34%, while the NASDAQ plunged -10.50%. Europe's main indices were also sold off, led by France's CAC (-5.92%), Germany's DAX (-5.61%) and UK's FTSE (-5.36%).

The US Fed delivered its third successive 75bp funds rate hike, taking it to an official range of 3.00-3.25%. The new dot plots sees a further 125bp of hikes this year (so an implicit 75bp in October and then 50bp in December), followed by a further 25bp hike in 2023, taking the funds rate target range to a peak into a 4.50-4.75%, with no cut(s) seen before 2024.

The Fed's new economic projections revealed that GDP growth in 2022 is now seen at +0.2% against +1.7% seen in June, and 2023 at +1.2% from +1.7% previously. Powell reiterated that the economy will likely need to see a sustained period of sub-trend growth and history cautions against easing policy too early, when inflation remains elevated.

US core August CPI surprised on the high side, up +0.6% (expected +0.3%), taking the annual core inflation rate up to +6.3% from +5.9%. Headline annual inflation eased from +8.5% to +8.3%. The peak in inflation may well be at hand, but this will not be known for several months. The US unemployment rose 0.2% to 3.7%, alongside a rise in the participation rate to 62.4% from 62.1%.

Canada's CPI data for August came in softer than expectations at -0.3% m/m and +7.0% y/y vs -0.1% m/m and +7.3% y/y expected.

The ECB hiked its Deposit Rate and Main refinancing rates by 75bp to 0.75% and 1.25% respectively. The ECB raised its inflation forecasts, pushing 2022 to 8.1% from 6.8%, 2023 to 5.5% from 3.5% and 2024 remaining at 2.3%.

The Bank of England (BoE) hiked rates by 50bp to 2.25%, the seventh successive hike in a move that took rates to their highest levels since 2008. It then pledged to buy up to £5bn of longer dated gilts each day for up to 13 days (£65bn total) to support their depreciating currency.

The MSCI World ex-Aus Index fell -9.39% for the month of September:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-9.34%	-5.28%	-16.76%	+6.40%	+7.31%	+9.55%
MSCI World ex-AUS	-9.39%	-6.54%	-20.91%	+3.09%	+3.65%	+6.35%
S&P ASX 200 Accum. Index	-6.17%	+0.39%	-7.69%	+2.67%	+6.76%	+8.41%

Source: S&P, MSCI



Domestic Market

As unanimously expected, the RBA raised the official cash rate by 0.50% to 2.35% in September. In its accompanying statement, the absence of “*further step in the normalisation of monetary conditions in Australia*” suggests the RBA may revert to more normal 25bp increments for policy moves as it moves into restrictive territory, subject to the economic, labour market and inflation outlook.

RBA governor Philip Lowe restated the board’s desire to keep the economy “*on an even keel*” indicative of the desire to achieve a targeted soft landing whilst returning inflation to 2-3%.

The latest RBA minutes revealed the Board sees a clear case that rates still need to go higher amid very tight labour markets, ongoing elevated inflation and clear difficulties in aggregate supply meeting resilient demand. The Board considered moving by 25bp in September (instead of 50bp), but noted that in the near future, its pace is likely to drop to its normal increment of 25bp and potentially pause altogether.

Q2 GDP was up +0.9% q/q and +3.6% y/y%. Growth was driven by a boost in exports and continued strength in household spending.

Australia recorded its 13th consecutive quarterly current account surplus, up from \$2.8bn in March to \$18.3bn in June. This was largely driven by high coal prices which contributed to the record quarterly \$43bn trade surplus.

Australia’s unemployment rate rose 0.1% to 3.5% in August (from 3.4% in July), with employment rising 34,000 (after falling 42,000 in July). The participation rate rose from 66.4% to 66.6%.

Retail sales rose +0.6% m/m in August (consensus +0.4% m/m), following on from a +1.3% m/m gain in July. The solid rise signals the consumer remains resilient to monetary tightening seen to date.

Despite ongoing trade tensions, China is expected to be the largest importer of Australian wheat (for the year ending 30 September), with trade up 186% compared to last year.

The Australian dollar depreciated by -5.80%, finishing the month at US65.02 cents (from US69.02 cents the previous month).

Credit Market

The global credit indices widened significantly over September as markets were sold off. They are back to their levels experienced during the start of the pandemic (Q1 2020):

Index	September 2022	August 2022
CDX North American 5yr CDS	107bp	92bp
iTraxx Europe 5yr CDS	138bp	120bp
iTraxx Australia 5yr CDS	148bp	109bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	September 2022	August 2022
Bloomberg AusBond Bank Bill Index (0+YR)	+0.15%	+0.15%
Bloomberg AusBond Composite Bond Index (0+YR)	-1.36%	-2.54%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.12%	+0.35%
Bloomberg AusBond Credit Index (0+YR)	-1.01%	-1.42%
Bloomberg AusBond Treasury Index (0+YR)	-1.42%	-2.74%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-3.85%	-2.61%

Source: Bloomberg

Other Key Rates

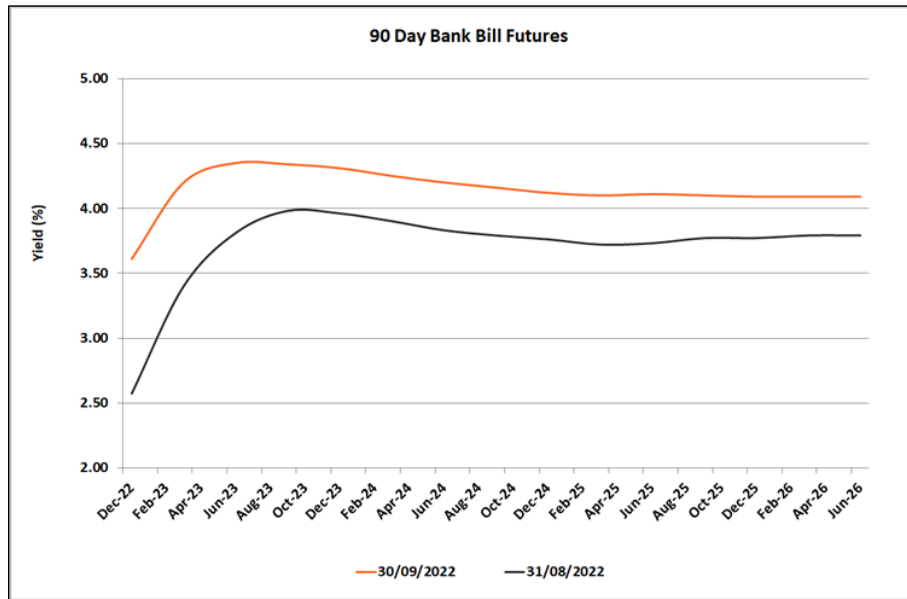
Index	September 2022	August 2022
RBA Official Cash Rate	2.35%	1.85%
90 Day (3 month) BBSW Rate	3.06%	2.46%
3yr Australian Government Bonds	3.57%	3.25%
10yr Australian Government Bonds	3.90%	3.60%
US Fed Funds Rate	3.00%-3.25%	2.25%-2.50%
3yr US Treasury Bonds	4.25%	3.46%
10yr US Treasury Bonds	3.83%	3.15%

Source: RBA, AFMA, US Department of Treasury



90 Day Bill Futures

Over September, bill futures rose across the board reacting to the US Fed's expectations of further aggressive rate cuts to control surging inflation. The markets continue to factor in the possibility of a global recession over the next few years, highlighted by the drop in the futures pricing in early 2024:



Source: ASX

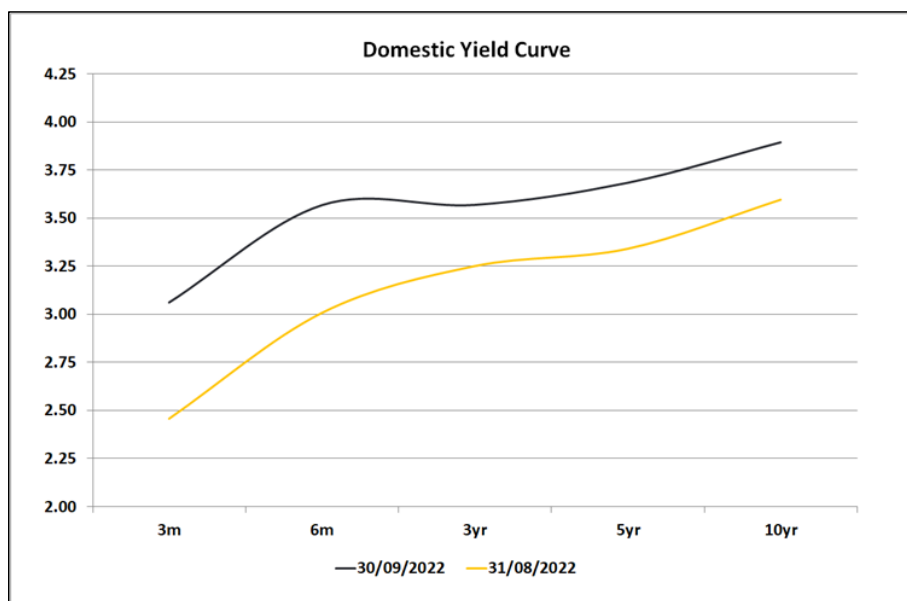


Fixed Interest Outlook

After lifting rates by a further 75bp on 21st September, the new US Fed dot plots see a further 125bp of hikes this year (an implicit 75bp in October then 50bp in December), followed by a further 25bp hike in 2023, taking the funds rate target range to a peak into a 4.50-4.75%. There are no cut(s) seen before 2024 (end of 2024 shows a median dot of 3.875%). The message from US Fed Chair Powell was loud and clear. Powell repeated the Fed will move rates purposefully until rates are at a sufficiently restrictive stance to ensure their price stability objective is achieved.

Domestically, after lifting rates to 2.35% in September, the Minutes revealed that *“all else equal, members saw the case for a slower pace of increase in interest rates becoming stronger as the level of the cash rate rises”*. This is interpreted as a strong signal that the pace of cash rate increments will shift back to the more normal 25bp increments at some stage soon – or some pauses may be introduced (e.g. after November 2022 through until February 2023), while the RBA considers the impact of previous policy tightening. Part of this reflects not only the uncertainty of the outlook, but also the recognition of the lags in the operation of monetary policy.

The domestic bond market continues to suggest a prolonged low period of interest rates on a historical basis (10-year government bond yields around 4%). Over the month, yields rose up to 30bp at the long-end of the curve:

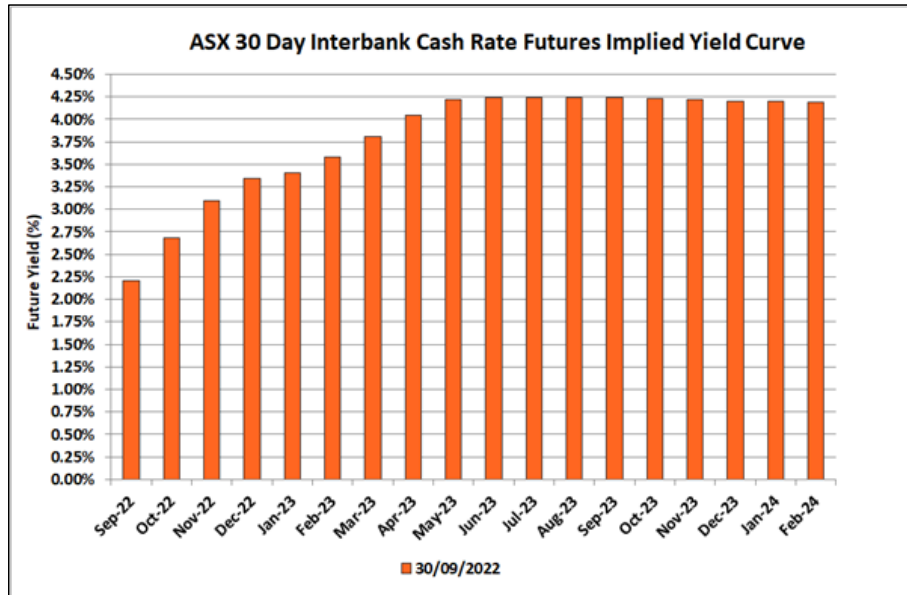


Source: AFMA, ASX, RBA

Markets are currently pricing in up to 8 additional rate rises over the next two years (up to 4%), against the RBA's 'neutral setting of 2½%', although they have admitted rates may have to be



‘restrictive’ for a period of time to get inflation back within their 2-3% target range. Fears of a looming global recession have actually seen rate cuts start to be priced in towards the second half of 2023, although this seems unlikely for now:



Source: ASX

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Event Policy

Adoption Date:	
Amendment Date:	
Minute Number:	
Review Date:	
Directorate:	City Futures
Record Number:	POL22/35

Event Policy

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Event Policy

1. Introduction

The Event Policy applies directly to all events conducted on Council owned or managed land, including roads and footpaths. The purpose of the Event Policy is to:

- Provide clarity to event organisers on expectations, regulations, and processes for applying and hosting an event on land under the ownership and/or management of Shoalhaven City Council.
- Ensure events in the Shoalhaven meet a minimum standard, set by Council, utilising industry standards and best practices.
- Allow for transparency in the event application and assessment process and ensure events are equitably assessed using a clear process and criteria.

For the purpose of this policy an event can be considered as any organised activity that takes place wholly or partly on public land (including roads, footpaths, parks, Council venues and sportsgrounds) that requires approval from Council and/or other government agencies.

Generally, such events require Council approval under the Local Government Act 1993. The scope and location of some events may mean they require both an Event Application and a [Development Application](#) under the Environmental Planning and Assessment Act 1979 and the Crown Land Managements Act 2016 (i.e., DA is required for the extension of camping at Showgrounds; large scale infrastructure, and so on).

Councils Events Liaison Officer is available to provide support for event organisers and guide them through the application process. Council is committed to ensuring events on Council owned/managed land are;

- safe
- socially and culturally responsible
- environmentally friendly and well managed
- appropriately communicated with affected residents and businesses

2. Application of Event Policy

This policy applies, but is not limited to, the following types of events; festivals, food fairs, exhibitions, community events, sporting activities and circuses.

While the Event Policy does not directly apply to events utilising privately owned land or land under Lease or Licence, Council encourages all events within the Shoalhaven to use this Policy to assist with both the planning and assessment of events.

Event Policy

Please note the holding of weddings and private functions (events that are not open to the general public) on Council owned/managed land is subject to a separate process and policy through the Council's Facilities Team.

3. Types of Event Applications and Approvals

Land ownership and management influence the type of Event Approval Issued. The following outlines the three types of approval that can be issued based on land ownership.

No Objection

- Events that don't occupy a council owned or managed reserve, park or showground but still require Council's approval (i.e., events occurring entirely within a road reserve - street parade, street market, and Fireworks displays)

Event Booking

- Events on Council owned land (including showgrounds) with under 200 patrons.

Event Permit

- Events occurring on Council owned land with over 200 patrons.

Temporary Licence Agreement (TLA)

- Events occurring on Crown Land (managed by Council) with over 200 patrons.

Note: Commercial event bookings are limited to a maximum of 52 days in any 12-month period on land owned/managed by Council.

Development Application (DA)

- Events planned on private property may require a Development Application under the Environmental Planning and Assessment Act 1979.

Development Applications (DAs) are not assessed by the Events Team and follow a separate approval process. We recommend that enquiries are made with City Development well in advance of the event allowing sufficient time for enquiries, feedback, and potential processing of a DA. Dependent on the type of event, location and scale, specialist reports may be required.

Event Policy

4. Fees, Charges and Financial Assistance

Events held on Council owned and managed land will include fees for the use of the land. The fees and charges are available on the Council website here: <http://shoalhaven.nsw.gov.au/My-Council/Fees-and-charges>

Fees are scaled based on the nature of the event i.e., commercial events pay different fees to not-for-profit /charity events.

Fee's will need to be paid a minimum of 7 days prior to an event and may include:

- Event Application Fee
- Pre and Post Inspection Fees (Commercial Events)
- Hire Fees
- Cost recovery for specific services, eg. power usage

A non-negotiable bond will also need to be paid to Council a minimum of 7 days prior to the event. The amount of this bond will be calculated using the following criteria:

- Length, type, and size of the event
- Equipment and other infrastructure to be used at the event
- Event location and existing infrastructure
- History of the event or similar events

The Bond (or part thereof) will contribute to costs if the venue is damaged, needs to be cleaned, the event is cancelled within 7 days from the planned date, the event runs over time or equipment is missing and/or damaged. If the venue and equipment condition is deemed satisfactory by Council post-event, the bond will be refunded in full.

Not-for-profit community organisations may be eligible for financial or in-kind assistance. The following policies detail the extent to which Council may support the local community when staging events and the processes for the not-for-profit community organisation to follow:

- [Community Donations Policy](#)
- [Fee Waivers, Subsidies and Support Policy](#)

5. Application Overview and Key Stakeholders

5.1. Application Process

Below is the 16-step Event Application Process designed to assist event organisers understand the process required.

Event Policy

1. Optional preliminary discussion of event concept and proposed location between Event Liaison Officer and Event Organiser (encouraged for new and growing events).
2. Event Organiser to contact Event Liaison Officer to discuss the kind of application required and check availability of proposed dates and venues. A tentative booking can be made (this is not an approval). Events on Crown Land may be referred to Council Planners to assess for Development Application requirements.
3. For events with significant community impact (resident and/or business), event organisers are expected to consult with key community groups (this may include business associations, community groups, resident groups, etc.).
4. Event Organiser to utilise the event policy, event application form and event guidelines to put together their event application and related documents (see Section 6 of this Policy).
5. Event Organiser to submit completed event application and related documents to council via council@shoalhaven.nsw.gov.au at least 90 days ahead of the event. If submitted within 90 days, fees will increase.
6. Event Organiser to notify Police and submit any external applications (RMS, Aquatic Licence, SafeWork NSW, Office of Liquor and Gaming, etc.). The Event Liaison can supply a Police Notification Form.
7. Event application to be reviewed by Council and referred to relevant departments as required (traffic, environment, etc.). Park Booking to be confirmed by Council.
8. Any requests for further information or clarifications to be requested by Council (including meetings between Council, organisers and stakeholders if required).
9. Further information/clarifications to be submitted by Event Organiser.
10. Assessment of additional information by Council.
11. Outcome of Event Application, invoice and any conditions sent to Event Organiser.
12. Event Organiser pays invoice.
13. Council conducts pre-inspection.
14. Event Delivered.
15. Council conducts post-inspection, organises bond refund (as appropriate).

Event Policy

16. Event Organiser to provide event debrief to Council Liaison Officer outlining any accident/incidents, pros, cons, and learnings from the event. Council to notify Event Organiser of any complaints, compliments or concerns received by Council.

5.2. Stakeholders

Event approvals may also require approval from the following stakeholders:

- Transport for NSW (TfNSW – Road Occupancy Licence)
- Aquatic Licence (Service NSW)
- Marine Parks (approval to operate in Marine Parks)
- SafeWork NSW (Fireworks/Pyrotechnics and Amusement Operators)
- NSW Police (Police notification required for all events)
- Office of Liquor and Gaming (Liquor Licences)
- National Parks and Wildlife Services, Crown Lands, Department of Defence and Other landowners
- Civil Aviation Safety Authority (CASA) (drone usage, hot air balloons, helicopters, and planes)
- Emergency Services (NSW Health, Rural Fire Service)

Council Departments involved in assessing event applications (or components of applications) include:

- Tourism and Events Team (events on Council owned and managed land)
- Enterprise Risk Management Department
- Planners (Development Applications for private property and Crown Land managed by Council)
- Environmental Services (Food Permits, Pyrotechnics, etc.)
- Engineering Team (Changed traffic conditions, impact on parking, roads, etc.)
- Swim, Sport and Fitness (Asset Custodian for venues, booking of parks and reserves)
- Rangers (involved in compliance)

Event Policy

Please note that during the assessment process the above stakeholders may request changes to event timings, road closures or traffic conditions.

Completion of the Event Application and submission of supporting documents is required by all event organisers.

6. Event Application and Supporting Documents

6.1. Applicant Details

- Applicant details to be completed for all events, including the on-the-day contact.

6.2. Event Details

- Event details to be completed for all events, including detailed overview, and expected audience.
- Event dates and hours of operation will be assessed for their community impact in relation to noise, traffic, peak periods.
- Event Organisers are to schedule events, including set-up and pull-down to minimise the amount of time the site is not fully available for public use.
- Event Organisers are encouraged to provide contingency/alternate dates in case their preferred dates are not available.
- Event Organisers are required to inspect proposed sites to ensure they are suitable for proposed events.
- Event overview is to provide a detailed description of the event, its size, purpose, impact on the surrounding area, demographics of participants, infrastructure, and use of grounds (including details such as – food stalls, stages, marquees, temporary structures, races, amplified sound, etc.). This overview may be submitted as a separate document or Event Management Plan.
- Event attendance will be reviewed to ensure venue can safely accommodate projected number of attendees.
- The collection of monies and/or selling of goods shall not be allowed within the confines of council owned or managed reserves unless approved by Council as part of the event.
- Authority to undertake fundraising is managed by the NSW Governments Department of Fair Trading. Event Organisers intending to fundraise are required to assess if they need to apply for authority or if they are exempt.

Event Policy

- Event Organisers can nominate dates for annual events to tentatively book the event site for the following year.

6.3. Risk Management

- Valid Certificate of Currency for Public Liability Insurance with an approved Australian provider, to a minimum of \$20 million and identifying Shoalhaven City Council as an interested Party is required for all events.
 - Events on Crown Land managed by Council are required to identify the Minister administering the Crown Lands Act as an interested party (in addition to Shoalhaven City Council) on their valid Certificate of Currency.
- Police need to be notified of all events on Council owned and managed land using the Police Notification form available from the Event Liaison Officer and emailed to scpderecords@police.nsw.gov.au
- Security will be required at all events serving alcohol or at high-risk events deemed necessary by Police or Council.
- Security personnel will be required to hold and display a current NSW Security Licence whilst performing their duties.
- Liquor licence or relevant exemption issued by the Office of Liquor and Gaming will be required for all events serving alcohol.
- Some Council owned and managed parks and reserves have alcohol prohibited zones, which may be either 24 hour prohibited areas, or specified hours prohibiting alcohol consumption. Events will be required to abide by these zonings and hours. Zonings can be found here: [Alcohol Free Zones | Shoalhaven City Council \(nsw.gov.au\)](https://www.shoalhaven.nsw.gov.au/alcohol-free-zones)
- Risk Assessment/s must be undertaken for all events including bump-in, bump-out and the operation of the event.
- High risk activities need to be identified and individually assessed for suitability by Council and other parties as relevant (including motocross, demolition derby, rodeos, fires, pyrotechnics, etc.). Further information may be requested, and specific conditions placed to protect equipment, infrastructure, grounds, members of public, residents and businesses.
- An Emergency Management Plan must be completed for all events, and include key event contacts, chain of command, onsite medical, police and security capabilities, evacuation process and emergency assembly areas. High Risk events and large events may require a more detailed Emergency Management Plan.

Event Policy

- NSW Ambulance to be notified of all medium and large events via Ambulance-EventPlanning@health.nsw.gov.au
- All events at a minimum should have appropriate first aid equipment and qualified first aiders onsite.
- Crowded Spaces Self-Assessment must be conducted for all events and Police and Council notified if your event scores 40 or more via [Crowded Places Self-Assessment Tool \(nationalsecurity.gov.au\)](https://nationalsecurity.gov.au/Crowded_Places_Self-Assessment_Tool)
- Drone usage cannot be assessed or approved by Shoalhaven City Council. A CASA Permit may be required. NPWS have an additional application process for use of drones within NSW National Parks.
- On-water components may require an Aquatic Licence and/or Marine Parks Approval. The Event Liaison Officer can assist with advice and guidance.

6.4. Traffic Management

Events with changed traffic conditions will be required to submit traffic documents to Council, Police and TfNSW when events are impacting TfNSW owned roads. Changed traffic conditions include:

- Road closures
- Stop/slow traffic management
- Detours
- Closing of car parks or parking spaces
- Shared use of roads for an organised event (e.g., small cycling event with no road closures)

Documents will be assessed by Council's Engineering Team.

Required documents could include, but are not limited to the following:

- Traffic Management Plans - required for road closures and changed traffic conditions.
- Traffic Control Plans - for Road closures and changed traffic conditions.
- Speed Zone Authorisation application - for proposed speed zone changes.
- On road cycling events require a race permit as per the NSW Guidelines for Bicycle Road Races.

Event Policy

- A Road Occupancy Licence is required for the use of or effect on RMS roads.
- Parking Plans will be required for events over 200 attendees.
- A Pedestrian Management Plan may be required depending on the size, nature, location and impact of the event.

These are examples of what may be required, this may vary based on changes to legislation and internal processes.

Emergency Services must be granted access to event sites and through road closures wherever they deem necessary in the undertaking of their duties. Alternative access can be discussed for non-emergencies, with any final decision to be made by the Emergency Services.

Events that impact key local traffic and transport systems and/or cause considerable disruption to the non-event community (i.e., close off the main street of a town, or main road corridor) must submit required the Event Application and Traffic Management documentation at least 6 months prior to the event date and may require additional community consultation (refer to point 6.8).

6.5. Event Logistics

- Current site plans are required for all events, as an aerial overview clearly identifying proposed infrastructure, first aid facilities, emergency evacuation points and so on.
- Details of temporary infrastructure including marquees, stages, scaffolding and toilets must be identified (including size, style and weighting measures so suitability can be considered for that site (e.g., pop-up marquees weighted by pegs may not be suitable for a high-wind area, and some sites are unsuitable for staking/pegging, etc.)
- Any temporary infrastructure (including fencing, marquees, stages, lighting, sound, etc.) must be designed and installed to manufacturers recommendations and be appropriate for anticipated crowds, loads and weather.
- Higher risk structures may require further documentation to be provided to Council in the form of engineer certification or similar confirming installation, operation and location is in accordance with the relevant standards and specifications.
- Floodlights are available at some event sites. There are fees associated with the use of floodlights at Showgrounds and some other sites. The fees and charges are available on the Council website.

Event Policy

- The use of generators will be assessed using the proposed location, impact of sound and fire risk (e.g., not having a generator up against bushes). When operating generators on an event site, appropriate fire extinguisher/s will be required.
- The use of PA systems/amplified sound and their location, timings and use will be assessed to review the impact on the community including residents and businesses.
- Sound generated by the event shall be controlled and must not result in the transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (measured at the nearest affected receiver).
- If during the event, substantiated complaints or breaches of noise conditions occur, the Event Organiser must immediately reduce the noise to ensure the event is compliant.
- Conditions may be placed on the angle of speakers, volume from nearest neighbours etc.
- Resident and Business notification/consultation will be required, event organisers to ensure they notify surrounding and impacted areas in writing prior to the event taking place. This must include event dates, location, PA/amplified sound use notification, and relevant contact information for issues which arise on the day.

Event Organisers are required to ensure that appropriate licences are obtained to cover any use of live or recorded music protected by copyright.

6.6. Accessibility and Sustainability

Event organisers are encouraged to operate sustainable events through employing:

- Waste management, and reduction strategies
- Accessible and inclusive event design
- Sustainable procurement strategies
- Water and energy efficiency strategies

20 cent of the NSW population lives with disability, therefore making your event accessible should be an important consideration in the event management planning stages. A NSW Government Accessible and Inclusive Event Toolkit can be viewed here: [Toolkit for Accessible and Inclusive Events 2018 \(nsw.gov.au\)](https://www.nsw.gov.au/toolkit-for-accessible-and-inclusive-events)

Accessible customers may include:

- Someone with low vision or hearing

Event Policy

- A person who is a wheelchair user
- A person with intellectual disability
- A parent pushing a stroller
- An elderly person

The following is required for an event on Council Owned/Managed Land:

- Single use plastics are prohibited for catering, food stalls and food vendors at events on Council owned or managed lands. Single use plastics include:
 - Plastic Drinking Straws
 - Polystyrene packaging
 - Plastic plates, bowls and cutlery
 - Balloons (including helium)
- Adequate bins must be identified by Event Organisers and be suitable for the event size and location – Council can supply best practice guidelines.
- Adequate toilets must be identified by Event Organisers and be suitable for the event size and location – Council can supply best practice guidelines.
- Accessible toilet/s should be considered for all events to supplement any existing facilities, if relevant.

6.7. Contractors, Suppliers, Performers, Staff and Volunteers

Fireworks/Pyrotechnics

- Fireworks/Pyrotechnics will require a SafeWork NSW permit and will be assessed by Councils Environmental Services with the pyrotechnicians details and fireworks display checklist to be provided to Council with the event application (Insert Link to Fireworks Policy once finalised).

Temporary Food Stalls/Mobile Food Vendors

- Council is to be notified during the event application process if there will be temporary food stalls and/or mobile food vendors, this required even if it's already known that vendors will have existing permits.
- The Event application must give an indication of anticipated number of stalls/vehicles, style, and location/s on the site map.

Event Policy

- Councils Environmental Health Officers may request further information.
- Food stalls will require current food permits (available from Council).
- The Event Organiser is responsible to ensure permits and insurances are in place and sighted for all food vendors and other stallholders.

Live Animals

- Event Organisers must notify Council of intent to include live animals in their event, this includes rodeos, agriculture shows, etc.
- The Department of Primary Industries (DPI) dictate standards and requirements for animals at events/displays (including pets, livestock and working animals). Requirements for different animals can include transport standards, registration, branding, display spaces and animal husbandry.
- The Event Organiser is responsible to ensure all relevant permits and insurances are in place and sighted for all handlers and suppliers.
- Exotic animals* are prohibited at events on Council owned or managed lands.
- Circuses using Council Premises must limit their use of animals to domesticated animals. Hire will not be approved to circuses which include exotic animals* in their performances.

"Exotic Animals" in this policy refer to;

- *Animals not native to Australia or introduced from abroad (excluding domestically farmed animals). This would include (but not limited to); lions, tigers, monkeys and primates, leopards, elephants, camels, antelope and foreign domestic cattle including Ankole, Gayal and Yak; and*
- *Australian native animals (excluding those covered under exhibitor/education licences for wildlife rescue groups and educational mobile zoos).*

Amusement Rides

Amusement Rides are to be registered with SafeWork NSW and Council are to be notified of:

- Intended use of jumping castles and/or amusement rides
- The number and type of devices

Event Policy

- Device locations to be clearly shown on a site plan
- The Event Organiser is responsible to ensure appropriate insurances are in place and sighted for all amusement rides, operators, and suppliers

The Event Organiser is responsible to ensure all contractors, suppliers, staff, and volunteers are suitably qualified for their tasks and briefed appropriately. They must also ensure appropriate insurance covering staff and volunteers are in place (e.g., workers compensation).

6.8. Notifications, Signage, Pamphlets and Flyers

Public Notification

Events that impact the environment, change traffic conditions and/or impact surrounding residents are required to notify the local community at least 21 days prior to the event date. Notification can occur via the following platforms (at a minimum):

- Facebook (relevant community group pages)
- Event website
- Local Business Chamber and Community Consultative Bodies
- Letterbox drop to businesses and residents in the immediate vicinity of affected area.

If the event is deemed to have significant impact, Council may notify relevant local organisations such as Business Chambers and Community Consultative Bodies at the time of the Event Application lodgement.

- Further notifications may be required for events with significant impacts including road closures or changed traffic conditions
- Impacts on parking
- Noise impacts
- Increased traffic (pedestrian and/or vehicular)

The Event Organiser must notify relevant bus companies, taxi companies and local emergency services (RFS, SES, Ambulance, etc.) where road closures are in place.

Notifications will be required for all events with fireworks or aquatic licences, and events closing or significantly impacting boat ramps, bus routes, bus stops, taxi stands, etc.

Event Policy

Events of significance may benefit from multiple notifications (such as initial notification 6-8 weeks prior to the event and a reminder in the 3 weeks prior to the event).

It may be appropriate for some events to also consider notifications via door knocking posters in shop windows, newspapers, and social media.

Notifications should include at a minimum:

- Event name and timings
- Event purpose
- Expected impact (noise, parking, changed traffic conditions, increased crowds, etc.)
- Contact details and phone number for questions or on the day concerns
- Links to additional information such as detours, detailed schedules, etc.

Pamphlets/Flyers Items

- It is prohibited to place flyers or posters on cars or power poles throughout the Shoalhaven.
- Pamphlets/Flyers or similar collateral material is permitted via letterbox drops or handouts at the event location as part of the event, provided it is not deemed offensive.
- Sustainability should be considered when utilising pamphlets/flyers.

Police and Ambulance Notification

NSW Ambulance must be notified of all medium and large events via Ambulance-EventPlanning@health.nsw.gov.au

Police are to be notified a minimum of 3 months prior to an event with alcohol, and a minimum of 8 weeks for other events.

The Event Organiser must provide documented evidence of notification with the residents and businesses within the immediate vicinity of the event.

Community Feedback

If a community member wants to make a submission about a proposed event, it must:

- Be in writing

Event Policy

- Identify the full name and business/residential address of the applicant
- Clearly state the reasons the submission
- Be received by council no later than two weeks after the Public Notification date
- Be submitted via one of the options below:
 - Email – council@shoalhaven.nsw.gov.au
 - In Person – 36 Bridge Rd, Nowra NSW 2541
 - In Person – 14 Deering Street, Ulladulla, NSW 2539
 - Post – PO Box 42 Nowra NSW 2541

Submissions received within the prescribed notification period will be taken into consideration during the assessment of the event.

6.9. Terms and Conditions

The terms and conditions listed below are standard for all events on Council owned and/or managed land. Events are assessed case-by-case and additional conditions may be issued as appropriate (including feedback from external parties such as Police, RMS, NPWS, Community Stakeholder groups, etc.). Conditions included in Event Permits, Temporary Licence Agreements or Development Consents may over-ride standard conditions as outlined in Council's Terms & Conditions of Hire/Use.

It is the Event Organisers responsibility to ensure these terms and conditions are met. Failure to comply with policy and terms and conditions may void event approval (and would therefore likely result in voided event insurance, etc.). Any variance to this policy, terms and conditions should be discussed with the Event Liaison Officer and submitted in writing.

For events occurring in Public Halls, Reserves, Sportsgrounds, Camping areas, and Showgrounds the following Terms and Conditions may also apply: shoalhaven.nsw.gov.au/Contact-Us/Facility-Bookings

Event Management

The Event Organiser is responsible for the good order, conduct and behaviour of event attendees.

The Event Organiser occupies and uses the site at their own risk and will take all reasonable precautions to prevent personal injury or property damage arising from the event.

Event Policy

The Event Organiser shall indemnify Council against any claims for injury to persons or damage to property arising from the event.

Event Organisers are to notify Council of any reported accidents or incidents that occur in relation to the event and result in property damage, admission to hospital or may result in an insurance claim.

A booking/approval does not indicate the exclusive use of a site unless it is a fenced and ticketed event approved by Council. Event Organisers must cause minimum inconvenience to other persons wishing to use public areas outside of the event site. The rights of the general public to have free and unrestricted access to the reserve/public land must be respected wherever possible and safe to do so.

Site Management

Emergency Services must be granted access to event sites and through road closures wherever they deem necessary in the undertaking of their duties. Alternative access can be discussed for non-emergencies, with any final decision to be made by the Emergency Services.

Council does not take responsibility for any loss or damage to infrastructure and equipment associated with events. All temporary infrastructure and equipment are at the Event Organiser's risk.

Pre and Post Inspections

- The venue must be left in the same condition.
- The Event Organiser may be charged for any remedial work or additional cleaning required to achieve this.
- The Event Organiser is encouraged to take before and after photos. Commercial Events will be charged for inspections.
- The Event Organiser will ensure they are assisting in protecting the venues infrastructure, grounds, and environment by adhering to the following:
 - No digging or trenching
 - No tree pruning
 - No signs or structures attached to trees
 - No glassware (unless approved by Council)
 - Protection of grass, garden beds and trees where required
 - Electrical Services

Event Policy

- Electrical Services for large events/stages, carnivals and circuses are required to utilise a licenced electrician to certify the electrics prior to use.
- All electrical services, including small events and fetes are required to meet the requirements of AS/NZS 3000 and AS/NZS 3002.
- Electrical cables should be covered, flown or against physical barriers to prevent trip hazards.
- All electrical cables and devices should have current test and tag certifications attached.

Fires are not permitted on Council owned or managed land without written approval from Council. Fire restrictions must be complied with regardless of Council approval.

The Event Organiser is responsible for ensuring that underground services and sprinklers are not damaged from stakes/pegs, etc. If service plans are not available for a venue via Council, the organiser must contact the “Dial Before you Dig organisation” and/or contract someone qualified to check for services (at the Organisers expense).

No camping is allowed on any public reserves except for Showgrounds (excluding Nowra Showground) unless by specific Council approval. Fees apply for camping at showgrounds.

Vehicles on Event Sites

- On site vehicle movements during an event should be kept to essential movements only.
- Vehicle and crowd control remain the responsibility of the Organiser.
- No vehicles on beaches (emergency vehicles accepted).
- Only essential vehicles to be used in parks or reserves unless by other arrangement.
- Events utilising vehicles as part of the event (e.g., displaying vehicles) should plan for the arrival and departure to occur outside of the event hours.
- High-risk use of vehicles at events (e.g., Monster trucks, demolition derby's, stunt drivers, motor cross, etc.) will require additional documentation.

Event Policy

7. Acknowledgement

Event Organisers are required to sign an acknowledgement that their application and related documents are to the best of their knowledge, true and correct.

Event Organisers will be required to sign any event approval and related conditions acknowledging that they have read and will meet all requirements.

The Event Organiser agrees to pay all fees and charges (including bonds) for the use of the event site.

No Event Application fees can be refunded for cancellations that are received by Council less than 14 days prior to the event date. Cancellations must be made in writing.



Events Policy

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Produced By: Finance Corporate & Community Services Group

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CL22.543 - Attachment 2

For more information contact the Finance Corporate & Community Services Group

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Shoalhaven City Council – Events Policy

1. INTRODUCTION

This Events Policy (Policy) is designed to assist event organisers with the regulations and processes associated with holding an event on all public land under the ownership and/or control of Shoalhaven City Council (Council).

Council is committed to ensuring that your event is sustainable, meaning your event is:

- economically beneficial to the community;
- socially and culturally responsible; and,
- environmentally well managed.

This Policy and Council's Events Liaison Team are available to provide support for you to take your event through the application process to approval.

2. APPLICATION OF POLICY

This Policy applies to all events conducted on public land where Council is the owner or has management control of the land (including roads used as part of your event). The Policy does not apply where the event is conducted solely on privately owned land. However, Council encourages all events held within Shoalhaven to use this Policy to assist with successful event planning.

The types of events this policy applies to includes, but is not limited to: festivals, food fairs, exhibitions, sporting activities, annual themed celebrations, markets and circuses. Please note the holding of weddings and private functions on public land is subject to a separate process and policy (insert link).

The size or scale of events this Policy applies to are categorised in the table below, based upon the impact of your event on public land. If your event satisfies more than two of the criteria in a higher category then your event is classed as that size or scale for the purposes of fees and charges (see Section 3.3 of this Policy).

Small	Medium	Large
No disruption is caused to the community, businesses, motorists or other events in the vicinity of the event.	Minimal disruption is caused to the community, businesses, motorists or other events in the vicinity of the event.	Significant disruption is caused to the community, businesses, motorists or other events in the vicinity of the event.
Event duration is 1 day or less.	Event duration is 1-2 days.	Event duration is more than 2 days.

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Event (and associated activities) are held in 1 location only.	Event (and associated activities) are held in 2-3 locations.	Event (and associated activities) are held in 4 or more locations.
Minimal power for equipment/lighting required (consistent with that provided by Council as part of hire fee).	Minimal power for equipment/lighting required (consistent with that provided by Council as part of hire fee).	Significant power for equipment/lighting required (above that generally provided by Council as part of hire fee).

3. APPLICATION PROCESS

The following 4 step process applies to all events held on Council's public land:

1. Read this Policy & discuss your event with Council's Event Liaison Team
(ph. 4429 3541 or email: Events@shoalhaven.nsw.gov.au)
2. Submit Event Application Form and associated documentation.
3. Pay any Fees & Charges, and refundable bonds.
4. Approval issued (subject to relevant Terms & Conditions).

These 4 steps are further outlined below.

3.1 Step 1 - Discussion with Council's Event Liaison Team

Council's Event Liaison Team will be happy to discuss your proposal, in the context of the following considerations:

- The suitability of your event type.
- The best time to hold your event.
- The suitability of your event location (including location opportunities you may consider and contingency planning).
- Infrastructure availability for your event.
- The relevant permits and timeframes to gain approval for your event, including the information you will be required to provide to support your application.

Note: In some cases a development application (DA) may be required for your event. You may contact Council's Development Services Team (ph. 4429 3486) to determine this. However, in most cases a

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DA will not be required and as such the timeframe required for approval can be minimised.

- Availability of financial or “in kind” assistance for charities or not for profit community event holders.
- Discussion of Fees & Charges and bond that may be payable for your event, based upon the size and scale of each event.
- Discussion of Terms & Conditions that may be applicable to your event.
- Access to stakeholder contact details for event notification purposes.

Contacting Council’s Event Liaison Team early in your event planning may save you a lot of time and effort. We encourage you to contact us as soon as you know you want to hold an event in Shoalhaven and the Events Liaison Team can assist from the start.

3.2 Step 2 - Event Application Form and Associated Documentation

You can download the Event Application Form [here](#). Alternatively, you can request it from Council’s Events Liaison Team as part of Step 1 above.

The following information will assist to complete Section 7 of your application form:

3.2.1 Traffic

Events may require a Traffic Management Plan (TMP) to be prepared by a professional traffic control company. If your event needs a professional plan you will be notified when you make your application. You will need to download the Traffic Management Plan (TMP) template [here](#). Alternatively, you can request it from Council’s Events Liaison Team as part of Step 1 above.

A TMP should include:

- Event details: Name, date, time, venue, location, anticipated crowd size, event activities, venue description, existing facilities for access and any other relevant information.
- Contact details of organiser: Name of organiser, contact person’s name, title and phone number (business and mobile).
- Contact details of contractor: Name of traffic management company, contact person’s name, title and phone number (business and mobile).
- Traffic management schedule: Date, time and event schedule.

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- Traffic diversion/redirection: Including details of road closures, detours, VMS signs and special event clearway signs.
- Access: Site map with access points for contractors, patrons, stallholders, entertainers, staff, VIPs, local businesses, residents and emergency vehicles.
- Loading and unloading: Details about loading and unloading arrangements for contractors, stallholders, entertainers, staff, volunteers and patrons.
- Parking: Details about parking arrangements for contractors, stallholders, entertainers, staff volunteers and patrons.
- Public safety: Notice of intention to hold a public gathering, liaison with police and security and first aid.
- Notification: Advertising road closures and special event clearways, resident/business letterbox drop, public transport notification-not required and marshalling.
- Traffic control plans: These need to be prepared by an Accredited Traffic Controller. Plans for each road closure point, use of paid police, RMS trained and accredited traffic controllers, use of traffic signal data, water filled barrier placement, change of traffic conditions and special event clearway towing management.
- Contingency plan: For bad weather, accident on site, accident on route, breakdown of vehicles, security of participants and security of VIPs.

3.2.2 Waste

You can download a Waste Management Plan template [here](#). Alternatively you can request it from Council's Events Liaison Team as part of Step 1 above.

A WMP should include:

- Event details: Name, date, time, venue, location, anticipated crowd size, event activities, venue description, existing number of bins on site (general waste and recycle).
- Contact details of organiser: Name of organiser, contact person's name, title and phone number (business and mobile).
- Site map showing:
 - o total number, type & size of bins required at the event – including general waste, recycle, cigarette butt bins (if smoking is permitted at your event) and bins for accessibility guests.

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- bin locations - including co-location of general waste and recycle bins in locations such as: entrances/ exits, food & drink areas and near car parks, toilets and walkways.
- signage – well positioned general waste and recycle standard Environmental Protection Authority (EPA) signage to advise patrons of bin locations.
- Details of additional bin provision: who will provide the additional bins?
E.g. Contractor or event organiser?
- Contact details of contractor or event organiser: Name of waste company providing bins, contact person's name, title and phone number (business and mobile).
- Waste schedule: Date & time that bins are being delivered and collected/ removed.
- Public safety: Work Health and Safety considerations including:
 - bin emptying requirements during events.
 - bin design/ lids to ensure hygiene and reduce risk of spillage / access by animals.
 - event staff and volunteer training.

NOTE: No helium filled balloons to be used on any playing field, sportsground or reserves. No balloons, helium filled or otherwise, to be released in or around any Council owned playing field, sportsground or reserves.

3.2.3 Toilets

On-site amenities must be available to the public for the duration of your event. The number of toilet facilities required at your event can be calculated as follows, noting that this is a best practice guide.

Toilet facilities for events where alcohol is not available

Male				Female		Unisex Disabled	
No. of Patrons	WC	Urinals	Hand Basins	WC	Hand Basins	WC	Hand Basins
<500	1	2	2	6	2	1	1
<1000	2	4	4	9	4	2	2
<2000	4	8	6	12	6	2	2
<3000	6	15	10	18	10	3	3
<5000	8	25	17	30	17	3	3

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Toilet facilities for events where alcohol is available

Male				Female		Unisex Disabled	
No. of Patrons	WC	Urinals	Hand Basins	WC	Hand Basins	WC	Hand Basins
<500	3	8	2	13	2	2	2
<1000	5	10	4	16	4	3	3
<2000	9	15	7	18	7	3	3
<3000	10	20	14	22	14	4	4
<5000	12	30	20	40	20	4	4

The above figures may be reduced for shorter duration events as follows:

Duration of Event	Quantity Required
8 hours +	100% (no reduction)
6-8 hours	80%
4-6 hours	75%
Less than 4 hours	70%

Separate toilet and handwashing facilities should be made available for food handlers.

The following information will assist to complete Section 8 of your application form:

3.2.4 Disability Inclusion and Accessibility

Consideration must be given to disability inclusion and accessibility, as per the *NSW Family & Community Services Disability Inclusion Plan 2015*. A key objective of the *NSW FACS Disability Inclusion Plan* states:

“Physical accessibility is important, but liveable communities are also about the opportunity for social engagement, personal and business interactions, feeling safe and secure and being included in community activities.”

In the case of a community event an “accessibility guest” includes: a person with mobility needs (eg. wheelchair user), a person with sensory considerations, older people, a person with a temporary injury or illness and parents with prams.

It is likely that your event will include “accessibility guests” and as such your completion of Section 8 of your application (and your site plan) will

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ensure the following four key areas of disability inclusion and accessibility to events are sufficiently addressed:

1. Communication
2. Infrastructure & Transport
3. Disability Awareness Training for event staff
4. Site or Precinct Planning

The following information will assist to complete Section 9 of your application form:

3.2.5 Event Sustainability

You can download an Event Management Plan template [here](#). Alternatively, you can request it from Council's Events Liaison Team as part of Step 1 above.

Council supports events that seek to reduce environmental impacts, and opportunities exist for event organisers to work with Council to implement such initiatives. Areas of event sustainability that should be addressed in your Event Management Plan include:

- Waste Minimisation and Recovery: Events can often create significant amounts of waste and litter. Key considerations of all waste planning should be reducing the amount of waste and litter created and avoiding disposal of waste to landfill. Over and above requirements for rubbish collection and removal, sustainable waste management should incorporate a waste hierarchy of AVOID, REDUCE, REUSE AND RECYCLE.
- Reducing Energy and Water Consumption: Events can be high water and energy consumers. It is important to develop and implement measures to minimise water and energy consumption.
- Green Transport: Alternative transport options should be encouraged through event scheduling, siting, facilities provision and promotions. Alternative options should include walking, cycling, public transport, "loop buses" and car sharing. Events should also encourage a reduction in transport servicing for the event through a co-ordinated approach to set-up and clean-up processes.
- Venue Selection: Venues or outdoor locations for events should give consideration to being appropriate for the size and type of event. Selecting the right venue will provide a range of sustainability advantages, as well as creating a better event atmosphere.
- Reducing Print Material: Using new technology alternatives to print material, such as email and social media, can provide better sustainability and promotional outcomes. Where printing is

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required, a few key concepts, including double sided printing, sourcing recycled paper product, using environmentally friendly inks / dyes, and reducing the size of paper used may also significantly reduce resource use.

- Purchasing and Procurement: Purchasing locally, using recycled or re-used goods, and catering using seasonal produce grown locally can achieve significant reductions in waste, transport and cost, as well as providing a boost to the local economy.
- Carbon Management: After following the above principles to reduce impacts and resource use, using a commercial option to offset carbon produced can help to minimise the unavoidable impacts. It also provides a strong “green” image for an event.

3.3 Step 3 - Fees and Charges

Events held on Council land will attract a fee for the use of land. The fees and charges applicable to the event are detailed in Council's annual “Fees and Charges” booklet which are adopted annually and published on Council's website [here](#).

You will also be required to lodge an appropriate non-negotiable refundable bond, payable 7 days prior to your event. This bond will be calculated by Council's Event Liaison Team using the following criteria:

- length, type and size of event;
- equipment and other infrastructure to be used at event; and,
- event location.

This bond will contribute to the overall cost to Council if the venue is damaged, needs to be cleaned, you cancel your booking within 7 days of event, event runs over time or if equipment is not returned or is damaged. However, an inspection of the area will be conducted by Council after your event and, if satisfactory, your bond will be refunded in full.

Not for profit community organisations may be eligible for some financial or in-kind assistance. The following policies detail the extent to which Council will support the local community when staging events and the process for the not for profit community organisation to follow:

- [Donations Policy](#)
- [Fee Support/Non-Profit Organisations Policy](#)

Events that Council supports (in-kind assistance and provision of infrastructure) are:

- Australia Day events
- Anzac Day events
- Freedom of Entry marches
- NAIDOC Week events
- Christmas events – Carols in the Park

3.4 Step 4 – Your Approval and Terms & Conditions

3.4.1 Applications and Approvals

Applications for approval of the following can be made to the Council:

- Your Event
- DA (if required)
- Temporary Food Licence
- Temporary Structures approval
- Temporary Road Closures

You may also require the following additional services to be provided as part of your event. Applications for the following services can be made direct to each respective service provider:

- Temporary Event Liquor Licences (Office of Liquor Gaming and Racing)
- User Pays Police (NSW Police)
- Road Occupancy Licence, Special Event Clearways (Roads and Maritime Services)
- St John Ambulance or other first aid provider
- NSW Ambulance Service
- Fireworks Permit

3.4.2 Terms & Conditions

The approval issued by Council's Event Liaison Team for your event will be a "Event Permit" or a "Temporary Event Licence".

The terms & conditions listed below are the standard conditions. Relevant standard conditions will be attached to your approval and you will be required to comply with those conditions. Additional conditions may be applied to specific events where appropriate.

Indemnity and Insurance

1. The event organiser occupies and uses the venue at the event organiser's own risk and will take all reasonable precautions to prevent personal injury or property damage arising from the event.
2. The event organiser shall indemnify Council against any claims for injury to persons or damage to property arising out of the event.
3. The event organiser must effect, maintain and submit a current copy of your APRA Approved insurance Certificate of Currency for Public Liability. Public Liability insurance coverage needs to be to the minimum amount of \$20 million, have the following wording included under interested parties - 'Shoalhaven City Council and the Minister

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administering the Crown Lands Act are noted as interested parties for their respective rights and interests' and clearly note the policy expiry date (please note – this is only a phone call to your insurance company and they will be able to email the amended Certificate directly to you)

4. It is the responsibility of the event organiser to ensure all engaged contractors, sub-contractors etc. as part of the event also hold the applicable public/products liability insurance.
5. Council does not take responsibility for any loss or damage to any infrastructure and equipment associated with your event installed in a venue. All infrastructure and equipment that is at the venue is at the event organiser's risk.

General

6. Event organisers must undertake adequate measures to ensure that the venue is protected from damage, including:
 - (a) Inspection of structures, infrastructure, in-ground sprinklers and the like for safety before use of the venue. Any unsafe areas should not be used, and should be reported to Council immediately.
 - (b) Protection of grass, garden beds, trees in high traffic areas including stalls, food, beverage and merchandise sale areas.
 - (c) Tree pruning and or trench digging is not permitted in any reserve/ public land.
 - (d) Council may have underground services (eg: water mains and electricity) located within the bounds of the venue. You must not install stakes, star pickets, pegs or the like without first consulting Council about location of services.
 - (e) No signs or other structures are to be attached to trees unless approved by Council as part of the event.
 - (f) No glassware is permitted to be used.
7. For the removal of doubt, the venue must be left in the same condition as it was in prior to the event and the event organiser may be charged for any remedial work or additional cleaning required to achieve this. The event organiser may choose to take before and after photos if they are concerned about third party damage.
8. The event organiser is at all times responsible for the good order, conduct and behaviour of those persons attending the event.

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9. The duration of the event, including set up and pull down, must be scheduled to minimise the amount of time the venue is not available for public use.
10. Your booking does not include the exclusive use of the remainder of the venue. You must cause minimum inconvenience to local residents and to other persons wishing to use the reserve/ public land. The rights of the general public to have free and unrestricted access to the reserve/ public land must be respected.
11. The event organiser is responsible for ensuring that adequate toilet facilities are available for all participants, including accessibility guests, as outlined in Section 3.3.3 of the Event Policy. Consideration needs to be given for peak season tourism visitation requirements.
12. The event organiser shall provide to Council the contact number of a responsible person who may be contacted on the day of the event.
13. Council does not allow any Circus, which utilise exotic animals, to hire / occupy any Council land (owned or as Trustee). Exotic Animals are defined as;

Animals not native to Australia or introduced from abroad (excluding domestically farmed animals). This would include (but not limited to); lions, tigers, monkeys and primates, leopards, elephants, camels, antelope and foreign domestic cattle (including Ankole, Gayal and Yak); and Australian native animals (excluding those covered under exhibitor/education licences for wildlife rescue groups and educational mobile zoos).

Communications/Stakeholder Notification

14. This approval is conditional upon the event organiser complying with the following notification and consultation requirements:
 - (a) No less than 3 weeks prior to event, the event organiser must provide the Council with documented evidence of notification with the residents and businesses within the immediate vicinity of the event.
 - (b) No less than 3 weeks prior to the date of the event, the event organiser must notify (in writing) residents and businesses within the immediate vicinity of the event. This notification must include the following details:
 - i. The name and date and time(s) of the event, including set up and pull down.
 - ii. The event purpose.

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- iii. A description of the event including infrastructure / equipment.
 - iv. Number of expected participants.
 - v. Any expected disruptions to residents and businesses.
 - vi. Road closures.
 - vii. Any changes to public transport arrangements.
 - viii. A contact name and number of the event organiser.
15. The event organiser must also notify and consult with the following agencies as relevant - NSW Police Service, NSW Ambulance Service, St John Ambulance, NSW Health, State Rail, NSW Fire Brigade, RMS and local or effected Hospitals.

Emergency and Risk Management

16. The event organiser's strategies for emergency and risk management must comply with Australian Standards AS/NZS ISO 31000/2009.

Waste

17. Council encourages event organisers to minimise waste at events and promotes recycling of waste. Waste minimisation, recycling and waste management for the event activities must be delivered in accordance with the Waste Management Plan submitted to and approved by Council.
18. The event organiser must ensure that the venue and the surrounding area is maintained in a clean and tidy condition throughout the event, including the set up and pull down phases, and is returned immediately after the event to the same condition (to Councils standard) as it was in prior to the event.
19. No helium filled balloons to be used on any playing field, sportsground or reserves. No balloons, helium filled or otherwise, to be released in or around any Council owned playing field, sportsground or reserves.

Traffic, Roads, Parking & Access

20. Traffic management for the event activities must be delivered in accordance with the Traffic Management Plan submitted to and assessed by Council.
21. Vehicular access to the venue is restricted to the time required to load and unload materials. No vehicle will remain on the venue except for this purpose unless approved by Council.

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- 22. Vehicles must be parked in designated parking areas only.
- 23. Authorised vehicles must be escorted through the venue and not exceed walking pace.

Noise

- 24. No public address (PA) system or electronically operated sound equipment shall be used unless approved by Council as part of the event.
- 25. The sound generated by the event shall be controlled and activity must not result in the transmission of 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 [at the nearest affected receiver].
- 26. If, during the event, substantiated complaints or breaches of noise conditions occur, the event organiser must immediately reduce the noise to ensure the event complies with the noise levels specified in the noise conditions above.

Fireworks/ Pyrotechnics

- 27. No fireworks shall be allowed within the confines of the venue unless approved by Council as part of the event. Evidence of the pyrotechnics company's WorkCover certificate, public liability insurance, risk assessment for the use of fireworks at the event and a site plan showing exclusion zones shall be provided to Council.

Food

- 28. The preparation and sale or provision of food and all food vendors must comply with Council's requirements (including all approvals and permits) for the operation of temporary food stalls including but not limited to: Council's health conditions, the NSW Food Authority, the Food Act 2003, Food Regulations 2010, Council's Food Standards Code and relevant insurances. Drop sheets, port-a-floor or a similar non-permeable, non-slip matting must be placed under all cooking and serving areas.
- 29. No gas barbeques shall be allowed within the confines of the venue unless approved by Council as part of the event.
- 30. No open flames shall be permitted within the confines of the venue unless approved by Council as part of the event.

Income/Fundraising/Sales

- 31. The collection of monies and/or selling of goods shall not be allowed within the confines of the park/open space unless

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approved by Council as part of the event. Please note: approvals may be required to fundraise, please check with [Office of Liquor and Gaming](#) for more information.

Pamphlets/ Promotional Items

32. The distribution of pamphlets and or other marketing/promotional collateral material via letter box drops or at the event location shall be permitted by Council as part of the event; subject to Council's receipt and approval of copies of all collateral material being distributed including final versions of images and text. Where possible all pamphlets and or other marketing / promotional collateral should contain the following messaging "Please dispose of litter appropriately". Please note: it is illegal to distribute flyers on cars or on telegraph poles throughout Shoalhaven.

Alcohol

33. Alcohol can only be consumed on public land if you have a valid liquor licence and Council approval. A Temporary Event Liquor Licence and or extension of an existing Liquor Licence are required for all events serving alcohol. Evidence of liquor licence for the event must be supplied to Council, the NSW Police and displayed at your event.
34. Some public land has been declared an "alcohol free zone". No alcohol is permitted within these areas.

Music

35. A licence is required to use live music and or recorded music at the event if that music is protected by copyright.
36. The person who authorises the playing or performance of music at any event is responsible for obtaining the appropriate licences from the Australasian Performing Right Association (APRA) and the Phonographic Performance Company of Australia (PPCA).

NSW Police

37. The NSW Police shall be notified of your event.

Camping

38. No camping is allowed on any public reserves except for showgrounds or by Council approval. Fees can apply for camping at these locations.

*Shoalhaven City Council – Events Policy***Fires**

39. Fire restrictions that are in force during the event shall be complied with.

Temporary Structures

40. No temporary structures shall be located within the confines of the public land unless approved by Council as part of the event.
41. No amusement rides shall be erected or installed on public land unless approved by Council as part of the event.
42. The temporary structures must be erected and secured in accordance with the manufacturers / structural specifications to ensure they are structurally sound and can withstand likely wind in the locality and any likely live loadings and also comply as follows:
- (a) Separate certification shall be provided by the installers, for the structures, confirming installation in accordance with the relevant specifications. The certificates are to be provided to Council. There is a form amusement operators will need to complete, information is available [here](#).
 - (b) Stage structures are not to be loaded in excess of those loadings recommended by the suppliers and/or manufacturer.
43. Electrical services serving the stage and/or associated structures shall meet with the requirements of AS/NZS 3000 & 3002 and be certified by a licensed electrical contractor prior to the commencement of use. There is to be NO SMOKING in ANY structures, and appropriate signage is to be displayed in conspicuous locations throughout the site.
44. All mechanical and electrical installations including generators, electrical cabling and any mobile structures are to be surrounded or covered by appropriate physical barriers so as to prevent unauthorised access by the public at all times, and to protect ground laid cabling from being trip hazards, during public occupation of the site.
45. All structures, to which members of the public may be allowed access are to be supervised by responsible and authorised event representative at all times when occupied by the public.
46. All structures must be weighted and or 'pegged' as approved by Council.
47. After seeking approval from Council it is also recommended that the event organiser contact the "Dial Before You Dig"

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organisation, on telephone '1100', to ascertain the location of any underground services which may be affected by installation of the structures.

- 48. Any proposed security fencing must be designed and installed to accommodate expected crowd loads.
- 49. Adequate hand held fire extinguishers must be available at all times during operation of any electrical or electronic device, and are to be available at all times during operations.
- 50. The structures and surrounds are to be maintained in a clean and tidy manner at all times, all waste and general rubbish is to be cleared on a regular basis.

Fees and Charges/Refunds/Cancellations

- 51. The event organiser agrees to pay all fees and charges (including bonds) for the use of the public land to Council.
- 52. Once an application has been received and processed, cancellations are only accepted in writing. No Event Application Fees refund will be issued for cancellations that are received less than 14 days prior to the event date. A review of fee refunds can be requested for extenuating circumstances. Reviews must be received in writing to Council.
- 53. Bonds will be released back to the event organiser within 14 days after the scheduled date of the event subject to and inspection by Council and the public land being returned to its original condition.


*Shoalhaven City Council – Events Policy***Appendix**

1. [EVENT APPLICATION FORM](#)
2. [TRAFFIC MANAGEMENT PLAN TEMPLATE](#)
3. [WASTE MANAGEMENT PLAN TEMPLATE](#)
4. [EVENT MANAGEMENT PLAN TEMPLATE](#)
5. [NOTIFICATION LETTER TEMPLATE](#)

Shoalhaven City Council – Events Policy

1. EVENT APPLICATION FORM

The editable version of the Event Application Form can be found [HERE](#)



Event Application Form

Please return 90 days in advance of your event, marked to the attention of:
Events Liaison Officer at Events@shoalhaven.nsw.gov.au or PO Box 42, Nowra, NSW, Australia, 2541

Event Name: _____ Event Location: _____
 Event Address: _____ Event Day/s & Date: _____
 Set Up Date: _____ Pull Down Date: _____

Is this a pre-approved event? Yes ☐ No ☐

If Yes, please clearly state in the Event Details (Section 2 of this form) what has changed
and provide relevant attachments.

Has Council (Development Services Section ph. 4429 3486) reviewed your event to
ascertain if your activity requires a Development Application? Yes ☐ No ☐

1. APPLICANT DETAILS

Name of Event Organiser: _____

Organisation: _____ ABN: _____

Address: _____

Email: _____

Daytime Phone & Mobile: _____

Is this organisation a registered charity? Yes ☐ No ☐

If yes, please quote registered charity number: _____

- I declare that all the information in the application is to the best of my knowledge, true and correct.
 - I also understand that if the information is incomplete, processing of the application may be delayed or more information may be requested.

Signature of Event Organiser: _____ Date: _____

2. EVENT DETAILS

Set Up Start Time: _____ Set Up Finish Time: _____

Pull Down Start Time: _____ Pull Down Finish Time: _____

Daily Event Start Time: _____ Daily Event Finish Time: _____

Estimated Daily Attendance: _____ Target Audience: _____

Aim of Event: _____

Number of Staff/ Volunteers: _____

Is this event: Community (Free) ☐ Commercial (for Profit) ☐ Other ☐

Is this an annual event? Yes ☐ No ☐ If Yes, please quote next year's proposed date/s and location: _____

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Shoalhaven City Council – Events Policy

EVENT DETAILS Cont'd	
If public land (such as car parks, public roads, showgrounds, halls etc) other than the event address included at the start of this application form is required for the event please include details below	
Address: _____	
Set Up Start Time: _____	Set Up Finish Time: _____
Pull Down Start Time: _____	Pull Down Finish Time: _____
Address: _____	
Set Up Start Time: _____	Set Up Finish Time: _____
Pull Down Start Time: _____	Pull Down Finish Time: _____
Address: _____	
Set Up Start Time: _____	Set Up Finish Time: _____
Pull Down Start Time: _____	Pull Down Finish Time: _____

3. EVENT SITE PLAN	
Please attach a site plan (to scale) of your entire event, clearly indicating (where applicable):	
<input type="checkbox"/> Entry/ Exit Points	<input type="checkbox"/> Food & Drink Counters (incl. alcohol sales where applicable)
<input type="checkbox"/> Wide Entry/ Exit Points for Accessibility Guests	<input type="checkbox"/> Food & Drink Counters for Accessibility Guests
<input type="checkbox"/> Emergency Evacuation Points	<input type="checkbox"/> Other Stallholder Locations
<input type="checkbox"/> Emergency Vehicle Entry/ Exit Points	<input type="checkbox"/> Marquees & Other Temporary Structures
<input type="checkbox"/> Internal Pedestrian Flow Paths	<input type="checkbox"/> Additional Lighting/ PA or Other Sound Systems
<input type="checkbox"/> Designated Parking Areas	<input type="checkbox"/> Additional Bins/ Waste Management Measures
<input type="checkbox"/> Parking Areas for Accessibility Guests	<input type="checkbox"/> Toilets
<input type="checkbox"/> Traffic Management Measures	<input type="checkbox"/> Toilets for Accessibility Guests
<input type="checkbox"/> First Aid Stations	<input type="checkbox"/> Amusement Rides
<input type="checkbox"/> Designated Viewing Areas for Accessibility Guests	<input type="checkbox"/> Fireworks/ Pyrotechnics
<input type="checkbox"/> Security Personnel Locations	<input type="checkbox"/> Barricades/ Temporary Fencing

4. EVENT INSURANCE	
Insurance Company (must be APRA approved): _____	
Insurance Policy No.: _____	Expiry Date: _____
Please attach a current copy of your APRA Approved Insurance Certificate of Currency for Public Liability to the amount of a minimum of \$20million, with the following sentence included: "Shoalhaven City Council and the Minister administering the Crown Lands Act are noted as interested parties for their respective rights and interests". Note: this will only require a phone call to your insurance company and they will be able to email the amended Certificate directly to you.	

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Shoalhaven City Council – Events Policy

5. PUBLIC SAFETY INFORMATION			
Police			
Have the Police been notified of the event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide the following:			
Police Event Number:	Name of Officer Notified:		
If No, please advise why police notification is not required:			
Security			
Will there be security personnel at the event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If Yes, how will they be identified?:			
If No, please advise why security personnel are not required:			
Fireworks/ Pyrotechnics			
Will there be fireworks at the event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide the following:			
Company:	Start Time:	Finish Time:	
Please attach a current copy of the company's WorkCover certificate, public liability insurance and risk assessment for the use of fireworks at the event.			
Amusement Rides			
Will there be amusement rides at the event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please provide the following:			
Company:	Start Time:	Finish Time:	
Please confirm that you have sighted the Amusement Device Operator's current WorkCover certificate, public liability insurance (including the exact name of each of the rides that will be provided at your event) and Council Permit. Yes <input type="checkbox"/> No <input type="checkbox"/>			
Medical Assistance			
Will there be medical/ ambulance assistance at the event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please confirm that you have sighted the certification of the medical/ ambulance assistance. Yes <input type="checkbox"/> No <input type="checkbox"/>			
Animals			
Will there be live animals at the event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If Yes, please confirm that you have sighted the provider's current WorkCover certificate and public liability insurance.			
Yes <input type="checkbox"/> No <input type="checkbox"/>			
Communication / Stakeholder Notification			
Have residents and businesses in the immediate vicinity been notified (in writing) of your event?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Please find Notification Template here			

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6. EVENT STALLHOLDERS	
Number of Stalls: _____	Will you be serving alcohol at your event? <input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please provide Liquor Licence No.: _____	
Types of Stalls: _____	
Please confirm that you have sighted relevant insurance details of all Food Vendors and Stallholders. Food Vendors are required to hold a Temporary Food Licence issued by Council. Yes <input type="checkbox"/> No <input type="checkbox"/>	

7. EVENT OPERATIONS	
Traffic	
Will your event impact on, require or create:	
Public roads: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Existing Parking: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Road Closures <input type="checkbox"/> Yes <input type="checkbox"/> No	
Pedestrian Traffic <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes (to any of the above), please prepare and attach a Traffic Management Plan (TMP) for your event. The requirements of a TMP are included in the Event Policy here .	
Waste	
Number of bins on site: _____	Number of Bins Required: General Waste _____ Recycle _____
If the number of bins required is greater than the number of bins on site please prepare and attach a Waste Management Plan (WMP) for your event. The requirements of a WMP are included in the Event Policy here .	
Toilets	
Number of Toilets on site (including toilets for accessibility guests): _____	
Number of Toilets Required (including toilets for accessibility guests): _____	
Toilet requirements are included in the Event Policy here . If the number of toilets required is greater than the number of toilets on site you are required to provide the additional toilets for your event.	
Noise & Lighting	
Will you require Council Power and/or Lighting?: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please specify locations of power and/ or lighting on the event site: _____	
Will P.A. systems or amplified music be operating during the event? Yes <input type="checkbox"/> No	
If Yes, please specify times and source of noise at locations shown on site plan: _____	

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8. DISABILITY INCLUSION & ACCESSIBILITY

Consideration must be given to disability inclusion and accessibility, as per the NSW Family & Community Services *Disability Inclusion Plan 2015*. In the case of a community event an "accessibility guest" includes: a person with mobility needs (eg. wheelchair user), a person with sensory considerations, older people, a person with a temporary injury or illness and parents with prams.

To supplement the information shown on your site plan, please attach written evidence to show how you have addressed the following in the context of your event.

- various forms of accessible communication including up to date access information, signage and websites that comply with the International Web Content Accessibility Guidelines 2.0;
- public and/or private transport options to and from your event (door to door accessibility);
- safety considerations/ risk management for accessibility guests, including controlling of crowd numbers, security, evacuation procedures and guide dogs;
- holistic sensory considerations; and,
- staff/ volunteer disability awareness training.

9. EVENT SUSTAINABILITY

Council encourages the consideration and implementation of sustainability measures that can reduce the environmental impact of your event. Please prepare and attach a Sustainable Event Management Plan for your event. Further information (including a Sustainable Event Management Plan template) is included in the Event Policy [here](#).

10. WHAT HAPPENS FROM HERE

Your completed application will be considered by Council and a member of the Events Liaison Team will be in touch with you soon.

2. TRAFFIC MANAGEMENT PLAN TEMPLATE

EVENT NAME

YEAR

DAY, DATE YEAR

**TRAFFIC
MANAGEMENT PLAN**

CL22.543 - Attachment 2

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[PART 6 Contact List](#)

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PART 1 Event Overview

TMP Event Overview

Event Name:	Event Name
Event Date:	Day, Date, Year
Time:	0300hrs - 1500hrs
Location:	
Event Organiser:	
TMP Version:	
Revision Date:	
Document Author:	

This Traffic Management Plan is approved by:

Roads & Maritime Services:	/ /	
NSW Police:	/ /	
Department of Transport	/ /	
Shoalhaven City Council	/ /	
State Transit Authority	/ /	

Authority of the TMP

This Traffic Management Plan (TMP) when approved by the relevant authorities becomes the prime document detailing the traffic and transport arrangements under which the **Event name** will proceed.

Changes to the TMP require the approval of the NSW Police Force, the NSW Roads & Maritime Services (RMS), Council area and where necessary the appropriate local government organization. All functional or single agency supporting plans are to recognise the primacy of this TMP and nothing contained in those plans may contravene any aspect of the TMP.

Signatories to this TMP should normally be the agency's senior officer appointed to the operational command team for the event on the day.

In case of emergencies, or for the management of incidents, the NSW Police Force are not subject to the conditions of the TMP but will make every effort to inform the other agencies of the nature of the incident and the Police response.

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Planning Contacts

Organiser		Position:	
Phone:		Fax:	Mobile:
Address:			
E-mail:			

TMC		Position:	
Phone:		Fax:	Mobile:
Address:			
E-mail:			

RMS		Position:	
Phone:		Fax:	Mobile:
Address:			
E-mail:			

NSW Police		Position:	
Phone:		Fax:	Mobile:
Address:			
E-mail:			

Council Area		Position:	
Phone:		Fax:	Mobile:
Address:			
E-mail:			

Additional contacts		Position:	
Phone:		Fax:	Mobile:
Address:			
E-mail:			

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Mission

This document – Traffic Management Plan (TMP) aims to provide a plan for vehicular traffic and pedestrian control measures to assist in delivering safe logistical support of Insert Event Name event planned to take place Insert Location of Event on Day Date. The underlining objective is to minimise safety conflicts between vehicles and pedestrians and disruption to normal vehicular and pedestrian traffic on all approaches to Insert Location of Event.

The objectives of this TMP are:

- To provide a high level description of the various traffic management elements needed to make the event a success
- Ensure effective separation between event patrons and participants from vehicular traffic
- To provide a framework for each agency to use to develop their own lower level plans
- To serve as the key document that is agreed to by all parties and is the final approval to conduct the event.
- Minimise impact on non-event community and emergency services

Situation Analysis

On Day Date, there will be Event Name event held on Event Location that will require altered traffic arrangements.

Insert appropriate blurb about the event

Traffic Control measures included in this document is a result of consultation undertaken by Event Organiser Company, RMS, NSW Police, Insert names of relevant councils.

TRAFFIC ARRANGEMENTS

Traffic control measures include simple hard and soft road closures, use of traffic control devices (traffic signs) to warn motorist of the changes in traffic conditions. It is noted that per NSW Workplace Health & Safety (WHS) law the Event Organiser – Event Organiser Company and Land Owners – RMS, , Insert names of relevant councils bear individual and shared risks related to the safety of event patrons and motorist. Event Organiser Company and NSW Department of Premier and Cabinet (Protocol and Special Events) are identified as responsible for event related safety

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risks which are associated with non-transferable WHS statute-posed obligations and Common Law Duty of Care provisions. In this context, Event Organiser Company and NSW Department of Premier and Cabinet should continue to actively consult and take all reasonable measures to practically exercise their duty of care obligations.

These traffic arrangements are detailed in Part 2.

Execution

General Outline

The event requires highly coordinated efforts from a number of agencies:

Event Organiser

- Co-ordinates the logistics for holding the event, Venue Management / Event Production / Stage Management / Marshalling / Programming

Transport Management Centre & NSW Roads and Maritime Services

- Prepares the Traffic Management Plan
- Provides traffic information signposting as agreed to in the TMP.
- Provides resources and traffic management infrastructure for traffic control and road closures as approved in the TMP
- Monitor traffic on all roads approaching Event Location through TMC and on the ground to minimise traffic congestion on the day.

NSW Police

- Provide resources to manage road closures and point duty when required.
- Assists with the deployment of road closure and crowd control barriers when required

Insert Relevant Council Names

- Advertising for road closure locations, times and alternative route information in the Local News paper if required.

Physical Survey of Route

Survey of Route

Item	Verified <input checked="" type="checkbox"/> <input type="checkbox"/>	Action Taken
All one way streets are as described	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block access to Church on Sunday	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block access to local businesses	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block Ambulance access	<input type="checkbox"/> Yes <input type="checkbox"/> No	

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Item	Verified <input checked="" type="checkbox"/> <input type="checkbox"/>	Action Taken
Block fire station access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block heavy vehicle access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block hospital access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block local resident access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block Police vehicle access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block Public facility (football oval, carpark etc)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block public transport access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Can route use alternatives such as bicycle tracks, paths, parks, bush tracks etc?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Construction – existing, proposed that may conflict	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Distance measured is correct	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Lane widths	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Local access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Numbers of lanes are as described	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Restricted movements – banned turns, heavy/high vehicles	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Road signage – existing/temporary	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Route impeded by traffic calming devices?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Signalised intersections (flashing yellow? Point duty?)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Tidal flows	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Traffic generators – shopping centres, schools, churches, industrial area, hospitals	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Traffic movement contrary to any Notice	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Traffic signals are as described	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Turning lanes are as described	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Road Closures

Name of relevant part highlights the road closures during the event.

Maps showing road closures are in Name of relevant part.

*Shoalhaven City Council – Events Policy***Contingency Plans**

This section of the Traffic Management Plan describes the contingency plans for the event. The contingency plan checklist identifies all possible issues/risks that may interfere with the event and the action to be taken to minimise the disturbance of the event.

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Contingency Plan checklist

Issues/Risks	Applicable	Action Taken
Heavy Weather	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Lightening, hail, etc.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Poor Lighting	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Flood hazard on the route	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Flood hazard at the parking area	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Parking during Wet weather	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Bush fire hazard	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Accident on the route	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Breakdown	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Absence of marshals and volunteers	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Absence of traffic signs crew	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Block public transport access	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Slow participants	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Delayed Event	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Cancellation of Event	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Security of participants	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Security of very important persons (VIP's)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Dual purpose bridge Eg. old Glebe Island Bridge	<input type="checkbox"/> Yes <input type="checkbox"/> No	

A Risk Management approach shall be an integral part of the planning for Event Name event. The risk, identification, assessment and control process is a legal obligation (as per the NSW Workplace Health and Safety Act and Regulation) and should be compliant with

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AS/NZS ISO 31000:2009. Events New South Wales and NSW Department of Premier and Cabinet are responsible for the management of risks arising from Event Name.

It shall be noted that Traffic Management Plan (TMP) and particularly Traffic Control Plans (TCP) are seen as risk control measures, but alone they cannot substitute and AS/NZS ISO 31000:2009 – compliant and detailed event Risk Assessment.

Barricade Locations and Road Closure Times

See Separate Traffic Control Plan Document

Traffic Signal Data

RMS Network Operations Staff based in both the TMC and in the field will be monitoring via SCATS and CCTV traffic conditions in the surrounding areas during event times.

Special Event Clearways

Name of relevant part shows the road closures, the local access only roads and the special event clearways (if required) that will apply during the event.

Media

Insert applicable information

On-road Event Infrastructure

Ambulances

Emergency access lanes have been provided to allow emergency access to road closures areas.

Medical

There are Number x paramedic ambulances onsite for the duration of the event, at Location.

Port-A-Loos

There will be Number x portaloos in **locality**, Number x portaloos and Number accessible toilets.

Cleaning/removal/disposal

There will be wheelie bins and skips positioned at Location. During the event there will be waste staff servicing the picnic area of rubbish. At the commencement of the picnic an emu bob will occur at the Location.

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All wheelie bins will be pushed to the Location for collection. The skips will go off Location and Location.

Water drink station

Given the time and nature of the event, water is Outline availability of water. Limited water will be Outline availability of water for contingency.

Media

Media will be accredited and assemble at Location at Time. They will then be bused to the Location for the start of the event.

Barricades

Road closure barriers will be installed by Insert responsible persons.

Public Transport Management

Insert appropriate Public Transport information

Volunteers and Event Marshals

Insert appropriate Volunteer and Event Marshal information

Event Signage

The RMS will install advance notification and event signage per legislative requirements. This is outlined in the Traffic Control Plan document.

Insert appropriate Event Signage information

Variable Message Signs

Insert Appropriate Section shows the VMS Strategy that will be deployed to inform the motorist of changed traffic conditions approaching Location.

Access – Local Residents, Business, Emergency vehicles

Local Resident and Business Access

Insert appropriate Resident access information

Emergency Vehicle Access

The road closures allow for emergency vehicle access. NSW Ambulance, Police and Fire Brigade will be informed of changed conditions by Insert Event Company Name

Parking

Dedicated on-site parking is Available or Unavailable for this event

*Shoalhaven City Council – Events Policy***Other Considerations****Television**

Outline any television involvement and impact this may have

Major Hotels and Other Businesses

Outline any involvement and impact on Hotels and Businesses

Green Light Corridor

Outline any Green Light Corridor Information

Attachments

Traffic Control plans are issued in a separate document.

PART 2 Traffic Arrangements

DAY DATE

SPECIAL EVENT TRAFFIC ARRANGEMENTS

ROAD CLOSURES

INSERT ROAD CLOSURE TABLES FROM ADVERTISING DOCS

SPECIAL EVENT CLEARWAYS

INSERT ROAD CLEARWAY TABLES FROM ADVERTISING DOCS

INSERT DETOUR SIGNAGE DOC WITH PHOTOS

CL22.543 - Attachment 2

PART 3 Maps

INSERT MAPS

CL22.543 - Attachment 2

PART 4 VMS Strategy

INSERT VMS TABLE OF CONTENTS

INSERT ALL VMS WITH PICTURES DOC CONTENTS

CL22.543 - Attachment 2

PART 5 Operational Manual

INSERT PDF OF PRODUCTION SCHEDULE

CL22.543 - Attachment 2

PART 6 Contact List

EVENT NSW				
NAME	AGENCY	TELEPHONE	MOBILE	EMAIL
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink
Insert Name	Insert Agency I.e. RMS	Insert Phone Number	Insert Phone Mobile	Insert E-mail as Hyperlink

PART 7 Traffic Control Plans

INSERT RELEVANT TRAFFIC CONTROL PLANS

CL22.543 - Attachment 2

3. WASTE MANAGEMENT PLAN GUIDE AND TEMPLATE

Guidelines for event organisers

Developing an event waste management plan (WMP) helps to identify what kinds and how much waste your event will generate and how you plan to collect and remove that waste.

WHEN IS AN EVENT WASTE MANAGEMENT PLAN REQUIRED?

An event WMP is required where:

- a Development Application is required for the event
- it is requested by Council
- 100 patrons or more are expected and food and/or alcohol are served.

HOW CAN WASTE FROM AN EVENT BE REDUCED?

Waste should be avoided and reusable materials used where possible. Where unavoidable, recyclable or compostable or biodegradable materials should be utilised along with appropriate collection systems and waste services.

COMPOSTABLE

Check with your waste service provider what materials they will accept via an organics collection system. Generally, food scraps and paper that will break down into organic matter can be composted.

WHAT WASTE MANAGEMENT STRATEGIES MUST BE IN PLACE FOR EVENTS?

When hosting an event, these are the minimum requirements you must meet:

- Avoid packaging.
- Minimise giveaways.
- Utilise reusable, recyclable or compostable/biodegradable food and beverage ware.
- Provide highly visible, clearly labelled waste and recycling bins. (Aluminium, glass, plastic, steel and paper recycling is usually collected via yellow, 240L recycling bins, with labelled lids. Cardboard recycling is usually collected via a labelled skip). Enquire about hiring Council's bin caps and signage, for a refundable deposit.
- Empty bins before they are full.
- Safely store, use and dispose of potentially polluting substances, eg used cooking oil is to be stored in a sealed container and removed for off-site disposal. Note that a Spills Management Plan is required when hazardous substances are present at an event.

BIODEGRADABLE

Check with your waste service provider whether they will collect certain biodegradable materials. Sugarcane fibre, bamboo, cornstarch, polylactide (PLA), cellophane wrap made from cellulose and some other materials can be broken down into organic matter over a period of time if exposed to the right conditions.

- Store used wastewater in a sealed container and remove for off-site disposal. Wastewater is not permitted to be disposed of via the stormwater drain.
- Arrange bins consistently throughout the site, with a recycling bin always next to a waste bin.
- Locate bin stations near to where food and beverages will be consumed, at entry/exit points, close to toilets/facilities and at the intersection of pathways. Consider the access needs of children, people with disabilities, service providers and contractors.
- Position bins a maximum of 14 metres apart and make them visible.
- Identify a bin collection point and bin transfer routes to the collection point.

WHAT OTHER WASTE MANAGEMENT STRATEGIES ARE RECOMMENDED FOR AN EVENT?

- Provide organics collection facilities. Organics can be collected in an organics bin and processed by a commercial compost, worm farm or organics recycling system.

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- Utilise bin monitors to encourage appropriate bin use.
- Provide a water dispenser or water refilling station to minimise purchase of bottled water.
- Hire bin caps and signage from Council, for a refundable deposit.
- Donate leftover food to a charity

HOW DO I CALCULATE HOW MANY BINS ARE REQUIRED?

In general, expect a minimum of one litre of waste per person per meal. However, this may vary depending on catering, alcohol availability, number and profile of attendees as well as the waste management minimisation strategies utilised.

As an example:

- 1,000 people x 2 meal times = 2,000 litres of estimated waste
- Divide 2,000 by 240 litres (a standard wheelie bin) = 8x wheelie bins (4x bin stations with one recycling bin and one waste bin each)
- Less bin stations may be utilised if bins are emptied often, especially those bins near food and beverages.

WHAT INFORMATION NEEDS TO BE INCLUDED IN THE EVENT WASTE MANAGEMENT PLAN?

To complete the event waste management plan you need to:

- Provide the event's name, date, time, venue, coordinating organisation, anticipated number of attendees and description of event activities.
- Note whether the event will have on-site or off-site food preparation, alcohol or other beverages available. Outline the number of mealtimes covered by the event, the number of food/beverage and other stalls/outlets.

- Provide the names, roles/positions and phone numbers of key event contacts.
- Provide the name of the proposed waste service provider for the event. Note that following approval of a waste management plan, a waste and recycling collection agreement should be agreed with the event's waste service provider and a copy provided to Council. This may be Council's commercial waste service or private waste service provider(s). The Agreement should identify type, number and volume of bins that will be provided for public use, stallholder or contractor use, when the bins will be delivered, emptied and removed, and how the bins will be secured.
- An outline of the waste management strategies that will be utilised.
- Attach an event site map to the waste management plan highlighting the location of bin stations and bin transfer routes to a collection point.

WHERE CAN I GET ADVICE ON DEVELOPING AN EVENT WASTE MANAGEMENT PLAN?

The proposed event waste service provider will generally be able to provide information to assist in the completion of the event waste management plan. General advice is available from Shoalhaven Council's Environment Officer – (02) 4429 3111

HOW DO I SUBMIT THE EVENT WASTE MANAGEMENT PLAN?

Where required, an event waste management plan must be submitted to the key Council event contact prior to an event permit or licence being issued. The waste management plan will be referred to Council's Environmental Services division for assessment. This may result in approval, recommendations to alter the plan and/or the insertion of conditions into the event application.

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RECYCLABLE AND NON-RECYCLABLE MATERIALS

MATERIAL	RECYCLABLE	NON-RECYCLABLE
Paper and cardboard	Milk/juice cartons, cardboard boxes, paper cups*, newspapers, magazines	Waxed products such as cups and boxes; soiled cardboard, soiled paper; foil-lined products such as cartons
Plastics	Drink bottles, plastic milk bottles, coffee cup lids	Straws, plastic bags, polystyrene, cling wrap
Steel	Food cans, aerosol cans, jar lids, coffee tins	
Aluminium	Drink cans, clean foil wrap, clean foil trays	Soiled foil and foil trays, foil food bags
Glass	Bottles, jars	Ceramics, light bulbs, pyrex, mirrors

* Paper cups with a thin plastic lining are generally recyclable – waxed paper cups and other waxed products are generally not recyclable.

COMMUNITY WASTE TEMPLATE

Name of event:

Date:

Time:

Venue:

Organisation holding event:

Waste Management Contact:

Mobile Phone Number:

Anticipated crowd capacity:

Please indicate the types of waste that may be produced:

☐ Recycling Waste☐ Cardboard boxes and paper cups,
☐ Waxed products such as cups and boxes☐ milk and juice cartons or newspapers oily paper cups and bags (from fried food)☐ Plastic drink bottles and cup lids Straws, polystyrene and plastic bags☐ Aluminium drink cans and clean foil trays Aluminium foil food bags☐ Glass bottles and jars Ceramics, Pyrex and light bulbs☐ Food cans and aerosol cans Lolly wrappers and chip packets☐ Food and organic waste

Number of bins required:

Recycling Waste

*Example**1,000 people x 2 meal times = 2,000 litres**Divide 2,000 by 240 litres = 8 wheelie bins**(4 recycling and 4 waste bins or 8 waste bins)*

How often will bin stations be monitored?

Who will monitor recycling bins for contamination of food and general waste?

Which contractor are you using for your waste (and recycling) collection?

How and where will waste/recycling be removed to for convenient and safe collection by trucks?

4. EVENT MANAGEMENT PLAN TEMPLATE

An event Business Plan serves to communicate the strategic plan for taking the event forward, usually over a period of three to five years (if it is not a one-off proposition). Every event should have a Business Plan.

Regardless of the scale, age or history of your event, the Business Plan is an essential tool that will:

- Communicate the vision, purpose and benefits of the event to others
- Enable you to focus on the event's potential to develop and grow
- Illustrate and help secure the event's viability and sustainability in the longer term
- Show how much money is needed and what it is needed for
- Help you plan the resources, delivery and operating structure
- Help you raise funding
- Help you measure success

It is recommended that all business plans being submitted contain the following:

- An Event Overview including:
 - Vision and Mission Statement
 - Key Outcomes/deliverables
 - The Event
 - Target Market
 - Stakeholder involvement and benefits
 - Delivery mechanism
- Development Plan including
 - Strategic Development
 - SWOT Analysis
- Financial Plan and Considerations
 - Income and Expenditure projections
 - Economic Impact Estimation

Key areas to be addressed in an event business plan include:

- The event's vision and mission – *i.e.* what it ultimately aims to achieve
- Who the key stakeholders are, what benefits they will accrue and how the event fits with their strategies
- The relevant experience and track record of the organisers
- The event's background and an overview of plans for the current year
- The SWOT analysis (identify strengths, weaknesses, opportunities and threats)
- Key objectives and achievement strategy for the current year
- Marketing and communications planning
- Event requirements – staffing structure, facilities, services, venues, etc
- How much the event will cost – budget projections over 3–5 year period
- How will it be paid for – identifying income streams
- Management and business controls
- Risk management and contingency plans
- Future considerations

<Insert event title>

<Document title i.e. '..... Business Plan 2017 - 2019'>

(<insert version no> <insert date>)

(<Insert Event Logo/brand>)

(<Insert contact details>)

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Contents Page**Executive Summary**

1. **Background & History**
 - Event Management/Experience
 - Event History
2. **Event Overview**
 - Vision and Mission
 - Key Outcomes/deliverables
 - The Event
 - Target Market
 - Stakeholder involvement and benefits
 - Delivery mechanism
3. **Development Plan - Going Forward**
 - Strategic Development
 - SWOT analysis
4. **Event Requirements**
 - Facilities
 - Services
 - Production
 - Legal & insurance
5. **Marketing and Communications Plan**
6. **Financial Plan & Considerations**
 - Income and Expenditure Projections
 - Economic Impact Estimation
7. **Management and Business Controls**
 - Event Action Plan Template
 - The Business
 - Monitoring and Evaluation of outcomes
 - Risk factors
8. **Appendices**

Executive Summary

The executive summary should be concise and should contain an overview of the following:

- What the event is
- The event's vision & mission
- Its objectives
- When and where it will take place
- Why the event has been developed
- Who the event aims to attract (the market)
- What the key benefits of hosting the event are – to the community, sector, stakeholders, etc
- Who developed the event and Business Plan
- Statement as to the estimated event income and expenditure
- Business Plan review (i.e. plans for monitoring and updates)
- What the main sections of the Business Plan are

1. Background & History

This section should include information on:

Event Management/Experience – outline who you are and what your relevant experience and track record is

Event History – is this the events first year; where did the idea come from; have there been similar events; has it previously been staged elsewhere; what kind of event is it; who does it attract?

2. Event Overview – Current Year

This section should set out plans for the ‘live’ event year:

Vision - A short statement that describes, in broad terms, the event’s long term aim

Mission - A more detailed statement which provides detail on how the vision will be delivered:

Key Outcomes/deliverables – Targets/Objectives - This is an opportunity to define and communicate the objectives and deliverables of the event. These should help to deliver the vision and mission. Set timescales and identify who each action will be led by (i.e. which organisation/individual). They need to be clearly set out and should follow the SMART principle: Specific, Measurable, Achievable, Relevant and Time-Based:

The Event – describe the event and its various elements in more detail. Give an overview of the intended event content/programme and any new developments

Target Market – give an outline of the existing audience/spectator/participant profile (if there is one) and state targets for growth and development (you should go into more detail in section 5)

Stakeholder Involvement and Benefits – describe the involvement and benefits each stakeholder should expect (event partners, public funders, sponsors, supporters, host venue/city, the local community, etc). Make sure you state where the event and stakeholder strategies align

Delivery Mechanism -

3. Development Plan – Going Forward

This section should present an outline of how the event will develop over the next 3–5 years:

Strategic Development – with your vision and mission in mind, outline your key objectives and how they will be delivered and developed beyond the current year; set timescales and identify who will lead each action (i.e. organisation/individual)

SWOT analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> • <i>Unique event in calendar</i> • <i>Point 2</i> • <i>Point 3</i> 	<ul style="list-style-type: none"> • <i>Potential for weather to affect programme</i> • <i>Point 2</i> • <i>Point 3</i>
Opportunities	Threats
<ul style="list-style-type: none"> • <i>To grow into new markets and invite in different age groups</i> • <i>Point 2</i> • <i>Point 3</i> 	<ul style="list-style-type: none"> • <i>Clashes with other events taking place in the local area</i> • <i>Point 2</i> • <i>Point 3</i>

4. Event Requirements

This section should outline what is required on an operational level to deliver the event:

Facilities – what facilities are required in terms of public utilities, accommodation (on and off site), catering, communication, other technology (such as timing equipment for sporting events), etc

Services – what services will be required and who will provide them: medical, police, child protection, fire, traffic management, health & safety, security, media, etc

Production – detail the production equipment required such as power, fencing, staging, sound, lighting, vision, heavy plant, etc

Legal & Insurance – consider the implications of contractual arrangements and the necessary insurance required to cover all aspects of the event. Also consider event development approval processes.

5. Marketing & Communications Plan

This section outlines how you are going to market the event to your audience, it also includes details of how you will communicate with key stakeholders in the lead up and during the event.

6. Financial Plan & Considerations

This section is crucial. You need to show that the event is financially viable and achievable.

We recommend that you utilise the 'Annual Budget Template' below. If this is not possible, we recommend that you include, at a minimum, the following:

Income and Expenditure Projections – present detailed event budgets and cash flow projections for the period of the plan

Economic Impact Estimation – the additional income that holding the event will bring to your area/economy

ANNUAL BUDGET TEMPLATE

	Total Budget Value	Total Budget Value	Total Budget Value	Notes
INCOME	15/16	16/17	17/18	
· Grants/Public Funding				
· Amount requested from Fed/State/Local Gov.				
· Trusts/Foundations				
· Sponsorship				
· Ticket Sales				
· Merchandising – Trade site fees / Hospitality / Programmes				
· Other Income				
Total Income	\$0	\$0	\$0	
EXPENDITURE	Total Budget Value	Total Budget Value	Total Budget Value	Notes
Administration				
· General Administration				
· General Insurance				
· Travel & Accommodation				
· Staff Salaries & Fees				
· Management Fees				
· Other Administration Expenses				
Subtotal Administration	\$0	\$0	\$0	
Event Costs	Total Budget Value	Total Budget Value	Total Budget Value	Notes
· Event Evaluation/Bid Costs				
· Permission Fees (if appropriate)				
· Facility/Venue Costs				
· Other Production Costs (Plant, Equip. Hire, Crew, Security)				
· Health & Safety				
· Event Insurance				

• Ceremonies				
• Entertainment/Artistic Programme (fees and costs)				
• Hospitality				
• Cost of Merchandising				
• Travel, Accommodation & Services				
• Communication (Radios etc)				
• Other Event Expenses				
Subtotal Event Costs	\$0	\$0	\$0	
Marketing and Promotion Expenses	Total Budget Value	Total Budget Value	Total Budget Value	Notes
• Advertising				
• Design Fees & Print Production				
• Direct Mail/Distribution/Display				
• Internet				
• Promotions				
• Market Research				
• Ticket Production				
• Other Marketing & Promotions Expenses				
Subtotal Marketing and Promotion	\$0	\$0	\$0	

	Total Budget Value	Total Budget Value	Total Budget Value
	15/16	16/17	17/18
TOTAL EXPENDITURE	\$0	\$0	\$0
CONTINGENCY (10% OF TOTAL EXPENSES)	\$0	\$0	\$0
TOTAL EXPENSES + CONTINGENCY	\$0	\$0	\$0
SURPLUS / DEFICIT	\$0	\$0	\$0

7. Management & Business Controls

In this section you need to show that you are set up to manage the event appropriately

Event Action Plan - (See overleaf)

Event Action Plan – set out a clear timetable covering all aspects of event delivery

Event Action Plan Template															
Event Name:															
Date of Event:				Plan updated on:						Version:					
Activity	Responsibility (Insert Name)	J	F	M	A	M	J	J	A	S	O	N	D	J	Status
Update Business plan															
Steering Meetings															
Marketing															
Agree Objectives															
Engage Designer															
Designs Approved															
Print Ready															
Etc															
Press															
Engage press Officer															
Agree Milestones															
Long Lead research															
Launch															
Features Placed															
On site Photo-op															
Etc															
Fundraising															

List and Insert milestones															
Programming															
List and Insert milestones															
Production															
List and Insert milestones															
Licensing and Legal															
List and Insert milestones															
Monitoring and Research															
List and Insert milestones															
On Site															
List and Insert milestones															
Live Event															
List and Insert milestones															
Take Down/De-rig															
List and Insert milestones															
Reporting															

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The Business – describe how you will keep track of the business; describe the management and administration systems that will ensure the smooth running of the event

Other Records – explain the other systems you will put in place to monitor progress of each operation, when will you do it, who will do it, etc

Monitoring and Evaluation of Outcomes - how will you measure objectives and outcomes against levels of achievement (marketing, budget, etc) and how will you provide reports?

Risk Factors – identify key risk factors (e.g. with respect to your objectives, programme, finances, operations, reputation, legal, audience, health & safety, etc). Show how you will manage and mitigate risks and provide an initial risk assessment

9. Appendices

These may include appropriate documents such as

- Additional financial information
- A site/venue map
- Previous research and economic impact information
- Equal opportunities policy
- Health and safety policy
- Ethical practices
- Code of practice/staff briefing document

Shoalhaven City Council – Events Policy

5. NOTIFICATION LETTER TEMPLATE

Insert Event Organisation

NOTIFICATION OF EVENT

Dear Resident/Tenant,

This letter is to notify you that (INSERT COMPANY) are holding an event at (INSERT LOCATION/S) on (DATE).

EVENT DETAILS:

› DAY and DATE

› START TIME to FINISH TIME (also include details of set up and pack down timing)

› BRIEF DESCRIPTION OF EVENT ACTIVITIES

› EXPECTED ATTENDANCE NUMBERS

› LIST STREETS, PARK or LOCATIONS AFFECTED and HOW THEY WILL BE AFFECTED including detailed information regarding ROAD CLOSURES and PARKING RESTRICTIONS.

An application for an event permit has been submitted with the Shoalhaven City Council and we will conduct our activities in accordance with the terms and conditions requested by the Shoalhaven City Council.

We will make every effort to minimise impact on your neighbourhood and we thank you in advance for your understanding and cooperation on this matter.

Should you have any queries or require more information please don't hesitate to contact our event organiser, (NAME) on (MOBILE NUMBER).

Kind Regards,

(NAME) Event Organiser

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Shoalhaven Development Control Plan 2014

Draft Chapter 11: Subdivision

Draft Chapter 11: Subdivision

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Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1			New

Shoalhaven Development Control Plan 2014

Draft Chapter 11: Subdivision

1 Purpose

The purpose of this Chapter is to guide the efficient subdivision of land and buildings in the Shoalhaven Local Government Area (LGA).

Advisory Note: In addition to the provisions outlined in this Chapter, you must refer to:

- Supporting Document 1: Subdivision Technical Guidelines.
- Council's Engineering Design Specifications.

2 Application

This Chapter applies to all land in the Shoalhaven LGA.

3 Context

This Chapter encourages appropriate subdivision that is well designed and minimises infrastructure costs. In New South Wales, there are three main types of subdivision:

- **Torrens subdivision** is the most common and well known form of subdivision for dwelling houses (detached homes) and is increasingly used for certain dual occupancy and multi dwelling housing developments.
- **Community Title subdivision** enables lots to be created for shared facilities, within an otherwise conventional subdivision. This form of subdivision sits between Torrens and strata subdivision and shares the benefits of both. Refer to the *Community Land Development Act 1989* and *Community Land Management Act 1989* for more information.
- **Strata subdivision** allows for the subdivision of buildings into separate titles so that each dwelling is a separate 'strata lot'. Common property is created that includes driveways, external landscaping, bin areas, communal open space, visitor car parking and the like. Strata subdivision is commonly seen in medium density development, including dual occupancies, multi dwelling housing and residential flat buildings. Refer to the *Strata Schemes Development Act 2015* and *Strata Schemes Management Act 2015* for more information.

4 Objectives

The objectives are to:

- Encourage high quality urban design and residential amenity.
- Set appropriate environmental criteria for subdivision.
- Provide a comprehensive design approach for residential, rural, industrial and commercial subdivision.
- Provide for the ecologically sustainable subdivision of land.

Shoalhaven Development Control Plan 2014

Draft Chapter 11: Subdivision

5 Controls

Mandatory Control:

1. The provisions of the following publications must be met and will take precedence over provisions in this Chapter:
 - NSW Rural Fire Service's Planning for Bushfire Protection.
 - NSW Government's Fire Safety Guideline – Access for Emergency Vehicles and Emergency Service Personnel.

5.1 Road, Pedestrian and Cyclist Network

5.1.1 Major Road Network

Note: Refer also to Chapter G21: Car Parking and Traffic of this Development Control Plan.

The specific objective is to:

- i. Provide an integrated and cost effective major street network for vehicles, public transport, pedestrians and cyclists that minimises traffic impacts and deters through traffic.

Performance Criteria	Acceptable Solutions
P1 Arterial road networks accommodate projected traffic movements and public transport services.	A1.1 Arterial corridors shall be provided at regular intervals.
P2 The street network design facilitates efficient traffic movement.	A2.1 Connectivity between the street network and the traffic route network shall be maximised and consistent with the role of each traffic route in the hierarchy.
P3 Neighbourhood streets do not unnecessarily operate as through traffic routes for externally generated traffic, other than for pedestrians, cyclists and public transport.	A3.1 Projected through traffic volumes conform to the annual average daily traffic (AADT) in Table 1 of Supporting Document 1.
P4 Safe and efficient connections are provided between transport corridors and residential neighbourhoods.	A4.1 Emergency and footpath connections shall be provided to residential areas of 30 or more allotments with only one proposed road access. A4.2 Connections between residential streets and arterial roads are to conform to the specifications in Section 2 of Supporting Document 1.

Shoalhaven Development Control Plan 2014

Draft Chapter 11: Subdivision

Performance Criteria	Acceptable Solutions
P5 The performance of road corridors is protected and the quality of street networks in precincts or neighbourhoods is preserved.	A5.1 Junctions between external roads and internal road networks are to be located to minimise restriction of movements on roads.
P6 Access arrangements for residential development and other forms of development along arterial roads does not impede the road traffic.	A6.1 No direct vehicular access to a local distributor road (or above) is to be provided to development fronting or adjacent to that road. The preferred option shall be via a service road.

5.1.2 Local Road Network

The specific objective is to:

- i. Create street networks that clearly define the function of each street, provide acceptable levels of access, safety and convenience for all users, and minimise environmental impact.

Performance Criteria	Acceptable Solutions
P7.1 The street network has a clear function and each street conforms to its function in the network.	A7.1 Streets link with other streets in the network that are no more than two levels higher or lower in the hierarchy.
P7.2 Clear physical distinctions are seen between each type of street based on function, legibility, convenience, traffic volumes, vehicle speeds, public safety and amenity.	A7.2 The street network reflects the characteristics specified in Section 2 of Supporting Document 1.
P7.3 Design features of each type of residential street encourage driver behaviour appropriate to the primary function of the street.	
P8 Junctions along residential streets are spaced to create safe and convenient vehicle movements.	<p>A8.1 Intersections are:</p> <ul style="list-style-type: none"> • Located as per Section 2 of Supporting Document 1. • Spaced applying Approach Sight Distance (ASD) design as per AUSTROADS AGtRD4A. <p>Note: Any variations to these parameters must be approved by Council Engineers and must be based on supporting evidence (turning movements, road design and the like) verified by AUSTROADS Guides. This allows for reasonable variations for site-specific optimisation where required.</p>

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Performance Criteria	Acceptable Solutions
	A8.2 Kerb ramps must be provided at intersections and crossing points where footpaths are constructed.
P9 Movement of residents between their homes and higher order roads is convenient.	<p>A9.1 Driving distance from any dwelling to the nearest collector or higher order road must be no greater than 700m.</p> <p>A9.2 A vehicle must undertake no more than three turning movements at intersections in order to travel from any dwelling to the most convenient collector road or higher order road.</p>
<p>P10.1 Traffic generated by the development is within the acceptable capacity of the roads.</p> <p>P10.2 Streets do not operate as through routes for externally generated traffic.</p> <p>P10.3 The length of time local drivers need to spend in a low speed environment is minimised.</p>	<p>A10.1 Intersections are T-junctions or roundabouts and are designed to AUSTROADS guidelines. Design of roundabouts considers:</p> <ul style="list-style-type: none"> • Use as slow points. • Site specific measures. <p>Note: Intersections will be referred to Council's Local Traffic Committee where necessary.</p> <p>Should the classification of the road network beyond the subdivision be changed as a result of a significant increase in traffic generated by the proposal, the surrounding road network may need to be upgraded accordingly.</p>
<p>P11 Restraint measures for traffic speed and/or volume considers other street users and residents of adjoining dwellings by avoiding:</p> <ul style="list-style-type: none"> • Stop start conditions. • Increased traffic emissions. • Unacceptable traffic noise. • Devices that reduce convenience or safety for cyclists and public transport. 	<p>A11.1 All dwellings shall be located to front streets with low traffic volumes.</p> <p>A11.2 As set out in Supporting Document 1, traffic speeds and volumes shall be restrained by such means as:</p> <ul style="list-style-type: none"> • Limiting street length. • Introducing curves with additional pavement widths to allow for chicaning. • Introducing slow points as set out in this Chapter. • Street tree planting. <p>A11.3 All engineering design detail is to be in accordance with Council's Engineering Design Specifications.</p>

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Performance Criteria	Acceptable Solutions
P12 Street/carriageway widths and lengths optimise the cost effectiveness of the street network.	A12.1 Collector roads shall be less than 1200m long, except where topography or location of major traffic routes make longer distances unavoidable.

5.1.3 Public Transport

The specific objective is to:

- i. Increase opportunities for choice in mode of transport, whilst providing cost effective, efficient, direct, safe, accessible and convenient public transport to the community.

Performance Criteria	Acceptable Solutions
P13 Neighbourhood densities support regular public transport services.	<p>A13.1 Bus routes shall be provided in all new residential areas in accordance with the:</p> <ul style="list-style-type: none"> Disability Standards for Accessible Public Transport 2002. Transport for NSW's Disability Inclusion Action Plan. Transport for NSW's Guidelines for Public Transport Capable Infrastructure in Greenfield Areas.
<p>P14.1 Within walking distance of public transport stops, residential densities:</p> <ul style="list-style-type: none"> Take advantage of existing/proposed infrastructure. Support the economic operation of the services. 	<p>A14.1 Existing and proposed bus routes must be clearly identified on subdivision plans.</p> <p>Note: Consider relevant NSW Government standards and guidelines relating to bus route requirements.</p>
<p>P14.2 A network of public transport routes address:</p> <ul style="list-style-type: none"> Projected travel demand. Distribution, scale and time of demand. Characteristics of travellers. Travel time. Operating characteristics. Cost of providing the service. Route design and location. 	<p>A14.2 Where stages of development are applied for:</p> <ul style="list-style-type: none"> A master plan must be submitted to identify the overall proposed public transport route for the whole development. Appropriate temporary routes and turnaround facilities must be provided at each stage. <p>Note: The master plan must be resolved up front prior to any individual stages being lodged.</p>

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Performance Criteria		Acceptable Solutions	
		A14.3	At least 85% of dwellings are within 800m safe walking distance from an existing or potential bus route.
P15	Bus routes provide for: <ul style="list-style-type: none"> Convenient connections to adjoining areas and other existing/future public transport routes. Safe bus movements, including between neighbourhoods. Links between activity centres within and external to the development. 	A15.1	Bus routes shall link residential areas across roads that carry more than 6000vpd to enable a left turn into the road , followed by a right turn into the adjoining residential area.
P16	The alignment and geometry of the streets forming bus routes allow efficient and unimpeded movement of buses without facilitating high traffic speeds.	A16.1	Regular bus routes shall be designed with a minimum pavement width as per Table 1 in Supporting Document 1.
		A16.2	Bus routes are to adequately cater for the operational requirements of large 14.5m rigid buses.
P17	Public transport stops: <ul style="list-style-type: none"> Provide for pedestrian safety, security, comfort and convenience. Are inclusive and accessible. 	A17.1	Where the bus route serves residential development, bus stops are to be no more than 400m apart.
		A17.2	Bus stops must relate to the network of pedestrian paths.
		A17.3	Bus stops are designed and located to: <ul style="list-style-type: none"> Ensure safe pedestrian crossing. Provide shelter, seats, adequate lighting and timetable information. Be overlooked from nearby buildings (where they exist). Minimise any adverse impacts on the amenity of nearby dwellings.

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5.1.4 Pedestrian and Cyclist Network

The specific **objectives** are to:

- i. Provide all residents with the opportunity to walk or cycle to the nearest **community facilities**.
- ii. Ensure safe and convenient links to major destinations external to the neighbourhood.
- iii. Reduce the need for separate cycle and pedestrian linkages by encouraging shared walking and cycling routes along quieter local streets.

Performance Criteria	Acceptable Solutions
<p>P18.1 All new residential areas provide a network of pedestrian and cycle routes that connect to adjoining streets, open spaces and activity centres.</p> <p>P18.2 A pathway network and hierarchy is developed:</p> <ul style="list-style-type: none"> • With safe and logical linkages. • Which addresses safer by design guidelines. • To improve accessibility to the community. • To provide access to public transport or other community facilities. <p>P18.3 Street design for access places and access streets accommodate pedestrian and cyclist use of the street pavement.</p> <p>P18.4 The network of footpaths and cycle routes are interesting, convenient and optimise:</p> <ul style="list-style-type: none"> • Walking and cycling. • Low vehicle speeds/volume, safe sight distances and adequate pavement markings, warning signs and safety rails (where appropriate for cyclists). • Anticipation of likely users, e.g. School children, parents with prams, the aged and disabled, commuter and recreational cyclists. • Links to open space networks and community facilities such as 	<p>A18.1 Footpaths and/or cycleways are provided to connect existing/ planned facilities as identified in:</p> <ul style="list-style-type: none"> • Site specific chapters in this Development Control Plan. • Council's Bicycle Strategy. • Pedestrian and Access Mobility Plan. • Shoalhaven Integrated Transport Strategy. <p>A18.2 Footpaths and cycle ways shall provide appropriate connections to external path networks.</p> <p>A18.3 Safe crossings are created with pedestrian refuges, slow points, thresholds or other appropriate mechanisms, where:</p> <ul style="list-style-type: none"> • Traffic volumes exceed 3000vpd; or • Speeds exceed 50kph. <p>Note: High pedestrian generating developments should not be located on distributor roads.</p> <p>A18.4 Kerb ramps are located at all kerbs and are designed to also assist sight impaired people.</p> <p>Note: Pedestrian crossings may be required external to the development to mitigate any adverse safety issues arising from pedestrian/cyclist desire lines generated by the development.</p> <p>A18.5 Footpaths and cycleways shall be</p>

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Performance Criteria	Acceptable Solutions									
<p>schools, public transport and local activity centres.</p> <ul style="list-style-type: none">• Consideration of the site topography.• Cyclist and pedestrian safety and amenity, including protection from cyclists and parked and moving vehicles.• Amenity, shade, landscaping, retention of existing trees/significant features and a sense of safety with tree planting.• Efficient postal deliveries.• The presence of development fronting the street.• Views, vistas and landmarks where available.• The location of physical services.• The cost effectiveness of construction and maintenance.• Appropriate crossfalls and topography.	<p>provided in accordance with Section 3.3 of Supporting Document 1.</p> <p>OR</p> <p>Footpaths are provided on one side of streets with traffic volumes over 500vpd.</p> <p>A18.6 Pedestrian and cyclist connections and laneways must:</p> <ul style="list-style-type: none">• Be 15m wide (inclusive of pathway) when traversing through open space areas, or 6m (inclusive of pathway) for laneways and other connections.• Be consistent in width along the whole length.• Be short enough to provide visual connection from one end to the other.• Provide good sight lines into and out of the connection/laneway/open space.• Be designed according to Crime Prevention Through Environmental Design (CPTED) principles.									
<p>P19.1 Footpaths or shared paths are designed and constructed with appropriate widths, longitudinal gradients and sight distances to cater for a range of user types and projected pedestrian/cyclist volumes.</p> <p>P19.2 Adequate provision for passing is accommodated at potential conflict points, junctions or on high use facilities paths.</p> <p>P19.3 The pedestrian and cyclist network is designed to minimise the risk from flooding.</p>	<p>A19.1 Collector road footpaths or shared paths are designed in accordance with Table 5 in Supporting Document 1.</p> <p>A19.2 The width and grade of pedestrian footpaths and cycleways comply with Table 1.</p> <p>Table 1: Pedestrian Footpaths and Cycleways</p> <table><tr><th></th><th>Width</th><th>Maximum Longitudinal Gradient</th></tr><tr><td>Pedestrian footpath</td><td>1.5m</td><td>15%</td></tr><tr><td>Pedestrian footpath in the vicinity of activity</td><td>2m</td><td>15%</td></tr></table>		Width	Maximum Longitudinal Gradient	Pedestrian footpath	1.5m	15%	Pedestrian footpath in the vicinity of activity	2m	15%
	Width	Maximum Longitudinal Gradient								
Pedestrian footpath	1.5m	15%								
Pedestrian footpath in the vicinity of activity	2m	15%								

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Performance Criteria	Acceptable Solutions						
	<table><tr><td>nodes.</td><td></td><td></td></tr><tr><td>Cycle paths and shared paths.</td><td>2.5m</td><td>16%</td></tr></table> <div>Note: Activity nodes includes meeting points, schools, shops and other activity centres.</div>	nodes.			Cycle paths and shared paths.	2.5m	16%
nodes.							
Cycle paths and shared paths.	2.5m	16%					
A19.3	Paths are sufficiently widened at potential conflict points.						
A19.4	<p>All shared use paths, cycleways and pedestrian paths shall be designed as follows with regard to flooding:</p> <ul style="list-style-type: none">• The entire shared use path, cycleway or pedestrian path surface must be located above the 20% Annual exceedance probability (AEP) event flood level based on the projected 2050 scenario.• The shared use path, cycleway or pedestrian path must be located within an area of H1 Hazard Vulnerability Classification in a 1% AEP event as per the Australian Disaster Resilience Handbook Collection – Guideline 7-3. The H1 Hazard Vulnerability Classification limits the velocity-depth product to 0.3m²/s, the depth of floodwaters shall not be more than 0.3m and the velocity of floodwaters must not exceed 2m/s in a 1% AEP event.• Flood warning signage must be provided for all shared use paths and cycleways adjacent to a waterway or any form of permanent or floodwater with a Hazard Vulnerability Classification greater than H1.						

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5.2 Design and Construction: Roads and Driveways/Access

5.2.1 Roads

The specific **objectives** are to:

- i. Provide good quality **roads** that fulfil the designated function within the **road** network and support design intentions, without undertaking unnecessary works and creating avoidable whole of life cycle costs.
- ii. To design street layouts to minimise fuel consumption, reduce travel distances, maximise public transport effectiveness and encourage walking and cycling.
- iii. Provide good internal and external vehicular access and minimise through traffic.
- iv. Accommodate public utilities services and **drainage** systems within the **road** reserve.
- v. Create streets that provide a safe and attractive environment.

Performance Criteria		Acceptable Solutions	
P20.1	Design features convey the primary function of each residential road type.	A20.1	The minimum specifications for each road type comply with Supporting Document 1.
P20.2	Footpath/verge edging and landscaping support the specified functions and amenity of the street.	A20.2	Footpath/verge and landscaping materials are used to distinguish between different street type.
P20.3	Road reserve width is sufficient to cater for all road functions, including: <ul style="list-style-type: none"> • Safe and efficient movement of all users. • Parked vehicles. • Landscaping and the planting of street trees. • Location, construction and maintenance of public utilities. 		
P21	The verge width addresses special site conditions and future requirements identified strategic documents.	A21.1	Verge width shall be sufficiently increased to accommodate larger scale landscaping, indented parking, future carriageway widening, retaining walls, cycle paths and overland flow paths .
P22.1	Desired speeds are achieved by speed reduction techniques in a design for the whole street environment.	A22.1	Carriageway widths shall be designed to allow vehicles to proceed safely at the operating speed intended for that level of road .
P22.2	Traffic calming schemes do not create unacceptable driver behaviour or create adverse traffic or safety outcomes.		<div> Note: Allowances must be made for restrictions caused by on street </div>

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Performance Criteria	Acceptable Solutions
P22.3 Safe sight distances are provided at property access points, pedestrian and cyclist crossings, and at junctions and intersections.	<div data-bbox="906 405 1273 439" style="background-color: #f0f0f0;">parking.</div> <p>A22.2 The design complies with the provisions in Section 3.1 of Supporting Document 1.</p>
P22.4 Design facilitates use by pedestrians, particularly people with a disability , the aged, cyclists and children.	<p>A22.3 Slow points using horizontal or vertical displacement shall slow traffic to the design speed.</p> <p>A22.4 Slow points and carriageway narrowing shall accommodate the needs of cyclists by ensuring:</p> <ul style="list-style-type: none"> • Speed compatibility and adequate space for concurrent passage; or • Off street diversions. <p>A22.5 Landscape design, street trees and on-street parking should complement speed restriction measures.</p> <p>A22.6 Traffic calming devices are to be installed in accordance with AS1742.13 and supported by:</p> <ul style="list-style-type: none"> • A swept path analysis, and • Austroads Guide to Traffic Management Part 8: Local Street Management, designed with Safe System guidelines. <div data-bbox="906 1160 1273 1691" style="background-color: #f0f0f0;"> <p>Note: A swept path analysis is to demonstrate that the traffic calming scheme will not adversely impact the operation of the network.</p> <p>Roundabouts should be considered as preferred means of slowing traffic and managing traffic conflicts. A winding road alignment and use of narrow road widths will generally not be accepted in isolation as suitable means of traffic calming.</p> <p>Speed restriction techniques and devices shall not be used in isolation.</p> <p>Any subdivision proposing to use local area traffic management device practices must provide details prior to the determination of the development application, specifically as part of a local area traffic management device scheme following the steps outlined in Austroads Part 8.</p> </div>

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Performance Criteria	Acceptable Solutions
	<p>A22.7 Sight distances at the verge, pedestrian crossings, junctions and intersections must:</p> <ul style="list-style-type: none"> Conform to street design and visibility requirements. Consider expected vehicle speeds. Consider pedestrian and cyclist movements.
<p>P23.1 Carriageway and verge widths allow for unobstructed access to individual lots, even when a car is parked on the opposite side of the street.</p>	<p>A23.1 On roads of a classification of collector road and above (as per Table 1 of Supporting Document 1), vehicles must be able to enter and exit each lot in a forward direction.</p>
<p>P23.2 Driveway egress movements do not create a safety hazard.</p>	<p>A23.2 The design complies with the provisions in Section 3.1 of Supporting Document 1.</p>
<p>P24 Bus routes have a carriageway width that:</p> <ul style="list-style-type: none"> Allows for bus movements unimpeded by parked cars. Safely accommodates cyclists. 	<p>A24.1 The geometry of roads identified as bus routes provide suitable turning, stopping sight distances, grade and parking for buses. The minimum carriageway widths are specified in Section 2 and 3.3 in Supporting Document 1.</p>
<p>P25 Horizontal and vertical alignments satisfy safety criteria and reflect physical land characteristics and major drainage functions.</p>	<p>A25.1 Horizontal and vertical alignment criteria and crossfall on street pavement shall comply with Council's Engineering Design Specifications and Supporting Document 1.</p>
<p>P26 Geometric design for intersections, roundabouts and slow points is consistent with the vehicle speed intended for each road.</p>	<p>A26.1 The design complies with Council's Engineering Design Specifications and Supporting Document 1.</p> <p>A26.2 To accommodate waste collection vehicles, any cul-de-sac shall provide a sufficient area for a single movement.</p>
<p>P27 Kerb radii at intersections and junctions are kept to a minimum, subject to:</p> <ul style="list-style-type: none"> Satisfying required turning 	<p>A27.1 The kerb radii shall comply with Section 3.3 in Supporting Document 1.</p>

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Performance Criteria		Acceptable Solutions									
	<p>manoeuvres.</p> <ul style="list-style-type: none">Minimising pedestrian crossing distances.Controlling vehicular speed.										
P28	<p>On-street car parking provision considers projected needs including:</p> <ul style="list-style-type: none">The number and size of probable future dwellings.The car parking requirements of likely future residents, including onsite provision.Availability of public transport.Locations of non-residential uses, such as schools and shops.The occasional need for overflow parking.	A28.1	<p>One on-street parking space is provided for every two dwellings in accordance with Table 2:</p> <p>Table 2: On-street Parking Requirements</p> <table><tr><th>Frontage</th><th>Location of parking bays</th></tr><tr><td>Less than 12m</td><td>Special parking and vehicle access design is provided.</td></tr><tr><td>12m or greater</td><td>Within 60m of the lot and against the kerb or in parking bays constructed within the verge.</td></tr><tr><td>Any frontage width along a single lane carriageway</td><td>Within 25m of the lot and constructed within the verge.</td></tr></table>	Frontage	Location of parking bays	Less than 12m	Special parking and vehicle access design is provided.	12m or greater	Within 60m of the lot and against the kerb or in parking bays constructed within the verge.	Any frontage width along a single lane carriageway	Within 25m of the lot and constructed within the verge.
Frontage	Location of parking bays										
Less than 12m	Special parking and vehicle access design is provided.										
12m or greater	Within 60m of the lot and against the kerb or in parking bays constructed within the verge.										
Any frontage width along a single lane carriageway	Within 25m of the lot and constructed within the verge.										
P29	<p>The pavement edge:</p> <ul style="list-style-type: none">Controls vehicle movements by delineating the carriageway for all users.Assists in controlling stormwater runoff.Provides for people with a disability.	A29.1 A29.2	<p>Kerb ramps at pedestrian crossings are constructed in accordance with AS1428.</p> <p>Devices must comply with RMS Supplement to AS1742.10 and TDT 2011/01a.</p>								
P30	<p>Road pavement surfaces are well designed and durable enough to:</p> <ul style="list-style-type: none">Carry wheel loads of travelling and parked vehicles.Ensure safe passage of vehicles, pedestrians and cyclists.Discharge rainfall and preserve all-weather access.	A30.1 A30.2	<p>Concrete kerbs, gutters, laybacks and footpath crossings are to be provided to Council's specification for the full frontage of the development (including dual occupancies). In the case of corner allotments, kerb and gutter is required on each road frontage of the dual occupancy development.</p> <p>Flexible pavement and other</p>								

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Performance Criteria		Acceptable Solutions	
	<ul style="list-style-type: none"> Allow for reasonable travel comfort. 		<p>requirements are constructed in accordance with:</p> <ul style="list-style-type: none"> Council's Engineering Design Specifications. Section 3.3 and 3.5 of Supporting Document 1.
P31	Development provides road edge and pavement improvements to cater for the intensification in the use of the land.	A31.1	Road pavement must be designed for heavy traffic loading requirements in accordance with Council's Engineering Design Specification and Supporting Document 1.
P32	Industrial subdivisions: <ul style="list-style-type: none"> Plan the street system with a definite hierarchy that is capable of conveying heavy transport traffic. Provide vehicular permeability. 	A32.1	Minimum carriageway widths must comply with Table 6 in Supporting Document 1.
		A32.2	Street design of an industrial subdivision shall enable the movement of all vehicles including B-doubles. Refer to Section 3.3 of Supporting Document 1.
		A32.3	The largest vehicle expected to access the subdivision must be able to complete required turning manoeuvres without crossing the road centreline for all internal roads as well as roads used to access the site.
		A32.4	Industrial roads must be permeable within the subdivision and provide a connection to the existing established road network. Cul-de-sacs are to be avoided.

5.2.2 Residential Streetscape Design

The specific objective is to:

- Provide attractive streetscapes that reinforce the functions of the street, enhance the amenity of buildings, enhance the public domain and are sensitive to the built form, landscape and environmental conditions of the locality.

Performance Criteria		Acceptable Solutions	
P33	Street and landscape design: <ul style="list-style-type: none"> Considers existing and proposed 	A33.1	A landscape plan shall be provided that shows the following:

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Performance Criteria	Acceptable Solutions
<p>topography and vegetation.</p> <ul style="list-style-type: none"> Creates attractive residential environments with distinct character and identity. Respects existing attractive streetscapes in established areas. Considers future desired streetscape. Complements streetscapes in areas where desired future urban character has been defined. Defines, where appropriate, a street theme for new streets and integrates with new developments. Is sensitive to site attributes. Complements the functions of the street. Encourages activation of any pedestrian zones. Provides safety and high visibility of pedestrians. Integrates with the surrounding urban environment and complements existing desirable streetscapes and landscapes. 	<ul style="list-style-type: none"> Street reserves and indicative locations of the carriageway, parking bays, footpaths, cycleway systems, speed control devices, bus stops, street lighting and substations. Location of existing vegetation to be removed and/or conserve. Footpath trees with a: <ul style="list-style-type: none"> Minimum of one large tree per lot. Minimum distance from intersection 10 metres. <p>Note: A twelve (12) month maintenance period for footpath trees is required.</p> <ul style="list-style-type: none"> Location, species and general character of tree planting, hard and soft landscape treatment. Indicative building locations. Boundaries and areas of communal open space including sites for specific recreational uses. General arrangement of hard landscaping elements and major earth cuts, fills and mounding. <p>A33.2 Opportunities provided by views, vistas, existing vegetation and landmarks shall be documented and optimised in the subdivision design.</p> <p>A33.3 Where appropriate, the landscape plan demonstrates:</p> <ul style="list-style-type: none"> A common design theme that aids street identity, lighting, signs, tree guards, bus shelters. <p>Note: Street signs are to be placed at all intersections in accordance with AS1742.5.</p> <ul style="list-style-type: none"> Tree planting that considers the: <ul style="list-style-type: none"> Natural landscape.

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Performance Criteria	Acceptable Solutions
	<ul style="list-style-type: none"> - Image and role of the street. - Solar access requirements. - Provision of shade in summer. - Soils. - Suitability of species. - Availability of services. • Provision of attractive and coordinated street furniture and facilities to meet user needs. • That maintenance and utility requirements are satisfied and the visual impact of above ground utilities is minimized. • That landscaped areas are maximized. • Appropriate consideration for streetscapes and landscapes of heritage significance. • Integration and formation of linkages with parks, reserves and transport corridors. • Promotion of the planting of native vegetation in environmentally sensitive areas. • Incorporation of existing vegetation where possible and desirable. • A contribution to microclimate management. • An appropriate scale relative to both the street reserve width and existing or expected future building bulk. • Improved privacy and minimisation of unwanted overlooking. • Landscaping of floodways, drainage lines, type of fencing, threshold treatment entrance statement. • Design that reinforces desired

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Performance Criteria	Acceptable Solutions
	<p>traffic speed and behaviour.</p> <ul style="list-style-type: none"> • Safety and opportunity for casual street surveillance. • Satisfactory lines of sight for pedestrians, cyclists and vehicles. • Adequate lighting for pedestrian and vehicle safety. • Enhanced opportunities for pedestrian comfort. • Appropriate incorporation of CPTED Principles.

5.2.3 Common Driveways and Accessways

Performance Criteria	Acceptable Solutions
<p>P34.1 Pavement surfaces are well designed and durable enough to:</p> <ul style="list-style-type: none"> • Carry wheel loads of travelling and parked vehicles. • Ensure safe passage of users. • Manage runoff and preserve all-weather access. • Allow for reasonable travel comfort. 	<p>A34.1 Flexible pavement is constructed in accordance with Council's Engineering Design Specifications.</p> <p>A34.2 Driveways to battle-axe lots are constructed:</p> <ul style="list-style-type: none"> • In accordance with Section 3.4 of Supporting Document 1. • From the roadway to the extent of the access handle/s. • With sufficient width to permit the provision of services beside the constructed access.
<p>P34.2 Driveways and access handles accommodate services, as required.</p>	

5.2.4 Rural Roads, Driveways and Accessways

The specific [objectives](#) are to:

- Provide acceptable levels of access, safety and convenience for all users of the rural [road](#) network.
- Maintain [road](#) access in accordance with accepted levels of service.

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Performance Criteria		Acceptable Solutions	
P35	Coincidental legal and practical access is provided for each lot.	A35.1	<p>Each lot has coincidental practical and legal vehicular access via:</p> <ul style="list-style-type: none"> New roads to be constructed and dedicated. Existing formed public roads (including Crown roads) to be constructed/upgraded and dedicated as required. Existing public roads wholly within the road reserve, constructed and maintained by Council. Right-of-way over adjoining private property or within the proposed subdivision, which provides access to no more than four allotments, existing or proposed, in the subdivision.
P36	Rural roads and right of ways are well designed, durable and appropriate for the intended purpose.	A36.1	Rural roads and right of ways are designed to comply with Section 3.5 in Supporting Document 1.
P37	Existing road reserves are sufficiently wide to accommodate design speed.	A37.1	Existing roads shall be widened to provide for a design speed of 80 km/h. A lower design speed may be negotiated for areas considered by Council to be environmentally sensitive.
P38	Safe and appropriate driveway access is provided to rural and rural residential lots.	A38.1	<p>An indented rural access shall be provided in accordance with Council's Engineering Design Specifications and Figure 1 below.</p> <p>Note: A restriction as to user/easement may be required to maintain the integrity of the indented rural access.</p> <p>Existing fences are to be re-erected on the new front boundary alignment.</p>

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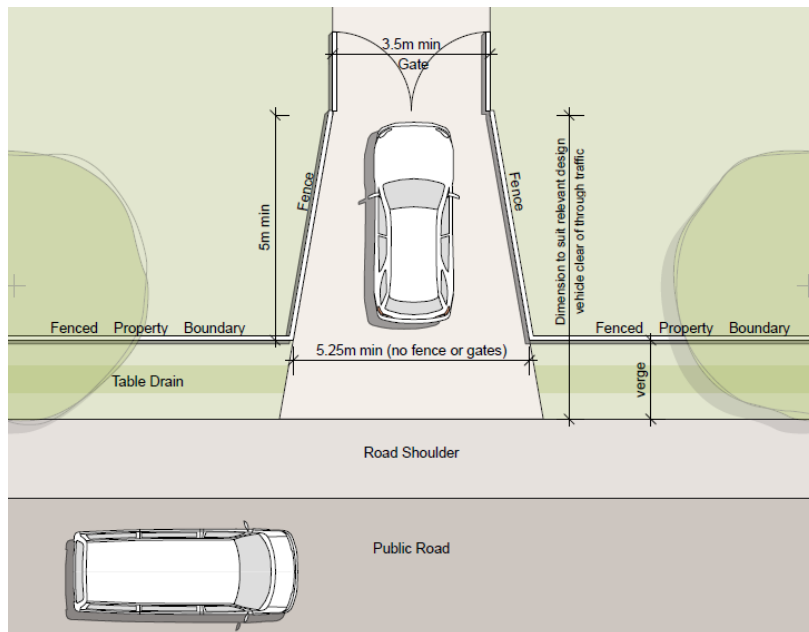


Figure 1: Access to Rural Allotments

5.3 Subdivision Layout and Design

5.3.1 Layout and Design – Topography, Natural Landform/Environment and Vegetation

The specific objectives are to:

- Minimise the impact of subdivision on the natural environment and landscape setting.
- Retain existing mature trees where practicable to provide shade and reduce the heat island effect.
- Enhance development by screening and providing colour, texture and spatial definition.
- Provide linkages between natural and developed areas.

Performance Criteria	Acceptable Solutions
P39.1 The subdivision and lot design takes into consideration the site's natural opportunities and constraints.	A39.1 The subdivision lot design positively responds to:
P39.2 The subdivision and lot design considers water sensitive urban design principles associated with infrastructure, riparian areas and	<ul style="list-style-type: none"> Slope and desirability of minimising earthworks/retaining walls associated with dwelling construction.

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Performance Criteria	Acceptable Solutions
<p>P39.3 Subdivisions located in flood prone land are designed to enable flood evacuation.</p> <p>P39.4 The lot layout retains significant vegetation and natural areas and minimises soil erosion.</p> <p>P39.5 The subdivision layout responds to site characteristics, setting, landmarks and views through street and open space areas.</p> <p>P39.6 The subdivision design provides safe building conditions for development.</p> <p>P39.7 The subdivision design has minimal geotechnical impact on adjoining properties</p> <p>P39.8 The subdivision avoids high risk slip areas.</p> <p>P39.9 Asset protection zones are:</p> <ul style="list-style-type: none"> Contained within the boundaries of the site of the development that they are designed to protect. Designed in a way that ensures efficient and cost-effective maintenance in perpetuity. 	<ul style="list-style-type: none"> Natural or cultural features. Soil erosion and bushfire risk. Special features such as trees, including identification of mature stands of trees to be retained and supplementary planting and shade trees. Views and visual impact. Wind protection. <p>Note: Council may condition the use of Section 88B restrictions to define (not exclusively) appropriate building envelopes, landscaping, building materials, colours and regulate the number of storeys of buildings in sensitive locations.</p> <p>Subdivision design should avoid locating lots in areas with slope stability problems unless suitable advice from a practicing certified geotechnical engineer is provided.</p> <p>A39.2 The subdivision layout should be designed to facilitate flood evacuation in accordance with the Designing Safer Subdivisions – Guidance on Subdivision Design in Flood Prone Areas (Hawkesbury-Nepean Floodplain Management Steering Committee, 2006) guidelines or similar. All lots shall have a frontage onto a local road network with rising road linkages to flood free land above the Probable Maximum Flood (PMF) level or local evacuation routes.</p> <p>A39.3 Any required asset protection zone must be:</p> <ul style="list-style-type: none"> Located wholly within the development site, and where necessary, extend into the road reserve to the outer edge of the formed road. Low maintenance and non-vegetated at the outer extent (i.e., road, footpath). <p>Note: The verge closest to the</p>

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Performance Criteria		Acceptable Solutions	
		new allotments may need to be widened to facilitate the asset protection zone.	
P40.1	The subdivision is geotechnically sound and suitable for the proposed development.	A40.1	A geotechnical report supported by NATA approved laboratory testing shall be submitted demonstrating the suitability of the site for the proposed development.
P40.2	The subdivision provides for controlled filling and free flow of surface water.	A40.2	The subdivision must ensure that: <ul style="list-style-type: none"> All lots are above the projected 2100 1% AEP event flood level, but ideally above the projected 2100 flood planning level. A minimum surface grade of 0.5% falling to the road or drainage system. All approved fill material is placed, compacted and inspected in accordance with AS3798 – Earthworks for Residential and Commercial Development. Where fill is greater than 300mm depth: <ul style="list-style-type: none"> A lot classification report in accordance with AS2870 must be submitted. An 88B restriction will be imposed on the affected lots requiring foundation design in accordance with the lot classification report.
P41.1	The significance of headlands and other prominent coastal features is not compromised.	A41.1	Subdivisions will not be permitted on headlands or other prominent coastal features, other than those zoned for urban purposes.
P41.2	The subdivision considers active dune systems and other unstable areas.	A41.2	No further subdivision on active dune systems or other unstable areas will be permitted.

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5.3.2 Residential Layout and Design – Aspect and Orientation

It is crucial that the subdivision design considers **solar access**, aspect and orientation to ensure that each **lot** and the overall development is as energy efficient as possible with reasonable **solar access**. Factors such as **lot** size, shape, orientation and **building envelope** will determine the ideal locations of future northern walls and the **solar access** time of future north facing windows.

Note: **Solar access** refers to **solar access** to windows, **private open space** and rooftop solar systems.

Performance Criteria	Acceptable Solutions
<p>P42 The overall development is as energy efficient as possible with each lot:</p> <ul style="list-style-type: none"> • Enjoying reasonable solar access. • Responding to the topography of the land. <p>Note: The subdivision design should consider the variation in the sun path throughout the entire year.</p>	<p>A42.1 80% of lots in a new subdivision shall have 5-star solar access, and the remainder either 3 or 4-stars.</p> <p>A42.2 Lots shall be of a suitable shape to permit the location of a dwelling with suitable solar access and private open space.</p> <p>A42.3 Lots should be orientated so that one axis is within 300 east and 200 west of true solar north.</p> <p>Note: The orientation of the street network in either east-west or north-south direction promotes efficient solar access for dwellings.</p> <p>A42.4 Lots with an area of between 350m²–450m² shall have a slope of less than 15% (1:9) across the frontage.</p> <p>Note: North-facing slopes improve opportunities for solar access where south-facing slopes impose a penalty on solar access. Large lots with the lowest densities are best suited in sloping locations, especially on south facing slopes.</p> <p>Variable setbacks and zero building lines are a means of maximising solar opportunity, especially with small or narrow lots. Setbacks should be responsive to maximise solar access for all lots.</p>

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5.3.3 Residential Lot Size, Density and Design

This Section generally applies to **lots** with one **dwelling house** or vacant land. The section applies to **dual occupancy** development where the minimum **lot** size at Clause 4.1 of **SLEP 2014** is met.

Note: Refer to Section 5.4.4 of this Chapter for provisions relating to the Torrens title subdivision of certain medium density development, as well as Chapter G13: Medium Density and Other Residential Development of this Development Control Plan.

The specific **objectives** are to:

- i. Provide a range and mix of **lot** sizes to suit a variety of **dwelling**s, household types and housing opportunities, with areas and dimensions to meet user requirements and the diverse and changing needs of the **community**.
- ii. Provide **lots** that are oriented to enable the application of energy conservation principles.
- iii. Provide **lots** of sufficient size to protect environmental features and consider site constraints.
- iv. Design **lot** density to minimise fuel consumption, reduce travel distances, maximise public transport effectiveness and encourage walking and cycling.
- v. Provide smaller **lots** in locations adjacent to neighbourhood centres, public transport stops and adjacent to higher amenity areas.
- vi. Ensure integration of **lot** layout with the surrounding urban environment to promote shared use of public facilities by adjoining communities.
- vii. Enable and protect rooftop solar systems.

Performance Criteria		Acceptable Solutions	
P43	Higher densities are provided in areas that are consistent with the zone objectives and are close to the CBD, services, public transport and open space.	A43.1	Development density is in accordance with Council's Growth Management Strategy, other relevant Structure Plans and Strategies and any relevant site specific chapters of this Development Control Plan.
P44	A range of lot sizes are provided that have the appropriate area and dimensions for: <ul style="list-style-type: none"> The siting of a dwelling/s and ancillary structures. The provision of outdoor space. Vehicle access and manoeuvring. On-site parking. 	A44.1	Minimum lot shape, dimensions and splays shall comply with Table 3 below.
		A44.2	Battle-axe lots shall have a minimum lot size of 650m ² , excluding access handle.
		A44.3	Where possible, an access way to a battle-axe lot should be located on the southern side of the allotment to minimise any potential overshadowing

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Performance Criteria		Acceptable Solutions	
	<ul style="list-style-type: none"> The provision of solar access. The provision of appropriate site lines and visibility. The minimisation of amenity or privacy impacts. 		of existing/future adjoining dwellings, private open space and rooftop solar systems.
P45	<p>The lot design:</p> <ul style="list-style-type: none"> Ensures the availability of a relatively flat and suitable building area with limited cut and fill. Ensures the site and frontage can accommodate the future dwelling, ancillary structures, parking, access, services, landscaping, and the like. Minimises overshadowing and privacy/amenity impacts on the future residents and adjoining residents. Promotes provision and protection of rooftop solar systems. Takes into account relevant constraints including topography, significant trees and vegetation, easements or other restrictions/affectations relating to the land. 	A45.1	<p>The subdivision design demonstrates that following building envelopes are available for each relevant lot, behind the required front building line:</p> <ul style="list-style-type: none"> Lots up to 499m²: A rectangular building envelope of a size able to accommodate a suitably sized dwelling house. Lots greater than 500m²: 10m x 15m. Battle-axe lots: 15m x 15m. Small infill subdivisions on flood prone land: approximately 15m wide x 21m deep, sited in accordance with the requirements of Chapter G9: Development on Flood Prone Land of this Development Control Plan. <p>Note: Building envelopes are to be exclusive of the required setback requirements for a dwelling house as per Chapter G12: Dwelling Houses and Other Low Density Residential Development, or other relevant chapter of this Development Control Plan.</p>
		A45.2	<p>The building envelope shall comply with the relevant setbacks in Chapter G12: Dwelling Houses and Other Low Density Residential Development of this Development Control Plan.</p>
		A45.3	<p>For lots up to 499m² in area, a detailed area plan is to be provided that shows the:</p> <ul style="list-style-type: none"> Minimum setbacks and maximum building height. Building to boundary locations

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Performance Criteria	Acceptable Solutions
	and wall heights.
	<ul style="list-style-type: none"> Indicative parking and access arrangements, including vehicle access points. Parking must be accessed from a laneway where available. Critical window locations and treatment (e.g. for solar access, shading, frontage outlook or to limit overlooking or noise intrusions). Indicative private open space and landscaping areas.
A45.4	For all lots less than 1,000m ² , the potential location of rooftop solar systems is to be identified.
A45.5	Adequate space for bins on the road frontage (kerbside) shall be provided, especially in a standard battle-axe lot or dual occupancy battle-axe lot arrangement. The kerbside frontage required per bin is 1m, with 0.5m separation between bins and 1m behind each bin.

Table 3: Minimum residential lot shape and dimensions

	Width	Depth	Splay
Small Lot Subdivision (lots up to 499m²)			
300 - 399	>8m and <12m	n/a	2m, if a corner lot
400 - 499	Equal to or >12m and <15m	n/a	2m, if a corner lot
General Lot Subdivision (lots between 500m² – 1,999m²)			
Rectangular non-corner lots	Minimum of 15m	Minimum of 30m	n/a
Rectangular corner lots	Minimum of 18m	Minimum of 30m	4m

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Irregular shaped lots Battle-axe lots	Minimum width at building line of 17m Minimum mean width of 18m	Minimum of 30m	4m if a corner lot
Large Lot Subdivision (lots between 2,000m² – 3,999m²)			
Rectangular non-corner lots	Minimum of 30m	Minimum of 55m	n/a
Rectangular corner lots	Minimum of 35m	Minimum of 55m	4m
Irregular shaped lots Battle-axe lots	Minimum mean width of 30m	Minimum mean depth of 55m	4m if a corner lot
Large Lot Subdivision (lots between 4,000m² – 10,000m²)			
Rectangular non-corner lots	Minimum of 35m	Minimum of 65m	n/a
Rectangular corner lots	Minimum of 40m	Minimum of 65m	4m
Irregular shaped lots Battle-axe lots	Minimum mean width of 40m	Minimum mean depth of 65m	4m if a corner lot

5.3.4 Torrens Title Subdivision of Certain Medium Density Development

This Section applies to the Torrens subdivision of [dual occupancies](#), [multi dwelling housing](#) and multi dwelling housing (terraces).

Note: Clause 4.1A of [SLEP 2014](#) enables the Torrens subdivision of certain medium density development in the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, RU5 Village and B4 Mixed Use zones approved under that clause on or after 21 August 2020, into [lots](#) of any size, so that each of the resulting [dwellings](#) will have separate titles. It is important that the area of each resulting lot can accommodate each [dwelling](#) in accordance with the objectives and controls relating to medium density development in this [Development Control Plan](#).

Subdivision certificates (linen plan release) will not be issued until the approved development is either:

- Completed; or
- For a [dual occupancy](#) - the first or existing [dwelling](#) is completed and the second [dwelling](#) has reached the mandatory framework stage inspection; or
- For [multi dwelling housing](#) and multi dwelling housing (terraces) - the first or existing [dwelling](#) is completed and the subsequent

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dwellings have reached the mandatory framework stage inspection.

The conditions of **consent** will be composed to satisfy Section 6.15 of the EP&A Act relating to compliance with **consent** conditions before the release of a Subdivision Certificate.

The specific **objectives** are to:

- i. Provide guidelines for applicants and **Council** to consider the Torrens subdivision of certain medium density development where the development satisfies the guidelines and controls established for that development.

Performance Criteria	Acceptable Solutions
P46 The subdivision conforms to the provisions under which the medium density dwelling s were approved or are to be approved.	<p>A46.1 The subdivision of a proposed or approved medium density development must ensure that the following is complied with for each dwelling and resulting lot:</p> <ul style="list-style-type: none"> • Relevant development consent conditions. • Development controls for medium density dwellings (e.g., siting, density, car parking, open space, landscaping, fencing, services, facilities and the like) applicable to the development. <p>Note: To ensure the dwelling on each proposed resulting lot has appropriate amenity, landscaping, density and the like, it is important that the proposal is consistent with the provisions of Chapter G13: Medium Density and Other Residential Development of this Development Control Plan.</p>
P47 The subdivision and dwelling s conform to the provisions in this Development Control Plan.	<p>A47.1 Where the development and Torrens subdivision are proposed in the same application, all required development considerations (siting, car parking, open space, landscaping, fencing, services, facilities and the like) are complied with for each resulting lot.</p>

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5.3.5 Rural Subdivision

The specific **objectives** are to:

- i. Provide an alternative living environment to that of urban and village settlements.
- ii. Ensure that development maintains the rural character and lifestyle of the area by complementing and enhancing the existing landscape and settlement pattern.
- iii. Ensure that development of the land will not lead to a decline in ground and surface water quality and does not lead to significant risk to life and property from natural hazards such as bushfire, flooding and land slip.
- iv. Minimise the cost to the **community** by ensuring that development does not create unreasonable or uneconomic demands for the provision of services.
- v. Provide rural living areas that have minimal impact on the rural environment and agricultural operations.
- vi. Ensure the ecologically sustainable subdivision of land.

Performance Criteria	Acceptable Solutions
P48 The arrangement of future buildings does not have a detrimental impact upon the quality of the rural environment.	<p>A48.1 Subdivision boundaries and lot layout shall be determined in response to:</p> <ul style="list-style-type: none"> • Slope analysis to identify land steeper than 1 in 5 (20%). • Location and delineation of landscape for buffer areas and screening. • Identification of significant views from the coast and into the site from external viewing points. • Means of access. <p>Note: Refer also to Chapter G1: Site Analysis, Site Design and Building Materials.</p>

5.3.6 Commercial Subdivision

The specific objective is to:

- i. Create opportunities for **retail premises**, **office premises** and **business premises**/activities as identified in the various business zones.
- ii. Retain existing mature **trees** where practicable to provide shade and reduce the heat island effect.

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Performance Criteria	Acceptable Solutions
P49 A pleasant and comfortable shopping and commercial environment is created that leads to attractive integrated development with adequate provision for safe access and parking.	<p>A49.1 The provisions in site specific chapters in this Development Control Plan must be met.</p> <p>A49.2 Car parking areas shall comply with the provisions in Chapter 21: Car Parking and Traffic of this Development Control Plan and are provided by way of suitable easements.</p> <p>A49.3 The development is to provide:</p> <ul style="list-style-type: none"> Rear service lane access with a minimum of 4m corner splays for the laneway. Kerb ramps for disabled access.

5.3.7 Industrial Subdivision

The specific **objectives** are to:

- Provide a site layout that facilitates an efficient industrial operation in terms of access, works and services undertaken onsite.
- Encourage a wide range of industrial development within Shoalhaven for the creation of employment.
- Retain existing mature **trees** where practicable to provide shade and reduce the heat island effect.

Performance Criteria	Acceptable Solutions
P50 Lots have the appropriate area and dimensions for:	<p>A50.1 A range of lot sizes with a minimum area of 950m² shall be provided.</p> <p>A50.2 Battle-axe lots must include an access strip that is at least 8m wide and constructed to a width of 6m.</p> <p>A50.3 Relevant building lines and building setbacks are accommodated.</p>
<ul style="list-style-type: none"> The siting of buildings. Vehicle access and maneuvering. On-site parking. Landscaping, including the incorporation of existing vegetation or groups of trees (especially shade trees) into the landscape design, where possible. 	<p>Note: Refer to the following chapters of this Development Control Plan for more information:</p> <ul style="list-style-type: none"> Chapter G20: Industrial Development. Chapter V2: Building Lines.

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Performance Criteria	Acceptable Solutions
<p>P51 Adequate provision must be made on-site for parking, manoeuvring, loading and unloading of vehicles.</p> <p>Note: AS2890.2 provides further information on the requirements of service vehicle areas.</p>	<p>A51.1 On-site parking is to be in accordance with Chapter G21: Car Parking and Traffic.</p> <p>A51.2 One on-site truck parking space is to be provided for each vehicle present at any one time, excluding vehicles in loading docks.</p> <p>Note: Under no circumstances are trucks to be parked on adjacent public streets.</p>

5.3.8 Subdivision of Tourist and Visitor Accommodation

The specific objective is to:

- i. Ensure that tourist and visitor accommodation continue to operate for its approved purpose, should the property be subdivided to allow separate ownership of units.

Performance Criteria	Acceptable Solutions
<p>P52 Ensure that tourist and visitor accommodation continues to operate for this purpose.</p>	<p>A52.1 Subdivision of tourist and visitor accommodation (where permissible) must be by way of community title subdivision, unless applicants can satisfactorily demonstrate that this is impractical in the particular circumstances, in which case strata title subdivision must be considered.</p> <p>A52.2 To ensure the continued use of tourist and visitor accommodation for its approved purpose, the maximum period of occupation of all units, except any designated manager's residence, is limited to:</p> <ul style="list-style-type: none"> • 150 days in any one year; and • 42 consecutive days.

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5.3.9 Strata and Community Title Subdivision

This Section provides guidance for strata and **community title subdivision** in relation to residential, commercial and industrial development.

The specific **objectives** are to:

- i. Provide for the effective and efficient management of common or shared facilities.
- ii. Allow separate titles to be created for parts of a development.

Performance Criteria		Acceptable Solutions	
P53	Limit the range and extent of owner corporation activities as far as practical.	A53.1	The proposal shall meet all requirements of any development approval which may apply to the building proposed to be subdivided.
		A53.2	The internal street and lot layout must clearly define the public, communal and private areas of the development, including the function, ownership and management of open spaces and communal areas.
		A53.3	Separate lots shall be created for each dwelling that has a public street frontage.
		A53.4	Communal land shall be limited to driveways and communal open space only.
		A53.5	All private open space areas are to be attached to a dwelling .
		A53.6	The development shall be designed to: <ul style="list-style-type: none"> Minimise the need for corporate building management. Ensure cost-effective management of communal open space or shared facilities.

5.3.10 Access

Performance Criteria		Acceptable Solutions	
P54	Coincidental legal and practical access is provided for each lot .	A54.1	Each lot shall have coincidental legal and practical access.
P55	Lot design makes adequate provision	A55.1	Single use access corridors for residential battle-axe lots shall be a

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Performance Criteria	Acceptable Solutions										
for access to the property.		minimum of 4m in width with a 3m pavement width.									
A55.2	Multiple use access corridors for residential battle-axe lots shall comply with the following:										
		<table><tr><th>Number of Lots or Dwellings</th><th>Access Minimum</th><th>Pavement Width</th></tr><tr><td>1 to 2</td><td>4m</td><td>3m</td></tr><tr><td>3 to 4</td><td>6m</td><td>5m</td></tr></table>	Number of Lots or Dwellings	Access Minimum	Pavement Width	1 to 2	4m	3m	3 to 4	6m	5m
Number of Lots or Dwellings	Access Minimum	Pavement Width									
1 to 2	4m	3m									
3 to 4	6m	5m									
A55.3	All residential/urban right of way pavement is to be designed to comply with Supporting Document 1.										

5.4 Utilities and Servicing

Note: Depending on the nature of the subdivision, **Council** may require the following to be provided at no cost to **Council**:

- Suitable easements for water and sewer.
- An agreed area of land for a pumping station/s and suitable easements or land for access and power.

The specific **objectives** are to:

- Ensure that each **lot** in a subdivision is adequately serviced (where available and required) with sewerage/effluent management, water, gas, firefighting, electricity, street lighting and telecommunications (including broadband).
- Deliver services in a timely, cost effective, coordinated and efficient manner.
- Deliver services using sustainable development practices.

Performance Criteria	Acceptable Solutions
P56 The street network provides for the cost-effective provision of utilities that are designed and provided to: <ul style="list-style-type: none"> • Be cost effective over the life cycle. • Minimise short and long term adverse environmental, amenity and visual impacts. 	A56.1 Water, sewer, electricity, telecommunications and gas must be accommodated within in the street network, with appropriate offsets to support Safety in Design principles. A56.2 Each stage of a subdivision must be fully serviced before a new area is released. A56.3 The design and provision of utility

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Performance Criteria	Acceptable Solutions
<ul style="list-style-type: none"> Available and accessible. 	<p>services must conform to the requirements of the relevant service authorities.</p>
A56.4	<p>Water supply systems and sewerage networks/effluent management systems are accessible, easy to maintain and cost effective based on whole of life cycle costs.</p>
A56.5	<p>Underground electricity supply is provided to residential areas. An underground telecommunications service is to be installed where underground electricity is to be provided.</p>
	<p>Note: Aboveground servicing will only be considered where major technical difficulties are encountered (e.g., the presence of significant rock), where also supported by the relevant service authority.</p>
A56.6	<p>Adequate water for domestic and fire-fighting purposes is available.</p>
A56.7	<p>Compatible services must be located in common trenching.</p>
A56.8	<p>Adequate buffers between utility services and dwellings must be provided.</p>
A56.9	<p>Each dwelling (and if necessary, any common area) shall have separate utility service metres and sewer junctions.</p>

5.5 Stormwater, Flooding and Water Sensitive Urban Design

Note: Refer to the Engineering Design Specifications and the following chapters of this Development Control Plan as appropriate to the development:

- Chapter G2: Sustainable Stormwater Management & Erosion Sediment Control.
- Chapter G9: Development on Flood Prone Land.
- Chapter G10: Caravan Parks in Flood Prone Areas.

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The **objectives** are to:

- i. Ensure **stormwater** management limits **stormwater** damage to property and adequately protects the natural and built environment at an acceptable level of risk.
- ii. Provide **stormwater** management/systems that take into account the whole of life-cycle costs.
- iii. Manage and control flooding to protect the **community**, minimise nuisance flooding, minimise potential for traffic accidents and maintain **road** access with accepted levels of service.
- iv. Have regard to the principals of **water sensitive urban design** by:
 - Ensuring that existing downstream systems are not adversely affected.
 - Ensuring there is no increase in pollution levels discharging from the development.
 - Intercepting and treating pollutants through the use of appropriate water quality control measures prior to discharge into receiving waters, including **wetlands**, lakes and ponds.
 - Optimising **drainage** system control of silt accumulation and minimise debris blockages of inlet **structures** and pipes.
- v. **Water sensitive urban design** measures are incorporated into the subdivision layout design in an attractive, efficient manner that also considers whole of life costs.

5.5.1 Major Drainage Systems

Performance Criteria		Acceptable Solutions	
P57	Major road networks located on flood prone land are designed to enable regional evacuation.	A57.1	The major road network shall be designed to facilitate regional evacuation in accordance with the Designing Safer Subdivisions – Guidance on Subdivision Design in Flood Prone Areas (Hawkesbury-Nepean Floodplain Management Steering Committee, 2006) guidelines or similar.
P58	Sufficient capacity is provided to safely convey stormwater flows resulting from the relevant design storm event under normal operating conditions, taking into account a partial minor system blockage.	A58.1	The design and construction of major drainage systems is in accordance with the requirements of: <ul style="list-style-type: none"> • This Section, and • Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control of this Development Control Plan. • Council's Engineering Design

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Performance Criteria	Acceptable Solutions
	<p>Specifications.</p> <ul style="list-style-type: none"> The latest version of Australian Rainfall and Runoff – A Guide to Flood Estimation. <p>A58.2 Detention basins (or similar measures to achieve onsite detention requirements) are required for all new subdivisions. The design is to be based on design events up to and including the 1% AEP storm event.</p> <p>Note: Onsite detention is required where downstream systems are inadequate, downstream properties are flood affected and where increased flows (including cumulative impacts) could have an adverse flood impact on existing properties.</p> <p>Onsite detention is required for all subdivisions unless Council's Engineering Coordinator approves the exclusion of onsite detention.</p>
<p>P59 Sufficient capacity is provided to safely convey stormwater flows from events more extreme than the design storm, where there is the possibility of significant property damage.</p>	<p>A59.1 An overland flow path capable of containing the 1% AEP rainfall event shall be provided.</p> <p>A59.2 Connection of a new system to an existing system with capacity less than 1% AEP must:</p> <ul style="list-style-type: none"> Satisfy the requirement of the 1% AEP event; and Provides a suitable transition between the systems to prevent damage to property.
<p>P60 Ground/floor levels of all buildings are able to be located above the flood planning level to provide protection to property in accordance with the accepted level of risk.</p>	<p>A60.1 Habitable floor levels shall be consistent with the requirements in:</p> <ul style="list-style-type: none"> Chapter G9: Development on Flood Prone Land of this Development Control Plan, and The Engineering Design Specifications. <p>A60.2 Subdivision and engineering plans must show minimum floor levels adjacent to drainage paths, including roads where they are used as overland flow paths in the design</p>

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Performance Criteria		Acceptable Solutions	
		concept.	
P61	Community benefit is maximised through retention of natural streams and vegetation wherever practicable and safe.	A61.1	Waterways and riparian/wetland vegetation, where they exist, must be incorporated into the drainage design, with respect to threatened species and their habitats.
		A61.2	Sports grounds and other less flood sensitive land uses shall be incorporated into the local drainage corridor.
		A61.3	Detention basins, where required to control stormwater, must be located to preserve or enhance the natural integrity of the waterway.
		A61.4	System design must ensure there are no flow paths that increase the risk to public safety and property.

5.5.2 Minor Drainage Systems

Performance Criteria		Acceptable Solutions	
P62	Local road networks located on flood prone land are designed to enable flood evacuation.	A62.1	The local road network shall be designed to facilitate flood evacuation in accordance with the Designing Safer Subdivisions – Guidance on Subdivision Design in Flood Prone Areas (Hawkesbury-Nepean Floodplain Management Steering Committee, 2006) guidelines or similar.
		A62.2	Local road networks shall be designed with rising road linkages to flood free land above the Probable Maximum Flood (PMF) level or local evacuation routes.
P63	Systems are designed: <ul style="list-style-type: none"> With the capacity to control stormwater flows under normal operating conditions for the relevant design storm. To be accessible and easily maintained. 	A63.1	Design and construction of minor drainage systems is in accordance with the requirements of: <ul style="list-style-type: none"> This Section. The Engineering Design Specifications. The requirements in Chapter G2: Sustainable Stormwater Management and Erosion /

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Performance Criteria	Acceptable Solutions
	Sediment Control of this Development Control Plan.
	<ul style="list-style-type: none"> The latest version of Australian Rainfall and Runoff – A Guide to Flood Estimation.
A63.2	Drainage networks must be well defined to ensure there are no hidden flow paths that could reduce their capacity to convey design flows.
A63.3	Design of minor systems must take full account of existing downstream systems.
A63.4	Access for maintenance must be available where a portion of the minor system lies within a site.
A63.5	Selection of materials shall be based on suitability, durability, maintainability and cost effectiveness.

5.5.3 Water Sensitive Urban Design

Performance Criteria	Acceptable Solutions
P64 Stormwater treatment and onsite detention measures are appropriately designed to ensure appropriate maintenance and safety for ongoing efficiency including: <ul style="list-style-type: none"> Provision of adequate land to undertake ongoing maintenance activities. Battered edges for improved safety during inspection, maintenance and rectification activities. Provision of a vehicle access ramp for ongoing maintenance activities. Ability for maintenance activities to be undertaken by public or private landowners. 	A64.1 Land must be retained around the stormwater system to allow Council to access stormwater infrastructure and conduct maintenance activities as follows: <ul style="list-style-type: none"> A minimum 3m average width buffer around the stormwater devices (measured from the top of batter) is required for access, landscaping and safety requirements. All surfaces with a grade steeper than 1V:4H must be planted. Suitable land must be made available for drying removed sediment and/or decanting stormwater. A64.2 Batter slopes and retaining walls for stormwater treatment and onsite detention measures must not be steeper than 1V:4H.

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Performance Criteria	Acceptable Solutions
	<p>A64.3 A vehicle access ramp must be provided to all stormwater treatment devices for maintenance and operation requirements, such as debris, litter and sediment removal and vegetation reinstatement, as follows:</p> <ul style="list-style-type: none"> Access slopes for maintenance vehicles should not exceed 1V:8H for trucks and 1V:5H for excavators and other maintenance vehicles. Access turnings paths must comply with AS2890.2 for a medium rigid vehicle. <p>Note: Stormwater treatment devices include, but are not limited to, a trash rack, gross pollutant trap, sediment basin or forebay, constructed wetland, bioretention basin and water quality pond.</p> <p>A64.4 Bioretention treatment devices must not be located on private residential lots within a subdivision.</p>

5.5.4 Miscellaneous

Performance Criteria	Acceptable Solutions
P65 Basement car parks are designed to minimise the likelihood of inundation from floodwater.	A65.1 The entrance to all basement car parks must be located at a level which is above the projected 2050 flood planning level .
P66 All bridges are designed for the 1% AEP storm event and consider effects of the Probable Maximum Flood (PMF) event.	<p>A66.1 The design must address the effects of the Probable Maximum Flood (PMF) event. Where the approach road, excluding the bridge approaches, is less than the 1% AEP flood level, a lower standard level may be considered.</p> <p>A66.2 Designs are to be in accordance with:</p> <ul style="list-style-type: none"> Council's Engineering Design

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Performance Criteria		Acceptable Solutions	
			Specifications, and <ul style="list-style-type: none">Waterway design is to be in accordance with AUSTROADS - A guide to the Hydraulic Design of Bridges, Culverts and Floodways.
P67	Subdivision design and layout provides for adequate site drainage and incorporates water sensitive urban design measures.	A67.1	The subdivision design is to prevent the need to use inter-allotment drainage by grading lots to road reserves, with a minor and major drainage system sized in accordance with Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control of this Development Control Plan.
		A67.2	Where site topography or proposed grading prevents the discharge of stormwater directly to the street gutter or a Council controlled piped system, inter-allotment drainage and appropriate stormwater drainage measures must be provided to accept runoff from: <ul style="list-style-type: none">All existing or future impervious areas that are likely to be directly connected.Existing or future impervious areas that are likely to be indirectly connected.Pervious areas to prevent flooding of downslope properties from local overland flooding. Inter-allotment drainage must be sized for the 1% AEP storm event, comprise a minimum pipe diameter of 225mm and include provision for stormwater runoff to surcharge directly to the street gutter in events exceeding the capacity of the receiving minor piped system.
		A67.3	Easements favouring the benefiting allotments should be created over inter-allotment drainage.
		Note: Council is not responsible for the maintenance and control of inter-	

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Performance Criteria	Acceptable Solutions
	allotment drainage lines.
A67.4	Stormwater discharge from a development site, including inter-allotment drainage, must be in accordance with Engineering Design Specifications and Acceptable Solution A67.2 .

5.6 Community Infrastructure - Public Open Space, Recreation and Community Buildings

Note: Unless gazetted as a reserve for public recreation, undeveloped Crown land adjoining or in the vicinity of a proposed subdivision is not to be relied upon as open space to service that subdivision.

The specific objectives are to:

- Ensure the provision of appropriate high quality public open space, recreation, community buildings/spaces and supporting infrastructure that meets current and future needs of the community, as identified in Council's Community Infrastructure Strategic Plan.
- Retain existing mature trees where practicable to provide shade and reduce the heat island effect.
- Provide landscaping that contributes to the identity and environmental health of the community.

Performance Criteria	Acceptable Solutions
P68.1 Public open space provides: <ul style="list-style-type: none"> A range of recreation settings incorporating community paths, focal points and an attractive urban environment. Facilities to meet the current and future needs of the community as indicated by the population density and demographic structures. Accessibility from a variety of points with clear user entrances, located in conjunction with other public open space and community facilities. 	A68.1 The land identified as public open space must be consistent with the minimum land requirements in Section 4 of Supporting Document 1. Public reserves shall be provided in accordance with: <ul style="list-style-type: none"> An approved open space strategy. Council's Community Infrastructure Strategic Plan. Any site specific chapters of this Development Control Plan. The Shoalhaven Contribution Plan 2019, by way of dedication

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Performance Criteria	Acceptable Solutions
<ul style="list-style-type: none"> • Opportunities to incorporate existing trees, streams and other features of natural or cultural value. • Opportunities to link habitat and wildlife corridors. • Facilities that recognise the need for safety, maintenance requirements and reasonable amenity for adjoining land uses. • For future maintenance requirements. • A clear relationship between public reserve and adjoining land uses established by appropriate treatments, including alignment, fencing, landscaping and passive surveillance. • Ensure security, surveillance opportunity, ease of maintenance and aesthetic appeal of open space areas by avoiding continuous lengths of solid fencing along the perimeter. 	<ul style="list-style-type: none"> • of land to Council, monetary contribution or both. • Crime Prevention Through Environmental Design (CPTED) principles. • An open space needs analysis prepared to support the development application, as required. <p>Note: Depending on the nature of the development, Council may require the provision of an open space needs analysis to determine the open space that is required to support the needs of the future community/development.</p> <p>Where a number of open space parcels are to be provided, a community recreation master plan may be required to identify open space typologies as per Council's Community Infrastructure Strategic Plan.</p> <p>The land being provided may include embellishments such as equipment and features, subject to negotiations between the applicant and Council.</p> <p>Refer to Figure 2 for open space linkages and relationship to private property.</p>
<p>P68.2 Public open spaces are:</p> <ul style="list-style-type: none"> • Provided in a condition that is capable of regular and efficient ongoing maintenance. • Not used for vehicular access to adjoining properties or roads. • Suitable for their stated purpose. 	<p>A68.2 In all subdivisions adjoining foreshores, a reserve must be provided that extends for a minimum of 30m from the high tide mark and for the full length of the foreshore in the subdivision.</p>
<p>P68.3 Where drainage areas have recreational value, the proposal recognises and promotes the multifunctional role of public open space, its use as a community facility and for stormwater management.</p>	<p>A68.3 A plan of public open space shall be submitted showing:</p> <ul style="list-style-type: none"> • The adjacent street reserves, carriageways, parking bays, footpaths, cycleways, street and park lighting. • Existing vegetation, general character of the proposed tree planting and landscaping, include proposed plant species. • Existing rare or significant

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Performance Criteria	Acceptable Solutions
	<p>vegetation, natural habitats and features (e.g. creeks) that are to be retained, enhanced or otherwise affected.</p> <ul style="list-style-type: none"> The number of trees within the reserve to be removed. General arrangement of hard landscaping elements and major earth cuts, fills and mounding. Indicative treatment of any drainage systems, fencing, access points and furniture. Proposed recreation infrastructure and embellishments. <p>Note: Fruit or nut bearing trees are not acceptable for street trees or for planting in Council managed parks, reserves and public open spaces.</p> <p>A68.4 Lighting is provided in accordance with AS1158.1.</p> <p>A68.5 All road frontages must have timber vehicle barriers (e.g., bollards).</p> <p>A68.6 The public reserve must be provided with:</p> <ul style="list-style-type: none"> A water service. A dedicated vehicular access point via a concrete crossing. A locked gate that can be opened. <p>A68.7 All dedicated public reserves must be provided free from weeds and in a grassed state, except for those areas covered in remnant vegetation.</p>
<p>P69 The subdivision provides adequate community buildings, spaces and supporting infrastructure to meet the needs of the community in accordance with Council's Community Infrastructure Strategic Plan.</p>	<p>A69.1 Community buildings, spaces and supporting infrastructure shall be provided as part of the development in accordance with:</p> <ul style="list-style-type: none"> Council's Community Infrastructure Strategic Plan. A community infrastructure needs analysis that has been prepared

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Performance Criteria	Acceptable Solutions
	to support the development application, as required.
	<p>Note: Depending on the nature of the development, Council may require the provision of a community infrastructure needs analysis to determine the level of community infrastructure that is required to support the needs of the future community/development. Early consultation with Council is recommended to determine if a needs analysis is required for the proposal.</p>

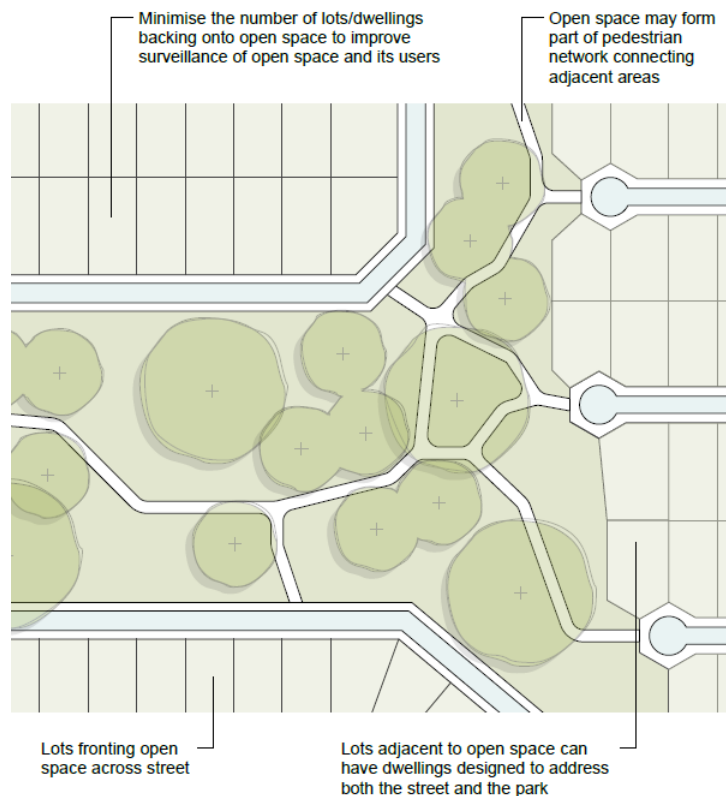


Figure 2: Open Space Links and Relationship to Private Property

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5.7 Public Natural Areas

The **objectives** are to:

- i. Maintain the pre-development ecosystem functions of the land.
- ii. Locate development outside environmentally sensitive areas.
- iii. Allow for development of land without diminishing its conservation values.
- iv. Enhance the appearance and amenity of the development through integrating retained natural areas with the landscape design.

Performance Criteria	Acceptable Solutions
<p>P70 Subdivisions are designed so that any proposed public natural area:</p> <ul style="list-style-type: none"> Includes buffers to retained natural watercourses in accordance with the <i>Water Management Act 2000</i>. Is provided with a water service. Is located with a public road frontage. Considers public safety and reasonable amenity of adjoining land users. 	<p>A70.1 A vegetation management plan (VMP) for any proposed public natural area greater than 1,000m² is required in accordance with Section 5 in Supporting Document 1.</p>

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6 Advisory Information

6.1 Other legislation you may need to check

Note: This Section is not exclusive and the applicant may be required to consider other legislation, policies and documents with the development application.

Council Policies & Guidelines	<ul style="list-style-type: none"> • Bicycle Strategy • Community Infrastructure Strategic Plan • Engineering Design Specifications • Pedestrian Access and Mobility Plan • Property Addressing Policy • Road Naming Policy • Shoalhaven Contributions Plan 2019 • Shoalhaven Integrated Transport Strategy
External Policies & Guidelines	<ul style="list-style-type: none"> • Australian Disaster Resilience Handbook Collection – Guideline 7-3 • Australian Rainfall and Runoff – A Guide to Flood Estimation • Australian Standards • AUSTROADS • Designing Safer Subdivisions – Guidance on Subdivision Design in Flood Prone Areas (Hawkesbury-Nepean Floodplain Management Steering Committee, 2006) • Disability Standards for Accessible Public Transport 2002 • Fire Safety Guideline – Access for Emergency Vehicles and Emergency Service Personnel • Planning for Bushfire Protection • RMS Supplement to AS1742.10 and TDT 2011/01a • Transport for NSW's Disability Inclusion Action Plan • Transport for NSW's Guidelines for Public Transport Capable Infrastructure in Greenfield Areas • WaterNSW's Water Sensitive Design Guide for Rural Residential Subdivisions
Legislation	<ul style="list-style-type: none"> • Local Government Act 1993 • Water Management Act 2000 • Work Health and Safety Act 2011

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6.2 Safety in Design

Consideration of hazards involved throughout the life of an asset is required in accordance with the *Work Health and Safety Act 2011* to ensure 'so far as is reasonably practicable' that it is safe to build, test, commission, operate, maintain and [demolish](#) infrastructure.

All designs must consider the hierarchy of controls (elimination, substitution, engineering controls, administrative controls and PPE) and other safety in design considerations to ensure that all physical works are designed in consideration of the *Work Health and Safety Act 2011*.

A safety in design register needs to be prepared which identifies hazards, risk, consequences, controls to reduce the risk and then the residual risk that cannot be designed out. A safety in design report and associated register must be submitted as part of the Development Application. A safety in design workshop may also be necessary.

6.3 Staging

Where development [consent](#) is required for the first or part stages of a subdivision only, the plan for the first stage must be submitted, as well as the overall plan of the subdivision on which the staged development proposal is clearly marked. The overall plan will become a development strategy plan, if supported. Each stage of the subdivision will be considered separately and if approved issued with a [consent](#). Where development [consent](#) has been issued for the overall development, a section 4.55 application will be required to facilitate the staging.

6.4 Work-as-Executed Plans

Following completion of the subdivision works, one full set of work-as-executed plans and drawings in electronic CAD format (such as dwg, dxf), is to be submitted to and retained by [Council](#). Work-as-executed plans are to be in accordance with [Council's](#) Engineering Construction specifications and relevant work-as-executed specifications.

6.5 Bonding of Works in Subdivision

In order to achieve an early release of the [plan of survey](#) by the issuing of a Subdivision Certificate, applicants sometimes request bonding of certain works in subdivisions. This procedure is not favoured by [Council](#), as problems can arise with servicing of [lots](#) not being complete prior to building commencing. However, [Council](#) may agree to the release of final [plan of survey](#) in the following circumstances:

- i. Where roadworks is involved, only where:
 - Such works have progressed to the stage of providing all-weather access to all [lots](#), and
 - Security in the form of a cash deposit or irrevocable bank guarantee is provided for the completion of the work, and

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- A contract between the applicant and the Contractor for the completion of the works has been sighted by Council.
- ii. Where water and/or sewerage works are involved, only where:
 - Utility service road crossings are installed.
 - An irrevocable bank guarantee for the provision of either water and/or sewerage works is provided in an amount to be determined by Council.
 - All remaining works can be completed without impacting on existing works, infrastructure, utilities, or improved surfaces.
 - All required easements and land matters have been finalised and agreed with Council/Shoalhaven Water.
- iii. Provision of legal contract document between the applicant and Council. A deed of agreement, defining the work related to the bond and timing for completion of the works, is to be provided as a part of the bonding of incomplete works.

The period of acceptance of a bond for early release is 3 months and is subject to a contractor's quotation. Further requests for an extension will require an updated contractor's quotation. Under no circumstances will Council accept bonding of outstanding works within existing or future private lots.

6.6 Assessment of Bond Amount

Where the work is to be carried out by the applicant's contractor, the bond is to be for the full contract value of outstanding work plus 30%. A further 5% of the contract price will be retained for maintenance for a period of 12 months after road works have been accepted by Council.

The payment of fees and contributions to enable (early) release of the plan of survey, must be made unconditionally and Council will not accept compliance with conditions of consent made "protest" or "subject to further discussion" etc.

6.7 Reduction of Bond

The bond amount may be progressively reduced as the work covered by the bond is carried out but at no time will the bond amount fall below 10% of the contract amount or the estimated total cost of the outstanding works. The applicant will be required to lodge a schedule of quantities of all outstanding works to enable the bond amount to be determined.

6.8 Completion of Works and Certification

On practical completion of construction works, a compliance certificate will be issued by Council or an accredited certifier (except for water and sewerage) which indicates that the whole of the works have been carried out in accordance with the subdivision works certificate and relevant specifications.

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If the whole of the works are considered satisfactory, the Development Services Manager (or Engineering Coordinator as per **consent** conditions) or delegate, will agree to a date (the date of practical completion) on which the whole of the works are considered to have entered into the maintenance period. Separate components of works will not be accepted into maintenance individually.

Refer to the *Local Government Act 1993* and *Water Management Act 2000* for requirements relating to water and sewer. Early consultation with Shoalhaven Water is recommended.

6.9 Defects Liability (Maintenance) of Works (Excluding Water Sensitive Urban Design)

Notwithstanding any contractual agreement an applicant may have with a contractor for any portion of the work within a subdivision, **Council** requires a defects liability and maintenance period for all work prior to the final acceptance of the work. The defects liability and maintenance period shall be at least twelve (12) months after the works are certified complete in writing by the Development Services Manager (or Engineering Coordinator as per **consent** conditions) or delegate or the accredited certifier. **Vegetation management plans**, **water sensitive urban design** and major landscaping embellishments should be maintained in accordance with the approved management plans and be generally subject to a longer defects liability and maintenance period prior to handover to **Council**.

Council will accept copies of test results throughout the program of each subdivision. All requests for **Council's** acceptance of subdivisions into maintenance are to be made in writing including documentation of all test results obtained.

In the case of civil works (excluding water supply and sewerage), a defects liability (maintenance) bond of 5% (minimum) of the cost of the civil works is to be lodged with **Council** at the time of acceptance of these works by **Council** (practical completion). Any defects in the works within the maintenance period will be notified to the applicant. If these defects are not rectified to the satisfaction of the Development Services Manager (or Engineering Coordinator as per **consent** conditions) or delegate within one month of the expiration of the maintenance period, the **Council** shall be at liberty to rectify these defects and apply the maintenance bond to the cost of this rectification. Any unexpended balance will be refunded to the subdivider.

Any defective works rectified during or following completion of the defects liability and maintenance period will be subject to an additional 6 or 12 months defects liability and maintenance period as determined by the Development Services Manager or Engineering Coordinator.

6.10 Defects Liability (Maintenance) of Water Sensitive Urban Design Devices

Notwithstanding any contractual agreement an applicant may have with a contractor for any portion of the work within a subdivision, **Council** requires a defects liability and maintenance period for all **water sensitive urban design (WSUD)** devices prior to the final acceptance of the devices. WSUD devices includes trash racks, gross pollutant trap

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devices, sediment basins/forebays, constructed wetlands, bioretention basins, water quality ponds, infiltration basins, swales and the like.

The defects liability and maintenance period shall be at least three (3) years after the works are certified complete in writing by the Development Services Manager (or Engineering Coordinator as per consent conditions) or delegate or the accredited certifier until Council is satisfied that the devices and associated stormwater assets are of a satisfactory condition at the end of the maintenance period.

The following conditions are required to be met for WSUD devices to be handed over to Council.

- The WSUD infrastructure has been designed and constructed in accordance with Council guidelines, the approved design drawings and specifications.
- Work as executed (WAE) drawings have been provided to and accepted by Council.
- All WSUD infrastructure has been maintained in accordance with the approved WSUD Operation and Maintenance Manual. This includes, but is not limited to, the removal of all sediment and litter from trash racks/gross pollutant trap devices, removal of any weeds and reinstatement of any dead or unhealthy plants.
- Any accumulated sediment has been removed to the as-built invert levels of sediment basins/forebays, constructed wetlands/water quality ponds and lakes.
- For bioretention and infiltration basins, an infiltration test has been undertaken to validate the saturated hydraulic conductivity is in accordance with the approved design. The infiltration test must be observed by Council's Development Engineering Coordinator or delegate.
- Any identified defects have been rectified to the satisfaction of Council at the developers cost.

In the case of civil works (excluding water supply and sewerage), a defects liability (maintenance) bond of 5% (minimum) of the cost of the civil works is to be lodged with Council at the time of acceptance of these works by Council (practical completion). Any defects in the works within the maintenance period will be notified to the applicant. If these defects are not rectified to the satisfaction of the Development Services Manager (or Engineering Coordinator as per consent conditions) or delegate within one month of the expiration of the maintenance period, the Council shall be at liberty to rectify these defects and apply the maintenance bond to the cost of this rectification. Any unexpended balance will be refunded to the subdivider.

Any defective works rectified during or following completion of the defects liability and maintenance period will be subject to an additional 6 or 12 months defects liability and maintenance period as determined by the Development Services Manager or Engineering Coordinator.

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1 Introduction

This technical reference document provides:

- Background information on the purpose of the provisions in Chapter G11: Subdivision of Land.
- Useful references to assist in compliance with the relevant provisions.
- Example drawings.

Refer to the DCP Dictionary for the definition of terms where available.

2 The Road Network

2.1 Road Typologies

This section outlines the classification and characterisation of the road typologies typically involved in subdivisions. Roads are to be designed in accordance with Table 1 and the plans/sections in Sections 2.1.1-2.1.9.

Note: Indicative layouts are diagrammatic only and do not represent the minimum widths to true scale. Carriageway widths are measured from invert to invert.

Collector Roads and Local and Retail Streets (including Riparian Streets) are to include line marking as per the indicative images in Section 2.1.1-2.1.4 below.

A pathway plan will be required to support a development application to show:

- The pathway network within the subdivision.
- How the proposed pathway network within the subdivision connects to the existing pathway network external to the subdivision (where relevant).

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Table 1: Classification of streets

Road Typology	Speed km/h ¹	AADT ²	Carriageway Widths ³ (m)
Collector Road (Tier 1) (Local Distributor Road)	60	7,500-19,999	14 ⁴
Collector Road (Tier 2)	50	3,000-7,499	13 ⁵
Local and Retail Streets	50	1,500-4,999	13.6
Local Street (Riparian)	50	1,500-2,999	10
Access Street (Tier 1)⁶	40	750 to 1,499	10
Access Street (Tier 2)⁷	30	300 to 749	7.5
Access Place	30	<299	7
Laneways	10	<150	6 ⁸
Industrial	50-60	N/A	13

¹ Streets shall be designed to achieve the target street speed and sight distances to accord with design speed.

² For single dwellings, apply a traffic generation rate of 10 vehicles per day per dwelling. For multi-unit dwellings apply a rate of 6 vehicles per day per dwelling unless a different rate can be demonstrated.

³ The carriageway width is measured from invert to invert. Widening may be required at bends to allow for wider vehicle paths (subject to review using *AUSTROADS Turning Templates*).

⁴ Local distributor roads must be line marked.

⁵ Collector roads must be line marked.

⁶ Includes traditional cul-de-sac type streets.

⁷ Includes traditional cul-de-sac type streets.

⁸ Laneways are generally used when smaller lot layouts justify access to garages at the rear, and where alternative vehicle access is needed for lots fronting major streets or parklands (i.e., rear loaded lots). Laneways are to only be considered in strategic circumstances, for example, when part of a master plan and are to be designed as self-enforcing shared zones.

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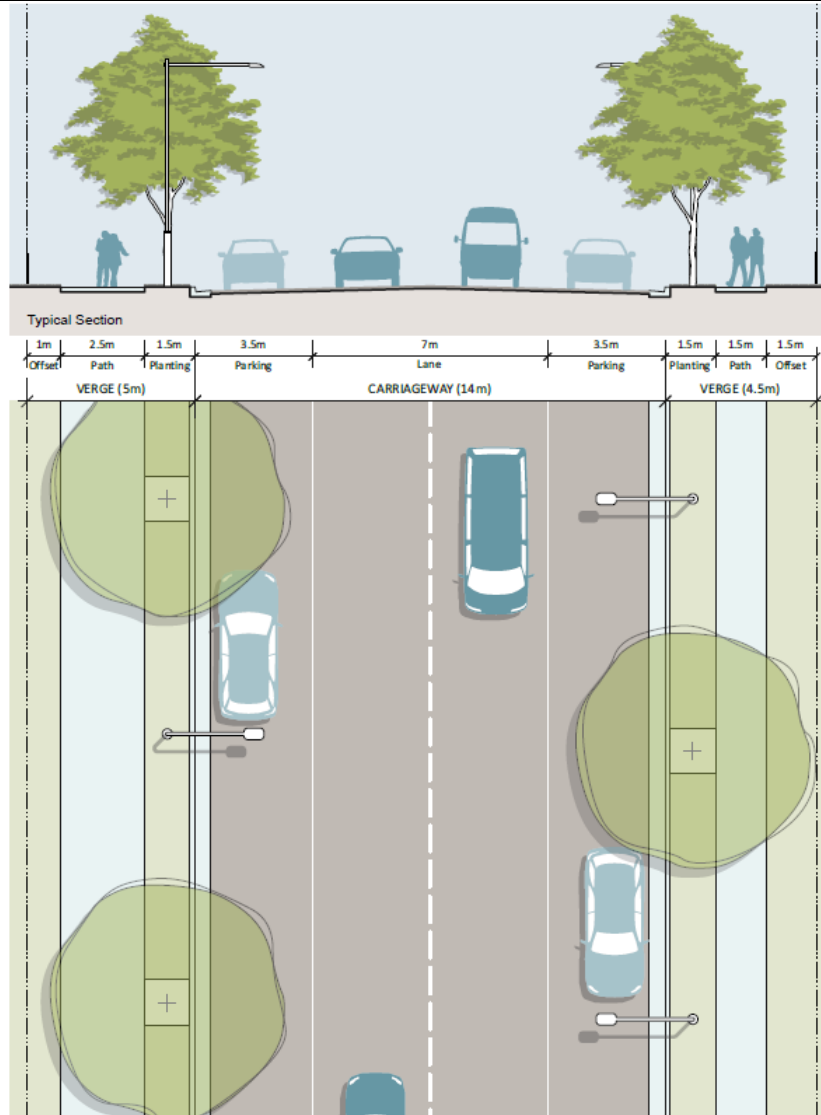
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2.1.1 Collector Road (Tier 1) (Local Distributor Road)

Verge (m)			Carriageway (m)			Verge (m)			Total Reserve
Offset	Path*	Plant	Parking	Lane	Parking	Plant	Path*	Offset	
1	2.5	1.5	3.5	7	3.5	1.5	1.5	1.5	23.5m
5			14			4.5			

* a 2.5m wide shared use pathway is provided within at least one verge, with a 1.5m wide pathway provided on the other verge.



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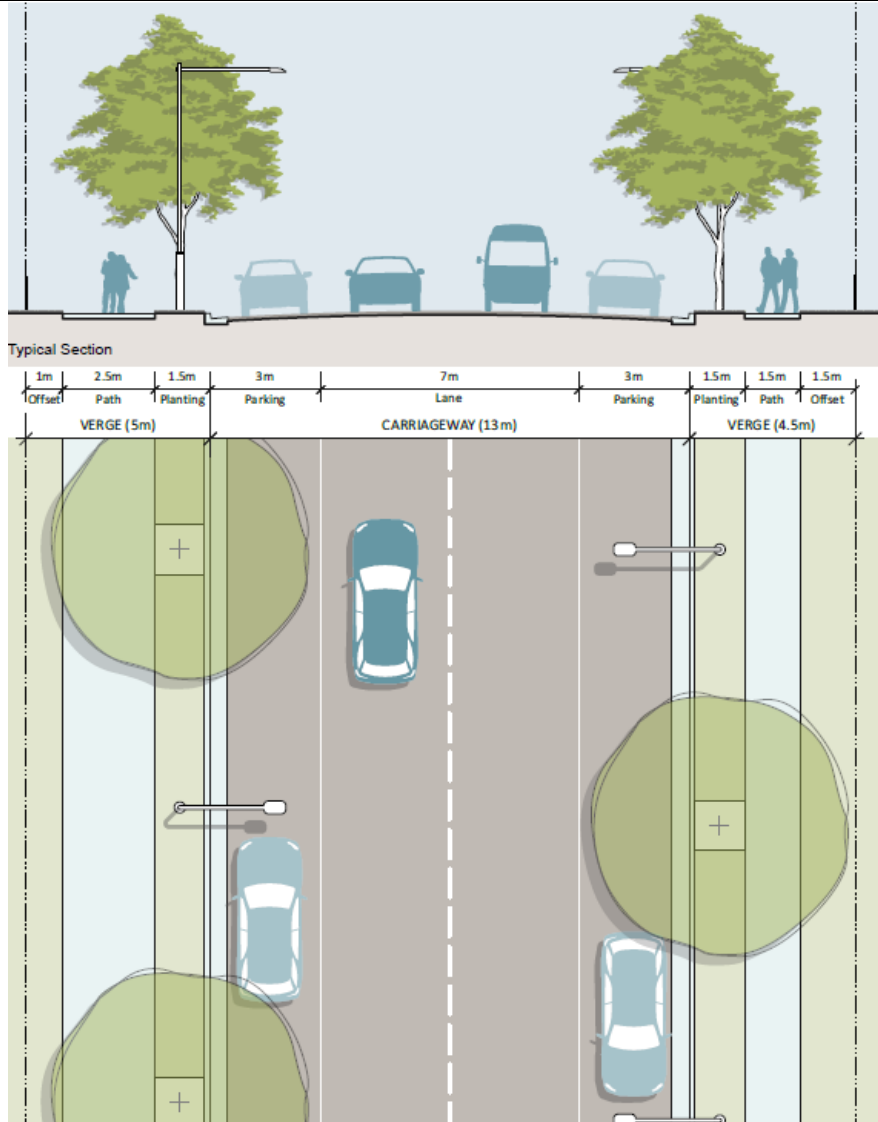
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2.1.2 Collector Road (Tier 2)

Verge (m)			Carriageway (m)			Verge (m)			Total Reserve
Offset	*	Plant	Parking	Lane	Parking	Plant	Path*	Offset	
1	2.5	1.5	3	7	3	1.5	1.5	1.5	22.5m
	5			13			4.5		

* a 2.5m wide shared use pathway is provided within at least one verge, with a 1.5m wide pathway provided on the other verge.



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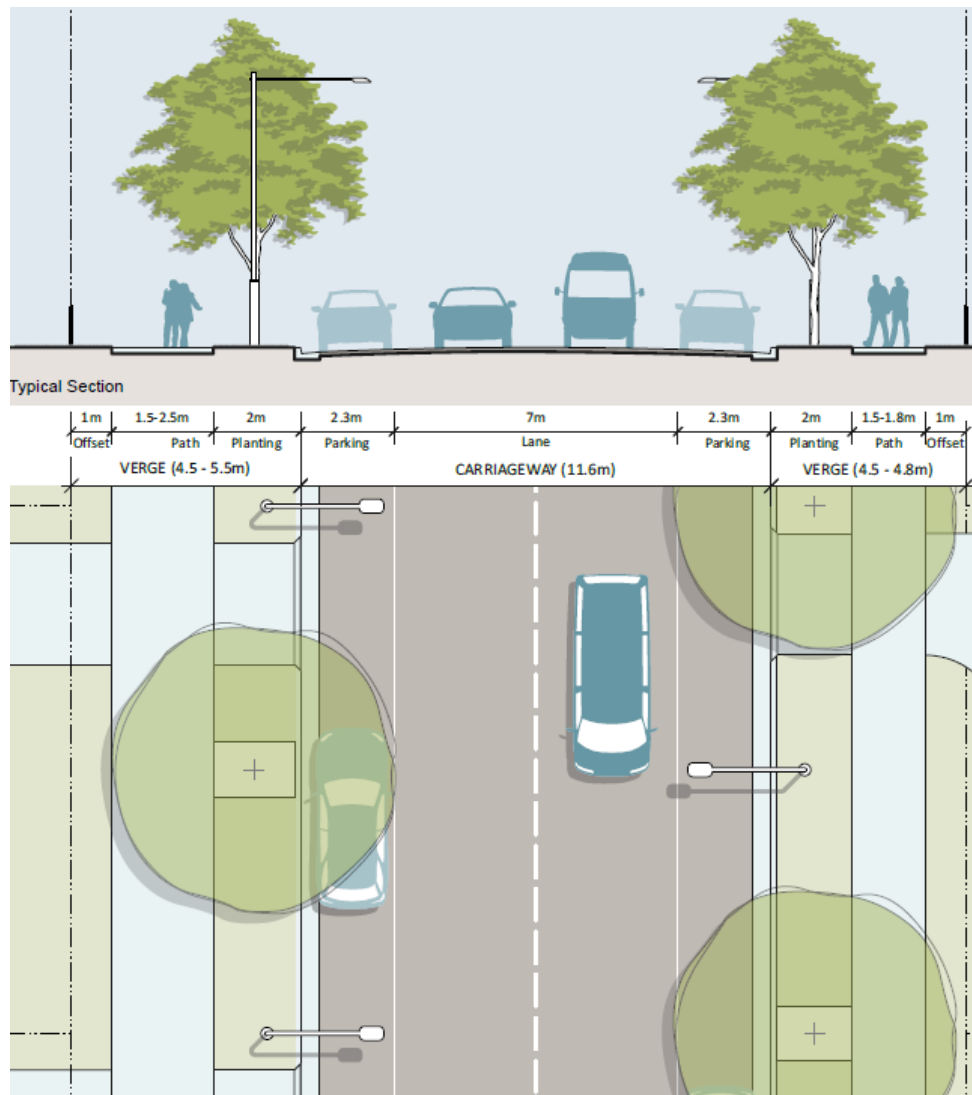
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2.1.3 Local and Retail Streets

Verge (m)			Carriageway (m)			Verge (m)			Total Reserve
Offset	Path*	Plant	Parking	Lane	Parking	Plant	Path*	Offset	
1	1.5 – 2.5	2	2.3	7	2.3	2	1.5 – 1.8	1	20.6m- 21.6m
	4.5 – 5.5			11.6			4.5 – 4.8		

* A 1.8m wide path is to be provided for Retail Streets, with the verge widened to 4.8m. Where shared use pathways are required in a Council strategic document, or otherwise required for pedestrian and cycle connectivity, the verge is to be widened to 5.5m on one side to accommodate a 2.5m shared use pathway. A 1.5m wide pathway is to be provided on the other verge.



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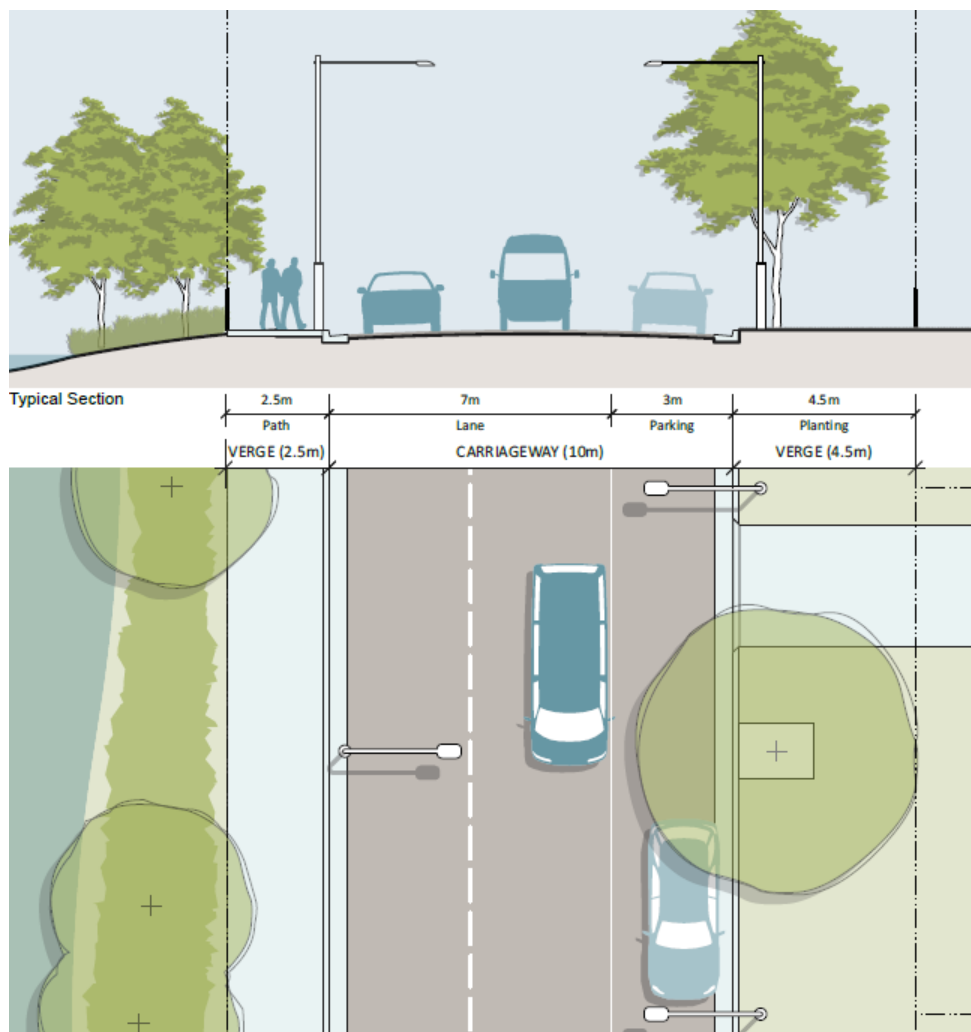
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2.1.4 Local Street (Riparian)

Verge (m)	Carriageway (m)		Verge (m)	Total Reserve
Path	Lane*	Parking	Plant	
2.5	7	3	4.5	17m
2.5	10		4.5	

*The road crown is to coincide with the centre line of the travel lanes.



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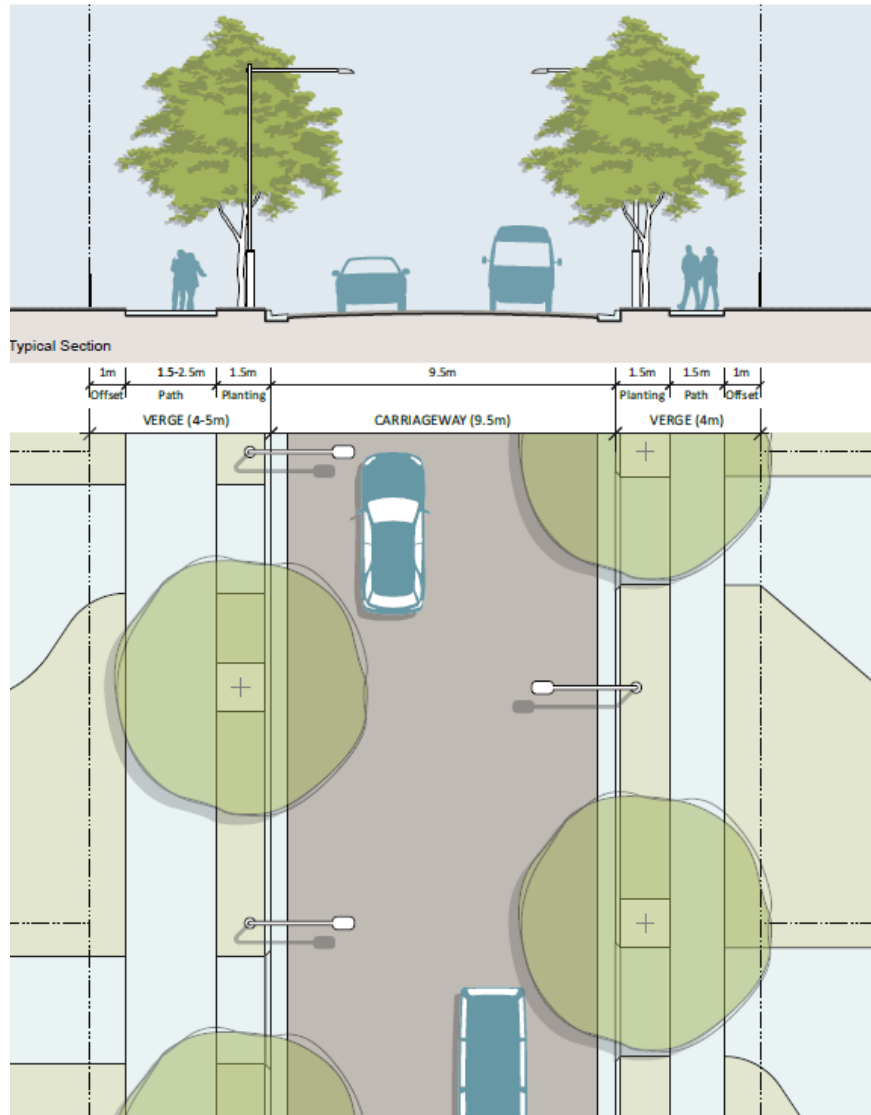
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2.1.5 Access Street (Tier 1)

Verge (m)			Carriageway (m)	Verge (m)			Total Reserve
Offset	Path*	Plant		Plant	Path*	Offset	
1	1.5 - 2.5	1.5	9.5	1.5	1.5	1	17.5m - 18.5m
	4 - 5		9.5		4		

* Where shared use pathways are required in a Council strategic document, or otherwise required for pedestrian and cycle connectivity, the verge is to be widened to 5m on one side to accommodate a 2.5m shared use pathway. A 1.5m wide pathway is to be provided on the other verge.



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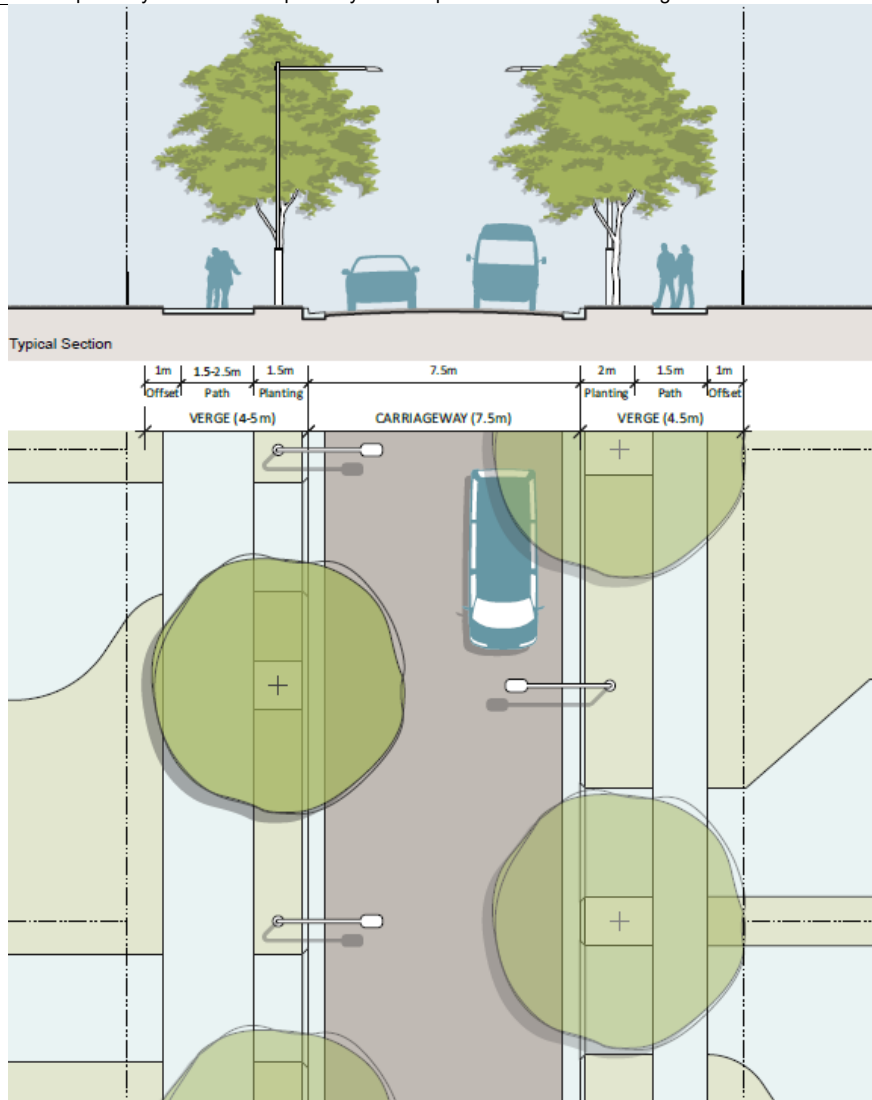
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2.1.6 Access Street (Tier 2)

Verge (m)			Carriageway (m)	Verge (m)			Total Reserve
Offset	Path	Plant		Plant	Path	Offset	
1	1.5-2.5	1.5	7.5	2	1.5	1	16m - 17m
	4 - 5		7.5		4.5		

* Where shared use pathways are required in a Council strategic document, or otherwise required for pedestrian and cycle connectivity, the verge is to be widened to 5m on one side to accommodate a 2.5m shared use pathway. A 1.5m wide pathway is to be provided on the other verge.



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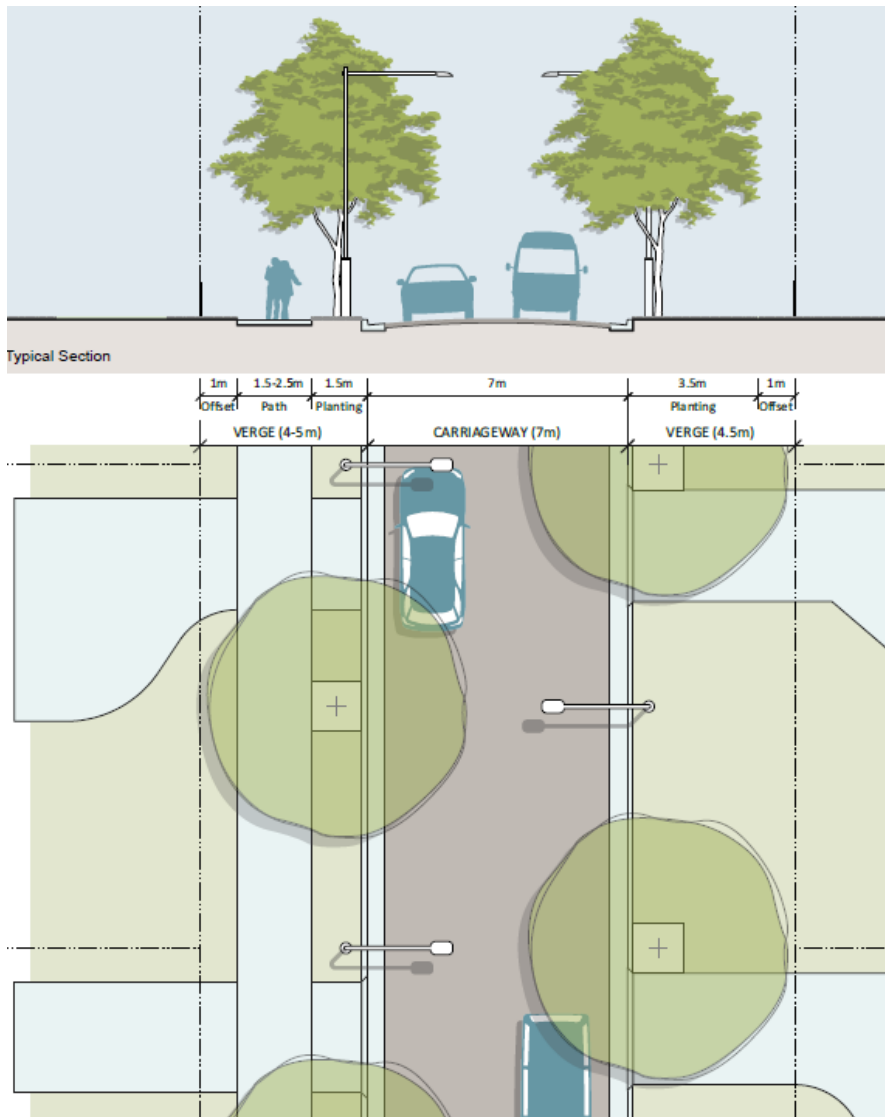
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2.1.7 Access Place

Verge (m)			Carriageway (m)	Verge (m)		Total Reserve
Offset	Path	Plant		Plant	Offset	
1	1.5 – 2.5	1.5	7	3.5	1	15.5m – 16.5m
	4 – 5		7	4.5		

* Where shared use pathways are required in a Council strategic document, or otherwise required for pedestrian and cycle connectivity, the verge is to be widened to 5m on one side to accommodate a 2.5m shared use pathway.



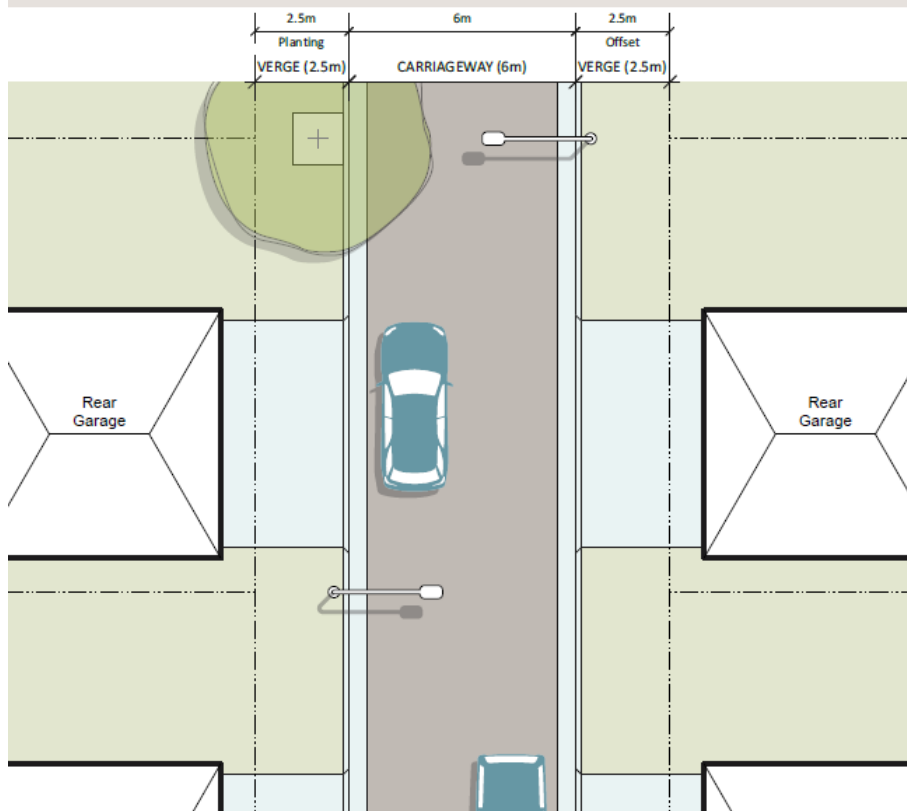
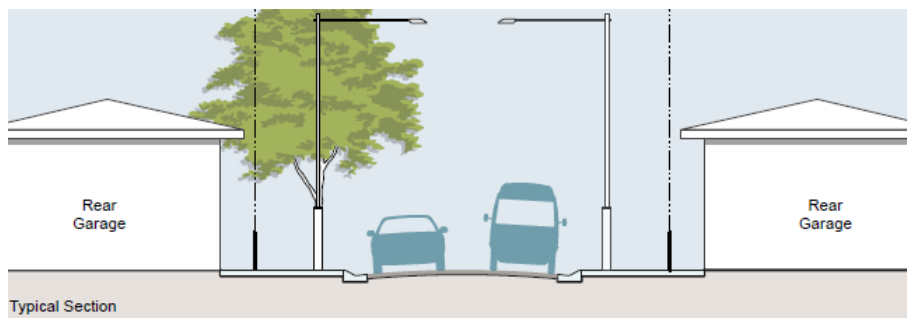
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2.1.8 Laneways

Verge (m) Plant	Carriageway (m)	Verge (m) Offset	Total Reserve
2.5	6	2.5	11m



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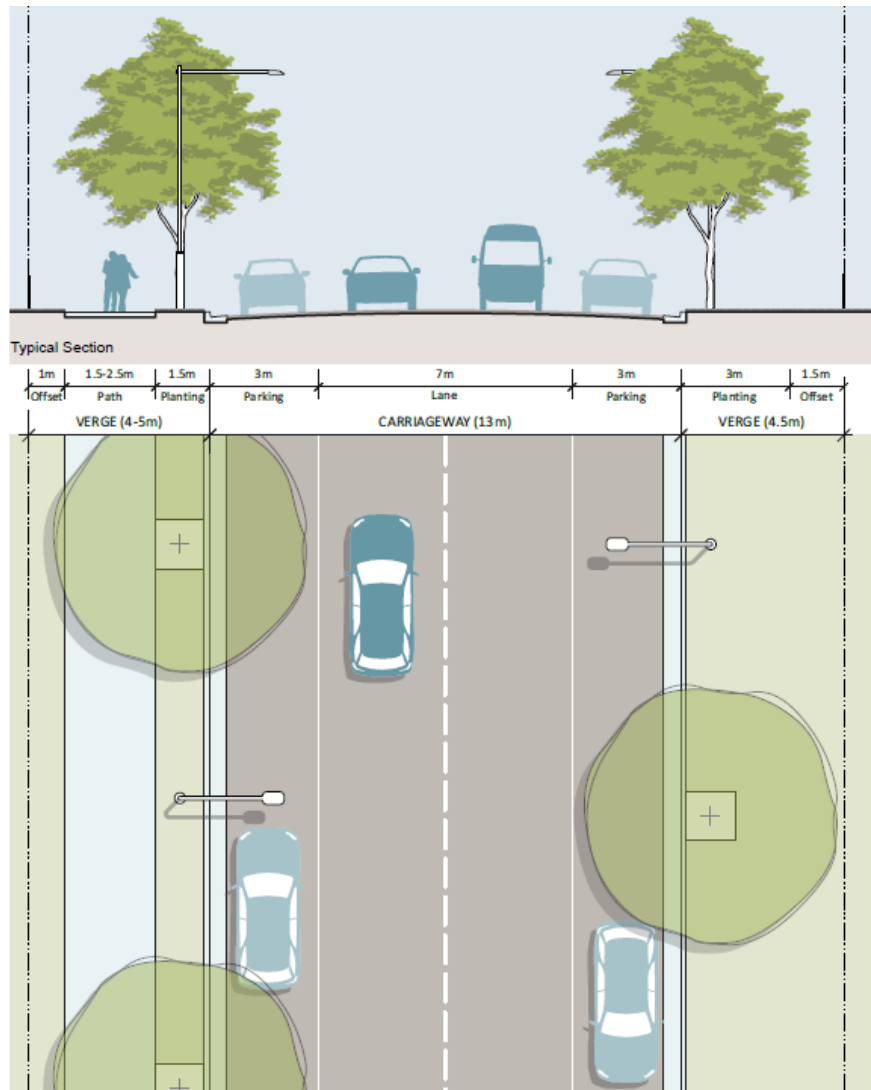
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2.1.9 Industrial Streets

Verge (m)			Carriageway (m)			Verge (m)		Total Reserve
Offset	Path*	Plant	Parking	Lane	Parking	Plant	Offset	
1	1.5 – 2.5	1.5	3	7	3	3	1.5	21.5m – 22.5m
4 - 5			13			4.5		

* Where shared use pathways are required in a Council strategic document, or otherwise required for pedestrian and cycle connectivity, the verge is to be widened to 5m on one side to accommodate a 2.5m shared use pathway.



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2.2 Intersections

Table 2: Location of Intersections

Road Type	Location of intersection
Collector Road (Tier 1)	Only to collector road (tier 1 or 2) or external road
Collector Road (Tier 2)	Only to collector road (tier 1 or 2) or local street
Local Street (all)	Only to a local street, access street or collector road
Access Street	Only to access street, or local street
Access Place	Only to access street, or local street
Laneways	Only to access place, access street, or local street

Note: A street should only intersect with a street of the same classification or immediately adjacent classification

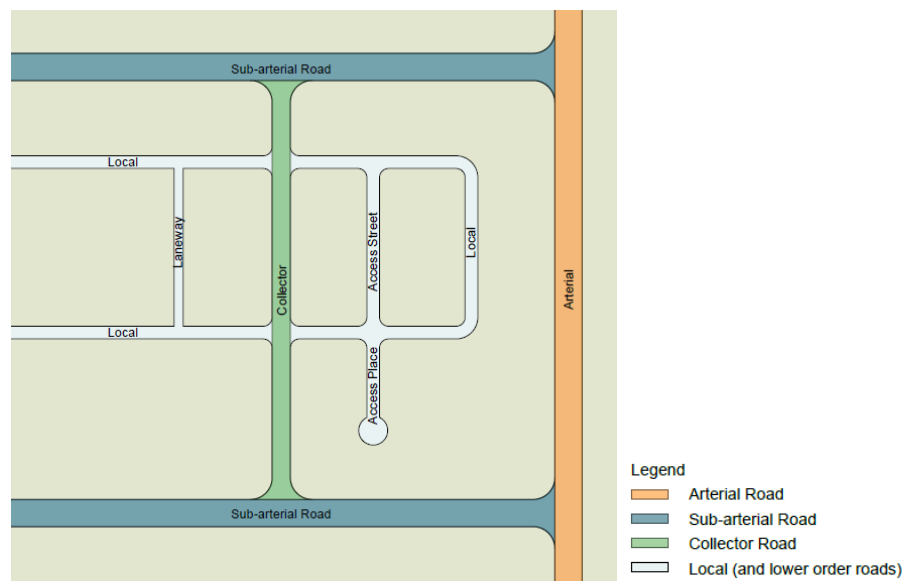


Figure 1: Relationship between classes of road in a network

Note: The figure highlights that Local Streets (including low order access places, access streets and laneways) have no through traffic. Where an element of through traffic exists, the class or road is Collector or higher.

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3 Design and Construction: Roads and Driveways/Access

3.1 Designing for Safety

Traffic speeds and volumes are restrained through one or more of the following measures:

- **Limiting street length:**
 - Where street 'leg' length is limited to control vehicle speed, the lengths between slow points are designed to restrict operating speeds as specified in **Table 3**.
- **Curved alignment:**
 - Where bends are introduced to control speeds to 20 km/h or less, the deflection angle in the change of the alignment of a street or pavement is at least the angle determined from **Table 4** and Error! Reference source not found..
- **Introducing slow points:**
 - Where street 'leg' length is limited to control vehicle speed, the lengths between slow points are designed to restrict operating speeds as specified in **Table 3**.
 - Where speed reduction devices are part of a design for the total street environment, devices conform with those in Error! Reference source not found..
 - Where speed restriction devices are used in isolation, they shall include:
 - Full horizontal displacement of the vehicle path.
 - Swept vehicle paths to have a 20m radius.
 - Construction on exit rather than on entry (otherwise there is a risk that the device may be short cut).
 - Additional pavement treatment behind the kerb for large vehicles.
 - Line marking and signposting.
 - Slow points to be designed in accordance with AS1742.3.

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3.2 Traffic Speed

Table 3: Traffic Speed⁹

Design Speed (km/h)	Street Leg Length (m)	
25	40	<ul style="list-style-type: none"> • End Condition – 20 km/h or less • For grades of 5 to 10% – add 5 km/h • For grades over 10% – add 10 km/h • “End Conditions” reducing vehicle speed to 20 km/h may include: <ul style="list-style-type: none"> – T-intersections¹⁰ – Roundabouts – Bends (approximately 90°) of radius 9m or less – Traffic control devices, e.g., Slow Points, of appropriate design
30	45	
35	70	
40	100	
45	120	
50	140	
60	165	

⁹The speeds and lengths in this table should not be regarded as absolutes. Variations of 10-15%, whilst not accepted as the norm, may be acceptable in some circumstances. The intention of the table is to provide guidance on design speed based on street length. Where street lengths exceed 140m, intersection or LATM treatments may be required to demonstrate that a self-enforcing 50kph speed zone environment can be provided and maintained. AS1742.13 and ARRB speed model research may also inform a satisfactory outcome.

¹⁰ For 90 degree intersection angle the appropriate kerb radius is:

- Access street 6m
- Local street 6m
- Collector street 8m
- Local distributor 8m

For other angles, use turning templates.

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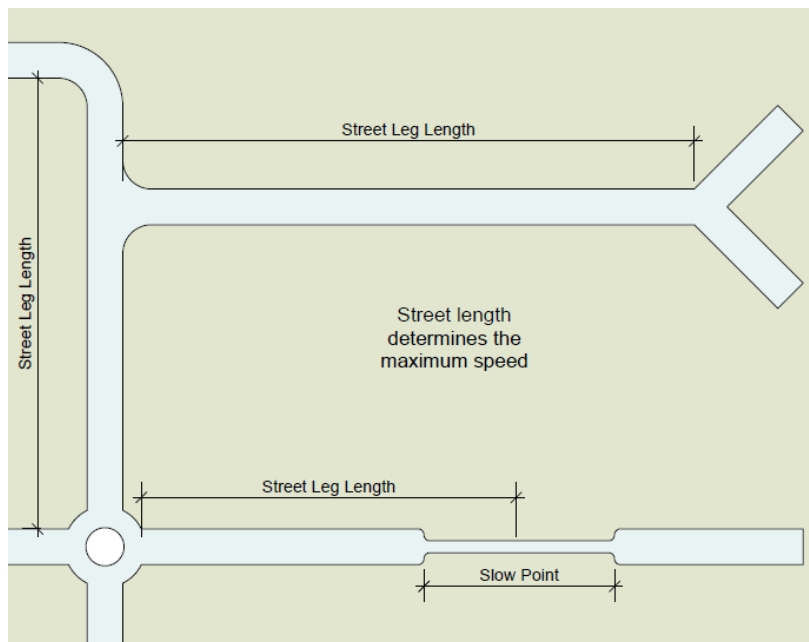


Figure 2: Street Leg Length

3.2.1 Minimum Deflection Angles

All proposed local area traffic management (LATM) treatments should be designed with reference to AS1742.13 for design specifics and AGtM-Part 8 for warrants and background information. The ultimate LATM will be determined on a development by development basis by Council, at its discretion.

Table 4: Minimum Deflection Angles for Speed Control to 20km/h

Bend type	6.0m	7-7.5m
Single bend	• 70°	• 90°
Chicane	• 40°-45°	• 60°-60°

Note: Any traffic calming scheme is to be supported by a swept path analysis to demonstrate a traffic calming scheme will not adversely impact upon the operation of the network.

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3.2.2 Geometric Road Design and Minimum Stopping Distances

Provide adequate stopping and sight distances for horizontal and vertical curves at all intersections in compliance with AUS-SPEC's Geometric Road Design – 0041, s3.8, s3.9 & s3.11, including the following:

- Drivers react to restrictive horizontal alignment by slowing to an appropriate speed, hence the desired maximum design speed is maintained by deliberately designing a restrictive horizontal alignment.
- The minimum horizontal deflection angle for which a curve is needed is 1.0 degree. Where possible the radii of the curve shall be maximised to reduce the necessity for centreline shift and widening of the carriageway. The minimum radius of horizontal curves for various deflection angles shall be:

Minimum Deflection Angle (degree)	Minimum Radius (m)
78	20
60	33
40	65
30	75
20	100

- Where the deflection angle is 90° and travel speed is not an issue, the size of the horizontal curve is to be related to the turning requirements of a Single Articulated Vehicle (19.0m) / Heavy Rigid Vehicle (12.5m) such as a removalist van and garbage truck.
- All curves of less than 180 metres radius shall be widened and provided with plan transition at the junctions with the tangents. This applies particularly to curves which tend to reduce the speed of traffic flow and those with crests within their length.

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3.3 Street and Road Types

Table 5: Street and Road Types

Street Type	Road Reserve Width (m)	Carriageway Width (m)	Verge Width (m)	Kerb Type	Street Longitudinal Grade Max	Pavement Treatment	Footpath Requirement	Parking Provision within Road Reserve	Minimum Boundary Splay at Intersections (m) ¹¹	Entrance Kerb Return Radium (m) ¹²
Collector Road (Tier 1) (Local Distributor Road)	23.5	14	4.5 - 5	Barrier	16%	AC	Yes, both sides	Carriageway – able to be converted in future to No Parking/ Clearway	5 x 5	12
Collector Road (Tier 2)	22.5	13	4.5 - 5	Barrier	16%	AC	Yes, both sides	Carriageway	5 x 5	12

¹¹ Splay dimensions may need to be increased to adequately accommodate shared paths and services. The design is to be prepared in accordance with AUSTROADS requirements.

¹² Any variation to the radii must be approved by Council's Engineers and should accommodate the intended vehicular movement using AUSTROADS templates. The specified minimum kerb radii and minimum splay corners may be subject to amendment according to intersection treatments and associated traffic control devices. Should such be identified for an intersection, then both radii and splays will be designed in accordance with the intersection treatment design. When reduced kerb returns are specified due consideration must be given to the following:

- The provision of kerb levels (on the nominal kerb lines) at tangent points, quarter points and wherever necessary to ensure accurate construction of junctions and turning heads.
- Offsets to all crests and low points to be shown on the kerb profile.
- The kerb return profile is to be generally designed by adopting the grades of the approach and exit kerbs to the return, by quartering the length of the return and by computing kerb levels adopting two vertical curves as required.
- As far as practicable, low points within the kerb return shall be avoided to eliminate the use of pits with curved lintels.

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Local and Retail Street	20.6 – 21.6	11.6	4.5 – 4.5	Barrier	16%	AC	Yes, both sides	Carriageway	4 x 4	9
Local Street (Riparian)	17	10	2.5 – 4.5	Layback	16%	AC	Yes, riparian side	Carriageway	4 x 4	9
Access Street (Tier 1)	17.5 – 18.5	9.5	4 - 5	Layback	16%	AC, or stamped or patterned concrete	Yes, both sides	No	4 x 4	9
Access Street (Tier 2)	16 - 17	7.5	4 - 5	Layback	16%	AC, or stamped or patterned concrete	Yes, both sides	No	4 x 4	9
Access Place	15.5 – 16.5	7	4 - 5	Layback	16%	AC, or stamped or patterned concrete	Yes, one side	No	4 x 4	9
Laneways	11	6	2.5	Barrier or concrete V-drain	16%	AC or concrete	No	No	4 x 4	9
Industrial	21.5 – 22.5	13	4 - 5	Barrier	16%	AC	Yes, one side	Carriageway	5 x 5	12
Car parks						AC or patterned concrete				

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Table 5 (Part 2): Large Residential Development

Allotment Size	Gutter	Drainage
2000m ² - 3,999m ²	Layback kerb and gutter	Underground
4,000m ² and greater	Grassed table drain with concrete edge strip Grade 10% plus layback kerb	Underground with table drains to drain road reserve

Table 9 and Table 9 (Part 2) Notes:

- Each verge must be of sufficient width to accommodate relevant services, plantings and pathways.
- The minimum street reserve widths apply after satisfying the other criteria within this table and possible future pavement widening to 5m.
- An integrated design of street and building layout is necessary for speed control and to achieve the optimum result. Appropriate considerations are required for the collection of waste.
- A minimum kerb radius is desirable for pedestrian safety and control of vehicle speeds. A threshold treatment or driveway crossing may be used at the intersection entry.
- Grades greater than 12% require special design considerations for pedestrians, cyclists, waste collection vehicles and road layout e.g. Grade on curves, grade for turning vehicles at the street turning head.
- Pathway reserve width 4m.
- Cycleway reserve width 6m.

3.4 Construction

Flexible pavement construction is based on the minimum requirements contained in Council's Engineering Design Specification. In the following circumstances, the developer shall provide street improvements to the subdivision, including side streets of corner lots:

Table 6: Street Design

For	Existing sealed road	Existing unsealed road	Unformed road
All lots fronting:	<ul style="list-style-type: none"> • Necessary roadway widening. • Kerb and gutter • Appropriately sealed road shoulders. • Drainage to the frontage of all lots 	<ul style="list-style-type: none"> • Necessary roadway widening. • Kerb and gutter. • minimum 6m sealed pavement. • Drainage to the frontage of all lots. 	<ul style="list-style-type: none"> • Necessary roadway widening. • Kerb and gutter. • minimum 6m sealed pavement. • Drainage to the frontage of all lots.

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For	Existing sealed road	Existing unsealed road	Unformed road
Intersections with:	<ul style="list-style-type: none"> Newly sealed pavement to be extended to meet the existing pavement with compliant radii or kerb return. Sealing of existing road shoulders as required. 	<ul style="list-style-type: none"> Extend new pavement 2m beyond gutter line. 	
Access to the subdivision by way of:	<ul style="list-style-type: none"> To be upgraded to Council specifications where considered inadequate for the additional traffic generated by the subdivision. Impacts of development to be assessed in the Traffic Impact Statement/Study and recommend required upgrades. 		

Table 7: Construction of battle axe/right of way driveways to the extent of the right of way or access handle

For	Specifications
1-2 Lots	Reinforced concrete pavement minimum 3m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.
3-4 Lots	Reinforced concrete pavement minimum 5.5m wide 125mm thick on 75mm FCR, SL72 Fabric with 35mm topcover 20MPa concrete.

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3.5 Rural Roads

Table 8: Rural driveway / right of way construction standards

No. served	lots	Pavement			Gradients	
		Carriageway width	Material	Variation	=>12%	Max.
1-2 Lots		5m (inclusive of 0.5m shoulder each side)	Gravel	<ul style="list-style-type: none"> Width may be reduced to 3m where there are environmental concerns Provision of suitable passing bays required Sealed if within 20m of dwellings 	<ul style="list-style-type: none"> To be bitumen sealed. Continuous bitumen seal where gravel sections are 200m or less Pavements commencing at a tangent point or within a curve are to be bitumen sealed 	25%
3-4 Lots		6m (inclusive of 0.5m shoulder each side)				

All driveways to be constructed with associated drainage

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Table 9: Rural roads

Description	Road reserve width	Minimum carriageway width		Traffic loading	Drainage
		Sealed*	Gravel		
No through road < 15 dwellings	20m	6m (inclusive of 0.5m gravel shoulder each side)	6m (inclusive of 0.5m shoulder each side)	Design as per Engineering Design Specifications pavement design.	Minimum design storm event of the 20% AEP; or as specified by Council
Two lane road >15 dwellings		8m (inclusive of 0.5m gravel shoulder each side)	8m (inclusive of 0.5m shoulder each side)		
All roads in RU4, R5, E4 zones		8m (inclusive of 0.5m gravel shoulder each side)	N/a		

* Bitumen seal rural roads if the road gains access from either, a bitumen sealed road or gravel road listed in Council's Work's Program to be sealed within the year.

All roads in rural residential areas are to be bitumen sealed.

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3.6 Construction of Verges

The construction of the verge is to provide adequate space for underground service allocation and street trees/lighting as per:

- **Figure 3** for verges between 3-3.6m in width.
- The NSW Streets Opening Coordination Council's [Guide to Codes and Practices for Streets Opening](#) for verges greater than 3.6m in width.

Note: Where rear laneways are required, underground service allocation is to be provided along the primary street frontage, not the laneway.

The centre line for street trees is determined as an equal distance from the kerb to the trench for the water service allocation.

If water mains are located under the footpath or hard stand areas, connections and service lines must be installed at the time of water main construction and extended into the property boundary by a minimum 0.5m. Pathcocks are to be raised to surface and incorporated if located in hardstand and footpaths. Early consultation with Shoalhaven Water is encouraged.

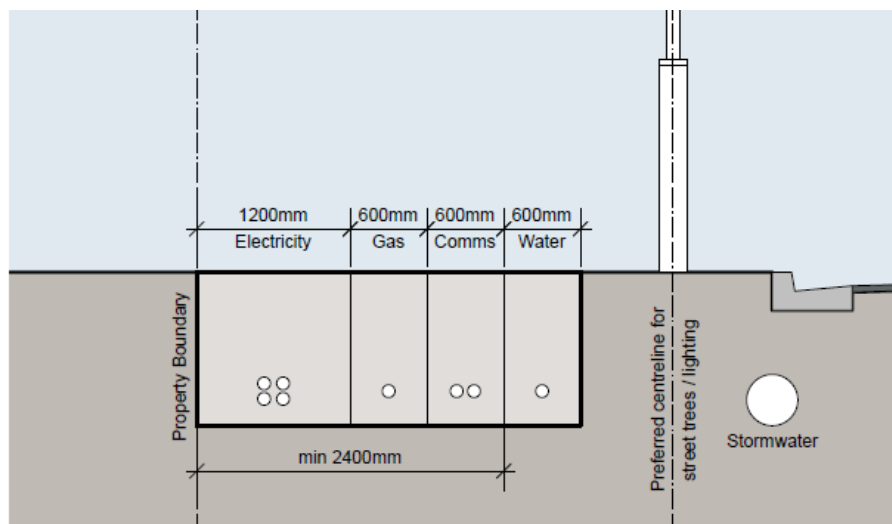


Figure 3: Underground Service Allocation (verge width 3-3.6m)

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4 Minimum land requirements for recreation areas/public reserves

The following criteria is provided as a guide to land that will not be accepted by Council for dedication, unless it adds to an existing reserve, or will be added to from future subdivisions to create at least at the minimum area:

- Land with an area less than 0.3ha. In some circumstances, Council will consider land with an area of less than 0.3ha where the land adjoins an existing or identified future open space area.
- Irregular land in which the widest section is less than 30m.
- That does not provide good visibility from local area and potential for adequate passive surveillance.
- Land with a direct frontage of less than 50m to a public road.
- Land which any part has a slope greater than 20%.
- Land which is substantially covered with native vegetation or predominantly ecologically endangered community.
- Land which contains drainage areas and stormwater easements, which have no recreational value, but primarily exists as part of a natural watercourses, or for drainage control or stormwater management.
- Land required to ensure the provision of appropriate riparian zones along watercourses.
- Land upon which utilities such as water, sewerage pumping stations, stormwater pumping stations, electricity substations, power transmission towers or other similar level infrastructure is located.
- Land that does not have adequate access for maintenance vehicles, or for visitor parking if required.
- Land that is subject to inundation that is greater than 10% AEP.
- Land whose sole purpose is to form a setback to neighbouring properties for fire risk management (asset protection zones).

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5 Public Natural Areas

A Vegetation Management Plan for any proposed public natural area greater than 1000m² is to meet the requirements in the following table.

Table 10: Vegetation Management Plan Requirements

Vegetation Management Plan Requirements	
A site plan/s showing:	<ul style="list-style-type: none"> The land in relation to development areas within the subdivision. Existing vegetation described at community level including structure and condition. The location and extent (% cover) of any weed species present. Habitat features, threatened species, creeks, drainage lines and any buffer zones. The locations and details of any proposed vehicle access points, bollards, furniture, paths and/or tracks. Proposed location of water service that is to be provided. Linkages with existing pathways and tracks. Proposed locations of photo-monitoring points (minimum 1 permanent photo-monitoring point is required for each 1000m² or 1 for each protected feature). Location of any items/activities required as a condition of consent or recommended in the ecological assessments/reports for the development.
Details of:	<ul style="list-style-type: none"> Any controls that will be implemented throughout the construction phase of development to ensure the area is not adversely impacted. Weed species present, control techniques and priorities. Implementation of any management recommendations from ecological assessments/reports. How compliance with any conditions of consent relevant to the area covered by the VMP will be met e.g. installation of bollards, signage. Any revegetation proposal should be accompanied by a list showing species composition, planting layout and densities proposed to recreate a version of the vegetation community/ies that are well structured, comprising trees, shrubs and ground layer species. Seed/plant sources – Native plants and seed of local provenance should be used. How targets/release points will be met for each described activity.

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	<ul style="list-style-type: none">• How the outcome of activities will be measured and monitored and the timescale for monitoring to ensure outcomes are achieved prior to handover.
Tables/schedule showing:	<ul style="list-style-type: none">• Timeframes for implementation of the activities detailed in the above row.• Who is responsible for undertaking the actions.• Timing of and notification of inspections.

CL22.544 - Attachment 1

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Table of Changes

Section/Figure	Category	Recommended Change	Reason
Figure 1	Amendment	Replace reference to 'Codes SEPP' with 'SEPP'.	To acknowledge that other State Environmental Planning Policies (SEPPs) enable exempt development.
Section 6	Amendment	Replace reference to Shoalhaven Contributions Plan 2010 (and link) with Shoalhaven Contributions Plan 2019.	This is Shoalhaven's contemporary contributions plan.
Section 7	Amendment	Replace reference to the Codes SEPP with a general SEPP reference.	To acknowledge that other SEPPs enable exempt development.
Section 11	Amendment	<p>Revise terminology in heading and associated text (as well as Figure 1) relating to variations to provisions in the DCP.</p> <p>Change from variation to alternative (performance based) solutions, with a Performance Based Solution Statement required instead of a Variation Statement.</p>	<p>Shoalhaven DCP 2014 is a performance based DCP, not a prescriptive DCP. This means that there is more than one way to meet the desired outcome. This is consistent with section 4.15(3A) of the <i>Environmental Planning and Assessment Act 1979</i> which states that a DCP is to be flexible in its application to allow reasonable alternative solutions.</p> <p>The acceptable solutions stated in the DCP demonstrate Council's preferred way to meet the performance criteria and objectives, but not the only way. Should a development proposal be supported by justification that reasonably meets the relevant performance criteria and objectives, a performance based solution should be considered as a viable alternative.</p>

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Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	3 December 2019	18 December 2019	Amendment
4			Draft

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1 Purpose

The purpose of this **Development Control Plan** is to provide detailed guidance and provisions for the use of land. The controls in this **Development Control Plan** inform design and assessment of new **development**.

Advisory Note: You should refer to the [Shoalhaven DCP 2014 Matrix](#) which outlines which Generic Chapters must be considered or should be referred to for different types of development.

2 Name of this Development Control Plan

This plan is known as Shoalhaven **Development Control Plan** 2014 and was adopted by **Council** on 14 October 2014 and came into effect on 22 October 2014.

3 Application

The **Development Control Plan** applies to all land within the Shoalhaven Local Government Area (LGA).

Local Environmental Plans that cover the Shoalhaven LGA include:

- Shoalhaven Local Environmental Plan 2014 (**SLEP 2014**);
- Shoalhaven Local Environmental (Jerberra Estate) 2014; and
- Areas deferred from Shoalhaven Local Environmental Plan 1985 – the Plan in force immediately before Shoalhaven LEP 2014.

4 Statutory Framework

This **Development Control Plan** has been made in accordance with Section 3.43 (previously Section 74C) of the **Environmental Planning Assessment Act 1979 (EP&A Act)** and complements the provisions of **Council's** Local Environmental Plans. Each development application will be assessed having regard to **SLEP 2014**, this **Development Control Plan**, other matters listed in Section 4.15 (previously Section 79C) of the **EP&A Act**, and any other policies adopted by **Council**. Section 4.15 of the **EP&A Act** contains matters that must be considered in assessing a development application.

5 Objectives

The objectives are to:

- To provide criteria for the assessment of development applications.
- Build upon the **SLEP 2014** by providing detailed **objectives**, and controls for **development**.
- Foster **ecologically sustainable development (ESD)**.

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- iv. Ensure **development** responds to the qualities of the subject site and to the character of the surrounding neighbourhood.
- v. Encourage innovative housing, commercial and industrial design.
- vi. Maintain and enhance the natural, built and cultural significance of **heritage items**.
- vii. Manage the risks to new development from natural hazards including coastal, flood and bushfire risks.

6 Relationship of the DCP with other legislation/DCPs/policies

State Environmental Planning Policies (SEPPs) may also apply to certain land in Shoalhaven LGA. The statutory provisions of any SEPP will also prevail over this **Development Control Plan**, in the event of any inconsistency. Different SEPPs cover a range of **development** including but not limited to **secondary dwellings**, **boarding houses**, education facilities, **hospitals**, seniors living, infrastructure and complying development.

The **Shoalhaven Contributions Plan 2019** (Contributions Plan) allows **Council** to levy contributions on **development consents** issued for land within Shoalhaven. These contributions assist the provision of community facilities or infrastructure to meet demand created by **development**.

7 How the DCP applies to development

The **Development Control Plan** applies to all **development** that may be carried out with **development consent**. See **Figure 1** to identify in which situations the **Development Control Plan** would apply. **Council** must consider this **Development Control Plan** when assessing a development application under Section 4.15(1)(a)(iii) of the **EP&A Act**.

Any application for **development** in the Shoalhaven LGA will need to address the provisions contained in this **Development Control Plan**. This **Development Control Plan** consists of a combination of **objectives**, mandatory controls, **performance criteria** and **acceptable solutions**.

Objectives: For each section or topic of relevance, **objectives** will clearly state what **Council** seeks to achieve once the controls or the **performance criteria** are met.

Mandatory Controls: Are specific, prescriptive measures required for achieving the desired **objectives**.

Performance Criteria: Identify how a **development** should perform so that the desired **objectives** can be achieved.

Acceptable Solutions: Indicate how the **development** can achieve the desired **performance criteria** and **objectives**.

A number of chapters in this **Development Control Plan** rely upon supporting maps and documents for supplementary **development** controls. These supporting maps and documents are referred to in each chapter where applicable and must be addressed in a development application.

Shoalhaven Development Control Plan 2014

Draft Chapter 1: Introduction

This **Development Control Plan** does not apply to 'exempt' or 'complying' development identified in a State Environmental Planning Policy, **SLEP 2014** or Shoalhaven Local Environmental Plan (Jerberra Estate) 2014, however **Council** recommends that other public authorities take this **Development Control Plan** into account when determining activities under Part 5 of the **EP&A Act**.

8 How to use the DCP

This **Development Control Plan** is divided into the following parts and chapters:

- Introduction
- General and Environmental Considerations
- Generic Controls
- Area Specific Controls
 - Various Areas
 - Nowra-Bomaderry Urban Release Areas
 - North Shoalhaven
 - South Shoalhaven
- Dictionary

A development application will need demonstrate compliance with the requirements of all relevant parts of the **Development Control Plan**. It is noted that this may not guarantee that a development application will be approved.

In the event of an inconsistency between a provision in an area specific Chapter and a provision in a generic Chapter, the provision in the area specific Chapter will prevail to the extent of the inconsistency.

8.1 Definitions

Terms within the **Development Control Plan** have been highlighted a certain colour to indicate the location of the definition:

- Terms defined within the **Development Control Plan** dictionary have been highlighted **green**.
- Terms defined in **SLEP 2014** Dictionary have been highlighted **blue**.

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Draft Chapter 1: Introduction

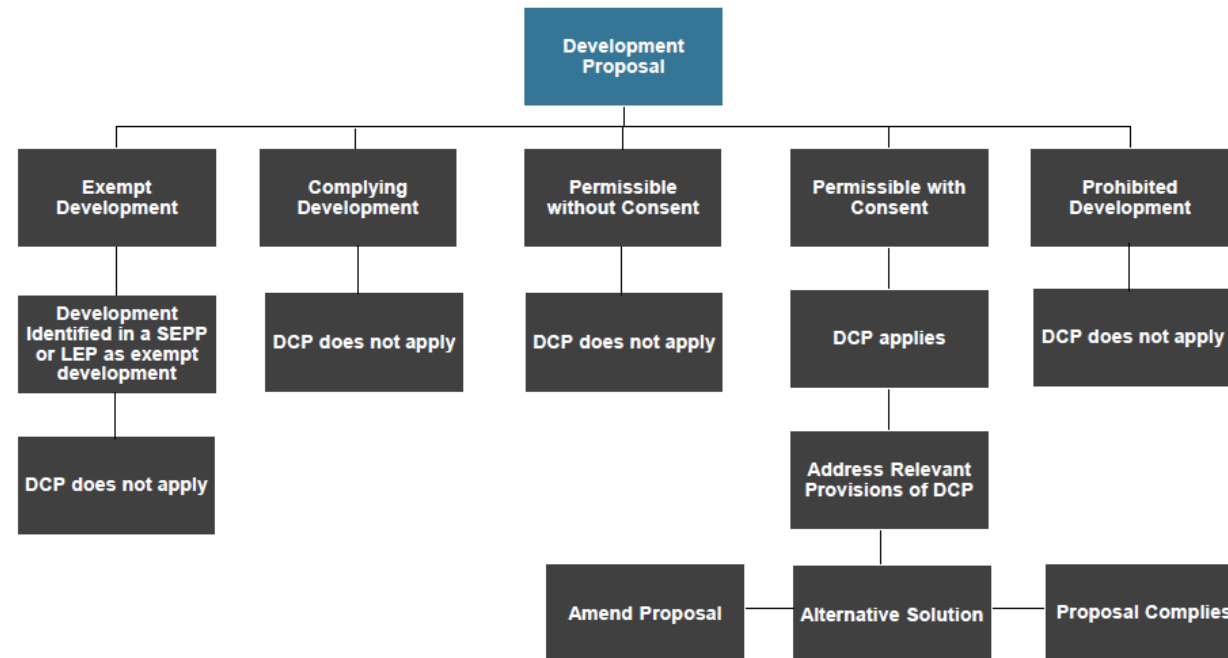


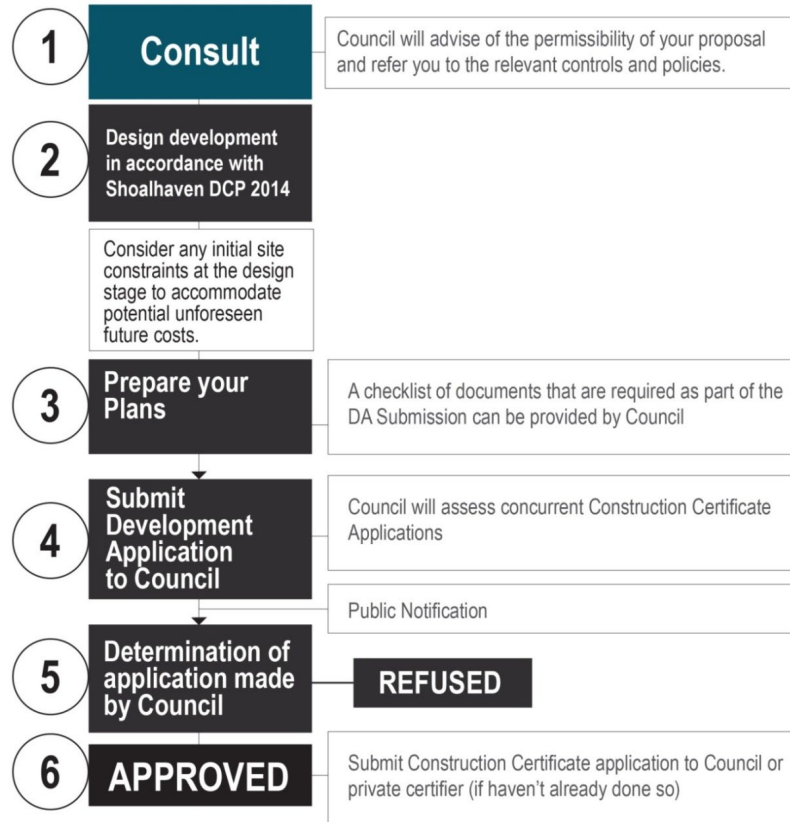
Figure 1: DCP Flowchart - when should the DCP be used

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9 Development Application Process

The development application process is summarised below:



10 Savings and Transitional Provisions

This [Development Control Plan](#) does not apply to any development application that was lodged with [Council](#) before the commencement of this Plan on 22 October 2014.

Any application lodged before the commencement of this Plan will be assessed in accordance with any previous development control plan/s, technical policy or other [Council](#) policy which applied to the site at the time of application lodgement.

Any application lodged after the commencement of this Plan will be assessed in accordance with the provisions which apply to the site at the time of application lodgement.

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Draft Chapter 1: Introduction

11 Alternative/Performance Based Solutions to Provisions in the DCP

The **Development Control Plan** aims to allow flexibility in the application of development controls to promote innovation and design excellence.

The **acceptable solutions** are provided as examples of what is considered acceptable for the respective **performance criteria** and **objectives**; however, they are not the only way to comply with the **Development Control Plan**.

Council may consider alternative (performance based) solutions where flexibility can produce improved and innovative solutions for particular sites, provided the relevant **objectives** and **performance criteria** are met. Justification in the form of a **Performance Based Solution Statement** demonstrating how the **objectives** and relevant **performance criteria** will be achieved must be provided with the application.

Council can also consider alternative solutions to mandatory controls in certain circumstances, provided the **objectives** of the relevant section/subsection and chapter are met. Justification in the form of a **Performance Based Solution Statement** demonstrating how the **objectives** will be achieved must be provided with the application.

The **Performance Based Solution Statement** must address the following matters:

- a. The alternative solution/mandatory control that the **Performance Based Solution Statement** applies to.
- b. Thorough explanation as to why an alternative performance based solution is sought, including any unique circumstances;
- c. Demonstrate how the relevant **objectives** and **performance criteria** (as appropriate) are being met with the alternative performance based solution; and,
- d. Demonstrate that the **development** will not have any additional adverse impacts as a result of the alternative performance based solution.

The **Performance Based Solution Statement** must be contained within the Statement of Environmental Effects that accompanies the development application and is to be supported by other documentation as necessary. This may include, but not be limited to, a detailed site analysis, supporting expert reports, photographs, plans, engineering details and the like.

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Table of Changes

Term/ Definition	Recommended Change	Reason
Access place	Introduce definition for new street type.	To provide additional clarification for applicants.
Access street	Add additional commentary regarding characteristics.	
Collector road		
Laneway		
Local distributor road		
Existing: Local road Proposed: Local street	Change term name from 'Local road' to 'Local street' and relocate in alphabetical order. Change reference to 'road' to 'street'. Expand definition to include clarification regarding the permissibility of different local street cross sections.	To provide more accurate guidance.
Industrial road	Introduce definition for new street type.	To provide additional clarification for applicants.
Existing: Variation statement Proposed: Performance based solution statement	Change term name from 'Variation Statement' to 'Performance Based Solution Statement' and relocate in alphabetical order. No changes to the definition are proposed.	The change in terminology is a response to the proposed amendment to Chapter 1: Introduction of the DCP. The change seeks to clarify that a performance based solution is an acceptable alternative to meeting a performance criteria or objective, where the alternative is supported by appropriate justification. The change in name reflects the revised approach/terminology.

Proposed changes are highlighted in yellow for convenience.

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Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	7 November 2016	30 November 2016	Amendment
4	11 December 2017	20 December 2017	Amendment
5	8 May 2018	23 May 2018	Amendment
6	28 August 2018	31 October 2018	Amendment
7	6 November 2018	14 December 2018	Amendment
8	5 November 2019	27 November 2019	Amendment
9	3 December 2019	18 December 2019	Amendment
10	20 January 2020	12 February 2020	Amendment
11	6 October 2020	23 October 2020	Amendment
12	3 November 2020	4 January 2021	Amendment
13	7 September 2021	1 October 2021	Amendment
14			Draft

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Draft Dictionary

Note.

This dictionary must be read in conjunction with the *Shoalhaven Local Environmental Plan (SLEP) 2014*. Terms excluded from the *Shoalhaven Development Control Plan (DCP) Dictionary 2014* are as defined in *SLEP 2014*.

Where not identified in this document, definitions are based on the ordinary Australian dictionary meaning or other relevant legislation.

For information on the SLEP 2014 Dictionary, please view the [SLEP 2014 document](#).

'A' board sign means any style of portable self-supporting/free-standing sign.

Above awning sign means any sign located on top of an awning or verandah where no part of the sign projects above the roof, parapet or ridge-line, or beyond the awning edge.

Absorption when used in reference to *Chapter G8: Onsite Sewage Management* means the uptake of effluent or sullage or both into the soil.

Acceptable solutions or **controls you must comply with** are provided as examples of what is considered acceptable to Council to enable the performance criteria and objectives to be achieved.

Access place means a street that is similar to an access street but is of a lower order in the road hierarchy, is served by a smaller number of lots and carries less traffic. It is a sub-category of local street providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority, where the residential environment is dominant, traffic is subservient, speed and volume are low. This is a low traffic volume, low speed environment where pedestrians and cyclists may occasionally share the road space.

Access street means a sub-category of local street providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority, where the residential environment is dominant, traffic is subservient, speed and volume are low and pedestrian and cycle movements are facilitated. Access streets carry more traffic than an access place and therefore pedestrian and cycle facilities are provided off street.

Accessible means a dwelling designed to meet the needs of people requiring higher level access from the outset, and usually designed and built with a specific person's needs in mind. An accessible house meets the requirements of the '[Livable Housing Design Guidelines](#)', and is able to accommodate wheelchair users in all areas of the dwelling.

Active shop front means a frontage for retail or similar activity where the activity within is visible because the shop frontage is transparent or open, or where the window display occupies the full width of the shop frontage and provides visual interest to the street.

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Adaptable means a dwelling design that is capable of being modified easily and affordably in the future to become **accessible**.

Adult Shop means: A shop or commercial premises used for the purposes of selling sexually explicit products in which:

- a) publications classified Categories 1 and/or 2 restricted or RC under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth are shown, exhibited, displayed, sold or otherwise rendered accessible or available to the public; or
- b) a business to which section 578E of the *Crimes Act 1900* applies is conducted on the premises; or
- c) a business is conducted, an object of which is the display or exhibition of any product (such as articles, compounds, preparations or devices, but not printed matter) within the meaning of that Act, that is primarily concerned with sexual behaviour.

Advertisement or **sign** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

Advertising sign has the same meaning as Advertisement.

Aerated waste treatment system (AWTS) means a system that uses the processes of aeration, clarification and disinfection to treat effluent from septic tanks to a standard that complies with the requirements of the relevant regulatory authorities.

Allotment or **lot** means an area of topographical space shown on an approved plan of subdivision and on which it is intended to construct a dwelling or dwellings.

Amenities include staff and public toilets as well as staff rooms/rest areas.

Amenity block when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a community building used as a shower block, toilet block or laundry block.

Annexe when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as a moveable dwelling that:

- a) is an attachment to a relocatable home or caravan, and
- b) is used as an extension of the habitable area of the relocatable home or caravan, and
- c) is capable of being erected or removed within 24 hours.

Annual exceedance probability (AEP) means the chance of a flood of a given or larger size occurring in any one year, usually expressed as a percentage.

Appropriate engineer means:

- a) a suitably experienced and qualified professional including: someone with experience and qualifications leading to recognition on the National Engineering Register (NER) in Civil or Structural Engineering (Institution of Engineers, Australia); or other

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professionals with good standing in the fields of flood risk management, flood studies and/or emergency management; and

- b) acting at all times within their experience and qualifications; and
- c) able to demonstrate to Council that they have the experience and qualifications to act as required. This normally means being able to provide documentation to Council indicating they have acted in the required capacity on at least three occasions in the last three years, and that the work was carried out to a high standard and was recognised by Council or another local council.

Arboreal means found dwelling within the crown of trees

Arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

Arborist means a person with training (minimum Australian Qualification Framework Level 3 in Arboriculture or equivalent) with relevant experience that enables the person to perform tasks required by Australia Standard 4373-2007.

Arterial road means roads of major state or metropolitan significance, catering for relatively high volume and/or long distance travel. In rural areas, they comprise the main interstate routes and roads connecting the larger provincial cities to the large metropolitan centres. In urban areas, they comprise the high volume routes serving the major transport corridors that link the larger activity centres. Arterial roads are sometimes called primary arterial roads.

Articulation or **building articulation** is the treatment of a façade of a building and how it is emphasised architecturally by using distinctive building elements such as:

- a) Balconies
- b) Verandahs
- c) Recessed terraces
- d) Bay windows and external shading devices
- e) Variations in setbacks
- f) Fenestration
- g) Materials and detailing
- h) Patterned and featured walls.

Asset protection zone (APZ) is an area between a bushfire hazard and a building, which is managed to minimise fuel loads, inhibit a fire path and reduce the effects of heat, flame, ember and smoke attack.

Associated structure when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government Act 1993*.

Note. The term is defined as follows:

- a) a carport, garage, shed, pergola, verandah or other structure designed to enhance the amenity of a moveable dwelling and attached to or integrated with, or located on the same site as, the dwelling concerned, or
- b) a separating wall between 2 moveable dwellings.

Australian height datum (AHD) is a common national surface level datum corresponding approximately to mean sea level.

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Awning means a permanent, roof-like structure attached to, and projecting from, the wall of a building and generally designed or constructed to provide pedestrians with protection against the weather.

Awning face/fascia sign means any sign painted on or attached to the front face of an awning that does:

- a) not project above or below the fascia or return end of the awning to which it is attached
- b) not extend more than 300 mm from the fascia or return end of the awning
- c) not extend or project beyond a point 600 mm within the vertical projection of the kerb line.

BAL-29 means a construction standard under “AS3959 – Construction of buildings in bushfire prone areas”. ‘BAL’ stands for bushfire attack level and ‘29’ means the building is designed to withstand ember attack and radiant heat of up to 29kW/m².

Bandit sign means any sign displayed on or attached to a tree, post, utility pole, vehicle or structure located within or near any water, road or rail transportation corridor and includes fly posters.

Bearing capacity is defined in geotechnical engineering as the capacity of soil to support the loads applied to the ground, such as the loads from housing foundations for example

Bedrock means any rock shelf under a site that is low strength or harder.

Billboard/bulletin board may be on-building or free-standing, painted or comprise two or more poster panels.

Biobanking agreement when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means a legally binding agreement between the landowner and the NSW Environment Minister that describes how the biodiversity values of a ‘biobank site’ will be conserved and protected. Biobanking is an offsetting program whereby the biobank site offsets development and environmental loss on another site.

Biodiversity offsets scheme threshold means the biodiversity offsets scheme threshold referred to in section 7.4 of the *Biodiversity Conservation Act 2016*.

Biodiversity Values Map means the map published, from time to time, on an appropriate Government website under clause 7.3 of the *Biodiversity Conservation Regulation 2017*.

Biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority’s guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 1997)* and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products (EPA 2000a)*.

Black water means soil (toilet) wastes mixed with water.

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Bonded asbestos means any material that contains asbestos, other than friable asbestos materials.

Note. Bonded asbestos materials include asbestos-cement, vinyl-asbestos floor tiles, asbestos brake linings and asbestos roof felt, and other materials where the asbestos is generally 'locked' into the matrix of the material. (AS 4964-2004).

Buffer distance when used in reference to *Chapter G8: Onsite Sewage Management* means a distance measured in metres that represents the length of flow line between a wastewater disposal area and the high water mark of a waterbody or watercourse.

Building Code of Australia (BCA) is as defined in the *Environmental Planning & Assessment Act 1979*.

Note. This term means the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with:

- a) such amendments made by the Board, and*
- b) such variations approved by the Board in relation to New South Wales, as are prescribed by the regulations.*

Building envelope means a three dimensional zone determined by height, width, depth and setbacks that defines the buildable area on a site.

Building height plane means a plane projected at an angle of 45 degrees over the actual land to be built upon from the prescribed distance (5 metres if not specified) above ground level at the side boundaries of the site. Where the site is more than 20 metres in width or two or more lots are amalgamated or the common boundaries built over, Council shall determine the location of the Building Height Plane for that particular property.

Building line when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means the line within which the dwelling and associated buildings should be located.

Bulky goods mean large goods that are, in the opinion of Council, of such a size and shape as to require:

- a) a large area for handling, storage or display; and
- b) easy and direct vehicular access to enable the goods to be collected by customers after the sale;

but does not include foodstuffs or clothing whether or not sold in association with any such goods.

Bunting means and includes decorative flags, pennants and streamers.

Bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and/or floristics of the natural vegetation.

Bushland Conservation Area (BCA) when used in reference to *Chapter N20: Jerberra Estate* means an area in which no development is allowed must be fenced and retained as native bushland. If the land is currently cleared, it must be allowed to regenerate and/or be rehabilitated.

Bushland Management Area (BMA) when used in reference to *Chapter N20: Jerberra Estate* has the same controls as BCA, except that driveways are allowed.

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Business owner when used in reference to *Chapter G17: Business, Commercial and Retail Activities* means the operator or trader of the business conducted within a business or commercial premises. It may be different to the owner of the premises building.

Bypass channels redirect a portion of floodwater away from areas under threat from flooding, and so reduce flood levels along the channel downstream of the diversion.

Cambium/Cambial layer means the living part of a tree trunk that allows the movement of water and nutrients up and down the stem.

Camp site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. *This term is defined as an area of land within a camping ground on which a campervan or tent may be installed or, in the case of a primitive camping ground, on which a campervan, tent or caravan may be installed, and that is designated as a camp site by the approval for the camping ground.*

Canopy means a roof-like structure without walls that may be free standing, affixed to a building and supported by one or more posts or cantilevered and includes a covered walkway; roof over a service station driveway and a tensioned tent-like roof designed to provide protection from the weather.

Caravan when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. *This term is defined as a moveable dwelling that is designed so as to be registrable as a trailer under the Road Transport (Vehicle Registration) Act 1997, but does not include a camper trailer.*

Carport when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a covered car parking space with no walls other than the abutting walls of a moveable dwelling from which the structure projects, provided that no more than two sides of the carport are enclosed.

Carriageway or **roadway** means the area of street reserve that is provided for the movement or parking of vehicles and is determined by the invert of kerb and gutter and or concrete edge strip.

Cation exchange capacity means the ability of the soil to take up (or bond with) ions such as sodium and phosphorous.

CBD when used in reference to *Chapter G21: Car Parking and Traffic* means those areas:

- a) identified as a Contribution Area for a Car Park Project in Shoalhaven Contributions Plan 2010; and/or
- b) in the commercial centre of the town and within 400m walking distance to a public Council car park.

Clear (or clearing) vegetation has the same meaning as in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.

Note. *The term is defined as:*

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- a) *cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or*
- b) *lop or otherwise remove a substantial part of the vegetation.*

Collection area means the location where garbage or recyclable material is transferred from a building's storage containers to a collection vehicle for removal from the site.

Collection point means the usual (or agreed) point on the footpath/roadway, or on-site, where garbage and recyclables are loaded onto vehicles.

Collector road means roads that connect the local road system to the arterial and sub-arterial road system, and which serve both through and local traffic, although through traffic (between higher order roads) should be discouraged as far as practicable (on Collector Roads (Tier 2)). A range of collector road cross sections are permissible, dependent on functional road hierarchy and forecast traffic volumes. Collector Roads (Tier 2) are generally at the upper scale of acceptable traffic volume limit (based on acceptable environmental thresholds), whereas Collector Tier 1 Roads (also known as Distributor Roads) are designed to carry much higher volumes of traffic linking to the sub-arterial and arterial road network. Pedestrian and cycle facilities are provided off street.

Commercial use when used in reference to *Chapter G17: Business, Commercial and Retail Activities* includes the display of goods, an advertising A-board or menu board, and alfresco dining within a defined public footpath area.

Common effluent system means a system in which septic tank effluent in a gravity reticulation system is piped from a number of residences to a central treatment and/or application system.

Communal open space means useable shared open space located within the proposed development for the recreation and relaxation of all residents of the development.

Community means a group of people living in the same locality or having common interests.

Community building when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. This term is defined as a building (such as a shower block, toilet block or laundry block) that is used or intended to be used in connection with a community amenity, and includes a building that is to be used as a manager's or caretaker's office or residence.

Community map when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. This term is defined as:

- a) *in relation to a manufactured home estate – means a scale map that accurately shows the road reserves, the community amenities and the dwelling sites within the manufactured home estate, and*
- b) *in relation to a caravan park or camping ground – means a scale map that accurately shows:*
 - i. *the access roads, community amenities and community buildings within the caravan park or camping ground, and*

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- ii. *the number, size, location and dimensions of dwelling sites or camp sites within the caravan park or camping ground, and*
- iii. *in relation to a dwelling site or camp site within the caravan park or camping ground, the particular off-site parking space or spaces (if any) designated for use by the occupier of the dwelling site or camp site.*

Community title subdivision means a subdivision under the Community Land Development Act 1989.

Companion animal means companion animal as defined under the *Companion Animals Act 1998*.

Note. *This term is defined as:*

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

Note. *The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of this Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.*

Complex when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a caravan park, camping ground or manufactured home estate.

Compliance report when used in reference to *Chapter G9 Development on Flood Prone Land* and *Chapter G10: Caravan Parks in Flood Prone Areas* is a document prepared by a suitably qualified engineer, detailing how a proposed development complies with the requirements of those chapters.

Compostable material means vegetative material capable of being converted to humus by a biological decay process e.g. compost.

Composting toilet means a ‘waterless’ effluent treatment system that treats toilet wastes by composting as a result of natural decomposer organisms in the composting chamber.

Consent means an approval granted by Council following the lodgement of a Development Application in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979*.

Conservation property vegetation plan (Conservation PVP) when used in reference to *Chapter S1: Verons Estate, Sussex Inlet* is a voluntary, legally binding agreement between a landholder and the Local Land Services (LLS) that describes how vegetation on your land will be managed.

Continuous accessible path of travel (CAPT) means a walkway for pedestrians along a footpath extending along the building line, where possible. The CAPT is to have no barriers, obstructions or projections to provide the best possible guidance line to provide a safe, clear and consistent pathway to meet the needs of all users (including people with a vision impairment and people of all ages and abilities).

Conveyance or flood conveyance means a direct measure of the flow carrying capacity of a particular cross-section of a stream or stormwater channel. (For example, if the

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conveyance of a channel cross-section is reduced by half, then the flow carrying capacity of that channel cross section will also be halved).

Core riparian zone means the area beyond the top of bank of a watercourse that is to be protected under the *Water Management Act 2000*.

Crown maintenance pruning is as defined in *Australian Standard AS 4373, 1996 "Pruning of Amenity Trees"* and is considered to involve a reduction in tree foliage and branches by up to 10 percent in any one (1) year with no reduction in the height of the main trunk.

Cul-de-sac refers to a street, lane etc. closed at one end. The cul-de-sac head is the closed end and is designed to allow a turning area for vehicles.

Demolition means the complete or partial dismantling of a building by pre-planned and controlled methods, and including the removal of any whole or part of a building from a site.

Design Solutions mean solutions considered acceptable to Council to enable the objectives to be achieved.

Designated development is development listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* for which an environmental impact statement is required.

Designated stock storage area means an area within the internal faces of the walls of a building, which is purposely designed and constructed for storage only, physically separated from the retail floor area and out of sight of customers.

Destroy when used in reference to vegetation means any activity leading to the death, disfigurement or mutilation of a tree.

Detached habitable room means a room or suite of rooms that are separated from the main dwelling house (except by an all weather connection) and are for use by members of the same household. The room or suite of rooms cannot be fully self-contained but may contain a bathroom. The room or suite of rooms must not include a kitchen, laundry, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room and should rely on the main dwelling house for these purposes, to function as a single dwelling occupancy.

Detached studio has the same meaning as in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note. The term is defined as follows:

Detached studio means a habitable building that is used for purposes ancillary to a dwelling house such as a home office, entertainment area, art studio or guest room and:

- a) *is established in conjunction with a dwelling house, and*
- b) *is on the same lot of land as the dwelling house, and*
- c) *is separate from the dwelling house, and*
- d) *is not used as a separate dwelling house, and*
- e) *does not contain any cooking facilities.*

Detention means the collection and temporary storage of stormwater to reduce the peak runoff from a site. Stormwater detention measures temporarily detain stormwater onsite in order to prevent flooding and erosion further downstream.

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Development has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Note. The term is defined as follows:

- a) the use of land, and
- b) the subdivision of land, and
- c) the erection of a building, and
- d) the carrying out of a work, and
- e) the demolition of a building or work, and
- f) any other act, matter or thing that may be controlled by an environmental planning instrument,

However, development does not include any act, matter or thing excluded by the regulations (either generally for the purposes of this Act or only for the purposes of specified provisions of this Act).

Development control plan (DCP) is a written document that supports the *SLEP 2014*. The DCP provides detailed planning controls and guidelines for certain types of development and/or localities.

Disinfection when used in reference to *Chapter G8: Onsite Sewage Management* means the process by reducing all pathogenic and other harmful organisms to safe levels in secondary treated effluent. Processed effluent is only suitable for non-potable purposes such as irrigation.

Display when used in reference to *Chapter G22: Advertising Signs and Structures* may include clothing racks, fences, merchandise on display/sale, moveable bollards, pot plants, planter boxes, screens, stands, stalls, tables, umbrellas, and any similar movable object (not including an 'A' board sign), associated with the advertising of commercial premises.

Dog-proof fencing means fencing provided around the perimeter of the asset protection zone (APZ) on each property, to prevent dogs from escaping.

Double-sided sign means two signs, back to back, on a single structure, where both sides of the sign are identical in sign face area, dimensions and content.

Dwelling site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as follows:

- a) in relation to a manufactured home estate – means an area of land within the manufactured home estate that is designated as a dwelling site by the approval for the manufactured home estate, and
- b) in relation to a caravan park – means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.

Economic activity zones in relation to *Chapter N1: Kangaroo Valley* include the defined retail core, tourist precinct and craft industry precinct as shown on the Supporting Map of that chapter.

Eddies mean small whirls caused by movement in a flowing stream of liquid.

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Effective warning time when used in reference to flooding means the time available after receiving advice of an impending flood and before the floodwaters prevent appropriate flood response actions being undertaken. The effective warning time is typically used to move farm equipment, move stock, raise furniture, evacuate people and transport their possessions.

Effluent when used in reference to *Chapter G8: Onsite Sewage Management* means liquid discharge from a septic tank, sullage treatment farm or aerated wastewater treatment system.

Effluent application area means the area of land where it is intended to dispose of or apply effluent and any by-products of sewage from the management facility.

Effluent disposal absorption means the uptake of effluent or sullage or both into the soil.

Employee when used in reference to *Chapter G19: Home Based Business Activities* means a person that works on the premises but does not reside there, and may include relatives.

Ensuite facility when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. This term is defined, in relation to a dwelling site, means a building, part of a building or an associated structure that contains at least a shower, toilet and hand basin, is provided for the exclusive use of the occupiers of the site and is located on or adjacent to the site.

Environmental planning instrument has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Note. The term is defined as an environmental planning instrument (including a SEPP or LEP but not including a DCP) made, or taken to have been made, under Part 3 and in force.

EP&A Act or the Act means the *Environmental Planning and Assessment Act 1979*.

Epicormic bud means dormant emergency buds located just beneath the bark that shoot when stimulated by a stress event such as pruning, burning, etc.

Epidermis when used in reference to vegetation means the outer layer of a plant (bark).

Epiphytic means a tree dwelling plant.

Equivalent population when used in reference to *Chapter G8: Onsite Sewage Management* means the number of persons deemed to be accommodated must be calculated in accordance with the requirements of Part D of the Building Code of Australia (BCA) in conjunction with design requirements from the Department of Public Works "Manual of Practise (Sewer Design)" (1987).

Erosion and sediment control plan means a set of drawings showing how soil and water is to be managed during construction of a development.

Evacuation capability when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means the ability of a park manager and staff to evacuate people and to remove all the towable on-site moveable dwellings and other assets identified to be relocated (e.g.

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tourists' vans, vehicles, boats) from the flood-prone area to a location above the probable maximum flood (PMF), having regard to the number of moveable dwellings and assets to be moved, the available resources with which to move them (caravan park staff and equipment, without recourse to the emergency services), the required time to move them, the capacity and suitability (e.g. in terms of impacts on traffic) of the evacuation route and intended storage location, and the effective warning time.

Evapotranspiration means the loss of moisture to the atmosphere by direct evaporation and also by transpiration through a plant's leaves.

Exceedances per year (EY) means the number of times an event is likely to occur or be exceeded within any given year. For example, 2 EY is equivalent to a design event with a 6 month recurrence interval when there is no seasonality in flood occurrence.

Exempt development is development that may be carried out without the consent of Council, subject to compliance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and *SLEP 2014*.

Existing sign when used in reference to *Chapter G22: Advertising Signs and Structures* means any sign that was lawfully displayed on a building or site as at the date of adoption of this DCP, or any sign approved by Council at that date, but not yet displayed or erected.

External clothes drying facilities means an external area allocated to each dwelling which is principally used for the purpose of drying clothes and the like.

Fence means a structure or posts, rails, palings, metal, wire, profiled fibrous cement, masonry or other materials enclosing or bounding land and includes any foundation, foundation wall or retaining wall but does not include a wall which is part of a house or other building or structure.

Fence Sign means a sign painted on or otherwise affixed to a fence that is:

- a) designed and constructed to permanently delineate and identify a boundary alignment or enclosure.
- b) purpose built and designed as a backdrop to a display area (eg motor vehicle sales yard) and is not more than
 - i. 4 m in height; and
 - ii. not within 20 m of a front property boundary
- c) a temporary fence or hoarding to delineate and protect a construction site.

Flexible annexe when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as an annexe that (apart from any rigid support frame and any floor, or any door, window or other securable opening, constructed of non-flexible material) consists entirely of canvas or other flexible material.

Flood means a relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse, and/or coastal inundation resulting from

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super-elevated sea levels and/or waves overtopping coastline defences excluding tsunami (Floodplain Development Manual, 2005).

Flood affected means that a parcel of land is either fully or partly within the floodplain.

Flood assessment report is a document prepared by a suitably qualified hydraulic engineer, detailing existing flood risk for a catchment.

Flood certificate is a document providing flood information for a particular parcel of land - it can be obtained from Council.

Flood compatible building components means a combination of measures incorporated in the design and/or construction and alteration of individual buildings or structures subject to flooding, and the use of flood compatible materials for the reduction or elimination of flood damage.

Note. A list of typical flood compatible building components is provided in Supporting Document 1 of Chapter G9: Development on Flood Prone Land.

Flood compatible materials include those materials used in building that are resistant to damage when inundated. A list of flood compatible materials is contained in Supporting Document 1 of *Chapter G9: Development on Flood Prone Land*.

Flood conveyance is a direct measure of flow carrying capacity of a particular cross-section of a stream or stormwater channel.

Flood free land means land above the probable maximum flood level.

Flood fringe is that part of the floodplain remaining after the floodway and flood storage areas have been defined.

Flood marker post is a structure erected in a prominent position which depicts the height of known significant floods of record and predicted floods.

Flood planning area is the area of land below the flood planning level (FPL) and thus subject to flood related development controls. The concept of flood planning area generally superseded the "flood liable lands" concept in the 1986 Manual.

Flood prone land is the land susceptible to flooding by the probably maximum flood (PMF) event. Flood prone land is synonymous with flood liable land.

Flood proofing means a combination of measures incorporated in the design, construction and alteration of individual buildings or structures subject to flooding, to reduce or eliminate flood damages.

Flood storage areas are those parts of the floodplain that are important for the temporary storage of floodwaters during the passage of a flood.

Flood study is a technical investigation of flood behaviour. It defines the nature of flood risk by establishing the extent, level and velocity of floodwaters. The study also provides information on the distribution of flood flows across various sections of the flood plain for the full range of flood events up to and including the probable maximum flood (PMF).

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Floodplain means the area of land which is subject to inundation by floods up to and including the probable maximum flood event, that is, flood prone land.

Floodplain risk management plan is a plan developed in accordance with the principles and guidelines contained in the NSW Government Floodplain Management Manual. Usually includes both written and diagrammatic information describing how particular areas of flood prone land are to be used and managed to achieve defined objectives.

Floodplain risk management study is a study that identifies and compares various risk management options. This includes an assessment of their social, economic, ecological and cultural impacts, together with opportunities to maintain and enhance river and floodplain environments.

Floodway means those parts of the floodplain where a significant discharge of water occurs during floods. They are often aligned with natural defined channels. Floodways are areas that, even if only partially blocked, would cause a significant redistribution of flood flow, or a significant increase in flood levels (and/or velocities).

Floor area means, in relation to a room, the area of the room measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting.

Floor area of a guestroom or tourist cabin when used in reference to *Chapter G15: Tourist and Visitor Accommodation* means the area of a guestroom or tourist cabin, measured within the finished surfaces of the walls, and includes the area occupied by any cupboard or other built-in furniture, fixture or fitting and all decks and verandahs.

Fluvial geomorphology is the branch of geology that examines the formation and structure of the features of the surface of the earth which is created by flowing rivers.

Footpath means the hardstand area between private property and the kerblines, whether the area is paved, grassed or concreted.

Footpath when used in reference to *Chapter G18: Streetscape Design for Town and Village Centres* refers to the full width areas of pavement on the road reserve between the property boundary and the street kerb and gutter.

Formal landscaping means a garden bed or beds with fixed edging and a mulched or rock covered surface that is densely planted with ground covers and/ or shrubs and/ or trees.

Freeboard is a factor of safety typically used in relation to the setting of floor levels, levee crest levels, etc. Freeboard is expressed as additional height on top of the flood level and provides a factor of safety to compensate for uncertainties in the estimation of flood levels across the floodplain. Freeboard is included in the flood planning level.

Free-standing sign means any sign not attached to a building or structure and includes any three-dimensional replica, object or shape.

Friable asbestos materials (AS 4964-2004) Any material that contains asbestos and is in the form of a powder or can be crumbled, pulverized or reduced to powder by hand pressure when dry.

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Note. Friable asbestos materials include asbestos lagging and sprayed asbestos insulation.

Garage when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means an enclosed single storey structure capable of accommodating not more than two motor vehicles, which is either attached to a moveable dwelling or detached.

Garage sale means the sale from a residential, school, church or other community related premises of second hand items only that have been used by the person(s) or group organising the garage sale.

Garbage means refuse or waste material other than trade waste, effluent, compostable material, green waste or recyclable material.

Garbage and recycling room means a room where garbage and recycling receptacles are stored, awaiting reuse or removal from the premises.

Garbage chute means a duct in which deposited material descends from one level to another within the building, due to gravity.

Green waste means vegetative matter including trees, branches, shrubs, cuttings, lawn clippings and untreated timber and wood products.

Grey water means sullage wastes (e.g. laundry, shower, kitchen, etc.) excluding toilet wastes.

Gross leaseable floor area means the sum of the areas at each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors, parking areas and designated stock storage areas.

Ground level (natural) or natural ground level means the same as ground level (existing) as defined in SLEP 2014.

Ground water means water that exists under the surface and within the soil.

Groundcover means any type of herbaceous vegetation, but it is only to be regarded as native vegetation that occurs in an area where not less than 50% of the herbaceous vegetation covering the area comprises indigenous species. In determining that percentage, not less than 10% of the area concerned must be covered with herbaceous vegetation (whether dead or alive).

Group when used in reference to *Chapter G15: Tourist and Visitor Accommodation* means a collection of two or more tourist cabins.

Guesthouse means a building or buildings used for temporary visitor accommodation of up to twenty accommodation rooms in a domestic scale of architecture, where the building or buildings incorporate a common facility for the provision of meals either to people temporarily resident or to the general public, whether or not those facilities are licensed.

Guestroom is a room or suite of rooms within a guesthouse used for tourist accommodation.

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Habitable floor area means the floor areas and rooms used within a dwelling for normal domestic use, including a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room and sunroom.

Habitable room has the same meaning as in the *Building Code of Australia*.

Note. The term is defined as a room used for normal domestic activities, other than a bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.

Habitat when used in reference to vegetation means vegetation that is capable of being used for the nectar feeding, roosting or nesting of birds, arboreal marsupials, micro-bats or vegetation which supports the growth of locally indigenous epiphytic plants such as orchids.

Hazard when used in reference to flooding, is a source of potential harm or a situation with the potential to cause loss.

Hazardous waste means any waste that, because of its physically, biologically or chemically damaging properties, is capable of causing a danger to the life or health of any living thing if it is released into the environment, and is, or contains, a substance specified in Schedule 1 of the Waste Minimisation and Management Regulation 1996.

Height of tree means the distance measured vertically between the horizontal plane of the lowest point of the base of the tree which is immediately above ground and the horizontal plane of the uppermost point of the tree.

High hazard when used in reference to *Chapter G9: Development on Flood Prone Land* and *Chapter G10 Caravan Parks in Flood Prone Areas* is as defined in the *NSW Floodplain Development Manual 2005*.

Note. The term is defined as possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant damage to buildings.

Highly trafficked footpaths mean those footpaths which receive a high flow of pedestrian traffic on any given day, including; the Princes Highway, Junction Street

Holding in relation to *Chapter V1: Lot Averaging Subdivision* means all adjoining and adjacent land within the areas shown on the accompanying maps in that chapter, and under the same ownership as at the 16 July 1999. See also Clause 6.2.1 of that chapter.

Holding tank when used in reference to *Chapter G8: Onsite Sewage Management* means a tank used for holding wastewater prior to pumping out, sometimes called a collection well.

Holiday van when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as a moveable dwelling (other than a tent) that is or usually is continuously located on a short-term site and used primarily by its owner for occasional occupancy for holiday purposes.

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Home activity when used in reference to *Chapter G19: Home Based Business Activities* means any activity carried out by a resident for either paid or unpaid employment purposes:

- a) in a dwelling or dwelling house;
- b) from a building (or area) within the curtilage of a dwelling house;
- c) from an outbuilding (or area) on a property in a rural location; or
- d) on adjoining land in the same ownership; and
- e) the dominant use of the dwelling or land is for domestic purposes; and
- f) the activity does not involve the use of the property for the purposes of sexual services premises.

Hydraulic impact assessment report means a document prepared by a suitably qualified hydraulic engineer, detailing how a proposed development will change flood behaviour on and off the site as well as how the new development itself will be impacted by flooding.

Hydraulics means the study of water flow in waterways, in particular the evaluation of flow parameters such as water level and velocity.

Illuminated sign describes the method of presentation and means any sign that is illuminated either internally or externally by static or moving lights and includes floodlit signs, neon, flashing, chasing, or animated signs and colour changing fibre optic displays.

Impervious means a surface that does not allow water to infiltrate into the ground, including roofs, roads, pavements, hard surfaced sports courts, any 'sealed' areas and permanent water bodies such as swimming pools.

Important habitat trees when used in reference to *Chapter N20: Jerberra Estate* mean hollow-bearing trees (including Yellow-bellied Glider den trees and Gang-gang Cockatoo nest trees), Glossy-Black Cockatoo feed trees (*Allocasuarina littoralis*) and Yellow-bellied Glider feed trees.

Industrial road means any road in the road hierarchy which predominantly provides general traffic and service access to:

- a) Development precincts that are zoned appropriately to cater for a range of industrial developments, as well as specialised retail premises, freight, public transport.
- b) Generally any subdivisions or developments that are likely to generate larger than normal proportions of longer/larger vehicles or heavy vehicle traffic.

Infill development means urban development that takes place within existing urban zones on land that is currently or has most recently been used for urban land use purposes.

Infiltration when used in reference to *Chapter G2: Sustainable Stormwater Management and Erosion/Sediment Control* means downward movement of water from the surface to the subsoil.

Infiltration when used in reference to *Chapter G8: Onsite Sewage Management* means the ability of the soil to accept effluent and rainfall at the surface.

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Inflatable when used in reference to *Chapter G22: Advertising Signs and Structures* means any fixed or captive balloon, blimp, kite or cold air inflatable or the like and includes lighter than air devices used for short term promotional purposes.

Injury when used in reference to vegetation means damage to a tree and includes lopping and topping poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling (including washing off or directing water contaminated by) oil, petroleum, paint, cement, mortar and the like onto the root zone cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices, or is done for invalid reasons, including vandalism ringbarking, scarring the bark when operating machinery, fixing objects (eg. signs) by nails, staples or wire, using tree climbing spikes in healthy trees marked for retention (except for access to an injured tree worker) or fastening materials that circle and significantly restrict the normal vascular function of the trunk or branches damaging a trees root zone by compaction or excavation, asphyxiation including unauthorised filling or stockpiling of materials, and/or underscrubbing, unless carried out by hand tools, such as brushcutters and the like.

Installation when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Note. The term is defined as:

- a) in relation to a manufactured home or a relocatable home— the process of connecting together the major sections of the manufactured home or relocatable home, and any associated structures forming part of the manufactured home or relocatable home, and attaching them to footings, or
- b) in relation to an associated structure—the process of constructing or assembling the components of the associated structure, and (if appropriate) attaching them to footings, and includes the connection of gas, electricity, telephone, water, sewerage and drainage services.

Integrated development is development that is described under Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

Integrated housing development means a subdivision of land into five or more allotments and the simultaneous design and construction of a single dwelling-house or dwelling on each of the allotments created by that subdivision.

Integrated water cycle management means the management of the water cycle in the urban and industrial context as a whole, including water use, water collection, water recycling and disposal.

Intent means a general statement that describes the purpose for applying a particular development control measure.

Intermittent watercourse or **stream** means any stream, channel, canal or surface water drainage depression that forms a waterbody that flows during periods of rainfall or flooding.

Irrigation area when used in reference to *Chapter G8: Onsite Sewage Management* means an area of prepared soil and aggregate through which a network of either perforated pipes is laid or spray irrigators are provided. Effluent is either sprayed or permitted to percolate into the soil bed and is removed primarily by evaporation and transpiration by plants. The

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area outlined within these guidelines incorporates sufficient area of land to provide for the resting of effluent disposal areas through a rotational schedule.

Land capacity study means a study that examines the potential environmental impacts of on-site effluent disposal and includes detailed soil survey topographical analysis and drainage assessment.

Land filling means to place, or allow to fall, upon any land any ballast, rock, stone, shingle, gravel, sand, clay, earth, cinders, debris or any other matter or thing so as to alter the contours or levels of the land.

Landscape plan when used in reference to *Chapter G11: Subdivision of Land* means a plan outlining the extent, type and location of landscaping proposed for subdivision development generally within the street, and may include public reserves that are to be dedicated.

Laneway means a sub-category of local street that is similar to an Access Street, however is of a lower that is the lowest order in the road hierarchy. By nature of their narrow design they should be designed as shared zones and may require specific traffic regulations (for example "one way") depending on the type and scale of development and servicing arrangements.

Lawful when used in reference to building development in Shoalhaven means that the building or structure has development consent and a construction certificate, complying development certificate or building approval; or was erected prior to 28 February 1964 [commencement of Interim Development Order (IDO) No. 1].

Licensed floor area means that area of a development which is licensed for the purposes of the *Liquor Act 2007*.

Lightweight materials mean structural and cladding materials incorporating timber, steel and the like, but do not include masonry such as bricks and concrete blocks.

Likely habitat tree means any tree which has developed hollows in the trunk or limbs suitable for nesting birds, or arboreal marsupials or mammals, or is supporting the growth of locally indigenous epiphytic plants such as orchids.

Living area means a living, dining, entertainment or other recreation area or room, but does not include bedrooms, studies, bathrooms or other amenities.

Local development means development, not being exempt development, complying development or State significant development, which is permissible with consent of Council under *SLEP 2014*.

Local distributor road (also referred to as Collector Tier 1 roads) means the highest order of Collector Road. means These roads that are busier than normal 'collector' roads (carrying more traffic than usually accepted as the environmental threshold for a local collector road). Depending on the road hierarchy these may or may not be arterial or sub-arterial roads and are designed to carry much higher volumes of traffic for linking to the sub-arterial and/or arterial road network. There is often little difference in traffic volume and function between distributor roads and arterial/sub-arterial roads.

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Local drainage means small scale inundation in urban areas outside the definition of major drainage as defined in the Floodplain Development Manual. Local drainage problems invariably involve shallow depths (less than 0.3m) with generally little danger to personal safety.

Local drainage management plan means a plan that examines all elements of drainage including storm drainage water quality management and stormwater harvesting.

Local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

Local street means streets that are neither arterial, sub-arterial nor collector roads, and which predominantly cater for local, short distance travel and access to abutting property (residential and/or commercial (including retail)). A variety of Local Street cross sections are permissible depending on traffic volume, environment, and the scale and types of developments being serviced. Pedestrian and cycle facilities are provided off street.

Locality means an area so named and gazetted by the Geographical Names Board.

Local road means roads that are neither arterial, sub-arterial nor collector roads, and which predominantly cater for local, short distance travel and access to abutting property.

Long term occupation means the occupation of a dwelling site for more than one hundred and fifty (150) days in any twelve (12) month period.

Long-term site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* and *Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as a dwelling site that is specified in the approval for a caravan park as being a long-term site.

Lopping means the unacceptable practice of cutting between branch unions or at internodes on young trees.

Low and moderately trafficked footpaths mean those footpaths which receive a low to moderate flow of pedestrians on any given day, including; Wason, Kinghorne and Berry Streets.

Low hazard when used in reference to *Chapter G9: Development on Flood Prone Land* and *Chapter G10 Caravan Parks in Flood Prone Areas* is as defined in the *NSW Floodplain Development Manual 2005*.

Note. The term is defined as if necessary, truck could evacuate people and their possession; able-bodied adults would have little difficulty in wading to safety.

Main road frontage in relation to land means the frontage of that land to a main or arterial road; or a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road.

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Mainstream means the inundation of normally dry land occurring when water overflows the natural or artificial banks of a stream, river, estuary, lake, or dam.

Mandatory control means specific, prescriptive measures required for achieving the desired objectives. A mandatory control can be varied subject to an applicant demonstrating to Council's satisfaction that the objectives of the relevant section/subsection and chapter have been met by the development.

Manufactured home is as defined by the *Local Government Act 1993*.

Note. The term is defined as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling:

- a) that comprises one or more major sections, and
- b) that is not a registrable vehicle within the meaning of the Road Transport (Vehicle Registration) Act 1997, and includes any associated structures that form part of the dwelling.

Manufactured home estate is as defined by the *Local Government Act 1993*.

Note. The term is defined as land on which manufactured homes are, or are to be, erected.

Merit approach when used in reference to flooding is an approach, the principles of which are embodied in the Floodplain Development Manual, which weighs social, economic, ecological and cultural impacts of land use options for different flood prone areas together with flood damage, hazard and behaviour implications, and environmental protection and well-being of the State's rivers and floodplains.

Motor vehicle sign means any sign fitted to, placed upon or beside a motor vehicle, caravan or trailer stopped on a public road or private property for the primary purpose of displaying such sign but does not include any sign on a motor vehicle which is able to be driven on public roads with the sign displayed.

Moveable dwelling is as defined by the *Local Government Act 1993*:

- a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- b) a manufactured home, or
- c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

Moving sign means any sign, either illuminated or non-illuminated, including rotating, trivision, carousel, animated, computer controlled, moving display or message signs with a single or variable message.

Native Vegetation Panel means the Native Vegetation Panel established under section 60ZE of the *Local Land Services Act 2013*.

Normal business hours mean:

- Monday to Friday – 8.00 am to 5.00 pm.
- Saturdays 8.00 am to 1.00 pm.
- No work on Sundays or Public Holidays.

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NSW Coastal Policy means the publication titled NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast, published by the Government.

Objectives are a general statement of the overall intention of applying a design element.

Operational land has the same meaning as in the *Local Government Act 1993*.

Orchid management area when used in reference to *Chapter S1: Verons Estate, Sussex Inlet* means areas where the Leafless Tongue Orchid (*Cryptostylis hunteriana*) and/or the greenhood orchid species *Pterostylis ventricosa* occur (refer to supporting map of Chapter S1). Note that potential habitat for *Pterostylis ventricosa* in Swan Lake has not been surveyed.

Orphan site when used in reference to *Chapter S8: Ulladulla Town Centre* means a site in the retail area where maximum development in accordance with that chapter has occurred on at least two adjoining sites. Note. This control only relates to floor space ratio (see definition in *SLEP 2014*).

Other advertised development means any development that is identified as advertised development in a local environmental plan or DCP.

Outbuilding means any of the following:

- a) Balcony, deck, patio, pergola, terrace or verandah, carport or garage that is attached or free-standing,
- b) Cabana, cubby house, fernery, garden shed, gazebo or greenhouse, shed or shade structure,
- c) Rainwater tank,
- d) Above ground swimming pool

Outdoor dining area means an approved sit down, un-enclosed, open-air (al-fresco) dining area with associated furniture located on either a public footpath or on private property. The area is defined by that area occupied by the furniture with sufficient room for diner manoeuvrability and any associated menu boards, pot plants, planter boxes and/or screens or crash barrier.

Overland flow path means the path that stormwater may take if the piped or channelled stormwater system becomes blocked or its capacity exceeded. Overland flow paths provide a fail-safe system to ensure that stormwater is not likely to cause flood damage.

Owner is as defined in the *Local Government Act 1993 No. 30*.

Note. The term is defined as

- a) in relation to Crown land, means the Crown and includes:
 - i. a lessee of land from the Crown, and
 - ii. a person to whom the Crown has lawfully contracted to sell the land but in respect of which the purchase price or other consideration for the sale has not been received by the Crown, and
- b) in relation to land other than Crown land, includes:
 - i. every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession, and
 - ii. every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the

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- land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and
- iii. in the case of land that is the subject of a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#), the owners corporation for that scheme constituted under the [Strata Schemes Management Act 1996](#), and
 - iv. in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the [Community Land Development Act 1989](#), the association for the parcel, and
 - v. every person who by this Act is taken to be the owner, and
 - c) in relation to land subject to a mining lease under the [Mining Act 1992](#), includes the holder of the lease, and
 - d) in Part 2 of Chapter 7, in relation to a building, means the owner of the building or the owner of the land on which the building is erected.

Parallel development when used in reference to Chapter G15: Tourist and Visitor Accommodation means development for Bed & Breakfast Accommodation and Tourist Cabins carried out on the same land.

Parapet means a low wall projecting from the edge of a platform, terrace or roof.

Park van when used in reference to Chapter G10: Caravan Parks in Flood Prone Areas is as defined by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005.

Note. The term is defined as a moveable dwelling (other than a tent), whether or not capable of being registered under the Road Transport (Vehicle Registration) Act 1997, that:

- a) is or usually is continuously located on a short-term site, and
- b) is provided for hire, and
- c) is used by a site occupier other than the owner of the moveable dwelling primarily for holiday purposes.

Pathway when used in reference to Chapter G18: Streetscape Design for Town and Village Centres refers to the part width areas (various widths) of pavement on the road reserve between the property boundary and the street kerb and gutter.

Peak flow means the maximum instantaneous outflow from a catchment during a storm event.

Performance Based Solution Statement means a written statement accompanying a development application demonstrating how the:

- Objectives and relevant performance criteria will be achieved if an alternative to an 'acceptable solution' is proposed.
- Objectives will be achieved if an alternative to a 'mandatory control' is proposed.

Performance criteria identify how a development should perform so that the desired objectives can be achieved. They provide designers and developers an opportunity to work through a variety of design criteria. Not all performance criteria will be applicable to every development.

Permeability when used in reference to Chapter G8: Onsite Sewage Management means the ability of the soil to 'absorb' and transmit effluent through its profile.

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Permeable paving means paving construction using impervious materials that are physically shaped and/or arranged to allow infiltration through gaps in the pavement material.

Permissible site discharge means the maximum discharge from the site during a 1 in 5 year ARI storm event under predevelopment (existing) site conditions.

Permit means a permit issued by Council under *Chapter G4: Tree & Vegetation Management* for the removal or pruning of trees or other vegetation.

Pervious means a surface that permits water to infiltrate into the ground.

pH means the measure of acidity or alkalinity measured on a scale of 0 to 14 with 7 as a neutral point. From 0 to 7 is acid; from 7 to 14 is alkaline.

Phosphorous sorption capacity when used in reference to *Chapter G8: Onsite Sewage Management* means the ability of the soil to take up phosphorous from the effluent.

Plan of survey or **survey plan** means a plan prepared in accordance with survey practice and prepared by a registered surveyor.

Pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture. Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

Porous paving permits water to pass through the paving material by virtue of the properties of that material.

Potable water means water that is fit for human consumption.

Potential building area when used in reference to *Chapter N20: Jerberra Estate* means the area identified on Figure 11 of that chapter, where dwellings and associated structures should be located so that your property and neighbouring properties can be safely and appropriately developed. Some flexibility is provided within the bushfire asset protection zones (APZs), however locating your dwelling and associated structures within the potential building area will make the development approval process more straightforward.

Potential building area/line when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, means the area or line identified on the supporting map in Chapter S1 within which dwellings and associated buildings should be located so that your property and neighbouring properties can be safely and appropriately developed.

Potential development area when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, encompasses the potential building area and bushfire asset protection zones (APZ) and on-site effluent treatment and application area.

Potentially hazardous food means food that has to be kept at certain temperatures to minimise the growth of any pathogenic microorganisms that may be present in the food or to prevent the formation of toxins in the food. Examples of potentially hazardous food includes; meat, poultry, seafood, rice, dairy, eggs etc.

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Prescribed waters mean any waterbody that has been specifically identified by Sydney Water or Shoalhaven City Council as being an important resource within a drinking water catchment.

Primary frontage means:

- The single frontage where an allotment has a single frontage to the road; or
- The shortest frontage where an allotment has two or more frontages to the public road; or
- The two frontages where an allotment (not including a corner allotment) runs between two roads.

Primary treatment when used in reference to *Chapter G8: Onsite Sewage Management* means the separation of suspended material from wastewater by settlement and/or flotation in septic tanks, primary settling chamber, anaerobic process of treatment, prior to effluent discharge to either a secondary treatment process, or to a land-application system.

Probability when used in reference to flooding is a statistical measure of the expected chance of flooding (see annual exceedance probability (AEP)).

Probable maximum flood (PMF) is the largest flood that could conceivably occur at a particular location, usually estimated from probable maximum precipitation. Generally, it is not physically or economically possible to provide complete protection against this event. The PMF defines the extent of flood prone land, that is, the floodplain.

Probable maximum precipitation (PMP) is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year, with no allowance made for long-term climatic trends (World Meteorological Organisation, 1986). It is the primary input to the estimation of the probable maximum flood.

Professional consulting rooms means a room or a number of rooms forming either the whole of or part of, attached to or within the curtilage of a dwelling-house and used by not more than three legally qualified medical practitioners or by not more than three dentists within the meaning of the *Dentists Act 1934*, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively, and if more than one, practise in partnership and who employ not more than three employees in connection with that practice.

Professional engineer means a person:

- a) who is a registered professional engineer in the relevant discipline who has appropriate experience and competence in the relevant field; or
- b) who is:
 - i. a Corporate Member of the Institute of Engineers, Australia; or
 - ii. eligible to become a Corporate Member of the Institute of Engineers, Australia, and has appropriate experience and competence in the relevant field.

Projecting wall sign means any sign attached to and projecting at right angles from a wall.

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Provisional hydraulic and hazard categories are the categories used in place of hydraulic and hazard categories where no Floodplain Risk Management Plan has been prepared as yet and are based on velocity and depth considerations only.

Prune or **pruning** is defined as all other pruning which is not 'crown maintenance pruning' and includes 'crown modification' as defined in *Australian Standard AS 4373-1996, "Pruning of Amenity Trees"*.

Public dining area means that area set aside for patrons to eat meals and excludes kitchen, bar and amenity areas but includes reception areas.

Public open space means land used or intended for use for recreational purposes by the public and includes parks, public gardens, riverside reserves, pedestrian and cyclist accesses, playgrounds and sports grounds.

Public road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as:

- a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and
- b) any road that is declared to be a public road for the purposes of this Act.

Public work means work carried out by the Council on Public Land.

Pump-out effluent system means a normal septic tank system, followed by a holding tank, used for the storage of effluent which is pumped out by a Council contractor at regular intervals with a specified number of services per year. This effluent is transferred to one of Council's sewage treatment works for further treatment and ultimate disposal.

Pylon sign means any freestanding elevated sign supported by one or more columns, pylons or poles where the display area may include separate removable and replaceable slats, panels or other components.

Recyclable means capable of being reprocessed into usable material or re-used.

Regulation when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Reliable access means the ability for people to safely evacuate an area subject to imminent flooding within effective warning time having regard to the depth and velocity of floodwaters, the suitability of the evacuation route, and without the need to travel through areas where the "water depth - velocity product" is greater than 0.3m²/s.

Relocatable home when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. The term is defined as:

- a) a manufactured home, or
- b) any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable

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dwelling that is capable of being registered under the Road Transport (Vehicle Registration) Act 1997.

Remnant tree or vegetation means a native tree or any patch of native vegetation which remains in the landscape after removal of most or all of the native vegetation in the immediate vicinity.

Removal or pruning (or remove or prune) has the same meaning as **Clear (or clearing)** vegetation.

Remove when used in relation to vegetation means to cut down, take away or transplant a tree from its place of origin.

Restricted development site means land identified as a restricted development site on the Natural Resource Sensitivity Land map overlay in the *SLEP 2014*.

Retailing when used in reference to *Chapter G19: Home Based Business Activities* involves the display for sale of goods in small quantities to the public but does not include mail order, 'Just in time' retailing or 'E-commerce'.

Retention means the storing of water for beneficial use. It applies to the storage volume available for reuse or systems that allow infiltration into the soil profile. Retention can apply to all forms of water including rainwater, stormwater and recycled water.

Rigid annexe when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds & Moveable Dwellings) Regulation 2005*.

Note. *The term is defined as an annexe that is not a flexible annexe.*

Risk means the chance of something happening that will have an impact. It is measured in terms of consequences and probability (likelihood). In the context of *Chapter G9: Development on Flood Prone Land* and *Chapter G10: Caravan Parks in Flood Prone Areas*, it is the likelihood of consequences arising from the interaction of floods, communities and the environment.

Roof water means rain (water) that falls on the roof of a building.

Roughness coefficients describe the resistance of the bed of a channel to the flow of water within it. They are used in equations calculating energy loss due to roughness of a surface.

Runoff means the same as **stormwater**.

Rural Lifestyle Area when used in reference to *Chapter V1: Lot Averaging Subdivision* refers to localities 1-8 identified in Clause 4.2B of *SLEP 2014*.

Scale means relative dimensions to ground level, including height, bulk and number of storeys.

Secondary frontage means:

- The longer frontage where an allotment has two or more frontages to a road; or

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- The frontage that adjoins a lane where an allotment (not including a corner allotment) runs between a road and a lane.

Secondary treatment when used in reference to *Chapter G8: Onsite Sewage Management* means anaerobic and aerobic biological processing and settling or filtering of effluent received from a primary treatment unit. Effluent quality following secondary treatment is expected to be equal to or better than 20 g/m³ five-day biochemical oxygen demand and 30g/m³ suspended solids.

Septic tank a tank used for the collection, primary settling and anaerobic treatment of household wastewater.

Sewage includes any effluent of the kind referred to in paragraph (a) of the definition of waste in the dictionary to the *Local Government Act 1993*.

Sewage management system means

- a human waste storage facility; or
- a waste treatment device intended to process sewage, and includes a drain connected to such a facility or device.

Short-term site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* and *Chapter G28: Design Guidelines for Permanent Occupation of Caravan Parks* is as defined by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.

Note. The term is defined as a dwelling site on which a moveable dwelling that is ordinarily used for holiday purposes may be installed and that is specified in the approval for a caravan park as being a short-term site.

Sign face area means the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by the sign face height and sign face width.

Single storey when used in reference to *Chapter N1: Kangaroo Valley* means a single storey construction with pitched roofs and being no greater than 5.5 metres in height as measured from any point on the natural surface below a structure.

Site specific flood warning system is where the following is provided:

- an alarm system which alerts occupants to the need to evacuate, sufficiently prior to likely inundation to allow for the safe evacuation of pedestrians and vehicles; and
- signage to identify the appropriate procedure and route to evacuate.

SLEP 1985 means the *Shoalhaven Local Environmental Plan 1985*.

SLEP 2014 means the *Shoalhaven Local Environmental Plan 2014*.

Slow point or local area traffic management device (LATM) when used in reference to *Chapter G11: Subdivision of Land* means sections of a street which have geometric features which limit the travel speed of vehicles. These include bends, constrictions to carriageway width etc.

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Sodicity means the level or presence of exchangeable sodium salts in the soil. Effluent contains high levels of sodium that may act to disperse clay particles, resulting in a significant reduction in the permeability of the soil.

Soil and water management plan means a document which sets out strategies and controls for a development or site to prevent pollution of the environment from all pollutants during the construction stage.

Soil profile means the different layers (horizons) of different soil types with depth.

Solar access means the ability of a dwelling to receive direct sunlight into living and private open spaces without obstruction by buildings or other impediments.

Solar collector means photovoltaic cells, solar panels, skylights, solar hot water panels, windows, glazed doors and the like.

Special waste means a waste that posed or is likely to pose an immediate or long-term risk to human health or the environment. This includes hazardous waste, clinical waste and contaminated waste. Special arrangements need to be made for the management of these wastes.

Split systems when used in reference to *Chapter G8: Onsite Sewage Management* means where black and grey water are split into separate waste streams at the source. Full on-site split systems dispose of both streams on-site but into separate disposal systems. Partial on-site split systems dispose of grey water on-site and rely on a cart-away system for the black water stream.

Stability analysis report or **geotechnical report** means a report that examines the geological profile of the site and includes the soil and moisture condition and watertable and bedrock characteristics.

Stacked parking means a parking arrangement with two parking spaces arranged one behind the other either in separate or same ownerships (may be self-managing and a management plan or arrangement may be required).

State significant development is development that is declared to be State significant development by a State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or the Minister as the case may be in a range of particular circumstances.

Storage depth means the amount of rainfall that would previously have been stored on site through surface ponding and infiltration prior to the addition of impervious surfaces.

Stormwater means rainfall that is concentrated after it runs off all urban surfaces such as roofs, pavements, carparks, roads, gardens and vegetated open space and includes water in stormwater pipes and channels.

Stormwater management plan means a concise report and/or drawing/s that provide sufficient information to demonstrate how the development meets the relevant stormwater controls and supporting guidelines.

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Stormwater infiltration trench or bioretention system means a purpose built absorption trench designed to store and filter stormwater runoff from dwelling and associated structures.

Stream forming flow means the following percentage of the 2-year ARI flow rate estimated for the catchment under natural conditions:

- 10 per cent for low cohesion (e.g. sandy) bed and banks.
- 25 per cent for moderately cohesive bed and banks.
- 50 per cent for cohesive (e.g. stiff clay) bed and banks.

Structure (not including an 'advertising structure') means a construction, not necessarily roofed, which performs a function or functions requiring rigidity and includes a fence.

Sub-arterial road means roads of lesser importance than the arterial roads, but which still cater for relatively high volume and/or long distance travel, and on which through traffic predominates. In rural areas they comprise routes of state-wide or regional significance, and in urban areas they comprise routes of metropolitan-wide or regional significance. Sub-arterial roads are sometimes called secondary arterial roads.

Sufficient time/access means the ability to safely evacuate to an area above the PMF prior to the onset of flooding, within the effective warning time, having regard to the suitability of the route and the possible prevailing environmental conditions including the depth and velocity of floodwaters, and without reliance on a private flood warning facility.

Suitably qualified hydraulic engineer means an experienced and qualified professional engineer, recognised as a chartered professional engineer by the Institution of Engineers Australia in the field of civil engineering, flood risk management, emergency management, structural engineering or similar, acting at all times within their experience and qualifications, and able to demonstrate to Council that they have the experience and qualifications to act as required.

Suitably qualified person means any of the following:

- a) Professional engineer as defined above,
- b) Licenced builder,
- c) Level 1 or 2 Accredited Certifier – Building Surveying,
- d) Registered Architect

Tandem parking means a parking arrangement with two parking spaces arranged one behind the other and in the same ownership (self-managing).

Temporary sign means an advertisement for short term promotional purposes that:

- a) announces any local event of a religious, educational, cultural, social or recreational character or relates to any matter in connection with such an event; and
- b) the event is organised by a charitable organisation, sporting association or public authority; and
- c) does not include advertising of a commercial nature (except for the name(s) of an event's sponsor(s)).

Tertiary treatment means the process by which disinfection and additional Biological Oxygen Demand (BOD) removal are achieved upon secondary treated wastewater.

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Disinfection should reduce all pathogenic and other harmful organisms to safe levels. Processed effluent is only suitable for non-potable purposes such as irrigation.

Top of bank means the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measure perpendicularly from the break.

Topping means cutting away part, or all, of the tree canopy leaving a trunk and stubbed main branches.

Tourist accommodation sites means short term camping or caravan sites within a caravan park, used for the provision of holiday accommodation, not permanent occupation.

Tourist accommodation unit means a dwelling used, designed, constructed or adapted to be used for the provision of holiday accommodation, not permanent occupation, being one of a group of similar dwellings forming part of a tourist facility.

Tourist cabin means a freestanding building used to provide short-term self-contained holiday accommodation.

Note: *Tourist cabin is a type of tourist and visitor accommodation as defined in SLEP 2014.*

Tourist and camping site when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a short-term or camping site in a caravan park or a camping site in a camping ground that is available for hire by tourists and does not have or usually have a moveable dwelling continuously located on site.

Tourist resort means a building or buildings containing more than twenty (20) accommodation units providing for short term visitor accommodation and recreation, which building or buildings may include a refreshment room and space capable of being used for functions such as receptions, conventions and may provide other recreational facilities incidental to such accommodation.

Towable on-site moveable dwelling when used in reference to *Chapter G10: Caravan Parks in Flood Prone Areas* means a moveable dwelling (including a caravan or annexe) that is or usually is continuously located on site and is designed, installed and maintained in a manner so as to be removed from the flood-prone area within the effective warning time (e.g. quick-release tie-down, draw-bar and wheels attached and serviceable, services readily detachable, not attached to non-towable moveable dwellings or associated structures). Experience indicates that moveable dwellings located on long-term sites tend to lose their mobile status and so would not generally qualify as towable on-site moveable dwellings. Similarly, holiday vans tend to lose their mobile status, and their removal could place unreasonable burdens on the park manager and emergency services, so these also would not generally qualify as towable on-site moveable dwellings.

Town activity node means concentration of a high level of human activity and social interaction at a particular point in the town, or at that point where human activity is concentrated in the town.

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Trade waste means refuse or waste material arising from any trade or industry but excludes liquid waste, demolition waste, building waste, special waste, contaminated waste, green waste or recyclable waste.

Traffic generating development means development that requires in excess of three off-street car parking spaces and/or frequent vehicle access by a large rigid truck or bus containing over twelve seats.

Tree means a perennial plant with at least one self-supporting woody or fibrous stem, being:

- a) more than 5m tall, or
- b) more than 5m wide across the foliage crown or
- c) having a trunk circumference of more than 500mm measured 1m above ground level.

Tree dripline or zone means the area defined, under a tree, by the outer edge of the tree canopy projected to ground level.

Trunk drainage means stormwater drainage beyond immediate property and street drainage.

Two storey when used in reference to *Chapter N1: Kangaroo Valley* means a two storey construction with pitched roofs and being no greater than eight metres in height as measured from any point on the natural surface.

Under awning sign means a sign suspended from underneath an awning or verandah.

Undesirable species means plants that have characteristics which may lead to poisoning, weed infestation, brittle and dangerous wood, excessive spread of roots or bushland invasion.

Urban area means any land zoned Residential, Commercial or Industrial under SLEP 2014.

Urban design master plan means a comprehensive Plan for an area of renewal where particular attention must be paid to design and layout principles required in the Plan and for consultation with the local community.

Variation statement means a written statement accompanying a development application demonstrating how the:

- Objectives and relevant performance criteria will be achieved if an alternative to an 'acceptable solution' is proposed.
- Objectives will be achieved if an alternative to a 'mandatory control' is proposed.

Vegetation means all native plant communities other than trees as defined in this plan.

Vegetation management plan means a structured program adopted by the Council for the protection, maintenance, restoration and replacement of trees and native vegetation.

Vicinity of a heritage item or conservation area means the extent of land, natural environment and/or built environment which has a physical or visual relationship to the heritage item or conservation area. The objective of control of development in the "vicinity" of heritage items and conservation areas is to ensure new development does not adversely impact upon the heritage significance of other sites.

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View means what is seen from a particular point.

View Corridor means a cone of vision extending from a selected point towards the valued view.

Village Centre in relation to Chapter N1: Kangaroo Valley is generally the built-up area of the town between the school and the showground.

Village Retail Core in relation to Chapter N1: Kangaroo Valley is the area shown on the map and bounded to the west by the Anglican Church and the School, to the east by the Police Station and Heritage Precinct, to the north by the proposed cycle path and to the south by existing premises having frontage to Moss Vale Road (lot depth of 25-30 metres).

Vista means an enclosed view usually long and narrow.

Visual impact statement when used in reference to *Chapter N1: Kangaroo Valley* means a report that examines the effects of development on the scenic values of Kangaroo Valley and recommends ways to neutralise any adverse impacts.

Volume reduction equipment means devices, which reduce the volume of waste or recyclable material including compressing devices such as compactors and balers, and shredding, pulverising or crushing devices.

Voluntary conservation agreement when used in reference to *Chapter S1: Verons Estate, Sussex Inlet*, is a voluntary, legally binding agreement between a landholder and the NSW Environment Minister. Conservation agreements are used to permanently protect land which has special environmental features.

Wall or **courtyard wall** means a wall, screen or fence, screening part or portion of an allotment of land for privacy, security or safety reasons.

Waste has the same meaning as in the *Protection of the Environment Operations Act 1997*.

Note. This term is defined as follows:

- a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- b) any discarded, rejected, unwanted, surplus or abandoned substance, or
- c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- d) any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- e) any substance prescribed by the regulations to be waste.

A substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled, re-used or recovered.

Waste cupboard means a storage area within each dwelling (usually in the kitchen) of a size sufficient to enable source separation of a single days work into garbage, recyclables and compostable material.

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Waste management plan means a plan prepared in accordance with the [Waste Minimisation and Management Guidelines](#). A waste management plan would typically include a table showing the volume and type of waste to be generated, stored and treated on site, how the residual is to be disposed of and how ongoing management will operate.

Waste storage and recycling area means a designated area or a combination of designated areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's occupants.

Waterfront means the sea, bays, rivers and lakes (as defined by the 1:25,000 Topographic Map series as prepared by the NSW Land and Property Information).

Water cycle management study means a study examining:

- a) the existing volumes of water and pollutant levels leaving the site and predict any changes which might result from the development. This information must be provided for both wet and dry weather conditions;
- b) how the development will maintain or improve existing water quality;
- c) how the management systems which used to control impact on water quality will be able to operate properly over the life of the development;
- d) how the development will achieve any water quality objectives for rivers and streams;
- e) the effect of the development on the waterbodies to which it discharges;
- f) the outline management strategies and practices to control those affects;
- g) how the performance of water quality control systems will be monitored over time.

Water sensitive urban design (WSUD) is the integration of urban town planning and development with the management, protection and conservation of the water cycle as a whole.

Wholesale supplies mean a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the A New Tax System (Australian Business Number) Act 1999 of the Commonwealth.

Wildlife friendly fencing when used in reference to *Chapter N20: Jerberra Estate and S1: Verons Estate, Sussex Inlet* means fencing provided in the bushland conservation area (BCA) or bushland management area (BMA) to limit disturbance whilst not impeding the movement of wildlife, comprising posts and plain wires.

Window includes a roof skylight, glass panel, glass brick, glass louvre, glazed sash, glazed door, translucent sheeting or other device which transmits natural light directly from outside a building to the room concerned.

Zero lot line means a dwelling with no side boundary setback on one side of the lot – i.e. the dwelling is built to the boundary. The wall of the dwelling on the lot line has no windows and is constructed in accordance with the Building Code of Australia.



Summary of Submissions (111)

PP0064: Willinga Park Equestrian Centre, BAWLEY POINT

Public Exhibition: 25 May to 24 June 2022

SUBMISSIONS NOT IN SUPPORT OF THE PROPOSAL (Total: 65)

Key concerns:

- Cumulative, negative impacts on the amenity of residents due to increased traffic, noise and light pollution (spill)
- Continuing degradation of local infrastructure (roads) due to increased vehicular traffic (cars, floats and heavy vehicles)
- Direct access to Willinga Park from the Princes Highway is preferable
- Detrimental impacts on water quality of Willinga Lake exacerbated
- Supporting studies are related to DA18/1237 (Events), have not been updated and are not relevant to the impacts of this proposal
- Function centre use is incompatible with the RU2 land-use zone and local character due to lack of infrastructure and/or services

No.	Submission Summary
1	<p>Not supported.</p> <ul style="list-style-type: none"> • Proposed use is not compatible with rural RU2 land-use zoning • Ongoing oversight by the local regulatory authority (Council) is best practice • Cumulative negative impact on amenity of residents (noise and traffic) • Cumulative negative impact on local infrastructure (roads) due to heavy vehicle movements • Incapable local infrastructure (roads), namely Bawley Point Road (Bawley Point Road) and Foster Drive (Forster Drive) • Cumulative negative impact on local character • Current land-use zoning is sufficient for current approved use

Proponent Response	Staff comment
<ul style="list-style-type: none"> The world class nature of the facilities at Willinga Park estate lends itself to use for functions, particularly the EEC, whilst still maintaining an environmental quality compatible with the RU2 zoning of the estate and its surrounds. The Proponent no longer presses that part of the owner-initiated Planning Proposal which sought to make certain functions permissible without consent therefore Council will have ongoing oversight as a DA <u>will</u> first need to be approved to use Willinga Park estate for functions of all types, including functions with an attendance of less than 351 persons. As part of this process, the PO for events at Willinga Park can be made to also apply to function (which was always the Proponent's intent). Having regard to the size, configuration, standard of facilities, separation of the main facilities from the estate boundaries and the Proponent's intent not to diminish, in any way, the operation of Willinga Park as a working agricultural estate and a centre for equine excellence, functions will be conducted in a way which does not create unreasonable impacts on the existing local environment, including by way of excessive noise and/ or unmanageable traffic generation or parking demand. Additionally, no functions will be held when events permitted pursuant to the consent to DA18/1237 are underway, other than functions ancillary to those permitted events. Notwithstanding the above, relevant potential impacts will need to be assessed at the DA stage. However, as most functions are expected to occur in the EEC, unreasonable noise impacts are not anticipated. Measures will be introduced to ensure that there is no unreasonable loss of amenity. 	<p>General comments</p> <ul style="list-style-type: none"> Proponent responses are noted and agreed to, in part. Staff comments are provided for background and clarification purposes, recognising that the proponent has decided to amend the PP by removing the secondary (exempt) component to allow functions up to 350 people as <i>'development without consent'</i>. Internal feedback on the PP <u>as exhibited</u> and referred to in this summary has been compiled into a separate document. <p>DA Assessment issues <u>Function centre use</u></p> <ul style="list-style-type: none"> If the PP (as amended) is supported, and finalised, a DA would need to be approved to activate the use of function centre. As a minimum, the DA would need to specify the type/location/frequency/timing of functions proposed and would need to be supported by the necessary technical studies. The proponent has outlined the type of functions for which approval is most likely to be sought – see separate attachment. These functions include: business conferences; product launches; training seminars/classes/workshops; ceremonies (awards dinners, graduations, presentation nights etc); exhibitions/trade shows; community events; fundraisers; and concerts/recitals. The information has been offered as indicative only and does not pre-empt a future DA. <p><u>Noise impacts</u></p> <ul style="list-style-type: none"> It should be noted that amplified music and concerts were <u>not</u> assessed under DA18/1237 as the noise assessment report specifically excluded them. For example, the noise report stated that <i>"there will be no concerts or similar occurring at Willinga Park for the proposed events"</i>. The EMP does reference non-equine events but these relate to

<ul style="list-style-type: none"> Heavy vehicle movements are not anticipated to be generated by the very large majority of functions. No new construction of buildings or the carrying out of the earthworks is needed to host functions at Willinga Park estate. The purpose of the Planning Proposal is to enable the existing facilities (which have been built to a very high standard) to be able to be used for functions, particularly the EEC. In relation to the potential for access for heavy vehicles to be obtained off the Princes Highway, the following observations can be made: - <ul style="list-style-type: none"> the management team at Willinga Park has no foreseeable new plans for further expansion of the facilities at Willinga Park (other than a DA for functions, which is dependent (of course) on the Planning Proposal); heavy vehicle use will therefore be limited to the normal operations of the estate as opposed to new construction; in the event of an unforeseeable situation arising relating to abnormal heavy vehicle use the Willinga Park team will investigate and consider temporary/ time-limited use of the access road off the Princes Highway (subject to appropriate approvals); the Willinga Park team has no plans for, or any intention to seek, a permanent access off the Princes Highway: rather, any such access would be on an 'as needs' basis as the cost would be prohibitive and unjustifiable given the adequate and functional existing access arrangements off Forster Drive; and 	<p>"architecture, gardens, sculptures and tours". No modelling of music style events and the potential impact on residential receivers in a rural location (with a relatively low background noise level) has been undertaken. It has also been noted, however, that a concert featuring Country music was held in May 2022 as part of the Campdraft event: https://willingapark.com.au/events/campdraft/. Further, a night of musical theatre has also been advertised for 30 October 2022: https://willingapark.com.au/events/blues-brotherswillinga/.</p> <ul style="list-style-type: none"> If music events (concerts/recitals) at Willinga Park are envisaged (either as stand-alone events or ancillary to an approved function or event), this information will need to be included in the DA and supported by a noise report for assessment. The noise report would need to consider the impact of amplified music on all residential receivers and whether events/functions that involve music are proposed to be held inside or outside the Equine Education Centre (EEC). <p><u>Traffic & parking impacts</u></p> <ul style="list-style-type: none"> Proponent response: "<i>the traffic generated by Willinga Park at any time is inconsequential when compared to the summer holiday period</i>". Internal feedback suggests that this response is not supported by any traffic study received to date. A traffic study would be required to support the DA(s). Such a study would need to consider the capacity of the existing road infrastructure/ network, relevant speed zones, the existing development, the cumulative impacts of DA18/1237 (Hosting of Events) and the proposed new use of function centre, and whether alternate access (for heavy vehicles) is required. Council and TfNSW would need to be consulted in the first instance about the specifications for the study to ensure that all relevant issues are addressed, and standards
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<ul style="list-style-type: none"> ▪ insofar as road conditions in Bawley Point are said by objectors to be as a result of heavy vehicle use by Willinga Park, an investigation of the Willinga Park team of road conditions, south of Forster Drive reveals consistent and similar damage that is not associated with Willinga Park (damage is symptomatic of the general status of roads). <p>Additionally: -</p> <ul style="list-style-type: none"> ▪ Forster Drive is the public road providing primary road access to Willinga Park; ▪ Forster Drive has been upgraded by Willinga Park and is in good condition; ▪ the design and layout of the estate are based on this existing (approved) access including a security gatehouse at the entry to the estate off Forster Drive. <ul style="list-style-type: none"> • The existing road infrastructure (which is the same road infrastructure used on a day-to-day basis for the operation of Willinga Park, and which is used when approved events are conducted at Willinga Park) is capable of accommodating traffic generated by functions (which will be likely to occur at a typical frequency of 2 per week). • In relation to traffic on local roads, the traffic generated by Willinga Park at any time is relatively small when compared to the summer holiday period season traffic influx: given that Willinga Park estate does not generally operate in the period mid-December to mid-January, it is not adding to traffic volumes at peak time and the traffic volume it generates at other times is significantly below the operating threshold that the roads are intended to cater for; 	<p>adhered to.</p> <ul style="list-style-type: none"> • Internally, the traffic study submitted with DA18/1237 was considered to be inadequate and not relevant to the PP. Review was not sought during the DA assessment on the basis that the impacts would be managed via the EMP. Conditions of DA18/1237 and the EMP impose significant obligations on Willinga Park in relation to Event traffic management. The onus is on Willinga Park to convene post-event briefing meetings with TfNSW, Council and NSW Police, to review mitigation measures and refine the EMP. Unfortunately, these briefings have not been as regular as they should have been. The traffic study will need to have regard to all relevant conditions of approval for DA18/1237 when assessing the cumulative impact arising from the new use of function centre. • In relation to the provision of an alternate permanent access from the Princes Highway (a key concern in submissions) the proponent has responded, <i>"in the event of an unforeseeable situation arising relating to abnormal heavy vehicle use the Willinga Park team will investigate and consider temporary/time-limited use of the access road off the Princes Highway (subject to appropriate approvals);</i> • Internal comments received suggest that traffic associated with Willinga Park, particularly heavy vehicles, has indeed affected road conditions in the vicinity. There is an opportunity to negotiate a more permanent arrangement for direct access to Willinga Park from the Princes Highway for heavy vehicles such as floats and trailers, although <u>this does not need to be explored through the PP</u>. The need for such an access has previously been demonstrated and addressed in relation to DA18/1867 (Importation of 5,800 m³ of virgin soil for Show Jumping Arena) when temporary access was negotiated with NSW National Parks & Wildlife (NPWS) through their land. Owners' Consent advice from NPWS states that whilst the track is vested in and administered NPWS under Part 11 of the National Parks & Wildlife Act, it is not part of the Murrumbidgee National Park. There is an existing r-o-w over the "track in use" enshrined in DP 1000517
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<ul style="list-style-type: none"> To the extent this and other submissions reference the condition to local roads in and around Bawley Point, that is an observation that could be made generally throughout the Shoalhaven: the part of Forster Drive which was engineered/ laid by Willinga Park shows no sign of degradation and is one of the best local roads in the locality; road condition is thus a general issue uniquely and not an issue of Willinga Park's making. In relation to the traffic generation associated with the approved events, the management team at Willinga Park regularly evaluate events at their conclusion in order to improve future operations including with a view to minimising potential impacts on the local community. The management team advises that they evaluate all aspects of the business constantly. Hosting functions at Willinga Park is unlikely to adversely impact on local character: no building or other physical works, including the clearing of any vegetation are required to host functions. The existing zoning will remain unchanged but for the addition of 'function centre' as another permissible use of the Willinga Park estate. 	<p>providing access to adjoining land (Lot 15 DP1138158) that is in the ownership of Capital Properties P/L. The proponent's statement that construction of a new permanent, practical and legal access arrangement would be costly, is acknowledged.</p> <ul style="list-style-type: none"> The proponent has remarked (in precis) that: <ul style="list-style-type: none"> road conditions in and around Bawley Point are consistent with road conditions throughout the Shoalhaven generally; and that the part of Forster Drive, constructed by Willinga Park, shows no sign of degradation and is one of the best local roads in the locality. <p>Recent photos of pavement damage South of Forster Drive were provided by the proponent to demonstrate the above and can be made available, if required.</p> The East Coast Lows associated with the El Nino 2022 weather events in March and June, brought torrential rain and floods resulting in landslips and considerable road damage across the entire Shoalhaven. The damage to Council roads in the Bawley Point area (referred to in submissions and internal feedback) has occurred over many years as a result of construction work at Willinga Park and other heavy vehicular traffic, such as floats and trailers accessing the facility. The cumulative impact of long-term damage to Council's road infrastructure is not comparable to the more recent damage caused by these weather events. <p><u>Other impacts</u></p> <ul style="list-style-type: none"> Lighting, environmental impacts (eg effluent disposal), social & economic impacts and potential impacts of concurrent events/functions at the site are also some of the matters that would be assessed under a DA.
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	<p><u>Existing Event Management Plan (EMP)</u></p> <ul style="list-style-type: none"> Any changes required to the approved EMP would be identified during assessment of the DA and conditions applied as necessary. Currently, the EMP is not triggered (for functions) and cannot therefore be amended to include functions outside of a DA process. <p><u>Character of the area</u></p> <ul style="list-style-type: none"> Further, as no physical (building) works are proposed, it is agreed in principle that impact on local character is unlikely. However, this is also a matter for DA assessment, in particular if it should be determined that external road works are required. <p><u>Zoning</u></p> <ul style="list-style-type: none"> If the PP to allow Willinga Park to host functions is finalised, the RU2 Rural Landscape zone that applies to the land will remain unchanged. <p><u>Strategic framework/merit</u></p> <ul style="list-style-type: none"> The PP (as amended) has strong strategic and site merit. The benefits to the local/regional economy and tourism are recognised and supported by the strategic planning framework. As such, there is considerable merit in broadening the range of functions/events permitted at the site (subject to a DA assessment) and there is potential for job creation to support the local economy.
2	<ul style="list-style-type: none"> Not supported. Cumulative negative impact on amenity of residents (generally) Cumulative negative impact on local character
Proponent Response	
<ul style="list-style-type: none"> See response to Submission 1 above. 	
Staff comment	
<ul style="list-style-type: none"> Noted. See comments at Submission 1. 	

3	<p>Not supported.</p> <ul style="list-style-type: none"> • Cumulative negative impact on local infrastructure (roads) • Incapable local infrastructure (roads, drainage), namely Murramarang Road • Direct access to Willinga Park entrance from Princes Highway or Bawley Point Road is necessary • Insufficient benefit to local community (self-catered, out-of-area employment) • Other key venue sites (Berry Showgrounds; Nowra River Precinct; Shoalhaven Entertainment Centre; Nowra Showgrounds; Bay and Basin Beaches and Foreshore Reserves) have incorporated major upgrades to surrounding roads to alleviate traffic impact • Not compliant with Priority 1.3 of the Local Strategic Planning Statement (LSPS) due to unsafe road surfaces and size/frequency of vehicles • Not compliant with Priority 2.2 of LSPS as development is not ecologically sustainable, carefully planned and managed to meet the needs of the community.
Proponent Response	Staff comment
<ul style="list-style-type: none"> • See response to Submission 1 above. • Nothing arises from the proposed ability of Willinga Park to host functions in its existing facilities at an anticipated average of 2 functions per week, which warrants, justifies or calls for a means of local road access other than that which presently exists. This issue will be further addressed in the DA. • The benefits to the local community will include increased local employment opportunities. • Council's own Destination Management Plan identifies Willinga Park estate as a suitable place for events and by reasonable extrapolation events include the type of functions which are envisaged for Willinga Park estate. • The LSPS under "Planning Priority 7 Promoting a responsible visitor economy" describes the visitor economy as a "cornerstone industry within Shoalhaven's economy" but notes that work is required to create sustainable businesses and experiences to provide opportunities to strengthen this industry sector including opportunities that develop a year round visitor 	<ul style="list-style-type: none"> • Noted. See comments at Submission 1. <p><u>Strategic framework/merit – additional comments</u></p> <ul style="list-style-type: none"> • Agreed. The PP (as amended) is consistent with the Shoalhaven Destination Management Plan. • Agreed. The Shoalhaven 2040 Local Strategic Planning Statement (Planning Priority 7, p36) identifies Willinga Park as a suitable venue to deliver a year-round visitor economy. Hosting functions there is an opportunity to respond to this Planning Priority and is therefore strategically justified.

	economy including the delivery of assets to attract events. The LSPS identifies that current opportunities include those provided by Willinga Park Equestrian Centre and its range of events. The ability for Willinga Park to host functions is an extension of those opportunities.	
4	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on environment (clearing, pollution) Cumulative negative impact on local infrastructure (roads) Cumulative negative impact on local character 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submission 1 above. No clearing is required or proposed in order to host functions at Willinga Park estate. No functions are to be held on the part of Willinga Park estate zoned C2 Environmental Conservation (indeed, most functions will be held in the EEC). No pollution is anticipated to arise from the hosting of functions as a result of effective on-site management of function attendees (consistent with the overall standard of Willinga Park estate) and the adequate and effective management of the existing on-site waste water infrastructure. This issue will be further addressed in the DA, following liaison with Council's Environmental Services Team or any concerns they may have as to the operation and capacity of the on-site waste water infrastructure. Please note, however: an updated waste water report is being prepared. 		<ul style="list-style-type: none"> Noted. See comments at Submission 1. <p><u>Zoning – additional comment</u></p> <ul style="list-style-type: none"> If the PP (as amended) is finalised, functions will be prohibited on land zoned C2 Environmental Conservation. <p><u>DA Assessment – additional comment</u></p> <ul style="list-style-type: none"> As noted above, the DA would need to specify the type/location/frequency/timing of functions proposed and must be supported by the necessary technical studies. <p><u>On-site sewage management system</u></p> <ul style="list-style-type: none"> The capacity of the existing on-site sewage management system (OSMS) to accommodate functions will require the preparation of an effluent management report to support the DA for assessment by City Development (Environmental Services). Conditions for approval under Chapter 7 (S68A) of the Local Government Act would be included in the notice of decision.
5	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning 	

	<ul style="list-style-type: none"> • Cumulative negative impact on amenity of residents (noise, lights, mental health) • Cumulative negative impact on local infrastructure (roads), namely Murramarang Road and Bawley Point Road • Incapable local infrastructure (roads, drainage), namely Murramarang Road and Bawley Point Road • Cumulative negative impact on environment (fauna) • Cumulative negative impact on local character • Cumulative danger to motorists and pedestrians on Murramarang Road and Bawley Point Road • Recent opening of guest house accommodation will perpetuate current issues
Proponent Response	Staff comment
<ul style="list-style-type: none"> • See response to Submission 1, 3 and 4 above. • The on-site “guest house” (i.e. cabins) accommodation is the subject of a development consent and is approved to provide accommodation as an ancillary part of the Willinga Park estate operations. 	<ul style="list-style-type: none"> • Noted. See comments at Submission 1, 3 and 4 above. <p><u>Approved Guesthouse</u></p> <ul style="list-style-type: none"> • Guesthouse accommodation (40 rooms) was assessed and approved on <u>adjoining</u> Lot 33, DP1259627 under DA19/2110 on 25 February 2020. The Guesthouse was approved as a form of ‘tourist and visitor accommodation’ and is permissible with consent in the RU2 zone.
6	<p>Not supported.</p> <ul style="list-style-type: none"> • Cumulative negative impact on amenity of residents (traffic, congestion) • Cumulative negative impact on local character • Direct access to Willinga Park from Princes Highway is necessary • Masterplan required for the development
Proponent Response	Staff comment
<ul style="list-style-type: none"> • See response to Submissions 1, 3 and 4 above. • Willinga Park estate is not the subject of a staged or Concept DA hence there is no “masterplan” other than a design masterplan which identifies all relevant approved parts of the estate and their interconnectivity by roads and services. No separate Concept DA is reasonably required in order to host functions at Willinga Park estate. There are no plans to expand 	<ul style="list-style-type: none"> • Noted. See comments at Submission 1, 3 and 4 above. <p><u>Masterplan</u></p> <ul style="list-style-type: none"> • In response to whether a Masterplan could provide more certainty to the local community about anticipated future development at Willinga Park, the proponent states that: “There are no plans to expand Willinga Park beyond the development in currently approved DA’s (plus, of course, a DA to host functions).”

Willinga Park beyond the development in currently approved DA's (plus, of course, a DA to host functions).		From the proponent's perspective, the question of whether a Masterplan should be prepared does not appear to arise. This is an issue that could be explored in more detail at a pre-lodgement meeting, prior to the submission of the DA.	
7	Not supported. <ul style="list-style-type: none">Proposed use is not compatible with rural RU2 land-use zoningCumulative negative impact on amenity of residents (traffic, noise)Incapable local infrastructure (roads)Cumulative negative impact on the community (social)Cumulative negative impact upon environment (Willinga Lake water quality)Cumulative negative impact upon local character		
Proponent Response		Staff comment	
<ul style="list-style-type: none">See response to Submissions 1, 3 and 4 above.The use of existing facilities for the hosting of functions is unlikely to have any unreasonable impact on the local environment. This issue will be further addressed in the DA.Current concerns of residents regarding harm to the water quality of Willinga Lake should be reported to and investigated by Council.		<ul style="list-style-type: none">Noted. See comments at Submissions 1, 3 and 4 above. <p><u>On-site sewage management system – additional comments</u></p> <ul style="list-style-type: none">Any potential adverse impacts on Willinga Lake arising from hosting functions at the site will need to be addressed in an effluent management report to be prepared and submitted with the DA for assessment by City Development (Environmental Services).As noted in the proponent's cover letter (separate attachment), concerns regarding the provision of a verification and validation report in relation to the existing OSMS are being addressed by the proponent in consultation with Environmental Services.	
8	Not supported. <ul style="list-style-type: none">Increased negative impact upon amenity of residents (noise, lights, traffic)Incapable local infrastructure (roads)Cumulative negative impact on the community (social)		
Proponent Response		Staff comment	
<ul style="list-style-type: none">See response to Submission 1 above.		<ul style="list-style-type: none">Noted. See comments at Submissions 1 and 3 above.	

	<ul style="list-style-type: none"> The ability for Willinga Park to host functions will not result in any adverse social impact, nor will it have a negative community impact. Indeed, the opposite is likely to be true: the ability to host functions will increase visitation to the Shoalhaven which is part of the Council's Strategic Plan because it has a positive economic impact manifested in increased job creation which is widely recognised as being socially beneficial. 	
9	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Cumulative negative impact upon resident amenity, (traffic, noise) Cumulative damage to local infrastructure (roads) Direct access to Willinga Park from Princes Highway or Bawley Point Road is necessary Cumulative negative impact on the community (social, economic) Cumulative negative impact on environment (protected vegetation clearing, water quality) Cumulative negative impact upon local character Insufficient benefit to local community 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4, 5 and 8 above. No clearing of vegetation is necessary for the hosting of functions at Willinga Park estate. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 5, 7 and 8 above <p><u>Vegetation clearing</u></p> <ul style="list-style-type: none"> Agreed. The PP as exhibited, and as amended, relates to the use of existing constructed facilities on the site and does not necessitate any clearing.
10	Not supported. <ul style="list-style-type: none"> Cumulative negative impact upon amenity of residents (noise, traffic) Cumulative negative impact on local infrastructure (roads), namely, Bawley Point Road, Murramarang Road and Forster Drive. Direct access to Willinga Park from Princes Highway is necessary Cumulative negative impact on local character Development of the site has exceeded its original intended use 	
Proponent Response		Staff comment

	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4, 5 and 8 above. No new buildings are required to host functions on the Willinga Park estate. Existing buildings are suitable and appropriate to host functions, particularly the EEC. The existing facilities at Willinga Park estate have the practical, functional and operational capacity to host functions. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 5, 6, 7 and 8 above
11	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Cumulative negative impact on local character 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
12	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Proposal is not supported by updated and relevant studies (traffic, environmental effects, site) Cumulative negative impact upon amenity of residents (noise, traffic) Cumulative negative impact on local infrastructure (roads) Incapable local infrastructure (roads, footpaths, guttering, street lighting, road-shoulders), namely Shearwater Crescent, Murramarang Road and Bawley Point Road Potential for increased vehicular accidents due to proposed land-use Outside and night-time events exacerbate negative impact on amenity of residents and fauna 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. Most functions are likely to predominantly occur (indoors) in the EEC. The facilities at Willinga Park estate which are best suited to hosting functions are well-removed from the estate's boundaries. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
13	Not supported.	

	<ul style="list-style-type: none"> Cumulative negative impact upon amenity of residents (noise, traffic) Incapable local infrastructure (roads, electricity, mobile phone network) Cumulative negative impact on local character 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. Concerns with the adequacy of the mobile phone network should be directed to service providers. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. Reticulated electricity and mobile phone services are not provided by Council.
14	Not supported. <ul style="list-style-type: none"> Cumulative negative impact upon amenity of residents (noise, traffic, vibration) Direct access to Willinga Park from Princes Highway is necessary Night-time events exacerbate negative amenity impacts 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 12 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 4 above.
15	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Ongoing oversight by the local regulatory authority (Council) is best practice Cumulative negative impact on local character 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
16	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on local infrastructure (roads) Cumulative negative impact on environment (clearing, pollution) Cumulative negative impact on local character 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 9 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 7 and 9 above.
17	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (noise, congestion) Cumulative negative impact on local infrastructure (roads) 	

	<ul style="list-style-type: none"> Incapable local infrastructure Cumulative negative impact on environment (clearing) Cumulative negative impact on local character 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 9 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 7 and 9 above.
18	Not supported. <ul style="list-style-type: none"> Cumulative negative impact upon amenity of residents (traffic, noise, light) Cumulative negative impact to local infrastructure (roads) at increased cost to ratepayers, namely Murramarang Road, Dangerboard Road and Bucks Road Incapable local infrastructure (accommodation, services) Existing alternate access to Murramarang Road is incapable of servicing increased traffic volumes during an emergency evacuation Increased heavy vehicle movements and accidents 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. <p><u>Road impacts – additional comment</u></p> <ul style="list-style-type: none"> Dangerboard Road and Bucks Road, Cockwhy are within the Murramarang National Park and are not maintained by Council. <p><u>Emergency evacuation</u></p> <ul style="list-style-type: none"> Emergency evacuation (Fire and Flood) has been considered by the relevant State agencies. The SES raised no concerns in relation to the PP. The NSW RFS had concerns about the need for an on-site manager to be present. The proponent has agreed, in principle, to the presence of an on-site manager to assist with all emergency evacuations. Should Council support the proponent's decision to remove the secondary (exempt) component and agree to finalise the PP (as amended), the issues raised by the NSW RFS (on-site manager) would be addressed at DA stage.

		<ul style="list-style-type: none"> If the PP (as amended) is finalised, the DA would be referred to the NSW RFS and SES to again seek comments on proposed emergency evacuation arrangements.
19	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Cumulative negative impact on local character 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
20	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (noise, traffic) Cumulative negative impact on local infrastructure (roads) 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
21	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Proposal is not supported by updated and relevant studies (traffic, environmental effects, sewerage management) Cumulative negative impact on amenity of residents (traffic, noise) Cumulative negative impact on local infrastructure (roads) Direct access to Willinga Park from the Princes Highway is necessary Insufficient community engagement 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. <p><u>Community engagement</u></p> <ul style="list-style-type: none"> Pre-Gateway (preliminary) feedback was sought from the community between late June and August 2021 in accordance with Council's Planning Proposal (Rezoning) Guidelines. The process and outcomes were reported to Council on 5 October 2021 (DE21.114). Eighty-eight (88) submissions were received.

		<ul style="list-style-type: none"> Further, Council staff presented information on the PP to a special meeting of the Bawley Point Kiola Community Association (BPKCA) (at their request) on Sunday, 1 August via an audio-visual link (due to Covid-19 restrictions). Approximately 40 community members attended. During the Pre-Gateway consultation Council staff also responded to a considerable number of email and phone enquiries from local residents. The PP was publicly exhibited in accordance with the Gateway requirements between 25 May and 24 June 2022 and one hundred and eleven (111) submissions have been received. The above facts demonstrate that the Community Engagement Plan has generated an acceptable and representative level of community engagement in the PP. The ratio of submissions in support of the PP (41%) and opposed (59%) is also evidence that the outreach has achieved a balanced response.
22	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Cumulative negative impact on local infrastructure (roads) at significant cost to ratepayers, namely Murramarang Road and BP Road Cumulative negative impact on the community The proposal would permit unlimited functions to occur 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. The intent is for functions to occur at a typical frequency of two per week, with no functions taking place when events are being conducted (other than functions ancillary to those events). 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
23	Not supported. <ul style="list-style-type: none"> Cumulative negative impact to amenity of residents (traffic) Cumulative negative impact on local character Direct access to Willinga Park from Princes Highway is necessary 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.

24	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning 				
<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See response to Submission 1 above. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submission 1 above. </td></tr> </table>		Proponent Response	Staff comment	<ul style="list-style-type: none"> See response to Submission 1 above. 	<ul style="list-style-type: none"> Noted. See comments at Submission 1 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See response to Submission 1 above. 	<ul style="list-style-type: none"> Noted. See comments at Submission 1 above. 				
25	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise) Cumulative negative impact on environment (water quality) Cumulative negative impact on local character 				
<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 7 above. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 7 above. </td></tr> </table>		Proponent Response	Staff comment	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 7 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 7 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 7 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 7 above. 				
26	Not supported. <ul style="list-style-type: none"> Cumulative negative impact to amenity of residents (traffic) Cumulative negative impact on local infrastructure (roads), namely Shearwater Crescent and Murramarang Road Incapable local infrastructure (road shoulders, drainage), namely Shearwater Crescent and Murramarang Road Direct access to Willinga Park from the Princes Highway is necessary Cumulative negative impact on local character 				
<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. </td></tr> </table>		Proponent Response	Staff comment	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. 				
27	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Establishment of a poor planning precedent Cumulative negative impact to amenity of residents (traffic, noise) Incapable local infrastructure (roads), namely Murramarang Road, Bawley Point Road and Forster Drive Cumulative negative impact upon the environment (fauna) Insufficient benefit to the local community 				
<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. <p><u>Planning precedent</u></p> </td></tr> </table>		Proponent Response	Staff comment	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. <p><u>Planning precedent</u></p>
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above. <p><u>Planning precedent</u></p>				

<ul style="list-style-type: none"> The ability to introduce an additional permitted use in any zone is common to all LEP's. Schedule 1 in almost every LEP in NSW contains additional permitted uses. Schedule 1 of Shoalhaven LEP already contains a list of 21 properties on which one or more otherwise prohibited uses are made permissible use. Therefore, the Planning Proposal is not a poor planning precedent. 	<ul style="list-style-type: none"> Agree. The PP does <u>not</u> establish a planning precedent. SLEP 2014 (Schedule 1 – Additional Permitted Uses) already includes provisions for site-specific uses across the Shoalhaven. The ability to add additional permitted uses is included in the NSW Government's standard LEP instrument and, therefore, has state-wide application.
<p>28</p>	<p>Not supported.</p> <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Proposal is not supported by updated and relevant studies (traffic, environmental effects, sewerage management) Cumulative negative impact to amenity of residents (traffic, light, noise) Cumulative negative impact on local infrastructure (roads), namely Murramarang Road, Bawley Point Road and Forster Drive Cumulative negative impact on local character Cumulative negative impact on environment (waste, water quality) Cumulative danger to residents in an emergency due to increased traffic via singular access to village, being Forster Drive and Murramarang Road Direct access to Willinga Park from the Princes Highway is necessary Insufficient benefit to the community (employment, economic) No restrictions-on-use are currently in place to prevent noise on Saturday afternoons and Sundays All night-time events should be held indoors Previous condition of consent requiring the proponent to have public liability insurance was removed by modified consent DS19/1522, posing an unacceptable risk to persons attending a function at Willinga Park Providing tourist accommodation to persons who have been supplied food and drink at the same establishment constitutes a motel and hotel land-use; both of which are prohibited land-use within the RU2 zone. The consultant's reports have been misused within the Town Planning Report accompanying this proposal which is an offence under section 10.6 of Environmental Planning & Assessment Act 1979 and under sections 307A, B & C of the Crimes Act 1900. <p>[Advice has been received from a Sydney-based barrister] that it is his opinion "that there are both procedural and substantive reasons to consider that the Council lacks the power to make an environmental planning instrument adopting the two elements of the Proposal". He advises that:</p> <ul style="list-style-type: none"> the Gateway determination did not approve the second element of the PP, the PP needs to be returned to the Minister as a variation if retained in its current form, inclusion of functions (without consent of council or as 'exempt development') as unregulated development cannot achieve any of the Objectives of the Act under section 1.3 and therefore power to make the plan under s3.13 of the EP&A Act is not permissible Any function could not be of minor environmental impact (under s1.6 of EP&A Act) due to associated traffic, noise, lighting etc

	<ul style="list-style-type: none"> • Allowing functions without consent avoids consideration under Part 4 of the Act and therefore requires consideration under Part 5, which has not been done • the type and extent of the proposed land-use is likely inconsistent with the objectives of the EP&A Act and could not be undertaken without a significant effect on the environment for the purposes of s5.7(1) of the EP&A Act • inconsistencies with relevant sections of the EP&A Act and other legislation likely allow any person to seek orders from the Land & Environment Court to restrain making of any Plan under the Proposal in its current form or have it declared invalid
Proponent Response	Staff comment
<ul style="list-style-type: none"> • See responses to Submissions 1, 3, 4 and 7 above. • The Planning Proposal now seeks to make all type of functions (including functions with a capacity of less than 351 persons) permissible with consent, thereby requiring a DA to be lodged. • The anticipated frequency of functions is 2 per week. • The type of functions is not anticipated to impact on local amenity as most will be hosted indoors in the EEC which is well-removed from the boundaries of Willinga Park estate. • The approved cabin accommodation is approved for use as an ancillary part of the approved uses at Willinga Park estate. • Consultant reports have not been misused: they form part of the approvals history of Willinga Park estate. • With reference to the legal opinion attached to the submission: <ul style="list-style-type: none"> ○ The Gateway determination is supported by a report which explains/ describes the Planning Proposal including that part of the Planning Proposal which sought to make functions with an attendance of less than 351 patrons as a land use permissible without consent; 	<ul style="list-style-type: none"> • Noted. See comments at Submissions 1, 3, 4, 5 and 7 above. • In summary, following the proponent's decision to remove the secondary (exempt) component that sought to allow functions up to 350 people as '<i>development without consent</i>', the majority of the issues raised in <u>Submission 28</u> would now be better addressed through the submission and assessment of a DA to activate the use of 'function centre'. This depends upon Council support for and finalisation of the PP (as amended). <p><u>Public liability insurance</u></p> <ul style="list-style-type: none"> • The absence of a development consent condition requiring public liability insurance is not evidence that Willinga Park does not, in any event, hold a Certificate of Insurance for public liability. • Terms and conditions for participation in equine events appear to suggest that participants may be required to sign an indemnity. <p><u>Legal opinion</u></p> <p>Attached to Submission 28 was a legal opinion from Barrister Mark Seymour of Martin Place Chambers. Mr Seymour essentially challenged the validity of the Gateway determination, suggested the PP should be returned to the Minister and concluded that there are grounds for any person to seek orders from the Land and Environment Court to restrain the making of any plan under the Proposal in its current form or to have it declared invalid were it to be made. Further, that there are both procedural and substantive reasons to consider that the Council lacks the power to make an environmental planning instrument adopting the two elements of the proposal.</p>

	<ul style="list-style-type: none"> ○ there is no basis to require the return of the Planning Proposal (at this stage) to the Minister, even if the Project continued to press the 'permissible without consent' component of the Planning Proposal (which is now not the case, in any event); ○ the prospect (as is foreshadowed in the legal opinion attached to the submission), of a person seeking an order restraining the making of the Plan pursuant to the Planning Proposal is averted by the Proponent's concession not to press that part of the Planning Proposal which seeks to make certain functions permissible without consent, thereby saving such a person and other parties significant time and expense. 	<ul style="list-style-type: none"> • The following comments are made without prejudice: <ul style="list-style-type: none"> – The Gateway determination refers to Willinga Park being able to "host a variety of functions". Such functions would include those proposed to be conducted '<i>without development consent</i>'. Further, the covering letter, which informs and is integral to the Gateway determination, provides guidance to Council about drafting the "exempt development" provisions; – Notwithstanding, removing the "exempt development" provisions from the PP effectively removes any doubt about the legality of the Gateway determination. <p><u>Purported Mis-use of Consultant Reports</u></p> <ul style="list-style-type: none"> • Consultant reports referred to in the PP formed part of the package of documentation for DA18/1237. Internal feedback also raised concerns that the previous reports for the DA could not be relied upon to assess the impacts of the proposed exemption of events involving up to 350 patrons. These concerns have been resolved by removing the secondary (exempt) component of the PP. As noted above, relevant studies will be required to support the DA, if the PP (as amended) is supported and finalised.
29	Not supported. <ul style="list-style-type: none"> • No further comment. 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • No response needed 	<ul style="list-style-type: none"> • Agreed
30	Not supported. <ul style="list-style-type: none"> • The proposed use is not compatible with the RU2 land-use zoning • Cumulative negative impact to amenity of residents (traffic, noise) • Cumulative negative impacts on the community (economic) • Cumulative negative impact upon the environment (fauna) from increased traffic 	

Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. The economic impacts on the community will be highly likely to be positive as is envisaged by the Council's LSPS which identifies as an opportunity to promote visitation and economic development the use of Willinga Park estate for events. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
31	Not supported. <ul style="list-style-type: none"> No further comment. 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> No response needed. 		<ul style="list-style-type: none"> Agreed
32	Not supported. <ul style="list-style-type: none"> No further comment. 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> No response needed. 		<ul style="list-style-type: none"> Agreed
33	Not supported. <ul style="list-style-type: none"> Cumulative negative impact to local infrastructure (roads) Incapable local infrastructure (roads) Cumulative danger to residents in the event of an emergency evacuation due to increased traffic and unsatisfactory egress 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. Willinga Park estate has in place an Emergency Plan and Bushfire Emergency Management Plan and Evacuation Plan to effectively deal with emergency situation. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
34	Not supported. <ul style="list-style-type: none"> Incapable local infrastructure (roads) Cumulative negative impact on environment due to traffic (fauna) Cumulative negative impact on local character 	
Proponent Response		Staff comment

	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> See comments at Submissions 1, 3 and 4 above.
35	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise, lighting) Cumulative negative impact to local infrastructure (roads) Incapable local infrastructure (roads) Cumulative negative impact on local character 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
36	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents Insufficient community engagement 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. The owner-initiated Planning Proposal was exhibited for comment by Council <u>before</u> Council resolved to support it and <u>after</u> Gateway Determination was issued. The number of submissions (for and against) indicates that the community has been engaged. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 4 and 21 above.
37	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic) Cumulative negative impact to local infrastructure (roads) Establishment of a poor planning precedent 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 27 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 27 above.
38	Not supported. <ul style="list-style-type: none"> Incapable local infrastructure (services) Cumulative negative impact to local infrastructure (roads) Cumulative negative impact on local character 	

Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
39	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (noise) Cumulative negative impact to local infrastructure (roads) Incapable local infrastructure (roads, accommodation) Night-time events exacerbate negative amenity impacts The proposal is not consistent with the intended land-use for the site 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. The established land use of the site is a working agricultural estate, a centre of equine excellence, world class equestrian and related facilities, and the ability to host events. The ability to also host functions is an appropriate and suitable extension of this established land use. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
40	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise) 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
41	Not supported. <ul style="list-style-type: none"> No further comment. 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> No response needed. 		<ul style="list-style-type: none"> Agreed
42	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise) Cumulative negative impact on local character Insufficient community engagement A Masterplan is required for Willinga Park Insufficient benefit to local community 	

	<ul style="list-style-type: none"> The recent concert did not comply with noise restriction regulations 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 6 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 6, and 21 above.
43	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Exempt developments involve minor or low-impact development Cumulative negative impact on amenity of residents (traffic, noise, light) Cumulative negative impact on environment (fauna) 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3 and 4 above. The Planning Proposal no longer includes a category of development which is 'permissible without consent' (or 'exempt development'). 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3 and 4 above.
44	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Establishment of a poor planning precedent Cumulative negative impact on local roads Cumulative negative impact on local character 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submissions 1, 3, 4 and 27 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 27 above.
45	Not supported. <ul style="list-style-type: none"> Ongoing oversight by the local regulatory authority (Council) is best practice Cumulative negative impact upon local character No objection to allowing Equine Education Centre to be used as a 'function centre' 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> See response to Submission 1 above. The EEC is the facility most likely to be used to host functions. 	<ul style="list-style-type: none"> Noted. See comments at Submission 1 above.
46	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning 	

CL22.546 - Attachment 1

	<ul style="list-style-type: none"> The PP fails to discuss the previously approved subdivision application that gained a boundary adjustment between a lot affected by this PP (Lot 33 DP 1259627) and the neighbouring Interludes by Willinga which potentially provides accommodation for the events proposed by this PP. Previous development at the site has not achieved setbacks set out in Council's guidelines for that type of development The PP does not align with the Illawarra Shoalhaven Regional Plan 2041 aim "To Value People and Places" as neighbours of Willinga Park are being overlooked or ignored PP does not adequately demonstrate consistency with Shoalhaven Community Strategic Plan.
Proponent Response	Staff comment
<ul style="list-style-type: none"> If the Planning Proposal proceeds in the form now outlined (i.e. without a component which is permissible without consent) there will be a necessity for a DA) these details will be addressed in the DA documentation (as they would have been for functions with an attendance of more than 350 persons). See responses to Submissions 1, 3 and 4 above. 'Interludes' is an adjoining property. The Planning Proposal does not apply to 'Interludes'. Objective 24 in the Illawarra Shoalhaven Regional Plan is to "Support Major events, public art and cultural activities". It states: - <p><i>"The region is home to the Wollongong Art Gallery, the Illawarra Performing Arts Centre, the Shellharbour Civic Centre, the Shoalhaven Entertainment Centre, a world-class equestrian centre at Willinga Park, and the Bundanon Trust's arts and cultural institution at Riversdale."</i></p> Strategy 24.1 is as follows: - <p><i>"Support public art, major events and cultural activities."</i></p> 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 4 above. "Interludes" is tourist and visitor accommodation located on an adjoining property, Lot 1, DP 247917. This PP does not apply to this property. The strategic merits of the PP (as amended) are discussed in the PP and in the report to Council on 5 October 2021 (DE21.114).

<p><i>Strategic planning and local plans should consider opportunities to: -</i></p> <ul style="list-style-type: none"> ○ <i>enhance and protect creative work and performance spaces, and related facilities;</i> ○ <i>support the temporary use of vacant buildings for performance and creative work;</i> ○ <i>support the night-time economy;</i> ○ <i>facilitate opportunities for creative and artistic expression and participation with a minimum regulatory burden;</i> ○ <u><i>encourage the diversification of uses, or activation of underutilised facilities;</i></u> ○ <i>facilitate street art to enhance urban areas and contribute to the attractiveness of neighbourhoods” (my emphasis)</i> <ul style="list-style-type: none"> • The Planning Proposal is consistent with the above strategy. • The Shoalhaven Community Strategic Plan is relevantly addressed on page 26 of the Planning Proposal. (It is acknowledged that the objectives in that plan can be interpreted differently by residents who are for or against the Planning Proposal). • See also response to Submission 65. 	
50	<p>Not supported.</p> <ul style="list-style-type: none"> • Proposed use is not compatible with rural RU2 land-use zoning • Establishment of a poor planning precedent • Cumulative negative impact on amenity of residents (generally) • Cumulative negative impact on local infrastructure (roads), namely Murramarang Road and Bawley Point Road • Incapable local infrastructure (roads) • Increased danger to motorists, pedestrians and other road users • Insufficient benefit to the community

	<ul style="list-style-type: none"> Willinga Park has demonstrated its ability to seek and gain approval for events and would not be disadvantaged continuation of the status quo The proposal is not consistent with the Illawarra Shoalhaven Regional Plan 2041 and will not help Council achieve its priorities To achieve Priority 7 of its Local Strategic Planning Statement Council needs to develop appropriate controls and consult with the community prior to considering development such as that proposed here 				
	<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. Priority 7 of the LSPC specifically refers to Willinga Park and the opportunities it provide to strengthen the visitor economy. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 27 and 49 above. </td></tr> </table>	Proponent Response	Staff comment	<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. Priority 7 of the LSPC specifically refers to Willinga Park and the opportunities it provide to strengthen the visitor economy. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 27 and 49 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. Priority 7 of the LSPC specifically refers to Willinga Park and the opportunities it provide to strengthen the visitor economy. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 27 and 49 above. 				
51	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise) Incapable local infrastructure (roads, public transport) 				
	<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 4 above. </td></tr> </table>	Proponent Response	Staff comment	<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 4 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 4 above. 				
52	Not supported. <ul style="list-style-type: none"> Ongoing oversight by the local regulatory authority (Council) is best practice Cumulative negative impact on amenity of residents (traffic, noise) Cumulative negative impact on local character A Masterplan of the Willinga Park development is necessary The recent concert did not comply with noise restriction regulations 				
	<table> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> See responses to Submissions 1, 3, 4 and 6 above. </td><td> <ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 6 above. </td></tr> </table>	Proponent Response	Staff comment	<ul style="list-style-type: none"> See responses to Submissions 1, 3, 4 and 6 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 6 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> See responses to Submissions 1, 3, 4 and 6 above. 	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 6 above. 				
53	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise) A dedicated access to Willinga Park from the Princes Highway is necessary Insufficient community engagement Functions should be confined indoors The developer has previously ignored environmental laws The recent concert did not comply with noise restriction regulations 				

Proponent Response		Staff comment
<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4 and 21 above.
54	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise) Cumulative negative impact on local character Incapable local infrastructure (car parking, public transport) 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 4 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 4 above.
55	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Cumulative negative impact on amenity of residents (traffic, noise) Incapable local infrastructure (roads, toilets) Cumulative danger to residents in an emergency due to increased traffic via singular access to village, being Forster Drive and Murramarang Road A dedicated access to Willinga Park from the Princes Highway is necessary Cumulative negative impact upon local character Insufficient benefit to the community (employment, economic) Undue pressure on local resources (water supply) Any function must be indoors Providing tourist accommodation to persons who have been supplied food and drink at the same establishment constitutes a motel and hotel land-use; both of which are prohibited land-use within the RU2 zone 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> See responses to Submissions 1, 3, 4 and 5 above. 		<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 4, 5, 18 and 33 above.
56	Not supported. <ul style="list-style-type: none"> Proposed use is not compatible with rural RU2 land-use zoning Establishment of poor planning precedent Cumulative negative impact on amenity of residents (traffic, light, noise) Cumulative negative impact on local infrastructure (roads), namely Forster Drive, Murramarang Road and Bawley Point Road Direct access to Willinga Park from the Princes Highway or Bawley Point Road is necessary Cumulative negative impact on environment (pollution, water quality) 	

	<ul style="list-style-type: none"> Insufficient benefit to the community (employment)
Proponent Response	
	<ul style="list-style-type: none"> See responses to Submissions 1, 2 and 4 above.
Staff comment	
	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 2, 4, 27 and 30 above.
57	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise, lighting) Cumulative negative impact on local infrastructure (roads) Incapable local infrastructure (roads) Cumulative negative impact on the environment (fauna) from traffic and outdoor concerts
Proponent Response	
	<ul style="list-style-type: none"> See responses to Submissions 1, 2 and 4 above.
Staff comment	
	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 2, and 4 above.
58	Not supported. <ul style="list-style-type: none"> Duplicate submission / different individual – see Submission Number 29.
Proponent Response	
	<ul style="list-style-type: none"> No response needed.
Staff comment	
	<ul style="list-style-type: none"> Agreed
59	Not supported. <ul style="list-style-type: none"> No further comment
Proponent Response	
	<ul style="list-style-type: none"> No response needed.
Staff comment	
	<ul style="list-style-type: none"> Agreed
60	Not supported. <ul style="list-style-type: none"> Cumulative negative impact upon amenity of residents (traffic, noise, lighting, waste) Cumulative negative impact on local infrastructure (roads) at increased cost to ratepayers Cumulative danger to residents in an emergency due to increased traffic via singular access to village, being Bawley Point Road and Murramarang Road Dedicated access to Willinga Park from the Princes Highway is necessary Insufficient community consultation A Masterplan for Willinga Park is necessary as it continues to acquire neighbouring properties Increased danger to residents (traffic) The proposal does not restrict the number of events that can be held or the areas to which they are confined

	<ul style="list-style-type: none"> All events held at Willinga Park should be confined indoors
Proponent Response	
	<ul style="list-style-type: none"> See responses to Submissions 1, 2, 4 and 6 above.
Staff comment	
	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 2, 4, 6 and 21 above.
61	Not supported. <ul style="list-style-type: none"> Ongoing oversight by the local regulatory authority (Council) is best practice Cumulative impact on amenity of residents (noise, light) must be mitigated I am broadly supportive of Willinga Park [but had concerns about the exempt provisions]
Proponent Response	
	<ul style="list-style-type: none"> See responses to Submission 1 above.
Staff comment	
	<ul style="list-style-type: none"> Noted. See comments at Submission 1 above.
62	Not supported. <ul style="list-style-type: none"> Establishment of a poor planning precedent Cumulative negative impact on amenity of residents Cumulative negative impact to local infrastructure (roads) Cumulative negative impact on local character Insufficient community consultation Insufficient benefit to local community (employment)
Proponent Response	
	<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 27 above.
Staff comment	
	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, 21, 27 and 30 above.
63	Not supported. <ul style="list-style-type: none"> The proposed use does not meet the objectives of the RU2 zone Establishment of a poor planning precedent Exempt development is intended for minor building works not commercial activities Cumulative negative impact upon amenity of residents (traffic, noise, light) Does the proposal represent sustainable tourism as described within Destination Management Plan
Proponent Response	
	<ul style="list-style-type: none"> See responses to Submissions 1, 3 and 27 above.
Staff comment	
	<ul style="list-style-type: none"> Noted. See comments at Submissions 1, 3, and 27 above.
64	Not supported. <ul style="list-style-type: none"> Cumulative negative impact on amenity of residents (traffic, noise, waste)

	<ul style="list-style-type: none"> • Cumulative negative impact on local infrastructure (roads), namely Bawley Point Road, Murramarang Road and Forster Drive • Cumulative threat to residents in an emergency due to increased traffic via singular access to village, being Forster Drive and Murramarang Road • A dedicated access to Willinga Park from the Princes Highway is necessary • Cumulative negative impact upon the environment (fauna) • Cumulative negative impact upon local character • Insufficient benefit to the community (employment, economic) • No restrictions to use are currently in place to prevent noise on Saturday afternoons and Sundays 				
	<table border="1"> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> • See responses to Submissions 1, 3 and 4 above. </td><td> <ul style="list-style-type: none"> • Noted. See comments at Submissions 1, 3, 4 and 30 above. </td></tr> </table>	Proponent Response	Staff comment	<ul style="list-style-type: none"> • See responses to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> • Noted. See comments at Submissions 1, 3, 4 and 30 above.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> • See responses to Submissions 1, 3 and 4 above. 	<ul style="list-style-type: none"> • Noted. See comments at Submissions 1, 3, 4 and 30 above. 				
65	<p>Concerns raised.</p> <ul style="list-style-type: none"> • Events should not include music/entertainment • Events should be subject to curfew (8pm) 				
	<table border="1"> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> <tr> <td> <ul style="list-style-type: none"> • There is no reasonable basis to not allow functions at which music/ entertainment is provided and which take place after 8.00pm (see also response to Submission 49). The DA once lodged will, however, need to be determined on its merits. The DA will include a noise report and the noise report will need to demonstrate that functions will have no unreasonable impact on amenity. Most functions will take place in the EEC and given the location and nature of that building, the playing of music or the provision of entertainment in it after 8.00pm is unlikely to give rise to adverse noise impacts. </td><td> <ul style="list-style-type: none"> • See comments at Submission 1 above. • See also comments at Submission 68 below. </td></tr> </table>	Proponent Response	Staff comment	<ul style="list-style-type: none"> • There is no reasonable basis to not allow functions at which music/ entertainment is provided and which take place after 8.00pm (see also response to Submission 49). The DA once lodged will, however, need to be determined on its merits. The DA will include a noise report and the noise report will need to demonstrate that functions will have no unreasonable impact on amenity. Most functions will take place in the EEC and given the location and nature of that building, the playing of music or the provision of entertainment in it after 8.00pm is unlikely to give rise to adverse noise impacts. 	<ul style="list-style-type: none"> • See comments at Submission 1 above. • See also comments at Submission 68 below.
Proponent Response	Staff comment				
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<p>SUBMISSIONS IN SUPPORT OF THE PROPOSAL (Total: 46)</p> <p>Summary comments:</p> <p>Willinga Park:</p> <ul style="list-style-type: none"> • is a world-class facility that is a great asset to the local area and wider community • provides local employment and the proposal will create an additional 17 jobs • supports the local economy and benefits local businesses • infrastructure has sufficient capacity to facilitate additional events and functions 					

<ul style="list-style-type: none"> • supports local community groups and has been a good neighbour • there is support for the PP from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) • the range of permitted uses will grow the economy and culture of the region. It will also allow Willinga Park to deliver social and educational benefits and to reach its potential 					
66	<p>Supported.</p> <ul style="list-style-type: none"> • Cumulative benefit to the community (social, employment) • Notes support from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) • Proponent has previously demonstrated community support 				
<table border="1"> <thead> <tr> <th>Proponent Response</th><th>Staff comment</th></tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> • Agree. </td><td> <ul style="list-style-type: none"> • Support noted. See comments at Submission 1 above. • Overall, the State agencies did not raise any fundamental objections to the PP. <p><u>EPA Comments</u></p> <ul style="list-style-type: none"> • Should Council support the proponent's decision to remove the secondary (exempt) component of the PP and agree to finalise the PP (as amended), the issues raised by the NSW EPA (noise) would be addressed at DA stage. </td></tr> </tbody> </table>		Proponent Response	Staff comment	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments at Submission 1 above. • Overall, the State agencies did not raise any fundamental objections to the PP. <p><u>EPA Comments</u></p> <ul style="list-style-type: none"> • Should Council support the proponent's decision to remove the secondary (exempt) component of the PP and agree to finalise the PP (as amended), the issues raised by the NSW EPA (noise) would be addressed at DA stage.
Proponent Response	Staff comment				
<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments at Submission 1 above. • Overall, the State agencies did not raise any fundamental objections to the PP. <p><u>EPA Comments</u></p> <ul style="list-style-type: none"> • Should Council support the proponent's decision to remove the secondary (exempt) component of the PP and agree to finalise the PP (as amended), the issues raised by the NSW EPA (noise) would be addressed at DA stage. 				
67	<p>Supported.</p> <ul style="list-style-type: none"> • Shoalhaven LEP permits variations where suitably justified and conditioned • A noise acoustic study was conducted via DA18/1237 • Cumulative benefit to the community (economy, culture) • On-site Manager for Bushfire Emergency evacuation • Notes support from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) • Capable existing infrastructure at the site • Cumulative benefit to business viability and sustainability of site 				
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Proponent Response	Staff comment				

	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments on Submission 1, 30 and 66 above.
68	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (employment) • Cumulative benefit to amenity of residents (entertainment, general) • Low potential for cumulative negative impact to amenity of residents • The proposal is reasonable • Proponent has demonstrable experience in delivering and managing similar infrastructure 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See also relevant comments at Submission 1.
69	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (general) 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Noted
70	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (economy, employment) • Notes support for proposal from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) • Existing site infrastructure is under-utilised 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments on Submission 66 above.
71	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (social, educational) 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted.
72	Supported. <ul style="list-style-type: none"> • Cumulative benefits to the community (social, economic, employment, tourism) • Notes support from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) 	
	Proponent Response	Staff comment

	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments on Submission 66 above.
73	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (social, economy, employment) • Notes support from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments on Submission 66 above
74	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (social, employment, tourism) • Site is an outstanding facility with exceptional architecture that showcases its surroundings • Existing site infrastructure is under-utilised 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted.
75	Supported. <ul style="list-style-type: none"> • Cumulative benefit to the community (social, economic, employment) • Notes support from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) • Cumulative benefit to business viability and sustainability of site • Proponent has previously demonstrated community support 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments on Submission 66 above.
76	Supported. <ul style="list-style-type: none"> • Shoalhaven LEP permits variations where suitably justified and conditioned • A noise acoustic study was conducted via DA18/1237 • Cumulative benefit to the community (economy, culture) • Notes support from multiple Govt. agencies (State Planning & Dev, SES, RFS, Police & EPA) • On-site Manager for Bushfire Emergency evacuation • Capable existing infrastructure at the site • Cumulative benefit to business viability and sustainability of site 	
	Proponent Response	Staff comment

	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted. See comments on Submission 1 for noise, 66 and 68 above
77	Supported. <ul style="list-style-type: none"> Duplicate submission / different individual – see Submission Number 77. 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Duplicate submission. Support noted
78	Supported. <ul style="list-style-type: none"> Cumulative benefit to amenity of residents (entertainment) Cumulative benefit to the community (social, economic) Site is an outstanding facility Existing site infrastructure is under-utilised 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted. See comments on Submission 68 above.
79	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, economic, employment) Proponent has previously demonstrated community support 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
80	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (economic) The proposed amendment is reasonable Local infrastructure (roads) will require upgrading 	
	Proponent Response	Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted. See also comments on Submission 1 above.
81	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, economic, employment, tourism) Proposal represents an increase to local infrastructure The proposal is reasonable 	

	<ul style="list-style-type: none"> Proponent has previously demonstrated community support Established land-use practices at the site were beneficial to community during recent bushfires
Proponent Response	
	<ul style="list-style-type: none"> Agree.
Staff comment	
	<ul style="list-style-type: none"> Support noted.
82	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (economy, employment) Local infrastructure (roads) will require upgrading
Proponent Response	
	<ul style="list-style-type: none"> Agree.
Staff comment	
	<ul style="list-style-type: none"> Support noted. See also comments on Submission 1 above.
83	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (economy, employment)
Proponent Response	
	<ul style="list-style-type: none"> Agree.
Staff comment	
	<ul style="list-style-type: none"> Support noted.
84	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (generally) Site is an outstanding facility
Proponent Response	
	<ul style="list-style-type: none"> Agree.
Staff comment	
	<ul style="list-style-type: none"> Support noted.
85	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (generally)
Proponent Response	
	<ul style="list-style-type: none"> Agree.
Staff comment	
	<ul style="list-style-type: none"> Support noted.
86	Supported. <ul style="list-style-type: none"> Cumulative benefit to amenity of residents (generally) Site is an outstanding facility Cumulative benefit to business viability and sustainability of site Proponent has previously demonstrated community support

Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted.
87	Supported. <ul style="list-style-type: none"> No further comment 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Noted.
88	Supported <ul style="list-style-type: none"> Cumulative benefit to the community (social, economic, tourism) Existing infrastructure is under-utilised Recent Camp Draft event provided outstanding entertainment 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted. See comments on Submissions 1, 66 and 68 above.
89	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, economic) Site is an outstanding facility Cumulative benefit to business viability and sustainability of site 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
90	Supported. <ul style="list-style-type: none"> No further comment 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
91	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, economic, employment) The proposal is reasonable Cumulative benefit to business viability and sustainability of site 	
Proponent Response		Staff comment

	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
92	Supported. <ul style="list-style-type: none"> No further comment 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
93	Supported. <ul style="list-style-type: none"> No further comment 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
94	Supported. <ul style="list-style-type: none"> Cumulative benefit to local employment opportunities Existing infrastructure is under-utilised 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
95	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, employment) Site is an outstanding facility Cumulative benefit to business viability and sustainability of site 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
96	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (economic, employment, tourism) Site is an outstanding facility 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
97	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, educational, tourism) 	

	<ul style="list-style-type: none"> Existing site infrastructure is under-utilised 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
98	Supported <ul style="list-style-type: none"> Cumulative benefit to the community (social, educational) Site is an outstanding facility 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
99	Supported. <ul style="list-style-type: none"> Site is an outstanding facility 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
100	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (social, educational) Site is an outstanding facility Proponent has demonstrable history of compliance with regulations 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted
101	Supported <ul style="list-style-type: none"> Cumulative benefit to the community (social, cultural, economic, employment, tourism) Cumulative negative impact to local infrastructure (roads) is negligible, namely Forster Drive Proposal is reasonable Site has outstanding levels of equitable access 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> Agree. 	<ul style="list-style-type: none"> Support noted. See also comments at Submission 1.
102	Supported. <ul style="list-style-type: none"> No further comment 	

Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
103	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (generally) 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
104	Supported. <ul style="list-style-type: none"> No further comment 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
105	Supported. <ul style="list-style-type: none"> Cumulative benefit to the community (economy, employment, tourism) Site is an outstanding Potential catalyst for other high-quality development 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
106	Supported <ul style="list-style-type: none"> Cumulative benefit to the community (generally) 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
107	Supported. <ul style="list-style-type: none"> No further comment 	
Proponent Response		Staff comment
<ul style="list-style-type: none"> Agree. 		<ul style="list-style-type: none"> Support noted
108	Supported <ul style="list-style-type: none"> Cumulative benefit to the community (economic, tourism) 	

	<ul style="list-style-type: none"> • Site is an outstanding facility • Existing infrastructure is under-utilised 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted
109	Supported. <ul style="list-style-type: none"> • Cumulative benefit to amenity of residents (entertainment) • Cumulative benefit to community (social, economic) • Proponent has previously demonstrated community support 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See comments on Submission 68 above.
110	Supported. <ul style="list-style-type: none"> • Cumulative benefit to community (economic, tourism) • Cumulative damage to local infrastructure (roads) • Potential for cumulative negative impact on amenity of residents (traffic) • Potential for cumulative negative impact on environment (fauna) due to increased traffic • Proposal is reasonable and can be suitably conditioned 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted. See also comments on Submission 1 above.
111	Supported. <ul style="list-style-type: none"> • Cumulative benefit to community (generally) 	
Proponent Response		Staff comment
	<ul style="list-style-type: none"> • Agree. 	<ul style="list-style-type: none"> • Support noted

Shoalhaven Development Control Plan 2014

Draft Chapter G4: Tree & Vegetation Management

Draft Chapter G4: Tree & Vegetation Management

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Shoalhaven Development Control Plan 2014

Draft Chapter G4: Tree & Vegetation Management

Yellow highlight indicates additions and ~~yellow highlight with strikethrough~~ indicates deletions.

Amendment history			
Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	14 October 2014	22 October 2014	New
2	23 June 2015	1 July 2015	Amendment
3	6 December 2016	21 December 2016	Amendment
4	11 December 2017	20 December 2017	Amendment
5			Draft

Shoalhaven Development Control Plan 2014

Draft Chapter G4: Tree & Vegetation Management

1 Purpose

The purpose of this Chapter is to declare **trees** and other **vegetation** under **Part 2.3 of State Environmental Planning Policy (Biodiversity and Conservation) 2021** (the Biodiversity and Conservation SEPP) **Part 3 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (the Vegetation SEPP)**. Where a **tree** or other **vegetation** is declared in this Chapter a person must not **clear vegetation** without a **permit** granted by **Council** (**Section 2.10 Clause 10(1)** of the **Biodiversity and Conservation Vegetation SEPP**). This is referred to as '**removal or pruning**' in this Chapter and includes:

- Cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise **destroying** the **vegetation**, or
- **Lopping** or otherwise removing a substantial part of the **vegetation**.

Council can only issue a **permit** for the **removal or pruning** of native **vegetation** that is below the **biodiversity offsets scheme threshold**.

This Chapter also provides guidance on the process for obtaining a **permit** for the **removal or pruning** of **trees** and other **vegetation** on land in the Shoalhaven Local Government Area (LGA).

Advisory Note: In addition to the provisions outlined in this Chapter, you must refer to the Supporting Maps. The Supporting Maps provide further information about which sections of this Chapter apply to your development.

2 Application

This Chapter applies to **removal or pruning** of **vegetation** that is under the **biodiversity offsets scheme threshold** on all non-rural land (land in any zone other than RU1-RU4) within the Shoalhaven LGA.

Note: The proposed removal or pruning exceeds the **biodiversity offsets scheme threshold** if it is:

- the **clearing** of **native vegetation** of an area that exceeds the threshold (see Table below), **or**
- the **clearing** of native **vegetation** is on land mapped as 'Sensitive Values' on the **Biodiversity Values Map** prepared by the **NSW Government Office of Environment and Heritage (OEH)** and located on their website.

If the proposed removal or pruning exceeds the **biodiversity offsets scheme threshold**, it requires an approval from the **Native Vegetation Panel** (refer to Part 2.4 of the **Biodiversity and Conservation Vegetation SEPP**).

Table: Threshold by minimum lot sizes

Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more

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Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

The minimum lot size applicable to any land being cleared is as follows:

- (a) the minimum lot size as shown on the Shoalhaven LEP 2014 [Lot Size Map](#), or
- (b) if the [Lot Size Map](#) does not map a minimum lot size for the land, the actual size of the allotment of land on which the proposed development is to be carried out.

3 Context

Appropriate management of [trees](#) and other [vegetation](#) on public, urban and non-urban land is essential to preserve the attractiveness and natural character of the City. [Trees](#) are part of the wider [habitat](#) that supports our native wildlife and birds. Controls also need to allow for the removal of unsafe or unsuitable [trees](#) and plan for their replacement to ensure the [tree](#) canopy is maintained into the future. [Council](#) embraces a whole of life approach to [tree](#) management in order to prevent exposure to unnecessary risk.

Note: There are significant penalties for the illegal removal or pruning of [trees](#) and other [vegetation](#). People who [remove or prune trees](#) and other [vegetation](#) without approval can face significant fines under the *Environmental Planning & Assessment Act 1979* (EP&A Act) and the *Local Land Services Act 2013*.

It is also an offence to harm or pick threatened species, populations or [endangered ecological communities \(EECs\)](#) under the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*. Prosecutions can result in significant penalties including fines and imprisonment.

4 Objectives

The objectives are to:

- i. Ensure land owners are aware when [tree](#) or [vegetation removal or pruning](#) requires a [permit](#) and when it can be carried out without a [permit](#).
- ii. Provide a consistent framework to assess applications for the [removal or pruning of trees](#) and other [vegetation](#).
- iii. Recognise [trees](#) and other [vegetation](#) as a highly valued asset to maintain the visual appeal and amenity of the local area.

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- iv. Control inappropriate cutting down, felling, uprooting, killing, poisoning, ringbarking, burning or otherwise destroying of vegetation, or lopping or otherwise removing a substantial part of vegetation.
- v. Minimise the risk caused by destabilisation of foreshore, riparian or agricultural land.
- vi. Ensure that high value trees or other vegetation in environmentally sensitive locations are preserved.
- vii. Recognise the intrinsic value of trees and other vegetation to support native birds and wildlife.
- viii. Facilitate the removal of undesirable exotics, noxious weeds, and any other inappropriate plantings, and to replace these with suitable local indigenous species which will positively contribute to visual and environmental amenity and ecological sustainability.
- ix. Avoid inappropriate removal of trees or other vegetation in paper subdivisions or areas where a tree preservation order has historically applied.

5 Controls

5.1 Declared Trees or Other Vegetation – Part 2.3 of the Biodiversity and Conservation Vegetation SEPP

This clause declares trees and other vegetation for the purposes of Part 2.3 of the Biodiversity and Conservation Vegetation SEPP. In accordance with Section 2.6 Clause 7(1) of the Biodiversity and Conservation Vegetation SEPP, a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation without a permit granted by Council. There are some exemptions to the requirement for a permit which are set out in Section 5.2.

The following trees or other vegetation are declared:

1. All trees and other vegetation located on an area mapped by this Chapter which includes:
 - a) Land which is mapped as a 'paper subdivision' in the Chapter G4 Supporting Maps; or
 - b) Trees or other vegetation that are:
 - i. less than 50 metres from the bank of a creek or water body deemed Category 1 (large creek/river) as defined by the SLEP 2014; or
 - ii. less than 30 metres from the bank of a creek or water body deemed Category 2 as defined by the SLEP 2014; or
 - iii. verified as supporting an endangered ecological community (EEC); or
 - iv. mapped as supporting rainforest vegetation species; or
 - v. mapped on the Scenic Protection Area Map of SLEP 2014; or
 - vi. within 30 metres from a non-urban road boundary.

Note: The above areas are shown on the Supporting Maps for this Chapter.

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2. All **trees** and other **vegetation** located on publicly owned or managed land; or
3. Where the **tree** in question is a *Toona australis* (Red Cedar); or
4. Where the **tree** contains a hollow; or
5. Where the **tree** or other **vegetation** is a **heritage item** or within a **heritage conservation area** under the **SLEP 2014**; or
6. All **trees** in an urban area.
7. All **trees** and **native vegetation** on land in zone E2, E3 or E4.

Note: An urban area for the purposes of this Chapter is any mapped area with a residential (excluding R5 Large Lot Residential), business, industrial, commercial, special use and RU5 Village zone.

A non-urban area for the purposes of this chapter is any area with R5 Large Lot Residential, an environmental, recreation, or waterway zone.

5.2 Exemptions

5.2.1 Exclusions from Exemptions – Environmental Heritage including Aboriginal Heritage

None of the exemptions listed in this Section apply to any **trees** or other **vegetation** located on a **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or on land within a **heritage conservation area**.

Council can only grant a **permit** for the **removal or pruning** of **vegetation** on land that is, or forms part of a **heritage item**; or is within a **heritage conservation area**; or that is or forms part of an **Aboriginal object**; or is within an **Aboriginal place of heritage significance**, if it is:

- Of a minor nature; or
- Is for the maintenance of the **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or **heritage conservation area**, and would not adversely affect the **heritage significance** of the **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or **heritage conservation area**.

Therefore, **Council** requires:

- A **permit** application for any **removal or pruning** of **vegetation** that is minor in nature or is for the maintenance of the **heritage item**, **Aboriginal object**, **Aboriginal place of heritage significance**, or **heritage conservation area**, and
- A **development application** for any other **removal or pruning** of **vegetation**.

Section 2.10(3) Clause 10(3) of the **Biodiversity and Conservation Vegetation** SEPP and Clause 5.10 of the **SLEP 2014** contain specific requirements for **trees** and other **vegetation** located on **heritage items** and **heritage conservation areas** and should be read in conjunction with this Chapter.

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5.2.2 Exclusion from Exemptions – Consent Conditions and 88B Instruments

None of the exemptions listed in this Section apply to any trees or vegetation that are required to be retained by the conditions of a development consent or a Section 88B restriction to user instrument. The Biodiversity and Conservation Vegetation SEPP, and subsequently this Chapter, do not affect authorisations under other Acts that are required to be obtained in connection with the clearing of vegetation.

Note: Applicants may choose to apply to Council for a variation to the conditions of consent (for dwelling and/or subdivision) or the 88B Instrument.

5.2.3 Exemptions

The following trees or other vegetation are exempt from section 5.1:

- a) Clearing trees and vegetation that is authorised under Section 600 of the *Local Land Services Act 2013* (LLS Act). This sub-clause does not apply to clearing merely because it is a part of or ancillary to the carrying out of exempt development.
- b) Trees and vegetation that Council or the Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals.
- c) Trees and vegetation that Council is satisfied are a risk to human life or property.
- d) The 45 Degree Rule. Where a tree is closer than its own height from an approved lawfully erected building (including a dwelling, garage or outbuilding) and there is a demonstrable risk to that building. This means where any part of a tree is above a line 45 degrees from the vertical extension of the wall of any building measured from its base (as shown in Figure 1).

The tree must not be:

- Located beyond the lot the lawfully erected building is located on (which includes public land).
- Located on land within the Jerberra Estate.
- Located on land zoned RU1 Primary Production or RU2 Rural Landscape.

Note: Land in the RU1 and RU2 zones cannot be removed under the 45 Degree Rule. Tree removal in this zone is managed by NSW Local Land Services under the *Local Land Services Act 2013*.

- A tree with a hollow and/or nests (for example, stick nests).
- A tree on an upward slope greater than 18 degrees from the building.

Hollow bearing trees can only be removed without assessment under the 45 degree exemption if an animal handler is present.

To be considered an exemption from section 5.1, the landowner must:

- Ensure the tree removal is undertaken by an AQF Level 3 arborist in accordance with relevant Australian Standards.

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- Notify all adjoining and adjacent landowners/occupants of the proposed tree removal works in writing, at least 72 hours before the tree removal is due to commence.
- Notify Council of the proposed tree removal works in writing, at least 72 hours before the tree removal is due to commence.

Note: The advice to Council is to include the property address, location of the tree to be removed on the site, the size and species detail of the tree, reason for removal, provision of a photograph, confirmation that there are no exclusions from exemptions (heritage, consent conditions, 88B Instruments) confirmation that the adjoining/adjacent landowners/occupants have been notified, and the name and contact details of the qualified arborist who will be removing the tree.

This information can be provided to Council via mail, email or via this form [insert link to form at commencement].

Non-compliance with the aforementioned 45 Degree Rule requirements is considered development without consent. Fines can apply to any person involved in the unlawful removal of trees.

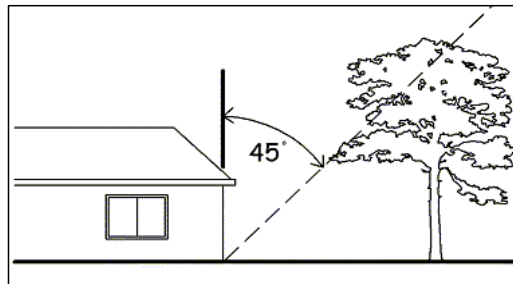


Figure 1: Example of the 45 degrees line from the vertical extension

- e) The non-native/invasive tree species listed in Table 1, regardless of size.

Table 1: Non-native and/or Invasive Tree Species

Common Name	Botanical Name
Cootamundra Wattle	<i>Acacia baileyana</i>
Black Wattle	<i>Acacia decurrens</i> and <i>Acacia mearnsii</i>
Cape Leeuwin Wattle	<i>Albizia lophantha</i>
Evergreen Alder	<i>Alnus jorullensis</i>

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Tree Lucerne	<i>Chamaecytisus sp</i>
Indian Coral Tree	<i>Erythrina x sykesii</i>
Silky Oak	<i>Grevillea robusta</i>
Privet	<i>Ligustrum species</i>
African Olive	<i>Olea africana</i>
Canary Island Date Palm	<i>Phoenix canariensis</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Umbrella Trees	<i>Schefflera species</i>
Cocos or Queen Palm	<i>Syagrus romanzoffianum</i>
Rubber Trees	<i>Ficus elastica</i>
Willows	<i>Salix species</i>

Fruit trees being specifically grown for their edible fruit for human consumption

- f) The **tree** species in Table 2 if less than 10m tall.

Table 2: Non-native trees of amenity value

Common Name	Botanical Name
Camphor Laurel	<i>Cinnamomum camphora</i>
Liquidambar	<i>Liquidambar styraciflua</i>
Radiata Pine	<i>Pinus radiata</i>
Poplars	<i>Populus species</i>

Note: Council Owned & Managed Lands - Private landowners must obtain approval for the removal or pruning of trees and other vegetation on land owned or managed by Council including road reserves to which Council is the roads authority and crown reserves to which Council is the trust manager.

The only exception is where Council (or its agent) carries out the work after it has been assessed in accordance with the 'Tree Management Policy – Council Managed Lands'.

Works to trees on public land generally need to go through a review of environmental factors (under Part 5 of the EP&A Act) before any works are undertaken. There is a cost associated with this process.

5.3 Assessment Criteria for Tree Removal and Pruning

If the **tree** or other **vegetation** proposed for **removal or pruning** is declared under Section 5.1 of this Chapter for the purpose of Part 2.3 of the **Biodiversity and Conservation Vegetation**

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SEPP and is not exempt under Section 5.2.2 of this Chapter, then a **permit** application must be submitted to **Council**.

5.3.1 Destabilisation of Foreshore, Water Courses and Agricultural Land

The objective of this Section is to:

- i. Encourage the retention of **trees** and other **vegetation** along water courses, foreshores and steep land to provide for bank stability, prevent erosion, and maintain amenity.

Performance Criteria	Acceptable Solutions
P1 Trees and other vegetation are maintained to ensure the protection of: <ul style="list-style-type: none"> • Soil and bank stability. • Water quality by filtering sediments, nutrients and pollutants. • Terrestrial habitat. 	A1.1 Removal or pruning of trees and other vegetation only occurs within 20 metres of a bank of a large (category 1) water course is minimised and erosion control measures have been considered; and A1.2 A program of replanting of local native species is proposed to maintain bank stability, water quality and terrestrial habitat . The program should be provided as a written plan with maintenance commitments to ensure long term survivability and A1.3 The application is supported by an Arborist Report prepared by a suitably qualified and practising Arborist to assess the health and condition of the tree/s .
P2 Land with steep slopes is maintained in a stable condition.	A2.1 Removal or pruning of trees and other vegetation on mapped land with a slope in excess of 20% is minimised and erosion control measures have been considered; and A2.2 A program of replanting of local native species is proposed to maintain slope stability. A2.3 Where required, the application is supported by an Arborist Report prepared by a suitably qualified and practising Arborist to assess the health and condition of the tree/s .
P3 Trees and vegetation associated with or adjacent to State Environmental Planning Policy (Resilience and Hazards) 2021 Ne 14 – Coastal Wetlands (SEPP 14) wetland areas is retained to maintain the viability of the wetlands .	A3.1 Tree and other vegetation removal or pruning only occurs: <ol style="list-style-type: none"> a) In an artificial wetland; and

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- b) 100 metres or more away from any natural **wetland** (including buffers).
- A3.2 Where required, the application is supported by an **Arborist** Report prepared by a suitably qualified and practising **Arborist** to assess the health and condition of the **tree/s**.

5.3.2 Character and Scenic Amenity of Non-Urban Roads

The objective of this Section is to:

- i. Encourage the retention of **vegetation** along non-urban road corridors to ensure character and **biodiversity** value is maintained and enhanced.

Performance Criteria	Acceptable Solutions
P4 Trees and other vegetation along non-urban road boundaries are retained for its aesthetic, habitat and water quality value.	<p>A4.1 Tree and other vegetation removal or pruning within 30 metres of a non-urban road boundary is minimised; and</p> <p>A4.2 A program of replanting local native or suitable plant species is proposed to maintain aesthetic, habitat and water quality values of the non-urban area.</p>

5.3.3 Amenity Considerations

The objective of this Section is to:

- i. Ensure that the unique character and environmental integrity of towns and villages in the Shoalhaven LGA is retained through the appropriate management of **trees** and other **vegetation**.

Performance Criteria	Acceptable Solutions
P5 Character of towns and villages is maintained and improved by the retention of mature trees .	<p>A5.1 Where mature trees or other vegetation have been removed, they are replaced with trees native to the region in an appropriate location.</p> <p>Note: An Arborist Report prepared by a suitably qualified and practicing Arborist to assess the health and condition of the tree/s may be required.</p>
P6 Enable residents to access solar power alternatives.	A6.1 Trees or other vegetation removed or pruned to facilitate solar access for the tree owner or their neighbours are kept

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		to the minimum necessary to ensure solar efficiency.
P7	Retain and value a healthy streetscape.	A7.1 Removal of a tree that is a poor specimen and is in a state of decline that is prolonged and irreversible is supported by an Arborist Report prepared by a suitably qualified and practising Arborist in relation to the health and condition of the tree/s .
P8	Protect public and private assets from unnecessary damage.	A8.1 Removal of trees that have caused or are likely to cause significant structural damage and is supported by relevant evidence; and A8.2 The application is supported by written expert advice and other reasonable alternatives are not available.

5.3.4 Heritage Considerations

The objective of this Section is to:

- i. Ensure that the heritage values and unique character of towns and villages in the Shoalhaven LGA are retained through the appropriate management of **tree** removal.

Performance Criteria	Acceptable Solutions
P9.1 Heritage values and character of towns and villages is maintained and improved by the retention of heritage trees or trees within the curtilage of a heritage item or heritage conservation area	A9.1 Removal or pruning of trees or vegetation is of a minor nature or is for the maintenance of the heritage item , Aboriginal object , Aboriginal place of heritage significance , or heritage conservation area , and will not adversely affect the heritage significance of the heritage item , Aboriginal object , Aboriginal place of heritage significance , or heritage conservation area ; and
P9.2 The indigenous heritage of Shoalhaven is respected through the retention of trees and vegetation associated with Aboriginal objects or Aboriginal places of heritage significance .	A9.2 A heritage management document prepared by a suitably qualified heritage consultant; and an Arborist Report prepared by a suitably qualified and practising Arborist to assess the health and condition of the tree/s is provided. Note: Prior to any permit application being made under this chapter, the applicant must notify Council of the proposed tree and/or vegetation removal or pruning in accordance with

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Clause 5.10(3) of *SLEP 2014*. Council will then advise in writing if it is satisfied that consent under Clause 5.10 of *SLEP 2014* is not required

5.3.5 Other Important Vegetation

The objective of this Section is to:

- i. Ensure that sensitive areas of the Shoalhaven are protected.

Performance Criteria	Acceptable Solutions
P10 Verified <i>EECs</i> are protected.	A10.1 The <i>trees</i> to be removed are not part of a listed <i>EEC</i> (mapped in this DCP) in accordance with an assessment by a suitably qualified person.
P11 Removal of <i>trees</i> in mapped paper subdivisions is avoided or minimised.	<div>A11.1 Removal of any <i>trees</i> in Jerbera Estate is in accordance with Chapter N20 Jerbera Estate.</div> <div>A11.2 Removal of any <i>trees</i> in other paper subdivisions within Shoalhaven is limited to <i>removal and pruning</i> that is in conjunction with an approved <i>development</i> or use.</div> <div>Note: An <i>Arborist</i> Report prepared by a suitably qualified and practicing <i>Arborist</i> to assess the health and condition of the <i>tree/s</i> may be required.</div>
P12 <i>Toona australis</i> are protected.	A12.1 A report from a suitably qualified <i>Arborist</i> is provided and determines that the <i>Toona australis</i> is obviously severely damaged, decayed or causing structural damage.
P13 Areas recognised for their scenic value are preserved.	<div>A13.1 Removal of <i>trees</i> on land covered by the <i>Scenic Protection Area Map</i> of <i>SLEP 2014</i> is minimised.</div> <div>A13.2 A program of replanting of local native species is proposed.</div>
P14 <i>Trees</i> and other <i>vegetation</i> with environmental significance are appropriately managed.	<div>A14.1 Submission of an assessment of significance (5 part test) by a suitably qualified person for any <i>tree</i> that contains a hollow, is a threatened species or is a component of an <i>EEC</i>.</div> <div>A14.2 All <i>trees</i> and other <i>vegetation</i> to be removed or pruned to be clearly marked on site for inspection purposes.</div>

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A14.3 Animal handler to be present on site to rescue any animals, where there is proposed removal of a hollow bearing tree.

6 Advisory Information

6.1 Approval Process

Council is required to determine applications for permits within 28 days from the date of application.

Council may request further information about the proposed clearing if Council considers necessary for its proper consideration of the application. Any period between the applicant being requested to provide further information and the information being received by Council will not be counted in respect of Council's timeframe for determining an application.

Council will carry out public notification for any application for a permit for the removal or pruning of ten (10) or more trees.

An applicant for a permit may appeal to the Land and Environment Court against the refusal by Council to grant the permit. Any such appeal is to be made within 3 months after the date on which the applicant is notified of the decision or within 3 months after Council is taken to have refused the application (whichever is the later).

6.2 Application Documents

All permit applications must be accompanied by a Tree & Vegetation Plan which is drawn to scale and illustrates:

- Property boundary, existing structures and access roads;
- Location of all trees and other vegetation on the lot and identification of those trees or vegetation proposed for removal or pruning with approximate heights and widths;
- The total area (in m²) of clearing being applied for, and total area (in m²) of previous clearing;
- A description of the trees or vegetation, including species name, proposed for removal or pruning;
- Distance of those trees or vegetation proposed for removal or pruning from the nearest boundary and/or structure;
- If relevant, placement of drainage and sewer mains, and overhead power lines;
- Location of any known watercourses on the property;
- Any proposed Exempt & Complying (E&C) development plans, for which the tree or vegetation removal is a pre-cursor. This must include a plan showing the proposed development, the location of the trees that are exempt under the E&C Code as well as those to be assessed i.e. subject of this application; and,

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- A north arrow.

The **permit** application must be signed by the owner(s) of the property on which the **trees** are growing and accompanied by the relevant fee (refer to **Council's Fees and Charges**).

6.3 Other legislation or policies you may need to check

Note: This section is not exclusive and you may be required to consider other legislation, policies and other documents with your application

Exemption under this Chapter does not equal an exemption under other legislation controlling the **removal or pruning of trees** and other **vegetation**. Consideration should be given to the following legislation before carrying out any work:

Council Policies & Guidelines	<ul style="list-style-type: none"> • Tree Management Policy – Council Managed Lands
External Policies & Guidelines	<ul style="list-style-type: none"> • Australian Standard Protection of trees on development sites: AS 4970-2009 • Australian Standard Pruning of Amenity Trees: AS 4373-2007 • Rural Fire Service Planning for Bushfire Protection 2019 2006
Legislation	<ul style="list-style-type: none"> • <i>Biodiversity Conservation Act 2016 and Regulations</i> • <i>Environmental Protection and Biodiversity Conservation Act 1999</i> • <i>Fisheries Management Act 1994</i> • <i>Forestry Act 1916</i> • <i>Environmental Planning and Assessment Act 1979</i> • <i>Heritage Act 1977 (Sections 129A and 139)</i> • <i>Local Land Service Act 2013</i> • <i>Noxious Weeds Act 1993</i> • <i>Rivers and Foreshores Improvements Act 1948</i> • <i>Rural Fires Act 1997</i> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy SEPP (Exempt and Complying Development Codes) 2008 • State Environmental Planning Policy (Resilience and Hazards) 2021 • SEPP (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy No 14 – Coastal Wetlands • State Environmental Planning Policy No 26 – Littoral Rainforests • State Environmental Planning Policy No 44 – Koala Habitat • Water Management Act 2000 (Guidelines for Riparian Corridors and Waterfront Land)

Tree Management Policy – Public Land

Adoption Date:	06/03/2015
Amendment Date:	17/04/2018 (POL21/51)
Minute Number:	D14/328051, D14/331539
Review Date:	25/08/2022
Directorate:	City Services
Record Number:	POL22/181

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1. Purpose

The Purpose of this document is to appropriately manage our public trees.

Shoalhaven City Council (SCC) recognises the value of trees for the provision of visual amenity, shade, fauna habitat, soil stability, erosion protection etc. and places a high importance on the protection and retention of trees. SCC also recognises the need to remove or prune trees where circumstances warrant such actions e.g., protection of life and property.

SCC acknowledges that tree removal is subject to the *NSW Environmental Planning and Assessment Act 1979* approval provisions and must make an assessment of potential environmental impacts prior to proceeding with tree removal works (refer to Section 7).

Our key priorities for effective implementation of this tree policy are to **Value, Protect, Maintain, Plant, and Monitor** our trees.

Key Priority	Action
Value	To identify and maintain a 30% tree canopy cover (or equivalent benefit) target by 2040 in urban areas. Provide an environmental approvals framework.
Protect	Protect and enhance the natural forest and urban tree canopy to protect biodiversity, landscape amenity and the natural tourism values of the Shoalhaven LGA. Provide a stream-lined environmental approvals procedure in specified circumstances.
Maintain	Maintain trees in a healthy condition, free of foreseeable hazards or defects appropriate for the growing site and conditions. Develop strategies and technical information to help manage tree issues associated with human induced global warming. Provide appropriate and consistent assessment and management of public trees in response to requests for tree removal, pruning or management by members of the public. Maintain tree diversity and biosecurity resilience by appropriate tree family, genus and species selection.
Plant	To promote and provide appropriate new and replacement tree planting as appropriate. Work to develop a best-practice age class distribution essential for future tree population stability it is necessary to replace trees as they are removed. This will prevent rapid canopy loss due to

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	the time taken by new plantings to reach their potential canopy size.
Monitor	Proactively assess and record the performance of trees in relation to biosecurity, biodiversity, public safety, amenity and global warming by developing appropriate strategies, management plans and technical information for tree management.

2. Importance and Value of Trees

Council acknowledges the following benefits of its trees;

- Reducing people's exposure to sun
- Reducing heat related illness
- Providing shade and cooling
- Encouraging outdoor activity
- Connecting children with nature
- Reducing stormwater runoff and nutrient pollution
- Reducing pollution and airborne particulates
- Storing and sequestering carbon
- Decreasing health costs
- Improving mental wellbeing
- Improving community cohesion
- Nature boosts tourism and business
- Providing a sense of place and creation of local identity
- Reducing energy costs
- Inspiring art and creativity
- Increasing property values
- Protection of biodiversity

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3. The Land to Which This Policy Applies

This policy applies to all land SCC owns and/or manages including:

- Road reserves of which SCC is the Roads Authority
- Crown reserves of which SCC is the manager

Definition of a protected tree

- Any identified tree species or long-lived perennial plant, with woody or fibrous, single or multi trunked (with relatively few stems), that has a potential mature height, equal to or greater than, 5 metres, a canopy spread of 5 metres or greater, or trunk diameter of 200mm or greater growing on public land.

Definition of minor tree pruning

- The accumulative pruning of a tree by less than 10% over 5 or more growing seasons. Pruning will be limited to dead branches and live branches 40mm or less in diameter.

This policy does not apply to lands and circumstances which Chapter G4 *Removal and Amenities of Trees* of the Shoalhaven DCP applies and does not apply on NSW State or Commonwealth managed lands or to crown lands to which SCC is not the manager.

The policy applies to staff, councillors of SCC and the public as a reference or those engaged to act on behalf of SCC in public tree management.

The application of this policy is not restricted to the strict horticultural definition of 'tree'. For the purpose of this policy, it applies to all plant types.

4. Relevant Legislation

The following legislation is to be complied with at all times in regard to the management of trees on Council owned or Council managed land.

- Agricultural and Veterinary Chemicals (New South Wales) Act 1994
- Biosecurity Act 2015
- Civil Liability Act 2002
- Crown Land Management Act 2016
- Dividing Fences Act 1991
- Electricity Supply Act 1995
- Environmental Planning and Assessment Act 1979
- Fisheries Management Act 1994
- Local Government Act 1979
- National Parks and Wildlife Act 1974
- NSW State Emergency and Rescue Management Act 1989

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- Pesticides Act 1999
- Roads Act 1993
- Rural Fires Act 1997
- Threatened Species Conservation Act 1995
- Trees (disputes between neighbours) Act 2006
- Work health and Safety Act 2011

5. Responsibilities

Council will be responsible for the following:

- An inspection and assessment of a tree following a request
- Removal of tree where SCC determines that the tree is considered an unacceptable a risk or there are reasonable grounds for removal
- The preparation of environmental assessment of a request for tree removal
- Provide planning, advice and implementation of effective new and replacement tree planting.

The applicant requesting the tree removal will be responsible for the following:

- The cost of tree removal approved by a development consent for driveways/laybacks, kerbs and gutters or utility services
- The cost of tree removal of a protected tree damaged during construction or elective tree removal work
- The cost of all replacement tree planting following elective tree removal work

Council's maintenance of trees will consider *the risk management and hazard abatement strategies for existing trees* as set out in this document and attached annexure.

6. Provisions

6.1. Circumstances where this policy does not apply

This Policy does not apply in the following circumstances:

- The removal of trees if a development consent and/or approval has been granted under Part 5 of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act 1979) if the development/activity is carried out in accordance the consent/approval (Protected trees cannot be removed as part of a Complying Development Certificate and will require some form of protection during construction.)

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- Emergency tree removal works carried out by SCC, State Emergency Services, or Rural Fire Service in the response to an emergency within the meaning of the NSW State Emergency and Rescue Management Act 1989 and the Rural Fires Act 1997. This includes any work to prune or remove a tree by these organisations posing an immediate risk to persons or property during or immediately following an emergency event.
- The removal of trees and other vegetation determined by the roads authority as a traffic hazard requiring removal under Section 88 of the NSW Roads Act 1993
- The pruning or removal of trees under the NSW Electricity Supply Act 1995

6.2. Tree ownership issues

All trees growing on Council owned or managed land are the property of Council.

Where a protected tree is growing on a boundary, ownership is determined by which side of the boundary the centre of the trunk originated, or on which side of the boundary the majority of the trunk's diameter exists (at ground level).

Note: The onus of proof of tree ownership lies with the applicant, for all circumstances concerning tree ownership, safety, and alleged property damage.

7. General Implementation of Policy

The City Services Directorate have principal responsibility for the overall implementation of sound tree management principles through procedures, Australian Standards, and other reference documents.

7.1. Applications from members of the public

SCC will consider requests from members of the public for pruning by telephone and writing or for removal of trees email/writing only, growing on Council owned or managed land.

Trees will be removed as a last resort only. In assessing whether to approve the pruning or removal of a tree, SCC shall take into consideration a broad range of issues including human safety, protection of property and infrastructure, and environmental and amenity considerations. In all instances human safety will be the highest priority.

SCC acknowledges that it is the nature of trees to shed leaves, bark, sticks, flowers, fruit and exudates as part of their normal life cycle. They may add to debris in private property and compete with lawns and gardens for nutrients and water. These issues will not normally constitute justification for tree pruning or removal.

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7.2. Trees damaged because of storms

The majority of trees do not cause safety issues for residents or the public during storm events.

On this basis;

- Where a tree located on a Council footpath or in a Council reserve has been damaged by a storm event, Council's Customer Service Centre can be notified on 1300 293 111
- Council Officers will work collaboratively with our local SES Units that can be contacted on 132 500 or 000
- Following a storm event, the tree/s will be assessed by SCC in accordance with this policy

7.3. Risk assessment

SCC Tree management practices will be developed to comply with Statewide Mutual Best Practice Manual, Trees and Tree Roots, Version 8, December 2019 and any updated or revised editions.

Tree risk management is based on:

- Systematic identification of hazards
- Realistic assessment of risks
- Consideration of the full range of options before determining a management response

Council adopts a strategic approach and focuses on tree risk management in high use areas where exposure is greatest for residents, workers and visitors.

Council also identifies hazardous trees through business-as-usual field operations, following severe weather events such as storms, from members of the public.

Tree inspections are an important risk management tool. The frequency of inspections will depend on local conditions and available resources

In all instances, when assessing trees and scheduling tree works, public safety and prevention of damage to property will be the highest priority. The protection of property, including infrastructure, is an important consideration but is secondary to the protection of life.

When assessing a tree involving a request for removal/management the assessing officer shall undertake a comprehensive tree hazard and risk assessment based on; Tree Risk Assessment Qualification of the International Society of Arboriculture (TRAQ) or Quantified Tree Risk Assessment (QTRA) that has consideration of:

- The structural soundness, health and vigour of the tree

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- Characteristics of the tree including the propensity for, or history of, branch failure presence of pests and/or diseases, and the presence of defects
- The condition, maturity and useful life expectancy of the tree
- Site-specific conditions that may influence risk factors e.g., exposure to wind, ground disturbance, and soil conditions
- The object at risk and the consequences of tree or branch failure

Council's maintenance of trees will consider the risk management and hazard abatement strategies for existing trees as set out in this document and attached annexure.

Trees must not be pruned in such a way that the pruning work result in causing unintentional new hazards from the tree, or from other adjacent trees in the future.

7.4. Scheduled tree inspections

As resources allow Council will develop policies, guidelines, practices and funding for affordable proactive tree maintenance in urban and areas of intensive or constant use by the public. The proactive tree works programs will be carried out on a 3-to-5-year cyclical basis.

In most instances, due to the large number of trees in the LGA and their geographically isolated locations, public tree inspections will be on an ad-hoc basis following a request from a resident, property owner or a member of the public.

7.5. Follow up inspections of trees

The results of inspection or monitoring of a tree by Council in the first instance may be inconclusive or require further follow up inspections or specialist testing or observations.

The inspecting Tree Officer has the discretion to defer a decision, or to organise additional or specialist testing, measurements and investigations.

7.6. Roadside vegetation guidelines (rural and scenic areas)

Roadside reserves are complex environments due to competing land uses, with a wide range of issues to consider including road safety, conservation, cultural values, bushfire risk, recreational use, legal requirements, and development pressures.

Trees will be managed to retain and protect or replace roadside trees and vegetation for their environmental values as appropriate.

7.7. Significant and heritage trees

In order to protect the environmental, cultural and intergenerational benefits of trees, Council will retain and protect significant and heritage trees on public land when appropriate. Council

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will create and maintain a register of all significant or heritage trees on Council owned or managed land.

Council will consider the impacts of tree removal consistent with National Trust and SCC heritage requirements.

7.8. Application of Environmentally Sensitive Design (ESD) principles

Council staff will ensure decisions provide consistency with SCC's ESD principles and objectives and are in the community's best interest.

7.9. Vandalism of trees

Council will maintain a zero-tolerance approach to all instances of vandalism to trees.

All decisions will be consistent with Shoalhaven Tree and Vegetation Vandalism Prevention Policy (as amended).

7.10. New and replacement tree planting

Council will request and encourage the local community to help in maintaining the trees planted in public areas by assisting with the watering and weeding of newly planted trees.

Residents are not permitted to prune trees on Council land.

- New and replacement trees by residents
Tree planting in road reserves and parks by residents will not generally be supported as the trees selected by the resident are not suitable for the planting location and create significant public safety issues and infrastructure damage.
- Replacement of trees removed by Council
Trees that have died, been removed due to disease, causing root damage, health and safety factors or any other reason shall be replaced with an appropriate species for that site if appropriate.
- Requests by residents for tree planting
All requests from residents for trees to be planted will be considered by Council. Providing that the site is suitable for a tree, an appropriate species will be selected and planted by Council after consultation with the resident. See **Annexure A** for additional information.

7.11. Notification of the public

Adjacent residents will generally be notified in writing of the removal of a tree.

Park tree planting will generally be notified on Council's web site.

Adjacent property owners will be letterboxed with a request for support, tree care information and Council contact details for further information.

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The public and adjoining landowners will not be notified for requested tree pruning, scheduled tree maintenance or footpath clearance pruning, tree works required under the Roads Act 1993 No 33, urgent tree work for public safety or tree work carried out during a natural disaster.

7.12. Review of decisions

In accordance with Environmental Planning and Assessment Act 1979, a request for review must be made in writing to Council within 3 months of the date of a written decision of Council.

The request for review must provide new information and clear reasons for the grounds of the requested review.

Supporting reports must be recent (less than 12 months) and from a suitably qualified subject matter expert.

Information based on hearsay and conjecture, or technical information from unqualified professionals will not be considered.

7.13. Repeated frequent requests for reassessment

Repeated, frequent, unreasonable, or unjustified requests for reviews of tree decisions may be referred to Council's Governance staff for their review and if determined to be vexatious, may be refused.

Further requests for tree inspection will be charged at 100 percent cost recovery.

8. Common Issues Impacting on Trees and their Management

8.1. Claims for property damage by trees, alleged tree root damage and tree investigation

Property owners and residents may be required to show the location of an alleged Council tree, by providing property boundary information from a Registered Land Surveyor.

Shoalhaven Water should be contacted on (02) 4429 3214 for investigation of pipe damage by tree roots and their repair.

Council's Risk Management Department should be contacted on 130 293 111 to discuss issues about damage concerning public trees.

It is the customers or property owner's responsibility to provide evidence in the form of photographs, measurements and plumbers or structural engineers reports, to substantiate alleged damage to private property by a tree on Council Land.

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8.2. Trees in subdivisions/development sites

Tree planting and protection for landscape amenity and environmental protection, is frequently required as a condition of a development consent. Following developer hand over of completed works of a development consent, Shoalhaven City Council potentially has the legal responsibility and costs associated with the removal of trees that pose a life and property risk. Examples are where:

- Privately owned land is handed over to Council through residential subdivisions (e.g., roads and dedicated reserves), and
- The development of residential properties adjacent to Council lands

Trees that are on Council land or proposed to be retained on Council managed land in a subdivision must be considered at the development application stage. Trees that could present a clear and significant danger to humans and residential properties as the subdivision or residential property is developed or built should be properly assessed to ascertain if they require removal. Such assessment and any work will be at the applicant's expense.

All subdivisions will be encouraged to provide and establish avenue planting of appropriate shade canopy street trees where no overhead electrical wires are present.

Council will not accept the management or liability for a planted or protected tree on public land unless the protected trees health and safety has been certified by a consulting arborist at the applicant's cost, prior to hand over or issue of the Subdivision Certificate.

Development Applications for new driveway crossings and laybacks.

Applications for driveway crossings and laybacks requesting tree removal, will generally not be considered unless assessed as part of the development assessment process.

The driveway crossing and laybacks require a minimum setback from a street tree of 5 metres, measured from the centre line of the trunk at 1000mm above natural ground level. This setback may be increased according to the requirements of AS4970-2009.

As a general rule protected, healthy street trees will not be approved for removal if the driveway is, or can be located 5x the trunk diameter from the street tree.

In all instances the applicant/property owner is responsible for replacement tree planting consistent with Council specifications and species selection requirements.

All development sites with retained and/or protected trees will include a Tree Protection Zone throughout the construction period, in accordance with AS4970-2009.

8.3. Billboards and signage for advertising

Trees will not be pruned or removed for sightlines for billboards and marquee signage.

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Trees will not be used to support advertising signage as this will damage the trees and allows pests and diseases to enter otherwise healthy trees.

The pruning or removal of a tree on public land for advertising signage will not be supported.

The existence of an advertising sign will not prevent the planting of trees on public land.

8.4. Views

Requests for the pruning or removal of pre-existing trees to increase or reframe views will generally not be supported if the pruning would damage a tree, impact on its health or amenity, create hazards or reduce its lifespan.

View pruning will not be supported for new owners or for new development.

Views created by historical illegal tree clearing or vandalism, will not be an acceptable justification to prevent tree regeneration or planting.

Trees will be planted to replace original poisoned, or removed mature trees, or forest trees as a priority over retaining newly or artificially acquired view corridors.

Foreshore parkland will be planted to provide natural shade for visitors and the public, using the new tree planting to frame and enhance appropriate view corridors when in the public interest.

8.5. Cables, lights, and structures in trees

The placement of structures in trees such as banners, cables, electrical wires and lights, tree houses/play equipment, chains, cables and ropes, can create significant associated safety issues that may include increased wind and weight loading, electrocution, falling, hanging/entanglement, increase the safety risk to tree workers, increase tree maintenance costs, etc.

Such structures require routine maintenance, and safety checks/audits at additional cost and place an increased public liability exposure for Council.

These structures will generally not be permitted and may be removed by Council if observed by Council staff or when a complaint is received from the public.

8.6. Boundary tree issues

Trees develop their shape, branch structure and canopy density in accordance with the microclimate and available soil and moisture conditions of the location that they are growing in.

Pruning that changes a tree's shape and balance can have a significant impact on tree (and public) safety and its resilience during storm wind conditions.

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Tree pruning of roots and branches other than for safety and property damage, will not generally be supported. Each will be assessed as per our process.

Requests for pruning to a vertical property boundary will not generally be approved, as it will disfigure the tree and adversely impact on its safety.

8.7. Solar appliances trees and solar access

Council will provide leadership in connecting reduced energy use objectives with Tree Management Policy.

Council has resolved to promote an increase in the residential uptake of solar installations. Under its Sustainable Energy Policy and Strategy, Council seeks to create a balance of renewable energy outcomes with consideration of solar appliances and trees for amenity/biodiversity within the Shoalhaven region.

Council will promote awareness in the community of the benefits of protecting trees when installing solar hot water and photovoltaic systems.

Requests for tree removals following installation of solar panels are inconsistent with the broader objectives of sustainability and habitat connectivity. Applications for tree removals will be assessed accordingly.

Council will consider minor pruning of a tree and in exceptional circumstances tree removal, following an assessment of the tree by Council's arborist, following a technical assessment of the tree, its growing conditions and the alleged impacts it is causing.

See **Annexure B** for additional information.

9. Continual Improvement

Council will actively engage in a process of continual education and improvement, particularly in regard to its professional obligations concerning legislation, case law and landmark judgements, science and industry best practices of tree safety, protection and management.

Council will, as time and resources permit, prepare for the consideration of a range of documents that can be used as tree management tools and reference documents. This can include a significant and heritage tree register, roadside vegetation management plan (for rural and scenic areas or tourist roads), street and park tree strategies, management plans, technical guides or specifications, procedures, and training packages for staff.

SCC will also develop and provide revised web information and educational material for the public, promoting the benefits of trees, tree safety, tree selection and planting and appropriate tree management.

10. Policy Review

This policy shall be reviewed within one year of the election of each new Council.

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Annexure A: Indicative Best Practice Tree Management Guidelines

The following general tree management and guidelines will apply;

1. Assessment and Tree Management Requirements

1.1. Required tree industry standards and best practice

The following Australian standards are adopted by Shoalhaven City Council for the management of all public tree issues:

- AS4373 – 2007 Pruning of Amenity trees
- AS4970 – 2009 Protection of trees on development sites
- AS2303 – 2018 Tree stock for landscape use
- AS4419 – 2018 Soils for landscaping and garden use.
- Australian Risk Management Standard AS/NZS ISO 31000:2018.
- Statewide Mutual's current Best Practice Manual for Trees and Tree Roots (Version 8: December 2019) and all adopted reviews.
- Tree Risk Assessment Qualification of the International Society of Arboriculture (TRAQ)
- Quantified Tree Risk Assessment (QTRA)

1.2. Major projects and works

SCC will consider tree surveys, removal and protection at the early design stage. The removal of trees will be minimised with consideration of relocation, or use of alternative materials, as part of the design process. All tree assessment and protection will be in accordance with Australian standards.

1.3. Tree request assessment

In determining the request for the removal of trees to which this policy applies, SCC will first make an assessment of:

- Tree risk
- Its age, lifespan, health/biological and ecological attributes
- Its physical attributes
- Soil and climatic issues
- Land use issues (including issues concerning adjacent structures or utility services or Council assets – example: their age, maintenance history and serviceability)
- The documented history of the tree

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- Its site suitability
- Any reasonable alternatives to the requested tree work.

SCC will only consider tree works where there are reasonable grounds to do so and on a risk management basis. The removal of a tree will be considered as a last resort only.

2. Environmental Issues

2.1. Environmental assessment and tree management plans

Any tree that has been determined by Council and requiring immediate removal as (having a clear and obvious danger and significant risk to human life), is not required to have an environmental assessment prior to required tree works to make the situation safe.

Capital works impacting on trees will require an environmental assessment and may require the preparation of a tree impact statement and tree management plan to ensure that all removals and impacts are minimised and appropriately managed.

As a general rule stumps, branches and foliage will be retained on site in bushland, foreshore and natural areas as habitat for soil stabilization and environmental education purposes, or when not practical to remove from the site.

2.2. Hollow-bearing trees

Hollow bearing trees will be removed as a last resort only and will managed as stag trees, until public safety issues prevent such an approach.

In areas where there are insufficient habitat or hollow bearing trees, Council will promote the use of artificial nesting boxes and sculptured/carved artificial tree hollows in existing mature trees to increase the biodiversity of our parks and urban forest. This will include community programs that target nesting boxes for selected locally indigenous, declining, endangered or rare arboreal fauna species.

3. Cultural Heritage Issues

3.1. Aboriginal cultural trees

Tree planting adjacent to aboriginal sites or trees damaging aboriginal sites may have unacceptable impacts on aboriginal heritage and their management. Scarred and carved trees or cultivated groups of trees may have specific Aboriginal cultural heritage significance. Council will follow statutory assessment and approval processes and consult Aboriginal stakeholders to determine an appropriate management response these trees.

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4. Medical Issues

4.1. Removal of trees for medical reasons

If residents consider that a street tree may be the cause of the health or allergy symptoms, they will be required to provide evidence that this tree is the cause.

All requests must be supported by a recent certificate or report from a medical specialist.

Approval will not be granted, even with a verified medical certificate, if the tree requested for removal or allergy diagnosis pre-existed the purchase of a property, where this tree forms the dominant tree variety in the streetscape or is commonly occurring on adjacent private properties, because the removal of the single tree will not alleviate the cause of the medical condition or allergy to that individual.

Council will only consider the removal of a Council street-tree for allergies on the following criteria:

- The claim must be verified by a medical certificate from a registered clinical immunologist/allergist or clinic such as the Allergy, Immuno and Infectious Diseases Clinic, or the Asthma Foundation that the tree in question is responsible for the allergic reaction. Medical certificates from general practitioners will not be accepted as a valid claim for tree removal
- That species of tree causing the allergy is listed as exempt on Council's exempt tree species list

Where a tree is removed for medical or allergy reasons, the replacement tree will be a suitable native species.

5. Proactive Tree Management

5.1. Discretionary (elective) tree removal

In circumstances where Council's Tree Management Officers have assessed a public tree and have determined that the tree is not hazardous, or when it is determined to be inappropriate for its growing location, Council may consent to the removal of such trees when;

- The tree has a life expectancy of less than 10 years, and
- The cost of the notification of the public and community groups is borne by the applicant, and
- The tree removal contractor must be approved by Council, and

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- The cost of removal is at the full cost to the applicant, inclusive of all costs for traffic control and all other Safe Work requirements, and
- One or more replacement trees is planted of an appropriate size, and species, and planting locations selected by Council, at the full cost to the applicant, and
- The applicant accepts the terms and conditions of the tree work and associated costs in writing prior to the public notification process and request for quotes to appropriate tree contractors

Note: This provision only applies to trees that are not identified as rare or threatened species, or trees having habitat or heritage value.

5.2. Removal of undesirable street tree species

Council may consider the removal of undesirable street trees species adjacent to residential land, even if they have not been assessed by Council as being hazardous. The applicant will be liable to the full removal cost of these trees (including stump grinding and footpath restoration). This policy applies to the following tree species only as identified by SCC, for example:

- *Eucalyptus nicholii* (narrow-leaved black peppermint)
- *Syagrus romanzoffiana* (Cocos palm)
- *Erythrina species* (Coral Tree)

6. Utilities Issues

6.1. Overhead power lines

Overhead power lines are managed by Endeavor Energy under the Electricity Supply Act 1995, as amended by the Energy Legislation Amendment Act 2021.

All resident concerns about tree safety, regarding electricity supply or damage to overhead wires or poles, will be referred to Endeavor Energy for their investigation.

Council accepts that tree pruning for high voltage electrical wires and overhead electrical wires in bushfire prone areas, carry specific public safety obligations on Endeavour Energy.

Council tree staff will continue to assist Endeavour Energy to identify unhealthy, or undesirable trees, that should be removed and replaced with appropriate replacement tree planting. The cost for all tree removal and stump grinding will be the responsibility of Endeavour Energy. The cost of tree planting will be the responsibility of Shoalhaven Council.

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Where appropriate, Endeavour Energy's tree removal program will be coordinated with Council's replacement tree planting program works scheduling, to ensure that the amenity of the streets and road reserves are maintained and enhanced.

6.2. Street lighting

Streetlights and electricity cables should not be located in the canopy of an existing tree or in the airspace of the future canopy of new tree planting.

6.3. Private use power poles

New private service wires and poles to a private property should be located to avoid existing trees and tree canopies and will not be approved by Council if they potentially damage, or require the removal or heavy pruning, of a healthy protected tree.

7. Pest Management

7.1. Invertebrates (Spiders and Insects)

7.1.1 Termites

Termites are natural occurring insect colonies and are part of the natural process in the formation of habitat trees. Termites also contribute to the decay of dead wood and organic matter, enhancing biodiversity and reducing the fuel load in bushland areas.

A tree on Council owned or managed land may not be removed simply because it has some signs of termite activity.

The insects will not be exterminated as they are existing in their natural environment.

The instance of termites in the Australian bush is common and it is impractical and an enormously costly process to eliminate all termites.

The toxic nature of the chemicals may also pose a health and safety risk to children, pets, and wildlife when used on public land.

7.1.2. Spiders and Insects (including bees)

Spiders, bees, wasps, ants, flies and mosquitoes are important indicators of the health of our environment. They pollinate trees and improve fruiting, improve soil health and protect plants from pests. Council will not generally approve their removal or chemical control.

Bee swarms usually appear for a few hours or days only, before moving to more suitable habitat or shelter. They will only be removed when they pose a risk to public safety. Residents will be referred to; The **NSW Amateur Beekeepers Association**

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NSW (<https://www.beekeepers.asn.au/swarms>) web to find a local beekeeper, should they see a bee swarm.

8. Tree Planting

8.1. New development

New or replacement canopy tree planting for subdivisions and new development will be required as a condition of the development consent. Canopy street tree planting will be provided at 8-10 metre centres.

Tree planning on narrow rolled kerb streets will include robust hard wood or metal tree guards 2 metres high and 1 metre square.

All tree planting will be consistent with this policy, current adopted Council specifications and planting diagrams.

Trees planting will be set back;

- 6 metres from an intersection
- 4 metres from a driveway
- 3 metres from a public electricity pole of streetlight
- 3 metres from a utility pit, stormwater pit, fire hydrant or water valve

Tree planting will include a 24-month protection and establishment bond equal to 50% of the cost of the tree planting works. The tree planting bond will not be refunded unless the tree is healthy and fully established.

8.2. Tree planting by Council

SCC is committed to the ongoing amenity and environmental protection of the Shoalhaven and will implement or condition the planting of new and replacement canopy trees wherever trees are removed from land that SCC manages.

New tree planting will be carried out in the cooler months of Autumn, Winter and Spring to improve tree establishment, and include whenever possible, urban rain gardens and water sensitive design.

The tree assets must provide optimal biodiversity opportunities and provide pest and disease resistance. The tree selection process is to avoid unintended effects of monoculture plantings. Accordingly, the tree species selected should not be more than 30% of a single tree family, 15% of a single tree genus and 5% of a single tree species, by town and or drainage catchment.

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Appropriate avenue tree planting will be provided in all nature strips to reduce the 'heat island effect' of the industrial and residential areas.

Appropriate avenue tree and environmental tree planting may be carried out on rural roads, tourist roads and gateway locations to enhance the environmental and tourism opportunities of SCC.

Additionally, Council will carry out a seasonal winter tree planting program. This tree planting will be carried out using Council, and contract staff and community volunteers if appropriate.

Council may review existing tree planting specifications and develop an updated specification for tree planting in road reserves for the use of staff, residents and developers.

8.3. Replacement tree planting

Replacement tree planting will be provided within 24 months of the removal of a tree. Two (2) replacement canopy trees will be planted for each tree removed if appropriate, as weather and resources permit.

The tree species, containers sizes and planting locations will be at the sole discretion of council, weighted in the public interest.

All tree planting shall be subject to a 12 or 18-month watering and establishment maintenance period (that also includes appropriate formative pruning).

9. Maintenance

9.1. Maintenance of a street tree by private property owners

Residents and property owners will be encouraged to water all new or replacement canopy tree planting.

The pruning, hedging, or shaping of new or replacement canopy tree planting by residents will not be permitted as it has serious potential public liability issues, as this is a specialist task for Council's Arboriculture and Horticulture staff and will be treated as vandalism.

9.2. Formative pruning

New tree planting will be formative pruned in accordance with Australian Standards for amenity tree pruning only.

This work will be carried out each year until the tree is established and 5 metres in height and should be carried out during winter months, outside of public holidays and the tourist season.

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Lopping and topping of a park or street tree will not be considered.

Having been selected, planted and successfully formative pruned for the land use and site growing conditions, all trees will be permitted to grow to achieve their full natural biological potential, with minimal interference or further pruning.

CL22.550 - Attachment 1

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Annexure B: Trees and Solar Access Guidelines

As an alternative to tree removal and pruning residents (renters or owners if strata properties) will be encouraged to participating in local community solar projects (buy or lease part of a community-owned solar array) or in buying power from a local community solar garden.

As a preference, trees will be planted or retained and maintained in a safe condition over multiple generations of residents, to maintain or increase net urban tree canopy, for the benefit and enjoyment of residents, for combating of global warming, and to increase liveability and amenity of our urban areas. This guideline only applies to trees on Council owned or managed land, adjacent to a private property Zoned R1 General Residential and when the tree is located within 10 metres from the solar installation.

In making an application the resident is required to submit a shade graph showing the anticipated amount of sunlight that has been accurately identified prior to installation of the solar panels, including anticipated natural growth.

In exceptional circumstances following assessment of tree safety, condition, botanical and, inherent attributes to the site and tree and a broader heritage, environmental and biodiversity assessment, the selective pruning of trees on public land for solar access maybe considered, where a tree or a stand of trees significantly impacts on light levels to solar installations. The lopping and topping of a tree will not be approved. Pruning will generally not be supported if it reduces the health or lifespan of a tree or predisposes it to increased storm damage or increases the safety risks to the public.

When in the greater public interest, where responsible tree management requires continual periodic pruning to allow for appropriate solar access, that may be further detrimental to the health and safety of the tree, Council may consider the removal of the tree and its replacement, that may also include community consultation and comment.

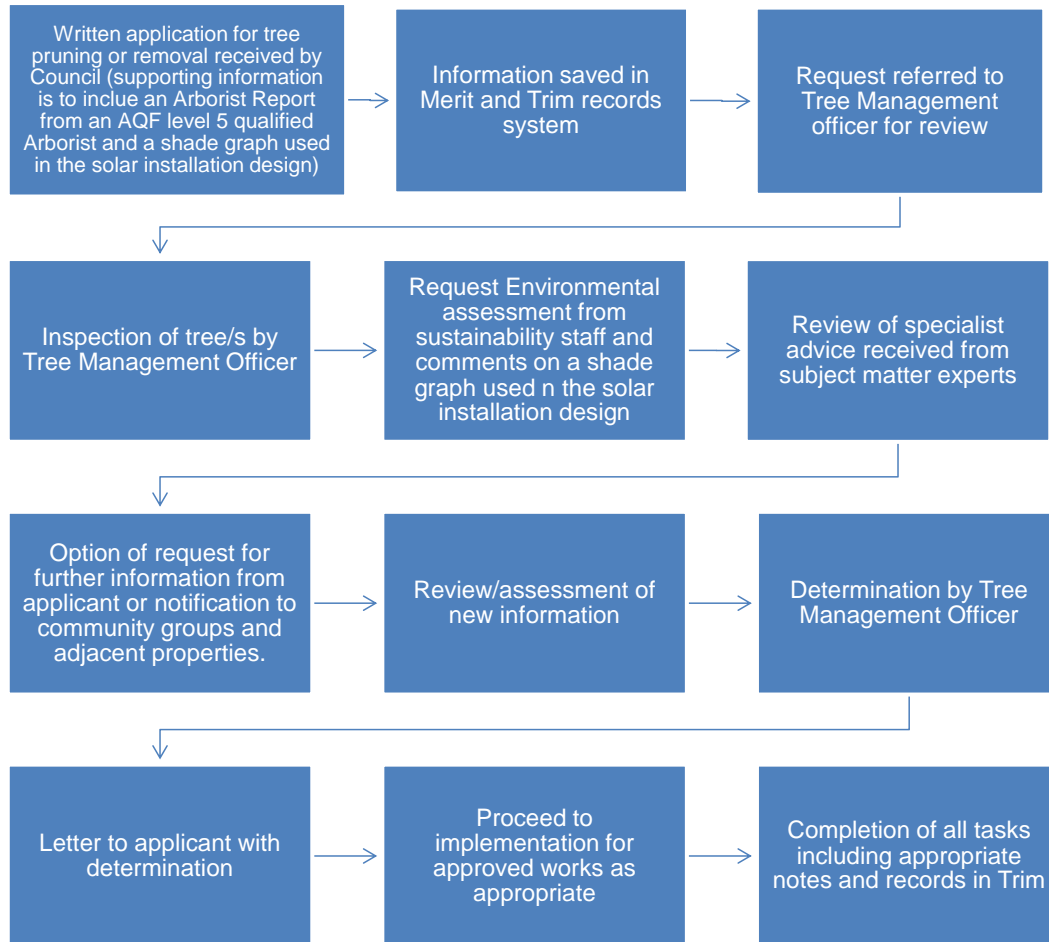
Council will undertake to replace all removed trees with appropriate species (5 replacement trees for each tree removed), as full compensation for the loss of carbon sequestered by the removed tree. The tree planting will be carried out on public land at the sole discretion of Council.

The property owner will be responsible for the full cost of all the tree assessment and community notification, as well as for all costs associated with the approved tree pruning or removal and replanting work.

All tree work will be organised and carried out by Council staff or its appointed contractors.

Process for assessment is shown on the flow chart below.

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CL22.550 - Attachment 1

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*Trees (left side of road reserve) in Sanctuary Point –
An example of trees not impacting on solar rooftop installations (in spring, summer and autumn).*

Management of Mobile Food Vending Vehicles on Council Owned or Managed Land

Local Approvals Policy

Adoption Date:	24/05/2016
Amendment Date:	18/04/2014
Minute Number:	MIN16.383, MIN17.311
Review Date:	01/12/2020
Directorate:	City Services
Record Number:	POL22/106

Food - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land - LAP(2)

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Food - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land - LAP(2)

1. Purpose

- 1.1 The purpose of this Policy is to provide clear guiding principles for the ongoing professional management of Mobile Food Vending Vehicles on Council Owned or Managed Land (including roads).
- 1.2 All mobile food vending vehicles require approval by Shoalhaven City Council prior to operating in public places.
- 1.3 The Policy supplements the provisions of the:
 - 1.3.1 Local Government Act 1993 (NSW);
 - 1.3.2 Local Government (General) Regulations 2005 (NSW); Crown Land Management Act 2016;
 - 1.3.3 Food Act 2003 (NSW);
 - 1.3.4 Road Rules 2014 (NSW); and
 - 1.3.5 Guidelines for Mobile Food Vending Vehicles – NSW Government Food Authority; Council's existing Policy for Mobile Food Stall/Vehicles and Temporary Food Premises (POL16/240).
- 1.4 In accordance with the requirements of the Local Government Act 1993 this Policy is divided into three (3) parts as follows:
 - 1.4.1 **Part 1** of this Policy specifies any exemptions from this Policy;
 - 1.4.2 **Part 2** of this Policy specifies the criteria which Council must consider when determining whether or not to grant approval for a particular activity; and
 - 1.4.3 **Part 3** of this Policy specifies other matters relating to approvals not dealt with by the Local Government Act 1993, the Local Government (General) Regulation 2005, Crown Land Management Act 2016, the Food Act 2003- and Road Rules 2014 or the Food Regulation 2010.

2. Objectives

- 2.1 This Policy aims to:
 - 2.1.1 Ensure ~~the~~ Mobile Food Vending Vehicles operate in accordance with the rules and restrictions within Lawful Car Parking Spaces on Council-owned roads.
 - 2.1.2 Ensure Mobile Food Vending Vehicles operate in accordance with the Operational Plans of Management supplied by operators with the application for Mobile Food Vending Vehicles, under "Supporting Documentation" in the Mobile Food Vending Vehicle Guidelines.
 - 2.1.3 Ensure that food and beverages sold through Mobile Food Vending Vehicles is safe and fit for human consumption.
 - 2.1.4 Provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the Shoalhaven City Council Local Government Area.
 - 2.1.5 Minimise any potential adverse environmental, business and/or other impacts of Mobile Food Vending Vehicles;

Food - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land - LAP(2)

- 2.1.6 Ensure that trading has regard to Existing Takeaway Food and Drink Premises.

~~3. Commencement date~~

- ~~4. 3.1 The Policy was adopted by Council on 24 May 2016 Date and will come into operation 1 July 2016 Date.~~

5.3. Local Approvals Policy

- 3.1 This Policy is a Local Approvals Policy prepared and adopted under Section 158 of the Local Government Act 1993 (NSW).

~~6. When will the policy be revoked?~~

- ~~5.1 In accordance with Section 165(4) of the Local Government Act 1993 (NSW), the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless Council revokes it sooner.~~

7.4. Scope

- 4.1 This Policy applies to Council Owned and Managed Land (including roads) within the Shoalhaven City Council Local Government Area.
- 4.2 This Policy **DOES NOT APPLY** to Mobile Food Vending Vehicles that are:
- 4.2.1 trading in accordance with development consent on private land;
- 4.2.2 trading on public land in accordance with an approved event; or
- 4.2.3 providing catering services to private events.

8.5. Definitions

- 5.1 Unless the context otherwise required the meanings are taken to be those listed within the definitions at Annexure 1 to this Policy ~~and as set out below.~~

6. Implementation

- 6.1 ~~7.1.1 A Mobile Food Vending Vehicle is any registered vehicle used on land that is either self-driven, or that can be towed by a registered vehicle down Council-owned roads and that is used in connection with the sale of food.~~
- ~~7.1.2 Mobile Food Vending Vehicles that are used for on-site food preparation (e.g. hamburgers and tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged foods.~~
- ~~7.1.3 All Mobile Food Vending Vehicles require Section 68 approval issued by Council prior to operating in public places.~~
- ~~7.1.4 Council can issue 2 categories of Mobile Food Vending approvals:~~
- (a) Mobile Food Vending Vehicle Approval under Section 68 of the Local Government Act 1993 Category 1—Food Itinerant

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– allows the operator to trade on a public road for such period of time as necessary to engage in the actual serving of a customer. Once the customers have been ~~served~~served, they are required to move on to another location.

- (b) Mobile Food Vending Vehicle Permit (Category 2) – Food Vans allows the Permit holder to operate a Mobile Food Vehicle on Council owned or managed public land and ~~are permitted to operate~~ for a maximum stopping time of 5 hours in any location.

6.2 The criteria for approval to be used in the assessment of a Mobile Food Vending Vehicle will include all the relevant provisions contained in the approval standards as set out in Parts 2 & 3 of this Policy, the Food Act 2003, the NSW Food Authority – Food Standard Codes Guidelines for Mobile Food Vending Vehicles and Shoalhaven Local Approvals Policy 16/2022.

7. Review

7.1 This Policy will be reviewed within 12 months of the election of a new council, and where new legislation, guidelines and/or management information dictates.

9.8. Other documents

8.1 The following documents are related to this Policy:

- 8.1.1 Local Government Act 1993 ~~(NSW);~~
- 8.1.2 Local Government (General) Regulations 2005 ~~(NSW);~~
- 8.1.3 Food Act 2003 (NSW);
- 8.1.4 Environmental Planning and Assessment Act 1979 ~~(NSW);~~
- 8.1.5 Crown Lands Management Act ~~1989-2016~~(NSW);
- 8.1.6 Crown Lands Regulation 20~~1806~~ ~~(NSW);~~
- 8.1.7 Road Rules 2014 (NSW);
- 8.1.8 NSW Food Authority – Guidelines for Mobile Food Vending Vehicles;
- 8.1.9 Shoalhaven ~~Shoalhaven Local Approvals Policy 2022, City Council's Mobile Food Stalls/Vehicles and Temporary Food Premises POL16/240; and~~
- ~~8.1.10 Shoalhaven City Council Food Vending Vehicle Guidelines.~~

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PART 1: EXEMPTIONS FROM APPROVAL

10.9. Exemptions under this policy

- | | |
|-----|--|
| 9.1 | There are no <u>specified</u> exemptions from the necessity to the requirement to obtain approval under this Policy for Mobile Food Vending that is used for the sale of food and drink in public places within the Shoalhaven City Council Local Government Area. |
| 9.2 | <u>Where an applicant wishes to seek an exemption in relation to the <i>Proximity to Other Premises</i> (clause 23.1) condition, a written application must be submitted to Council accompanied by written statements from any businesses that satisfy the definition within clause 23.1 identifying their acknowledgement and acceptance of the impacts of the proposed exemption. Approval of an exemption would be subject to a Council resolution.</u> |

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PART 2: COUNCIL APPROVAL REQUIREMENTS

11.10. Approvals

- 10.1 Council must consider the criteria as outlined in this Policy when determining applications for Mobile Food Vending Vehicle approvals within the Shoalhaven City Council Local Government Area.
- 10.2 This Policy applies to approvals for an activity as per Section 68 F Item 7 of the Local Government Act 1993 (NSW), namely:
"7. Use a standing vehicle or any article for the purpose of selling any article in a public place."
- 10.3 For the purpose of this Policy a "standing vehicle" includes any mobile food vending vehicle that has stopped to make a sale.
- 10.4 Council may approve Temporary Licences in relation to Crown ~~Owned~~ Land where Council is Crown Land Managers.
This Policy applies to granting of a "temporary licence" under section 2.20 of the Crown Land Management Act 2016:
(2) The Minister may grant a short-term licence over dedicated or reserved Crown land for any prescribed purpose.
(3) A short-term licence may be granted even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is dedicated or reserved.
It is noted that the Reserve Trust Handbook states:
Temporary licences allow the trust to permit short-term and generally low impact activities on the reserve without the Minister's consent. Temporary licences cannot be issued for periods greater than 12 months. Under section 108 of the Crown Lands Act, a reserve trust can grant temporary licences for a use which may not always be permitted within the reserve purpose.
10.5 This Policy applies to granting of a "temporary licence" under section 108 of the Crown Lands Act 1989, namely:
108 (1). A reserve trust may, in respect of the whole or any part of a reserve, grant temporary licence for grazing or any other prescribed purpose;
and further
Section 31(1) (g) Crown Lands Regulation 2006 defines other prescribed purposes to include "Sales".
- 10.56 For the purpose of this Policy "sales" includes the sale of food and drink in public places.
- 10.67 The operation of a Mobile Food Vending Vehicle, or the selling of any food from a Mobile Vehicle in a Public Place within the Shoalhaven City Council Local Government Area without prior approval is an offence under the Local Government Act 1993.
- 10.7 Mobile Food Vending Vehicles will be issued an approval that will contain conditions of operation to be complied with at all times.

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- 10.8 Council will charge a fee for the relevant category of Mobile Food Vending Vehicle as per the schedule of fees and charges documents on Shoalhaven City Council's website.
- 10.9 Approvals shall take effect from the ~~date 1 July each year stated thereon~~ and shall expire ~~12 months after the date of approval on the 30 June in any given year;~~ or any other time as stated on the approval no greater than 12 months.

12.11. Approval categories

- 11.1 Council may grant approval to Mobile Food Vending Vehicles pursuant to the following categories:

11.1.1 Mobile Food Vehicle Approval under Section 68 of the LGA 1993 Category 1 – Food Itinerant (per Council POL16/240)

- (a) ~~Stopping Time: Allows the operator to occupy any one position on a public road for such period of time as necessary to engage in the actual serving of a customer. Once the customer/s have been served they are required to move on.~~
- (b) ~~Trading Conditions: only permitted to undertake street trading so long as not within 75 metres of an existing trading takeaway that offers similar products.~~
- (c) ~~Maximum Number of Approved Category 1 Permits: unlimited~~

11.1.2 Category 2 – Food Vans

- (a) ~~Stopping Time: Allows the operator to occupy any one position on a public road or car park for up to a maximum of 5 hours~~
- (b) ~~Trading Conditions: only permitted to undertake street trading so long as not within 1km of an existing trading takeaway that offers similar products; and Mobile Food Vehicles issued with an approval under Section 68 of the LGA 1993 are not subject to this Policy.~~

11.1.2 Mobile Food Vending Vehicle Permit (Category 2)

- (a) Stopping Time: Allows the operator to occupy any one position on a public road or car park for up to a maximum of 5 hours
- (b) Trading Conditions: only permitted to undertake street trading so long as not within 1km of an existing trading takeaway that offers similar products.

13.12. Applications for approval

- 12.1 The completed forms must be accompanied with supporting documentation required as outlined in the application form "Application for Mobile Food Vending Vehicle – Permit – Council owned and managed land", including: ~~not~~

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- a) BUSINESS PLAN-a: A detailed documented outlining your set of business goals, objectives, target market information and financial forecasts that you are aiming to achieve over the period of approval.
- b) OPERATIONAL PLAN OF MANAGEMENT: ~~a. You must create a~~ A detailed plan for your business outlining how you will manage food safety and operational issues. The plan is a simple document that describes the steps required to ensure that the food you sell is safe to eat. It must include details on ~~how Page 5 of 7 you will identifying and managing~~ food safety, and any environmental impacts such as noise, litter, wastewater disposal and odour.
- c) Approval for Mobile Food Vending Vehicle in accordance with the LGA 1993 Section 68:
- d) Public Liability Insurance certificate of currency to the value of \$20,-000,000 noting Shoalhaven City Council and The Minister administering the Crown Land Management Act 2016 as interested parties:
- e) Third Party Property Damage to the value of \$20,-000,000.

he Mobile Food Vending Vehicle Guidelines.

14.13. Fees

- 13.1 An application fee applies to the assessment of an application for the approval to operate a Mobile Food Vending Vehicle. Applications not accompanied by a payment of the applicable fee will not be processed and may be refused after 5 days if a payment is not made.
- 13.2 An inspection fee is payable at the time of inspection. The fee covers the initial inspection of the vehicle, which is required prior to commencing Trade.
- 13.3 An annual ~~approval (permit)~~ fee in addition to 13.1 and 13.2 above also applies.
- 13.4 Incomplete applications may also be rejected if additional information is not supplied within 5 days of request. Fees will not be refunded.
- 13.5 Council will not refund any fees paid if the business is sold or transferred. The purchaser will need to reapply for approval under this Policy.

15.14. Vehicle inspections

- 14.1 All Mobile Food Vending Vehicles must have their vehicles inspected as per Council's Shoalhaven Local Approvals Policy -POL22/15046/240.
- 14.2 Random inspections may be conducted by Council Officers during trading locations and times.

16.15. Issuing of approvals

- 15.1 Approvals and/or temporary licences Permits will be issued on a per vehicle basis.
- 15.2 An approval Permit will be provided to all Mobile Food Vending Vehicles when final approval has been issued.
- 15.3 The approval Permit must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.
- 15.4 Any modifications to the vehicle, excepting cosmetic, requires prior approval of Council.

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- 15.5 Any modification of the Operational Plan of Management must be applied for in writing to ~~Council, and Council and~~ be accompanied by the appropriate paperwork. An additional assessment fee may be applicable.
- 15.6 Approvals are specific to each Mobile Food Vending ~~Vehicle~~Vehicle, and they are not transferrable between vehicles.
- 15.7 No ownership transfer of Council approval (by either Section 68 Local Government Act (NSW) or ~~Section 108~~Crown Land ~~Management s~~-Act (NSW)) 2016 is permitted. All applicants will be required to pay the appropriate fee, and lodge all new application paperwork specific to their business prior to any approvals being issued to the new owner.
- 15.8 Approvals will be issued subject to conditions including, but not limited to, compliance with the Policy.
- 15.9 Applications for renewal of approvals must be lodged prior to 30 May in any given year sufficiently in advance of the expiry date to enable an adequate processing period.
- 15.10 A new application will be assessed at time of application and terminate at 30 June in that financial year. If a trader ceases trading, or does not trade for a period of longer than 6 months, Council will reserve the right to revoke their approval;
- 15.11 Failure to adhere to any condition of approval and/or legislation may result in modification, suspension or revocation of the approval, in addition to persecution or the issue of fines;
- 15.12 Operators must notify the NSW Food Authority of their Food Business prior to commencement of operation.

17.16. Locations

- 16.1 A Mobile Food Vending Vehicle approval entitles operators to Trade in the following locations:
 - 16.1.1 Street Vending:
 - (a) All approved Mobile Food Vending Vehicles are permitted to operate on Council owned roads, car parks and within existing Lawful Car Parking Spaces, subject to the exclusions noted within the Policy.
 - (b) All approved Mobile Food Vending Vehicles must comply with Local Car Parking Restrictions.
 - (c) All approved Mobile Food Vending Vehicles are permitted to pull up to the kerb, into a Lawful Car Parking Space, and to Trade onto the Footpath.
 - (d) All approved Mobile Food Vending Vehicles are not permitted to park on the footpath or on driveways.
 - (e) In instances where no markings exist the *Road Rules 2014* are to be adhered to and obeyed at all times.

18.17. Prohibited roads, streets and land

- 17.1 Mobile Food Vending Vehicles are not permitted to trade:

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- 17.1.1 On classified roads under the authority of Transport for New South Wales (TfNSW Roads and Maritime Services (RMS)) controlled roads;
- 17.1.2 Where it is dangerous to do so;
- 17.1.3 In contravention of the Road Rules 2014;
- 17.1.4 On Crown Land where Council is not the Reserve Trust Crown Land Manager; and
- 17.1.5 On streets within 1km of an existing shopping precinct/village.

19.18. Truck dimensions

- 18.1 The dimensions of a Mobile Food Vending Vehicle must not exceed the length of 6 metres and must be no wider than 2.5 metres.

20.19. Parking

- 19.1 Mobile Food Vending Vehicles must operate in full compliance with existing road rules and parking restrictions, unless it is impracticable and/or unsafe to the operator and the public when operating on Council Owned or Managed land (including roads), including no parking on Footpaths or across Driveways.

21.20. Deliveries

- 20.1 All Approved Mobile Food Vending Vehicles must arrive fully stocked and equipped at all Trading Locations and are not permitted to receive any Deliveries.

22.21. Serving

- 21.1 All Mobile Food Vending Vehicles must not:
 - 21.1.1 sell with their serving window opening onto any part of a roadway to ensure the safety of pedestrians; and
 - 21.1.2 face with their serving window opening onto a cycleway, to ensure the safety of pedestrians and cyclists and to minimise pedestrian traffic across the cycleway.

23.22. Hours of operation

- 22.1 Mobile Food Vending Vehicles must only trade only for a maximum of 5 hours between the hours of 7am to 7pm irrespective of the Category of approval unless otherwise approved.

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24.23. Proximity to other premises

- 23.1 All Mobile Food Vending Vehicles are prohibited from conducting Trade within 1km of an existing shopping precinct/village or existing takeaway food and drink premises open for business that is serving the same or similar food and/or drink types. This minimum distance requirement is measured by road (shortest route from shop to MFV Vehicle set up point)
- 23.2 For the purpose of this Policy, Existing Takeaway Food and Drink Premises include only the types of take a way food and drink premises that are used predominately for the preparation and retail of food and drink (or both) for immediate consumption away from the premises.
- 23.3 All Mobile Food Vending Vehicles are prohibited from conducting Trade directly in front of any Residential Building (house or apartment) or Mixed Use Site (building that contains residential premises) on the same side of the road as the Building Frontage.

25.24. Liquor licencing

- 24.1 All Mobile Food Vending Vehicles are prohibited from obtaining a Liquor Licence and/or selling alcohol to the Public.

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PART 3: OTHER CRITERIA REQUIREMENTS

AMENITY REQUIREMENTS

26-25. Noise, Air, Water Pollution and Odour

- 25.1 The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, must comply with the following criteria:
 - 25.1.1 The use of the vehicle and any associated equipment must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 (POEO) to any affected receiver.
 - 25.1.2 If any noise complaints are received and substantiated by an authorised Council officer, the Council officer may direct that the use of the Mobile Food Vending Vehicle must be suspended or moderated to prevent nuisance or until attenuation measures are completed and the Council has confirmed in writing that the use may resume.
- 25.2 The use of amplified music, bells or a public address system is prohibited for Category 2 Mobile Food Vending Vehicles.
- 25.3 Amplified music or bells can only be used by [Mobile Food Vending Vehicles with an approval under Section 68 of the LGA 1991](#)~~Category 1 Mobile Food Vending Vehicles:~~
 - ~~25.3.1 whilst the vehicle is moving; and~~
 - ~~25.3.2 only between the hours of 9am – 7pm.~~
- 25.4 Any noise emission from the Mobile Food Vending Vehicle ~~(including music or amplified noise from a Category 1 vehicle)~~ must not affect the amenity of the surrounding area or adjacent noise sensitive receivers by creating noise that is considered 'offensive' by an Authorised Council Officer or Police Officer, in accordance with the POEO definition.
- 25.5 A Mobile Food Vending Vehicle must not emit any noise that an Authorised Council Officer believes to be unreasonable in a public place or impact upon a noise sensitive receiver.
- 25.6 An Authorised Officer may require the Mobile Food Vending Vehicle to move if necessary. An Authorised Officer also has the authority to request that the Mobile Food Vending Vehicle leave the area.

27. Noise and odour

- 25.7 All Mobile Food Vending Vehicles' technical operations, including ancillary exhaust, discharge fans, cooking facilities or generator noise shall be minimised.
- 25.8 If any noise, odour or smoke complaints are received and substantiated by an Authorised Council Officer, then the use of the vehicle or apparatus must be moderated as directed by an Authorised Council Officer as deemed necessary to prevent nuisance.
- 25.9 If the vehicle or ancillary equipment is producing smoke and/or odour that is considered to be air pollution as defined in the *Protection of the Environment Operations Act 1997* by an authorised officer then the use of the vehicle or

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equipment must be moderated as directed by an authorised Council Officer as deemed necessary to prevent the pollution from occurring.

CL22.552 - Attachment 1

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28-26. Water

- 26.1 Waste water, grease or any other pollutant including solid waste or litter must not be allowed to enter the stormwater. All waste items must be contained within the vehicle until it can be appropriately disposed of at a waste facility nominated in the Operational Plan of Management.

29-27. Vehicle equipment

- 27.1 Shall be in accordance ~~with Council's POL 16/240~~ [Guidelines for Mobile Food Vending Vehicles – NSW Government Food Authority](#) and you have prior approval as a mobile food vending vehicle in accordance with [LGA Section 68e](#).

30-28. Customer seating

- 28.1 The placement of tables, chairs or other seating apparatus, is not permitted at any time in or around the Mobile Food Vending Vehicle.

31-29. Garbage and recyclable materials

- 29.1 Suitable garbage receptacles with close fitting lids are to be provided in the Mobile Food Vending Vehicle.
- 29.2 When directed, a suitable receptacle shall be provided outside the Mobile Food Vending Vehicle for depositing of take away food containers and other litter associated with the Trade of the Mobile Food Vending Vehicle.
- 29.3 Garbage generated within the Mobile Food Vending Vehicle is not to be disposed of at Public Garbage Bins. It is to be collected and contained until disposal at approved garbage disposal sites can occur.
- 29.4 Operators must recycle [where possible](#).

32-30. Waste management and recycling

- 30.1 Mobile Food Vending Vehicle Operators are responsible for the Waste Materials generated during the trading period. Waste Materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, stored within the vehicle and disposed at the cost of the operator.
- 30.2 Any waste produced by the Mobile Food Vending Vehicles must be removed from the site by the Mobile Food Vending Vehicle operators at the end of the trading period.
- 30.3 The trading area must be left in a clean and tidy condition at the end of each trading interval.
- 30.4 Under no circumstances is Liquid Waste to be discharged to the ground or in the stormwater drain.
- 30.5 Details of Liquid Waste and garbage disposal arrangements must be supplied with the application for the Mobile Food Vending Vehicles within the Operational Plan of Management.

33-31. Water supply

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- 31.1 All Approved Mobile Food Vending Vehicles must be provided with an adequate supply of potable water stored in food grade water storage containers and suitably protected against contamination for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes. Details of the supply of potable water and the cleaning process used for the storage tanks must be included in the Operational Plan of Management.
- 31.2 Mobile Food Vending Vehicles must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning. Details of the disposal and cleaning process used for the waste water storage tanks must be included in the Operational Plan of Management.
- 31.3 Mobile Food Vending Vehicles must dispose of all Liquid Wastes through the sewer (and grease trap where necessary – contact Shoalwater for additional advice) or as approved by the Environmental Health Officer. The disposal method and location is to be included in the Operational Plan of Management. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.
- 31.4 All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water. Hot water must be available at all times during the preparation and sale of food.

34.32. Construction and equipment requirements

- 32.1 Refer to [Guidelines for Guidelines For Mobile Food Vending Vehicles – NSW Government Food Authority Council POL16/240](#) for details regulating safe food handling in accordance with the *Food Act 2003*.

35.33. Penalties applicable to approvals

- 33.1 The penalties for failure to obtain an approval or failure to comply with an approval for a Mobile Food Vending Vehicle are set out in the Local Government Act 1993 and the Local Government (General) Regulation 2005. Council reserves the right to determine the legal remedy for breaches of this Policy.
- 33.2 City Rangers or other Authorised Council Officers may take enforcement action for non-compliance with the Policy and all related Legislation.
- 33.3 [Should Council issue non-compliance notice, then Council at its sole direction may rescind the Mobile Food Vending Vehicle permit.](#)

Food - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land - LAP(2)

APPENDIX 1 – DEFINITIONS

The terms used within this Local Approvals Policy for Mobile Food Vending Vehicles are defined in the Dictionary in the *Local Government Act 1993*, Section 4 Definitions of the *Food Act 2003* and Section 3 of the *Food Regulation 2010*.

The purpose of this Dictionary is to assist with the understanding of terms used throughout this Policy and to assist with the preparation of an application for approval. Unless the context otherwise requires, in this Policy:

Approval means an approval that is issued under the *Local Government Act 1993* or the *Crown Lands Management Act* in the case of land where Council is the ~~Reserve Trust~~ Crown Land Manager.

Authorised Officer means:

 (a) An employee of a council generally or specially authorised by the council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used, or

 (b) A police officer.

Equipment means a machine, instrument, apparatus, utensil or appliance – other than a single use item – used or intended to be used or in connection with food handling and includes an equipment used or intended to be used to clean the Mobile Food Vending Vehicles or equipment.

Existing Take-away Food or Drink Premises means any take-away food or drink outlet that was trading prior to the Mobile Food Vending Vehicle approval to trade.

Food means:

 (a) Any substance or thing of a kind used, or represented as being for use, for human consumption (whether it is live, raw, prepared or partly prepared), or

 (b) Any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a), or

 (c) Any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as a processing aid, or

 (d) Chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum, or

Food - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land - LAP(2)

- (e) Any substance or thing declared to be a food under a declaration in force under section 6 of the Food Standards Australia New Zealand Act 1991 of the Commonwealth, whether or not the substance, thing or chewing gum is in a condition fit for human consumption.
- (f) However, food does not include a therapeutic good within the meaning of the Therapeutic Goods Act 1989 of the Commonwealth.
- (g) To avoid doubt, food may include live animals and plants.

Kerb

means:

- (a) a structured kerb at the side of the road; or
- (b) where no such structure exists, the side of the road.

Lawful Car Parking Space

means:

- (a) a length of road or area designated for parking vehicles pursuant to the Road Rules 2014 and/or other existing laws and regulations; or
- (b) a length of road or area not specifically designated for parking vehicles but safely positioned so not as to cause an obstruction or danger to traffic, pedestrians and/or otherwise compromise the general safety of the area.
- (c) It is not an area that is restricted to emergency vehicles, marked mobility parking only or otherwise does not comply with the existing road laws, rules and regulations.

Liquid Waste

means any Waste in the form of a liquid that is generated from the Mobile Food Vending Vehicle or generated as a result of the Trade of the Mobile Food Vending Vehicle

Local Car Parking Restrictions

means parking restrictions pursuant to the existing laws, rules, laws and regulations.

Mobile Food Vending Vehicles

means:

- (a) any registered vehicle that is either self-driven, or can be towed by a registered vehicle and that is used in connection with the sale of food; and
- (b) used for on-site food preparation (e.g. hamburgers, tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food or beverage, including pre-packaged food.

Food - Management of Mobile Food Vending Vehicles on Council Owned or Managed Land - LAP(2)

Operational

Plan of Management means a detailed document that outlines specific controls and management of amenity, food safety and operational issues created by the operator for their Mobile Food Vending business. This Operational Plan of Management must be submitted to Council in conjunction with a Mobile Food Vending Vehicles approval application and other supporting documents. Guidelines and templates for writing an Operational Plan of Management can be found on Council's Webb site.

Potable water means water that is suitable and safe for human consumption.

Shoalhaven City
Council Local

Government Area means the area that is depicted in [map reference]

This Policy means the Management of Mobile Food Vending Vehicles on Council Owned or Managed Land, Policy Number POL22/10615/84

Waste

means:

- (a) Effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) Trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) Garbage, being all refuse other than trade waste and effluent, and
- (d) Includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

REPORT OF GENERAL MANAGER**POLICY AND RESOURCES COMMITTEE****TUESDAY, 17 SEPTEMBER 2013****ASSETS AND WORKS****ITEMS TO BE DEALT WITH UNDER DELEGATION OF COUNCIL****1. Options for Toilets - Wowly Creek File 7677E**

SECTION MANAGER: Martin Uptis.**PURPOSE:** Delivery Program Activity: 5.1.2.35

To consider the options for providing a toilet facility at Wowly Creek Callala Bay.

RECOMMENDED that, in accordance with the Committee's delegated authority from Council, Council continue to provide a 'port-a-loo' at Wowly Creek for the three annual school holiday periods, other than the winter break.

OPTIONS

1. As recommended. Provide a 'port-a-loo' for three school holiday periods per year as this is the lowest cost short term and long term option while still providing a service during peak periods.
2. Construct a public amenity at this site, a single unisex model, similar to Parkes Crescent, Callala Beach and Berrara Flats, Berrara.
3. Construct a public amenity at this site, a double unisex model, similar to Bicentennial Park, Callala Bay.
4. Construct a public amenity at this site, including male, female and disabled toilets, similar to Callala Bay Boat ramp.
5. Construct a public amenity at this site that is purchased off-the-shelf, similar to Myola Boat Ramp.
6. This Committee not accept the recommendation and provide an alternative, giving reasons.

DETAILS

Council resolved, at its meeting on 21 June 2013, (MIN13.670) that:

“a report be provided to Councillors on options for toilets to be located at Wowly Creek for the benefit of Callala Bay residents and tourists. Such report to include assets that currently are scheduled ahead of this project and further that the report address the feasibility of including toilet blocks that are available off the shelf”

Council also resolved, at its meeting on 3 September 2013, (MIN13.922) that:

“Council prepare a costing for a single unit composting toilet for Willinga Point at Bawley Point so that it can be considered in the long term financial plan and future budget sessions.”

Shoalhaven City Council has 131 public amenities buildings. Public amenities are normally provided in conjunction with other facilities to increase their utilisation. Amenities are provided in areas of high activity such as: waterway facilities; commercial/shopping centres; and Parks/reserves.

- # Six public amenities are currently provided in the Callala/Myola area (see **Attachment ‘A’**). Details of locations are available through National Public toilet map and Council’s website.

Options for toilets to be located at Wowly Creek

- Council designed single use unisex accessible facility.
- Council designed twin accessible facility.
- Various pre-fabricated, ready-to-assemble buildings.
- Pre-assembled single or dual ‘Exceloo’ facilities.
- Pre-fabricated ‘composting’ facilities.
- Temporary port-a-loo facilities.
- No facilities for Wowly Creek.

- # A concept design of a public amenity for Wowly Creek, in Monarch Place, Callala Bay has been undertaken (**Attachment ‘B’**) and the design is for a single use unisex accessible facility. This design has been well received at other locations in the Shoalhaven, such as Berrara Creek flats, Berrara and more recently Parkes Crescent, Callala Beach. The design allows for future expansion, family use, safer by design principles and complies with Australian Standards especially for access and mobility provisions.

Community Requests for Public Amenities

- # There is considerable community pressure to provide new facilities or refurbish existing facilities throughout the Shoalhaven including Callala Bay. The draft Asset Management Plan (AMP) for public amenities (toilets) is currently on public exhibition and it identifies 23 other sites that have received similar requests from the community for a new public amenity in their area, including Willinga Point, Bawley Point (**Attachment ‘C’**).

The draft AMP for public amenities (toilets) also identifies a life expectancy of 50 years on average for a public amenity. Thus 2.6 public amenities should be replaced each year to ensure, as a minimum, the public amenities do not exceed 50 years in age.

There are currently six public amenities constructed prior to 1970 - three of which have been refurbished, two proposed to be refurbished or replaced and one identified for decommissioning.

There are currently 62 public amenities remaining that were constructed in the 1970s, the majority of which are pre-cast concrete slabs and have issues with accessibility needs, safer by design provisions and concrete cancer.

These public amenities are being replaced on a priority basis which considers utilisation and other factors. A recent example is the replacement at the Cambewarra Lookout toilets.

Assets that currently are scheduled ahead of proposed public amenity at Wowly Creek

Monarch Place provides beach access through a small public reserve adjacent to Wowly Creek. The nearest public amenity is located at the Callala Bay boat ramp about 1 km away.

The replacement/refurbishment or extensions of the following public amenities are considered higher priorities:

- Huskisson - Moona Moona Creek;
- Ulladulla - Boree street, Sea Pool & Green Street;
- Milton - Mick Ryan reserve;
- Berry - CBD;
- Bendalong - Boat Ramp; and
- Callala Beach - adjacent to community centre.

The Resourcing Strategy emphasises the need to increase asset renewal and focus less on new capital works so there are no new amenities included as 'high' priority, although the draft AMP ranks all new and replacement projects. The projects ranked under new amenities above Wowly Creek are:

- Village Green, Milton (Priority 1);
- North Nowra shops (2);
- Crookhaven Heads (3);
- Moore St, Burrill Lake (4);
- Culburra shops - west (5);
- Fisher St, Wrights Beach (6);
- Jerry Bailey Reserve, Shoalhaven Heads (7);
- North Bendalong (8);

- Hazel Robotham Reserve, Fishermans Paradise (9); and
- Wowly Creek (10).

By comparison, the construction of a new composting toilet at Willinga Point, Bawley Point is priority number 20.

The current capital works budget has only allowed for, on average, the replacement of one public amenity every two years.

The completed program of works is shown in Table 1.

Table 1: Major amenities works in past 7 years

Year	Locality	Location	Comment
2012/13	Beaumont	Cambewarra Lookout	Replace 1960 building
2011/12	Callala Beach	Parkes Crescent	New
2010/11	Swan Lake	Ski Park	New
2009/10			
2008/09	Kangaroo Valley	Showground Pool/CBD	Replace 1974 building
2007/08	Berrara	Berrara Creek	New
2006/07	Culburra	Tilbury Cove	New

Feasibility of including toilet blocks that are available off-the-shelf.

Council officers have investigated various options of providing amenities in the most cost effective measure. A number of companies provide solutions, from prefabricated and fit out facilities to flat pack options that require construction.

Off-the-shelf facilities vary in price and require constructing/installing and replacement of components usually sooner than components in Council constructed public amenities as they are not as durable or vandal proof.

The Council-designed facilities have considered anti-social behaviour, criminal activity, vandalism, safety issues with broken components and image. The design has been well accepted and forwarded to a number of other councils upon request. Thus a higher capital cost enables lower operating costs and an improved whole-of-life cost.

FINANCIAL IMPLICATIONS:

Council's Long Term Financial Plan (LTFP) makes no budget provision for the construction of new public amenities. The annual LTFP provision for the replacement of old public amenities is less than half the amount required by the AMP.

The cost to construct a single unisex public amenity close to the road and provide services is estimated at \$55,000. Operating costs would be similar to other similar sized public amenities at \$6,500 per annum.

The whole-of-life cost for a 50 year life at 3% inflation and allowing for programmed maintenance and renewal of sub-asset components is over \$800,000 or \$170,000 Net

Present Value, assuming constant 6% discount rate. This includes a full replacement at 25 years and painting, cleaning and other maintenance activities.

Table 2 summarises the type of facility, Net Present Value; and whole-of-life calculation; initial construction cost and the first year operating cost.

Table 2

Type of public amenity	Net Present Value	Whole-of-life cost (50 years)	Construction cost	First Year operating cost
Conventional Public Toilet	\$ 170,166	\$ 802,348	\$ 55,000	\$ 6,500
Conventional Public Toilet - twin	\$ 302,681	\$ 1,318,921	\$ 110,000	\$ 11,930
Exeloo Titan 01 - single use	\$ 272,172	\$ 1,089,309	\$ 125,000	\$ 10,710
Exeloo Jupiter 02 - twin use	\$ 405,295	\$ 1,799,274	\$ 165,000	\$ 16,020
Composting toilet – single use	\$ 165,437	\$ 732,348	\$ 40,000	\$ 6,500
Port a loo	\$ 2,400	\$ 145,732	\$ -	\$ 2,400

This is summarised in a graph (**Attachment ‘D’**).

The current operating budget for 131 public amenities in the Shoalhaven is \$1,400,000 which averages out at for each public amenity at \$10,500 per annum or about \$200 per week.

Best practice asset management and financial sustainability principles suggest that the replacement of existing public amenities should be fully funded before any more new amenities are constructed.

COMMUNITY ENGAGEMENT:

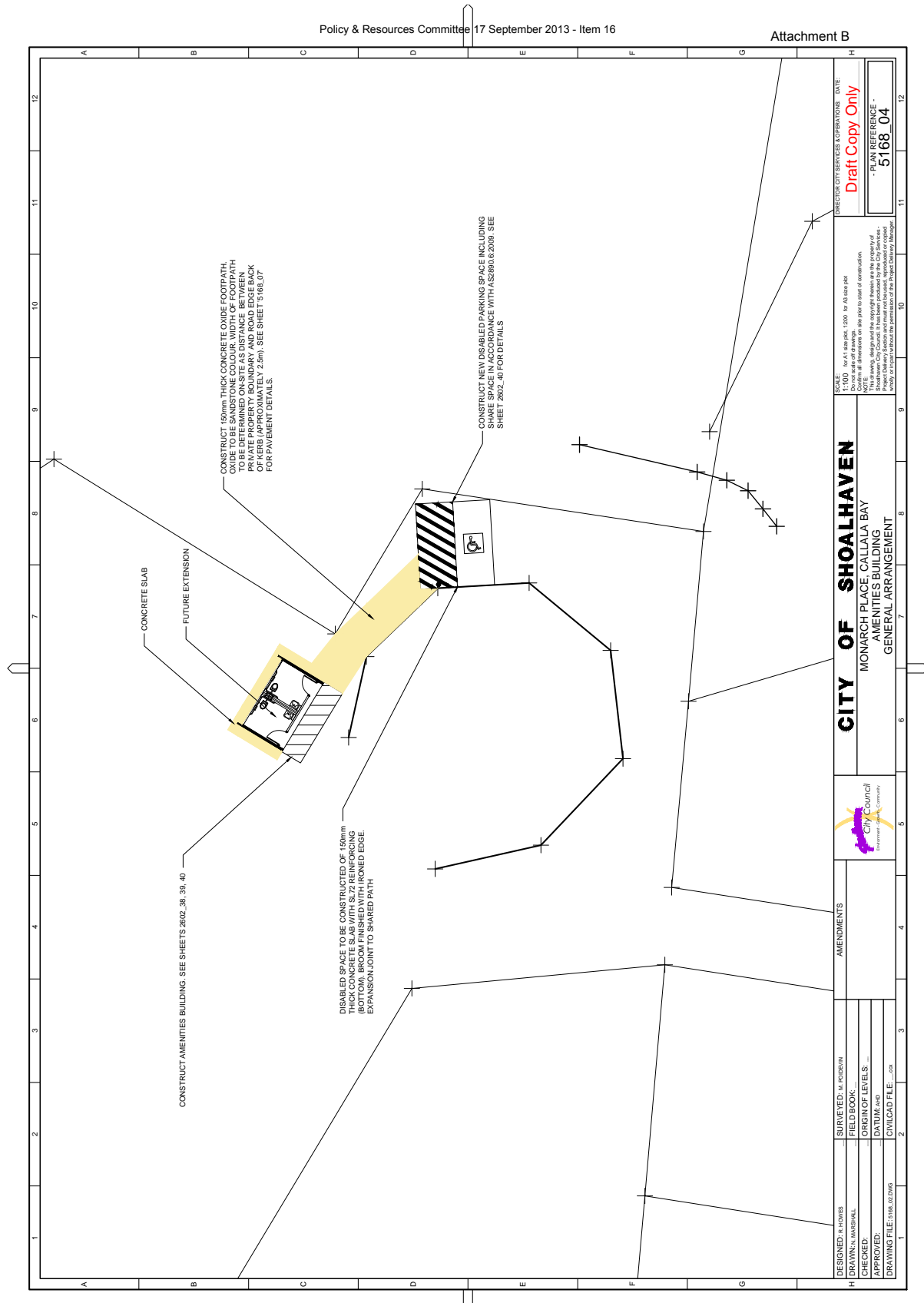
Under Council's Community Engagement Policy, the provision of a 'new' toilet at Wowly Creek has been assessed as 'Local Area / Low Impact'.

The community consultative body for Callala Bay and residents of Callala Bay have regularly requested, since 2001, the construction of new public amenities at Wowly Creek.

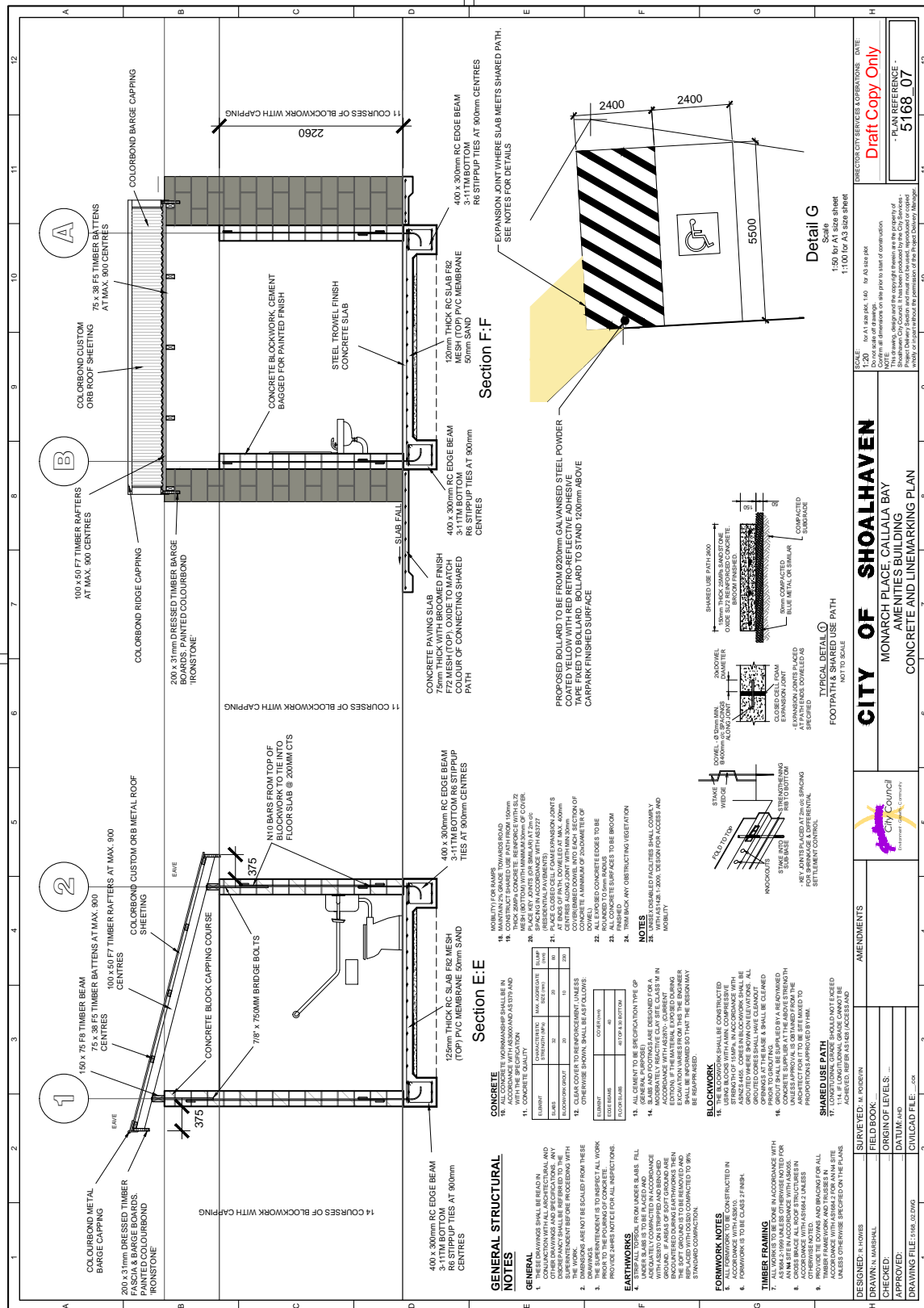
The Asset Management Plan for Public Amenities, assessed as 'City-wide / Low Impact', is currently on public exhibition. It prioritised all toilets in Shoalhaven. It had previously been on public exhibition in 2005 and from this process a proposed toilet for Wowly Creek was prioritised.

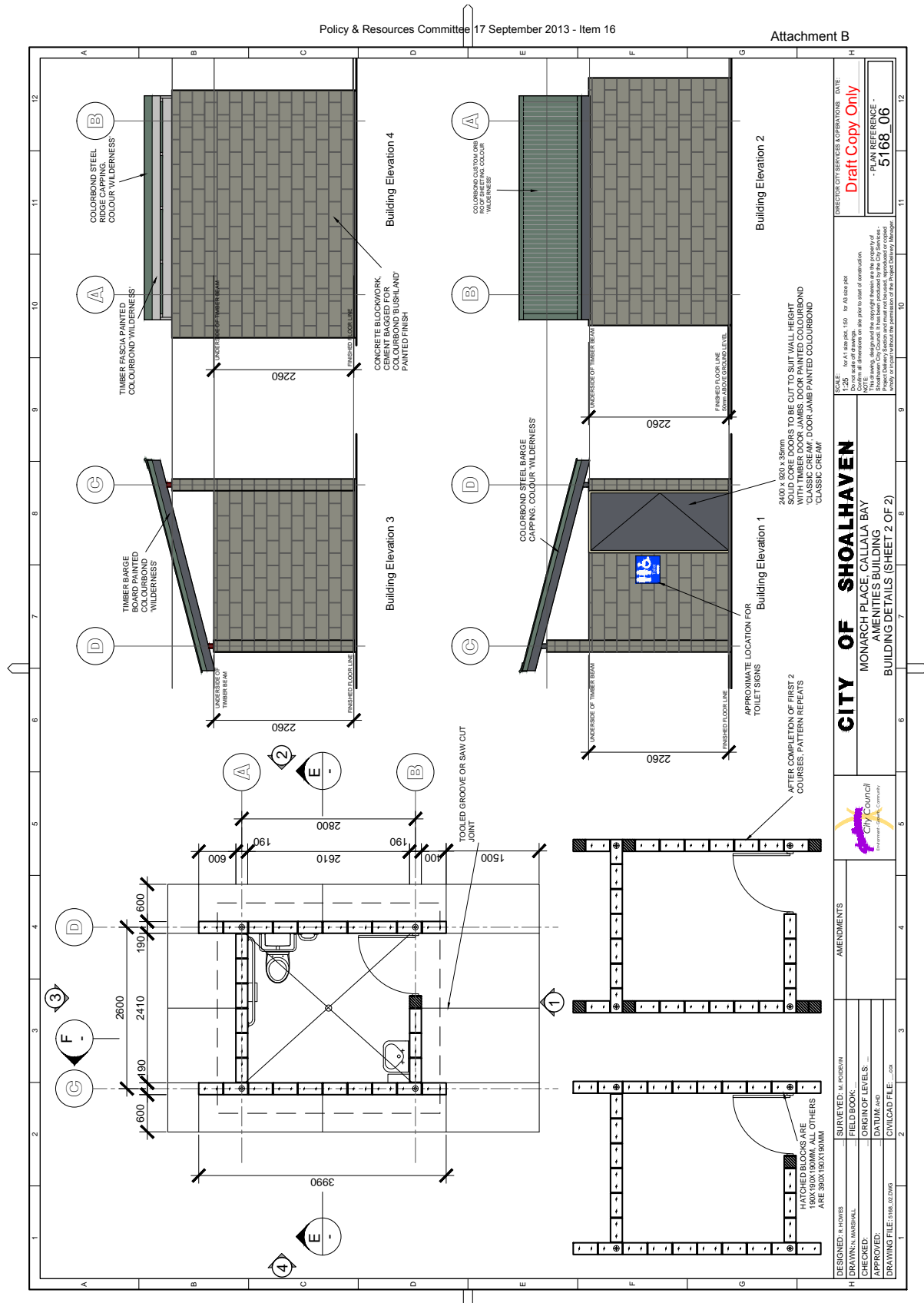






CL22.557 - Attachment 2





CL22.557 - Attachment 2

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Attachment C

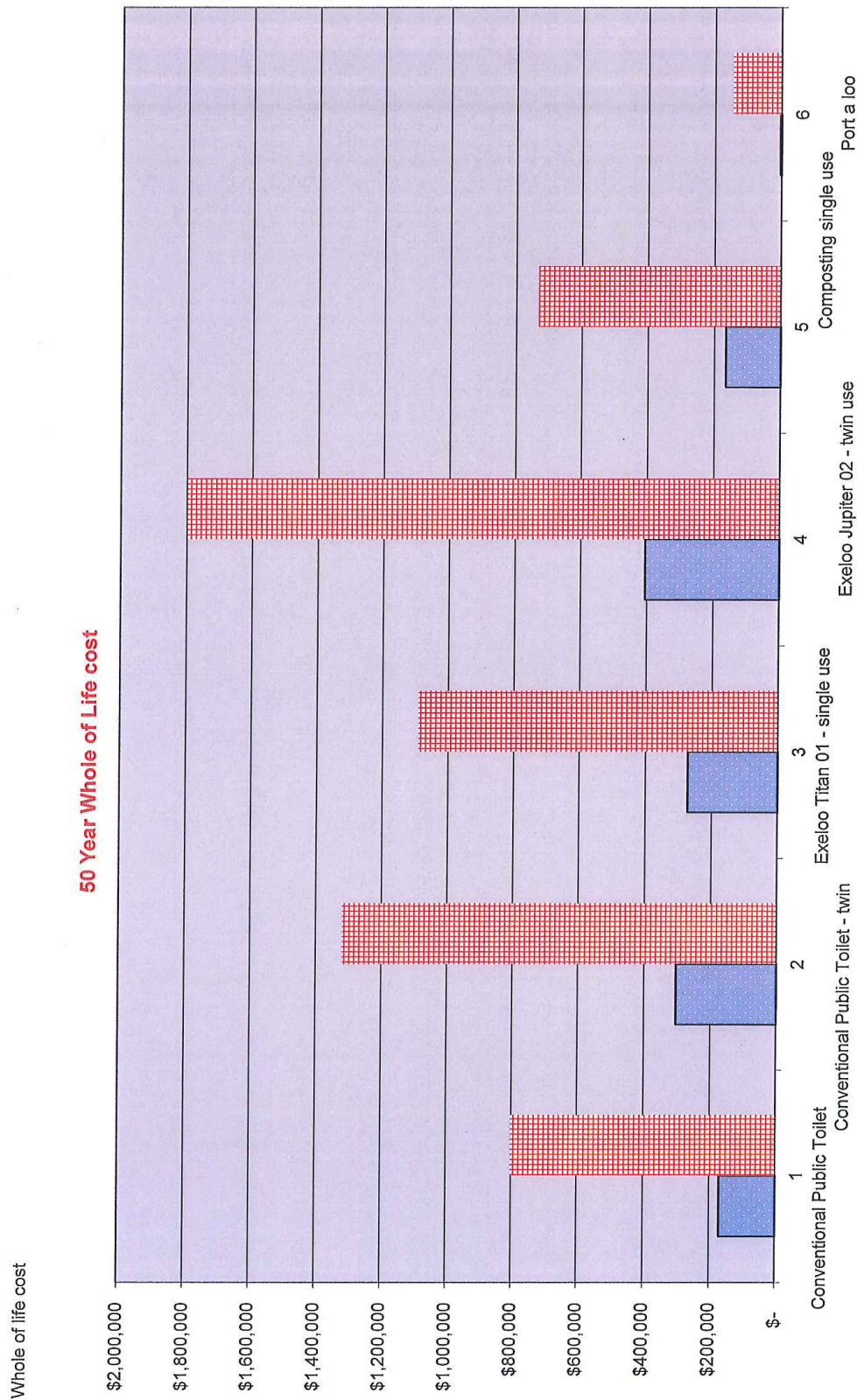
Option Locations for New Amenities

• Culburra	Crookhaven Headland
• Burrill Lake	Moore Street Reserve
• Milton	"Village Green"
• Shoalhaven Heads	Jerry Bailey Reserve
• Sussex Inlet	River Rd near Chris Ck
• Callala Bay	Wowley Ck Reserve
• Bendalong	Reserve off Holly St
• North Nowra	North Nowra Shops
• Ulladulla	North Head
• Bawley Point	Gannett Beach Reserve
• Culburra	Shopping Centre
• Narrawallee	South Narrawallee Beach
• Nowra	Rayleigh Gardens Tennis Courts
• Old Erowal Bay	Public reserve
• St Georges Basin	Island Point Road Shops
• Ulladulla	Racecourse Creek Reserve
• Bawley Point	Wilanga lake carpark
• Greenwell Point	Shaws Creek Reserve
• Kangaroo Valley	NE of Hampden Bridge
• North Nowra	The Grotto
• Nowra	Paringa Park
• West Nowra	Thompsons Point
• Wrights Beach	Off Fisher St

CL22.557 - Attachment 2

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Attachment D



CL22.557 - Attachment 2

Shoalhaven Entertainment Centre Sponsorship Policy

Adoption Date:	21/09/2010
Amendment Date:	29.09.22
Minute Number:	MIN10.1110, MIN13.393
Review Date:	29.09.25
Directorate:	City Lifestyles
Record Number:	POL16/207

CL22.559 - Attachment 1

Shoalhaven Entertainment Centre Sponsorship Policy

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Shoalhaven Entertainment Centre Sponsorship Policy

1. Purpose

To provide guidelines for activities Council sponsors via the City Lifestyles Directorate and Shoalhaven Entertainment Centre.
Provide guidelines when the Centre is seeking external funding or sponsorship to support its activities.

This policy applies to Shoalhaven Entertainment Centre (SEC) staff to:

- 1.1. Leverage business opportunities
- 1.2. Diversify income streams
- 1.3. Guide staff in professional conduct when seeking or awarding sponsorship
- 1.4. Avoid unintentional conflicts
- 1.5. Protect staff and councillors
- 1.6. Ensure sponsorships are awarded fairly and transparently
- 1.7. Engage in strategic sponsorships to attract money or in-kind benefits
- 1.8. Build relationships in the community

2. Statement

Council funds the core operational activities of the SEC, however additional sources of funding may be required to leverage Council's investment in bringing arts and culture to the community.

This policy is designed to:

- 2.1. Provide political, ethical and legal guidance to the development and delivery of sponsorship agreements between Council and potential fundraising or sponsorship related to stakeholders within and beyond the Local Government Authority (LGA)
- 2.2. Create opportunities for mutual benefit between the SEC and its stakeholders within or beyond the LGA
- 2.3. Provide financial or other in-kind resources to enhance and extend the SEC's profile and activities
- 2.4. Create opportunities for Council to further engage with business, industry, government or community
- 2.5. Ensure sponsorship provides an agreed and adequate potential return on investment

3. Exclusions

SEC will not enter into sponsorship agreements with enterprises which are considered to:

- 3.1. Diminish or are seen to diminish public confidence in the Venue or its programmes, and therefore Council

Shoalhaven Entertainment Centre Sponsorship Policy

- 3.2. Have the potential to reflect negatively on the Centre and therefore Council
- 3.3. Discriminate on the basis of race, sex, sexuality, disability or religion

The Centre will avoid entering into sponsorship agreements that might be perceived to endorse an organisation with unethical or unviable business practice; or a company which produces or offers goods or services that may be harmful to others or of inferior quality.

Council may refuse or cancel a sponsorship request or agreement which contravenes this Policy, without any financial impact to Council.
There should be no real or apparent conflict between the objectives and the mission of the sponsors and those of Council's City Lifestyles Directorate, or any department within Council.

Conflict with other Council sponsorships:

- 3.4. Proposed fundraising opportunities should be approved by the City Lifestyles Director
- 3.5. Joint ventures consultancies, grants, unconditional gifts, donations, bequests and endowments are excluded and should be managed separately to sponsorships.

Items prohibited from being used as sponsorship benefits:

- 3.6. Any item with compromises the facility's budget
- 3.7. Any item that may contravene Workplace Health & Safety policies or procedures
- 3.8. Any item which contravenes a licence or other contract held by Council
- 3.9. Any item with contravenes a policy or procedure of Council
- 3.10. Any request to operate Council property or equipment by any non-Council or non-qualified personnel

4. Definitions

The Independent Commission Against Corruption (ICAC) defines sponsorship as:
"Sponsorship means a contribution in money or kind, generally by the corporate sector or private individuals, in support of a public sector activity. It does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the government agency does not extend beyond some modest acknowledgement."

The difference between a sponsorship and a donation is the extent of the recognition given. Limited publicity is acceptable in relation to a donation, however an ongoing publicity campaign would be indicative of a sponsorship.

A donation is a gift provided with no expectation of a return benefit.

5. Provisions

This policy is informed by the Sponsorship Principles of the Independent Commission Against Corruption. The following principles, specific to SEC also apply:

Shoalhaven Entertainment Centre Sponsorship Policy

- 5.1. In most circumstances the public interest is best served by making sponsorship opportunities widely known, however this is not always the case. To this end sponsorship should generally, but not always, be sought by calling expressions of interest or by using other broadly based mechanisms, however at the discretion of the SEC, specific sponsors can be targeted.
- 5.2. Sponsorship will not be accepted for any business or product that is not in line with the image that the Shoalhaven Entertainment Centre wishes to convey.
- 5.3. It is inappropriate for a sponsorship proposal to provide any personal benefit to any Shoalhaven City Councillor or employee.
- 5.4. The sponsorship agreement should clearly detail how the sponsor's product/name will be used in any advertising or marketing.
- 5.5. Sponsorship arrangements should be avoided where there is a clear conflict between the prospective sponsor's objectives and those of Shoalhaven Entertainment Centre.
- 5.6. Sponsorship may be suspended, or terminated, if a sponsor attempts to influence any of Council's functions, or if the sponsor may be subject to regulation or inspection by Council.
- 5.7. Sponsorship arrangements must have no impact on Council procurement decisions and are assessed as a stand alone offer.
- 5.8. Most sponsorships are to be acquired by way of public invitation and the resultant arrangements are to be evidenced in written form. Written arrangements may be either:
 - 5.8.1. Formal legal agreements for sponsorship in excess of \$10,000 and/or sponsorships of more than one year's duration
 - 5.8.2. Based on correspondence for small sponsorships
- 5.9. SEC may accept sponsorship for short and/or long- term duration related to specific events, the building, suppliers, projects and/or activities.
- 5.10. Sponsorships may be in the form of cash or in-kind. The benefits and entitlements available to sponsors are to be determined prior to the calling of expressions of interest for sponsorships. These benefits and entitlements may take the form of categories set out in the Sponsorship guidelines.

6. Management of Process

Risk assessment:

- 6.1. Evaluate and understand the value of the sponsorship arrangement to potential sponsors
- 6.2. Seek and grant sponsorships by using broad-based, open processes that are not limited solely to invited sponsors
- 6.3. Assess sponsorship proposals against predetermined criteria that have been published in advance or are circulated to organisations that submit an expression of interest.
- 6.4. Arrange for the Director - City Lifestyles Director to approve sponsorships.

Shoalhaven Entertainment Centre Sponsorship Policy

- 6.5. Ensure sponsorship agreements do not impose conditions that may limit, or appear to limit the SEC's ability to carry out its functions fully and impartially.
- 6.6. Ensure the objectives and or mission statement of the sponsor are aligned with those of SEC and Council.
- 6.7. Ensure products provided by the sponsor are consistent with SEC's objectives and values.
- 6.8. Prohibit public officials from receiving a personal benefit directly from sponsors; and inform sponsors they are not allowed to offer such benefits.
- 6.9. Sponsorship and procurement activities should be kept entirely separate.
- 6.10. Any sponsorship involving naming rights is to be approved by the Director – City Lifestyles or by the CEO – Shoalhaven City Council.
- 6.11. All sponsorship is to be reported in Council's Annual Report
- 6.12. SEC must ensure sufficient resources are available to honour its side of the agreement.
- 6.13. All sponsorship agreements should be monitored during the sponsorship and assessed at the end of the period. This assessment could also provide an opportunity for the sponsor to work with SEC in evaluating the outcome of the sponsorship.
- 6.14. The sponsorship benefits which are to be provided should be commensurate with the level of sponsorship, and consistent with other sponsorship arrangements.
- 6.15. Any consideration given to the establishment of a sponsorship arrangement will be based upon maintaining or improving the brand and reputation of SEC and the sponsor within the community
- 6.16. All sponsorship arrangements will be clearly set out and include:
 - 6.16.1. The objective of the sponsorship
 - 6.16.2. The benefits to SEC and the sponsor, including economic benefits
 - 6.16.3. All personal benefits available to the sponsor's employees and relatives
 - 6.16.4. The objective of the sponsorship
 - 6.16.5. The forms of sponsorship acknowledgement which will be available
 - 6.16.6. The scope of uses which the sponsor can make of the arrangement
 - 6.16.7. Procedures for monitoring the sponsorship
 - 6.16.8. Financial accountability arrangements
 - 6.16.9. Provisions for termination of suspension of arrangements
 - 6.16.10. Provisions for conflict or dispute resolution or termination of the arrangement
 - 6.16.11. Any special conditions which apply to the sponsorship arrangement
 - 6.16.12. The evaluation process to occur after the sponsored event, project or activity

7. Seeking Sponsorship

Shoalhaven Entertainment Centre Sponsorship Policy

The SEC Manager can approve sponsorships within their financial delegation for events, community engagement activities, and in connection with support of its Seasons and presentations.

Should the current supplier be engaged by SEC staff in the supply of any goods or services, the conflict-of-interest form must be completed by the relevant sponsorship proposal and the sponsorship application will need to be evaluated by the Director – City Lifestyles.

Other sponsorship proposals, relating to the naming rights of the building and the different spaces within the venue need to be approved by the Director – City Lifestyles.

It may be appropriate to meet with the sponsors to discuss the sponsorship agreement.

All sponsorship proposals/agreements will comply with this Policy.

8. Providing Sponsorship

Applications requesting sponsorship from Shoalhaven Entertainment Centre should be compliant with Sponsorship by Council Policy. This public policy is published on Shoalhaven City Council's website.

<https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL12/272>

9. Review

This policy will be reviewed within one year of the election of every new Council.

Shoalhaven Entertainment Centre Sponsorship Policy

APPENDIX 1: Guidelines for Content of Sponsorship Proposal/Agreement

All proposals are to be in writing and should outline the following details where applicable:

- The exclusive or non-exclusive nature of the sponsorship
- The benefits to the sponsor
Give specific details: e.g.
 - Naming rights for a performance, season, programme or festival
 - Name and or logo of sponsor on advertising material, banners, tickets
 - Suppliers' arrangement if applicable
- The period of the sponsorship
- Payment arrangements
- Conditions of the sponsorship
Include the expectations and responsibilities of the sponsor. Be specific in listing what the sponsor is to provide.
- Any relevant insurance provisions
- Use of SEC logo
The Venue Manager must approve use of the SEC's logo by sponsors. The agreement should also state who will finance the costs associated with the provision of the logo if it is to be used at all.
- The agreement should also state who will finance costs associated with the new signage in the case of naming rights for the building, venue spaces or marketing materials.
- Confidentiality provisions
- Provisions for termination or suspension of the agreement
- Full contact details

Shoalhaven Entertainment Centre Sponsorship Policy

APPENDIX 2: Guidelines for Content of Sponsorship Proposal/Agreement

The following are the various areas that need to be addressed where it is proposed to seek sponsorship of a proposed/planned event, activity or project.

- The planned event, activity or project has been approved by the Entertainment Centre.
- A plan of the proposed event, activity or project has been prepared, including the following factors:
 - Objectives
 - Time tabling
 - Budget
 - Target audience
 - Type of sponsorship to be sought
 - Criteria for assessing sponsorship proposals
 - Methods for monitoring and evaluating the sponsorship

Sponsorship opportunities are to be advertised, and potential sponsors are to be provided with:

- An outline of the proposed event
- Proposed benefits for the sponsor
- Written criteria for assessment of potential sponsors
- Written submissions from potential sponsors must be assessed against the criteria
- Any conflict of interest for SEC or a proposed sponsor is to be declared in writing in accordance with relevant legislation and this Policy.
- Sponsorship arrangements submitted to and approved by relevant staff.
- Unsuccessful submissions will be notified in writing.
- Successful sponsors have been notified in writing and provided with the formal written sponsorship arrangement documentation, for consideration and formal acceptance, in accordance with the Sponsorship Guidelines.

The Sponsorship Arrangement must include:

- Benefits to SEC and to the sponsor
- The form or forms of accepted sponsorship
- The terms and conditions of the sponsorship
- A statement that acceptance of the sponsorship will not impose or imply any conditions that would limit, or appear to limit SEC's ability to carry out its functions fully and impartially without interference by the sponsors
- The sponsorship will have the flexibility to allow the Shoalhaven Entertainment Centre to be exempt from sponsorship obligations on certain pre-determined events.
- Details of the circumstances under which the arrangement may be reviewed or determined by parties to the sponsorship.

Shoalhaven Entertainment Centre Sponsorship Policy

APPENDIX 3: Communication/Evaluation

- During the term of the sponsorship proposal relevant parties shall maintain open dialogue on the effectiveness of the arrangement.
- The evaluation process should include the sponsor, the SEC Manager, the Director - City Lifestyles, and the person responsible for coordinating the sponsorship.
- Evaluation should be in the form of a written report including the following:
 - The value of the sponsorship in meeting Entertainment Centre's objectives
 - Comments on whether the sponsorship activity was well administered
 - Any difficulties or problems encountered
 - Comments by the sponsor about achieving the sponsorship objectives and the sponsor's view of the value of the arrangement
 - Reasons why the sponsor should/should not be considered for future opportunities



Shoalhaven Entertainment Centre Sponsorship Policy

Policy Number: POL 12/286

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1. PURPOSE

To ensure ALL sponsorship arrangements and related processes:

- Are in line with entertainment industry standards such as:
 - naming rights of the building.
 - food and beverage suppliers gaining exclusivity rights to the venue.
- To enable the Entertainment Centre to capitalise on its position and business type.
- Are in compliance with all known legislation, guidelines, etc.
- Will also provide a useful starting point for potential commercial sponsors and should ensure a consistent corporate approach to seeking sponsorship opportunities.
- Will clearly identify responsibility and accountability levels and reduce the risk of corrupt conduct.
- Will protect Shoalhaven Entertainment Centre, Shoalhaven City Council, Councillors and staff from being compromised in any way.
- Will guide Entertainment Centre staff in the determination of sponsorship applications, dealing with sponsorship issues, and in managing sponsors professionally.

2. STATEMENT

The Shoalhaven Entertainment Centre is attracting a growing list of individuals, corporations and other government agencies that are looking for sponsorship opportunities. The Shoalhaven Entertainment Centre is also looking to capitalize on its location, image and business type. The policy should complement Council's Code of Conduct.

It is proposed that the SEC seeks and enters into sponsorship arrangements in a number of different areas.

- Suppliers – such as food and Beverage
- Rooms – naming rights of different spaces within the venue such as the Auditorium
- The Building – Naming rights to the building
- Presenting a particular tour, event. – generally, but not limited to a media partner.

2.1. Definition

The Independent Commission Against Corruption (ICAC) defines sponsorship as:

“Sponsorship means a contribution in money or kind, generally by the corporate sector or private individuals, in support of a public sector activity. It does not include the selling of advertising space, joint ventures, consultancies and gifts or donations where the reciprocal benefit provided by the government agency does not extend beyond some modest acknowledgement.”

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The difference between a sponsorship and a donation is the extent of the recognition given. Limited publicity (e.g. a news story in a local paper) is acceptable in relation to a donation, however, any larger scale or ongoing publicity would be indicative of a sponsorship support.

3. PROVISIONS**3.1. Details of Policy/Procedure**

The revised Sponsorship Principles of the Independent Commission Against Corruption form part of this policy (see Appendix 6). The following principles, specific to Shoalhaven Entertainment Centre also apply:

- In most circumstances the public interest is best served by making sponsorship opportunities widely known, however this is not always the case. To this end sponsorship should generally, but not always, be sought by calling expressions of interest or by using other broadly based mechanisms, however at the discretion of the Entertainment Centre, specific sponsors can be targeted.
- Sponsorship will not be accepted for any business or product that is not in line with the image that the Shoalhaven Entertainment Centre wishes to convey.
- It is inappropriate for a sponsorship proposal to provide any personal benefit to any Shoalhaven City Councillor or employee.
- The sponsorship agreement should clearly detail how the sponsor's product/name will be used in any advertising or marketing.
- Sponsorship arrangements should be avoided where there is a clear conflict between the prospective sponsor's objectives and those of Shoalhaven Entertainment Centre.
- Sponsorship may be suspended or terminated if a sponsor attempts to influence any of Council's functions or if the sponsor may be subject to regulation or inspection by Council.
- Most sponsorships are to be acquired by way of public invitation and the resultant arrangements are to be evidenced in written form. Written arrangements may be either:
 - a. Formal legal agreements for large sponsorships and/or sponsorships of long duration
 - b. Based on correspondence for small sponsorships
- The Entertainment Centre may accept sponsorship for short and/or long term duration related to specific events, the building, suppliers, projects and/or activities.
- Sponsorships may be in the form of cash or "in kind". The benefits and entitlements available to sponsors are to be determined prior to the calling of expressions of interest for sponsorships. These benefits and entitlements may take the form of categories set out in the Sponsorship guidelines.

*Shoalhaven City Council – Shoalhaven Entertainment Centre Sponsorship Policy***3.2. Management of Process**

- Any Sponsorship involving naming rites to be approved by the Director, Finance and Corporate Services or by the General Manager subject to meeting times.
- All sponsorship to be reported in Council's Annual Report
- The Entertainment Centre must ensure that sufficient resources are available to honour their side of the agreement.
- All sponsorship agreements should be monitored during the sponsorship and assessed at the end of the period. This assessment could also provide an opportunity for the sponsor to work with the Entertainment Centre in evaluating the outcome of the sponsorship.
- The sponsorship benefits which are to be provided should be commensurate with the level of sponsorship, and consistent with other sponsorship arrangements.
- Any consideration given to the establishment of a sponsorship arrangement will include regard to the maintenance of a consistent and professional image of The Shoalhaven Entertainment Centre and the sponsor within the community at all times.
- All sponsorship arrangements whether formal or informal will clearly set out:
 - a. The objective of the sponsorship
 - b. The benefits to The Shoalhaven Entertainment Centre and the sponsor, including economic benefits available.
 - c. Any personal benefits available to the sponsor's employees and their relatives
 - d. The form or forms of sponsorship acknowledgement which will be available
 - e. The scope of uses which the sponsor can make of the sponsorship arrangement
 - f. The terms of the sponsorship and any conditions regarding renewal, if applicable
 - g. Procedures for monitoring the sponsorship, including the consequences of changes which may occur over time
 - h. Financial accountability arrangements.
 - i. Provisions for termination or suspension of arrangements
 - j. Provisions for conflict or dispute resolution or termination of the arrangement
 - k. Any special conditions which apply to the sponsorship arrangement
 - l. The evaluation process to occur after the sponsored event, project, activity, etc.

*Shoalhaven City Council – Shoalhaven Entertainment Centre Sponsorship Policy***3.3. Seeking Sponsorship**

- The Manager of the Shoalhaven Entertainment Centre can approve sponsorship for different events, tours, artists etc. This generally involves 'in kind' sponsorship with a media partner, i.e. 2ST presents the artist...
- Other sponsorship proposals with suppliers, naming rights of the building and the different spaces need to be approved by the Director of Finance and Corporate services.
- The staff member seeking sponsorship must submit a Sponsorship Request to their Group Director.
- Once a submission is approved the designated staff member can then seek sponsorship in writing (as per guidelines). Staff should allow for a minimum of eight (8) weeks when seeking financial assistance and a minimum of four (4) weeks for in-kind sponsorship or prizes.
- It may be appropriate to meet with the sponsors to discuss the sponsorship agreement in person.
- All sponsorship proposals/ agreements will comply with The Shoalhaven Entertainment Centre Sponsorship Policy.

4. IMPLEMENTATION

Individual staff members are responsible for compliance with this policy and submission of proposals to Group Directors.

The Director, Finance and Corporate Services will deal with submissions proposing sponsorship of an Entertainment Centre program or activity.

5. REVIEW

This policy will be reviewed within one year of the election of every new Council.

6. APPLICATION OF ESD PRINCIPLES

None Applicable

APPENDIX 1:**GUIDELINES FOR CONTENT OF SPONSORSHIP PROPOSAL/AGREEMENT**

All proposals are to be in writing and should outline the following details where applicable:

- The exclusive or non-exclusive nature of the sponsorship
- The benefits to the sponsor

Give specific details: e.g

- *Naming rights on building.*
- *Naming rights on venue spaces*
- *Name on advertising material, banners, tickets*
- *Suppliers arrangement if applicable*

- The period of the sponsorship
- Payment arrangements
- Conditions of the sponsorship

Include the expectations and responsibilities of the sponsor. Be specific in listing what the sponsor is to provide.

- Any relevant insurance provisions
- Using Entertainment Centre's logo

The Entertainment Centre Manager must approve any use of the Entertainment Centre's logo by sponsors. The agreement should also state who will finance the costs associated with the provision of the logo if it is to be used at all.

- The agreement should also state who will finance the costs associated with the new signage of the naming rights for the building, venue spaces etc.
- Any confidentiality provisions
- Provisions for termination or suspension of the agreement
- Full contact details.

APPENDIX 2.**SPONSORSHIP CHECKLIST**

The following are the various areas that need to be addressed where it is proposed to seek sponsorship of a proposed/planned event, activity or project.

- The planned event, activity or project has been approved by the Entertainment Centre.
- A plan of the proposed event, activity or project has been prepared, including the following factors:
 - Objectives
 - Time-tabling
 - Budget
 - Target audience
 - Type of sponsorship to be sought
 - Criteria for assessing sponsorship proposals
 - Methods for monitoring and evaluating the sponsorship
- Sponsorship opportunities are to be advertised in the relevant media and other appropriate means
- Potential sponsors have been provided with:

An outline of the proposed event

Proposed benefits for the sponsor, and

The written criteria for the assessment of potential sponsors

- Written submissions by potential sponsors have been assessed against the criteria
- Any conflict of interest of Shoalhaven Entertainment Centre has been declared in writing in accordance with relevant legislation, policy, etc.
- Sponsorship arrangements submitted to and approved, in writing by the authorised staff of Shoalhaven Entertainment Centre.
- Unsuccessful submissions to be notified in writing.

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- Successful sponsors have been notified in writing and provided with the formal written Sponsorship Arrangement documentation, for consideration and formal acceptance, in accordance with the Sponsorship Guidelines.
- The Sponsorship Arrangement will set out, among other things
 - Benefits to Shoalhaven Entertainment Centre and to the sponsor
 - The form or forms of accepted sponsorship
 - The terms and conditions of the sponsorship
 - A statement that acceptance of the sponsorship will not impose or imply any conditions that would limit, or appear to limit Shoalhaven Entertainment Centre's ability to carry out its functions fully and impartially without interference by the sponsors
 - The sponsorship will have the flexibility to allow the Shoalhaven Entertainment Centre to be exempt from sponsorship obligations on certain pre-determined events.
- Details of the circumstances under which the arrangement may be reviewed or determined by parties to the sponsorship.

*Shoalhaven City Council – Shoalhaven Entertainment Centre Sponsorship Policy***APPENDIX 3****COMMUNICATION/EVALUATION**

- During the term of the sponsorship proposal relevant parties shall maintain open dialogue on the effectiveness of the arrangement
- The evaluation process should include the sponsor, the Entertainment Centre Manager, and the Director of Finance and corporate services and the person responsible for coordinating the sponsorship
- Evaluation should be in the form of a written report including the following:
 - The value of the sponsorship in meeting Entertainment Centre's objectives.
 - Comments on whether the sponsorship activity was well administered.
 - Any difficulties or problems encountered
 - Comments by the sponsor about achieving the sponsorship objectives and the sponsor's view of the value of the arrangement.
 - Reasons why the sponsor should/should not be considered for future opportunities.

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APPENDIX 4

SPONSORSHIP APPROVAL FORM

1. Please give brief details of event/activity or project, building, supply, for which sponsorship is proposed:

2. Type of sponsorship being sought

☐ Financial ☐ In Kind ☐ Prizes

Please give details

3. Benefit from the sponsorship being sought

☐ Naming rights on building ☐ Naming rights on venue spaces ☐ Suppliers

☐ Presenting a particular tour or event generally, but not limited to a media partner.

4. How sponsorship is being sought:

☐ Targeting an organisation/individual

- Name of company/individual targeted
- Sponsor's contact name
- Sponsor's postal address

☐ Calling for submissions

5. What would Shoalhaven Entertainment Centre's contribution to the sponsorship arrangement be?

6. Does the sponsorship proposed meet Shoalhaven Entertainment Centre sponsorship guidelines?

☐ Yes ☐ No

If no, state why not.

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6. Name of Entertainment Centre staff who would arrange the Sponsorship Agreement if approved
7. Group Directors's signature.....Date.....
8. General Manager's signature.....Date.....