

## Ordinary Meeting

**Meeting Date:** Tuesday, 11 March, 2025  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

### Membership (Quorum – 7)

#### Clr Patricia White – Mayor

#### Ward 1

Clr Jason Cox  
Clr Matthew Norris - Assist. Deput Mayor  
Clr Peter Wilkins - Deputy Mayor  
Clr Selena Clancy

#### Ward 2

Clr Ben Krikstolaitis  
Clr Bob Proudfoot  
Clr Jemma Tribe  
Clr Luciano Casmiri

#### Ward 3

Clr Denise Kemp  
Clr Gillian Boyd  
Clr Karlee Dunn  
Clr Natalee Johnston

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

Shoalhaven City Council live streams its Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

### Statement of Ethical Obligations

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

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

## Agenda

### 1. Acknowledgement of Country

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

Disclaimer: Shoalhaven City Council acknowledges and understands there are many diverse languages spoken within the Shoalhaven and many different opinions.

**2. Moment of Silence and Reflection**

**3. Australian National Anthem**

**4. Apologies / Leave of Absence**

**5. Confirmation of Minutes**

- Ordinary Meeting - 25 February 2025

**6. Declaration of Interests**

**7. Presentation of Petitions**

**8. Mayoral Minute**

**9. Deputations and Presentations**

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Notices of Motion / Questions on Notice

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CCL25.5	Tenders - West Nowra Material Recovery Facility - Design, Supply and Install Water Tanks  <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>  <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
CCL25.6	Tenders - Supply and Delivery of Equipment for the Culburra Sewage Treatment Plant Upgrades  <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>  <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal</i>

*commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.*

## **CL25.63 Notice of Motion - Expansion of Senior Staff Contractual Matters Committee**

**HPERM Ref:** D25/93522

**Submitted by:** Clr Jemma Tribe  
Clr Gillian Boyd

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council expand the Senior Staff Contractual Matters Committee to include:

1. Assistant Deputy Mayor Matthew Norris, as a member of the Sub-Committee to undertake Delegations 1 and 2.
2. An Additional Independent Member under Delegation 1 (and provide information as to the selection process of this Member).

### **Background**

MM25.3 was raised at the Ordinary Meeting on 25 February 2025. A change to the recommendation was made that included the removal of Clr Norris to be replaced by Clr Proudfoot. Given that there is no restriction on the number of people the committee can include and calls from ratepayers to increase the number of 'Independent' external members, it is suggested that the committee be expanded to include the above.

CL25.63

## **CL25.64 Notice of Motion - Grant Policy Update**

**HPERM Ref:** D25/90934

**Submitted by:** Cllr Jemma Tribe

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That the Acting CEO consider adopting a policy whereby Council staff cannot refuse a grant that has been awarded to Council without a resolution from Councillors at an Ordinary Meeting.

### **Background**

Councillors and the community are now learning that the \$80,000 pledged to Shoalhaven Family Day Care from the Federal Government in 2024 was refused by Shoalhaven City Council without a resolution by the current or former Council. It has raised questions about Council's processes and decision making and has had a significant impact on the recent SFDC debate.

CL25.64

## **CL25.65 Notice of Motion - Community Consultation for Shoalhaven Family Day Care (SFDC) Stakeholders**

**HPERM Ref:** D25/76351

**Submitted by:** Cllr Jemma Tribe

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That the Acting CEO:

1. Pause exiting the Shoalhaven Family Day Care Service.
2. Hold a community meeting to provide an opportunity for transparent/genuine engagement where stakeholders can directly raise their ideas/concerns before a further determination about the future of the service can be made.

### **Background**

Shoalhaven Family Day Care's 6 staff, 23 educators and 154 families were given only days' notice about Council's recommendation to exit the service. The degree of impact on these individuals would be 'high' on the iap2 engagement matrix, however the level of consultation offered is less than 'low.' Many stakeholders learned about the proposed changes from an online petition that was launched just 4 days before SCC's Ordinary Meeting on February 18. It attracted over 500 signatures.

CL25.65

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## **CL25.66 Notice of Motion - Shoalhaven Family Day Care Administrative Function Transfer**

**HPERM Ref:** D25/93322

**Submitted by:** Cllr Selena Clancy

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council:

1. Transition Shoalhaven Family Day Care administration to suitable and agreed Independent organisation on or before 30 June 2025.
2. For accounting efficiencies, it is prudent that the administrative functions of Shoalhaven Family Day Care transitions occur on or before 30 June 2025.
3. That along with Council, a representative from Shoalhaven Family Day Care be included in the consultation and selection of the Independent provider.

### **Background**

CL25.42 Shoalhaven Family Day Care – Service Review – Future Direction.

CL25.66



## **CL25.67 Notice of Motion - Formation of Shoalhaven Heads Dune Care Group**

**HPERM Ref:** D25/93373

**Submitted by:** Cllr Selena Clancy

**Attachments:** 1. Supporting photos [↓](#)

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That:

1. Council work with the Shoalhaven Heads Community to establish a Dune Care Group
2. The Dune Care Group could start from the Golf Club beach track to the southern Bird Park beach track, covering approximately 1km to 1.5 km.
3. The Dune Care work would predominantly be in front of the Shoalhaven Heads Surf Club.

### **Background**

Shoalhaven Heads is a thriving and proud coastal community in desperate need of dune care. Council is not able to provide a sufficient level of maintenance and therefore, the community are requesting that council support the establishment of the Shoalhaven Heads Dune Care Group to take over this role in accordance with *D2 Cost care - Starting A Group*.

A deputation, supported by a visual presentation will be provided at the Ordinary Meeting on 11 March 2025.

### **Note by the CEO**

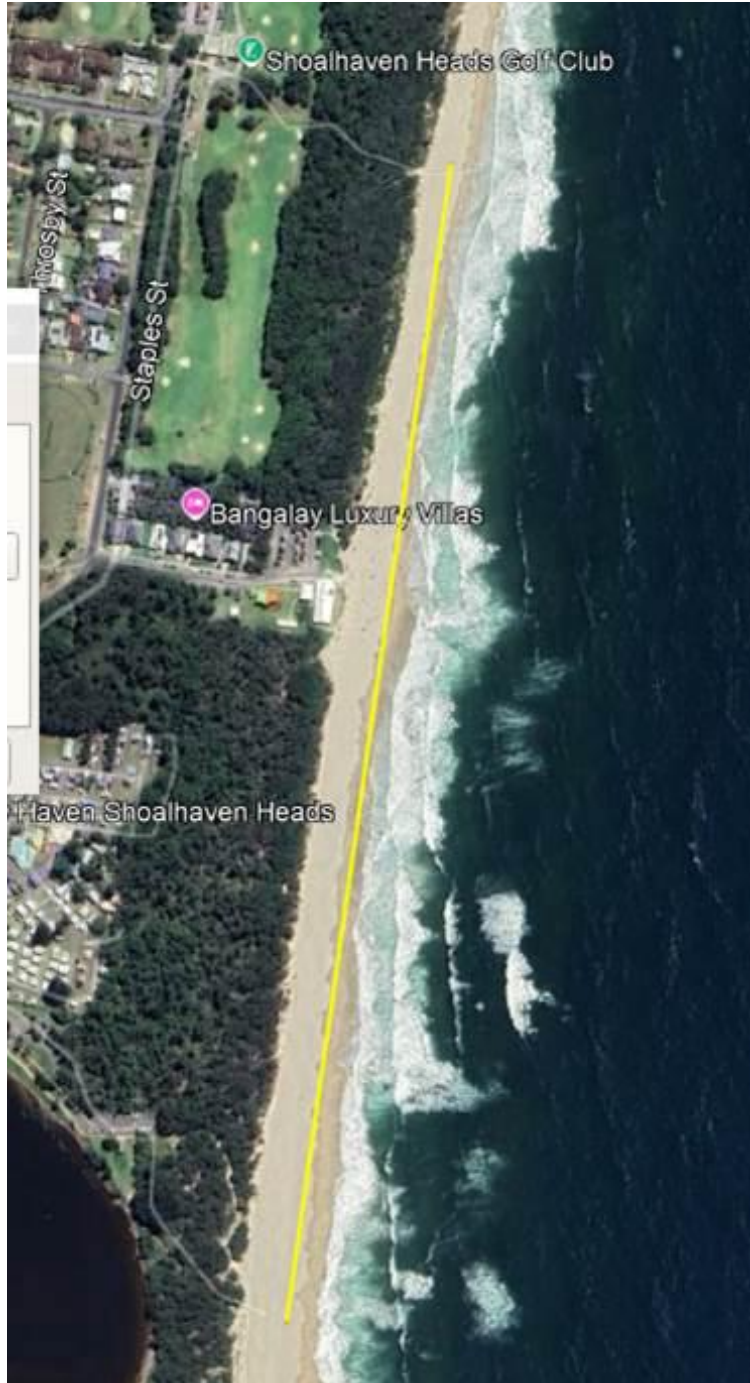
Bushcare is a general term that includes all volunteer groups across the Shoalhaven and includes Dunecare. Volunteers can apply online at any time after completing a volunteer induction. [Apply to be a volunteer | Shoalhaven City Council](#)

Shoalhaven Heads has two established Bushcare groups which includes a Shoalhaven Heads Golfers group. It is recommended that all volunteers work together as one group to coordinate resources and activities. The Shoalhaven Heads Bushcare Group Action Plan includes the sand dunes to the south of the surf life savings club. This Plan could be amended to include the Council managed Natural area up to Scott Street.

The land to the north of Scott Street, to the National Park is owned by the Crown and leased to the Shoalhaven Heads Golf Club. Working on this land would need permission from the Shoalhaven Heads Golf Club Ltd and possibly the Crown. The Shoalhaven Heads Golfers group predominantly works in the dunes along the front of the golf course to the National Park.

Council's Coastal Management team have a projects in this area which include sand stabilisation and regeneration. This work could incorporate volunteers.

CL25.67



CL25.67 - Attachment 1



CL25.67 - Attachment 1



CL25.67 - Attachment 1

**CL25.68 Notice of Motion - Call in DA25/1028 - 30 Tallowa Dam Road, Kangaroo Valley - Function Venue / Camp Ground**

**HPERM Ref:** D25/84510

**Submitted by:** Cllr Matthew Norris  
Cllr Selena Clancy

**Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

**Recommendation**

That Council call in DA25/1028 30 Tallowa Dam Road, Kangaroo Valley due to significant community interest.

**Background**

Significant community interest would benefit a call in of this DA.

CL25.68

## **CL25.69 Notice of Motion - Resolution for Completed Developments with Works In Kind Agreements**

**HPERM Ref:** D25/91047

**Submitted by:** Cllr Luciano Casmiri

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Council request the Acting CEO to ensure registration takes place without further delay with a mechanism to resolve the disputes for:

1. Somerset Avenue (known as 70 Hillcrest Ave) South Nowra, work completed in dispute,
2. Lot 4 DP 78956 Crowea Road (Island Point Road) St Georges Basin, work complete and in dispute,
3. Moss Vale Road West (known as Moss Vale Rd South Stage 4), work is almost complete, valuations and WIKA not finalised.

### **Background**

- In the South of our city construction is the only real industry with 14% directly employed in construction plus manufacturing and retail supporting.
- People who have purchased these lots need to get on and build and SCC start to collect rates payments.
- Southern Cross Community Housing are proceeding with an Affordable Housing Development on Crowea Road St Georges Basin and need the disputed road project completed ASAP.
- If sales of the lots fall over due to the SCC delay, in a softened market SCC could find itself defending claims in the Tens of Millions of Dollars.

### **Note by the CEO**

The Notice of Motion relates to three specific proposed works in kind agreements:

- Crowea Road St Georges Basin (known as the St Georges Basin WIKA).
- Somerset Avenue South Nowra (known as the 70 Hillcrest Avenue, South Nowra WIKA).
- Moss Vale Road West (known as the Moss Vale Road South Stage 4 WIKA).

Due to similar issues, the St Georges Basin and 70 Hillcrest Avenue, South Nowra WIKAs need to 'travel together'. Each are discussed below:

#### St Georges Basin and 70 Hillcrest Avenue, South Nowra WIKAs

These proposed WIKAs were considered by the former Council on 12 August 2024 and it was resolved to defer it to a briefing of the new Council; and receive a report back following

CL25.69

the briefing (refer to MIN24.434 and MIN24.435). The briefing was held on 12 December 2024.

Following the briefing, the St Georges Basin developer supplied additional information to Council on 30 January 2025 and 26 February 2025. This advice has delayed reporting back to Council due to the additional consideration required of the matters raised and the associated need to obtain legal advice.

Council has now received contemporary legal advice that addresses a range of matters associated with these WIKAs that needs careful consideration.

In addition to the legal advice, in finalising the WIKAs it is critical that Council considers the:

- Financial implications, especially impacts on its cash flow position (General Fund); and
- Broader public interest.

It is recommended that Council does not make a decision on these WIKAs before it has had the opportunity to consider the forthcoming staff reports. It is anticipated that Council will receive a report back on these WIKAs at an April meeting of Council.

#### Moss Vale Road South Stage 4 WIKA

On 18 February 2025, Council resolved (MIN25.50) to finalise negotiations and enter into this WIKA. As such, drafting has commenced on the legal deed, and execution will occur upon completion of that process.

It is also noted that a Councillor briefing on developer contributions, including current works in kind and voluntary planning agreements, is on the list for scheduling. This briefing will also cover the recent Notice of Motion on the review of Council's contributions framework (MIN25.4 – 21 January 2025).

## **CL25.70 Notice of Motion - Road Closure - Banksia Street Vincentia**

**HPERM Ref:** D25/91123

**Submitted by:** Cllr Luciano Casmiri

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That the proposed closure of Banksia Street Vincentia be put on hold, until such time as an onsite inspection by councillors occurs, and the matter is further considered at a Council Meeting.

### **Background**

This road reserve was left undeveloped to provide a view corridor so that a number of glimpses of Jervis Bay were retained from Elizabeth Drive, this concept was further enshrined by the development of the foreshore building code requiring additional side boundary setbacks for land adjoining the foreshore reserve.

### **Note by the CEO**

Council is currently writing to all objectors for the Banksia Street Road closure, advising the matter will be reported to Council at a future date. Councils' property team are liaising with Notifiable Authorities prior to preparing a final assessment of the road closure proposal for councils' consideration.

CL25.70



## **CL25.71 Notice of Motion - Code of Conduct - Media Appearances**

**HPERM Ref:** D25/92926

**Submitted by:** Cllr Peter Wilkins

### **Purpose / Summary**

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

### **Recommendation**

That Councillors be reminded of their obligations under the Code of Conduct and if necessary, seek counsel from the Mayor, before undertaking radio/TV or other media interviews.

### **Background**

The Council is being brought into disrepute frequently by some Councillors who find it necessary to criticise decisions of the Council and/or Councillors. Platforms are being used as self-promotional tools. Before specific examples, let's revisit the Code of Conduct applying to Councillors when they take office.

#### *Public Comment*

*3.24 The Mayor and the Chief Executive Officer are the official spokespersons of the Council.*

*3.25 If you are a member of staff, or a Chairperson other than a Councillor, you are given authorisation to make public comment to the media as an official spokesperson of the Council as set out in the Council's media policy and/or expressly granted by the Mayor, Chief Executive Officer or their representative/delegate.*

*3.26 When making a public comment in your capacity as an official representative of the Council you must:*

- a. defend and uphold the Council's corporate and resolved position.*
- b. not make any comment, written or verbal, that will bring Council, staff or Councillors into disrepute or are contrary to this code*
- c. not divulge confidential Council information*
- d. not breach the privacy of other Council officials or those that deal with the Council*
- e. not make a comment that is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the Council*
- f. you must not make any comment about the Council that is misleading or deceptive*

I am concerned that there has been a number of instances of behaviour in the last fortnight which may amount to breaches of the Code of Conduct.

As the Code of Conduct appears to be a toothless tiger in this regard, a NoM of this kind is needed to encourage Councillors to be more circumspect in media dealings and not use compliant media as a soapbox to further political ambitions and in doing so undermine the Council.

## **CL25.72 Report of the Financial Review Panel - 18 February 2025**

**HPERM Ref:** D25/85446

**Attachments:** 1. Minutes - Financial Review Panel 18 February 2025 [↓](#)

### **FR25.9 Additional Item - Materials Recovery Facility Risks - Independent Consultant - Contract Lawyer - Review Waste Strategy**

#### **Recommendation**

That given the significant financial implications facing Council and the risks associated with a project of this magnitude, the Financial Review Panel recommend Council to:

1. Appoint an independent consultant to undertake financial, future operations and risk reviews of the future operation of the Materials Recovery Facility as a priority.
2. Engage an experienced commercial contract lawyer to review and advise on Council's position regarding potential future contract liabilities as a priority.
3. Initiate a review of Council's overall waste strategy as soon as practicable.

### **FR25.10 Additional Item - Debt Recovery - Allocate Additional Resources - Examine Policy Position**

#### **Recommendation**

That the Financial Review Panel recommend Council, as a matter of urgency, to

1. Allocate additional resources to assist in the debt recovery process to accelerate the collection of outstanding rates, charges & other debts owed to Council.
2. Examine applicable policy documents and its policy position in regard to debt recovery of rates, outstanding fees & user charges.

CL25.72

## MINUTES OF THE FINANCIAL REVIEW PANEL

**Meeting Date:** Tuesday, 18 February 2025  
**Location:** Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra  
**Time:** 3.00pm

The following members were present:

Mayor Patricia White – Chairperson  
Clr Peter Wilkins  
Clr Jason Cox  
Clr Jemma Tribe  
Clr Karlee Dunn – Joined 3:12pm  
Mr Mark Crowther  
Mr Stuart Coughlan (Remotely)  
Mr Peter Dun  
Mr Ian (Sandy) Foreman

The following non-voting members were present:

Mr James Ruprai - Acting Chief Executive Officer  
Ms Katie Buckman - Chief Financial Officer  
Mr Sara McMahon - Acting Director - City Performance

Others present:

Clr Gillian Boyd (Remotely - Left at 4:25pm)  
Clr Matthew Norris  
Clr Selena Clancy  
Clr Luciano Casmiri – (Joined at 3:29pm)

### Apologies / Leave of Absence

An apology was received from Mr Keith Brodie.

### Confirmation of the Minutes

The members sought updates on the following items from the minutes of the Financial Review Panel held on Thursday 30 January 2025 and on Monday 3 December 2024:

#### FR25.1 - Update on Property Sales - Mr Mark Crowther

It was queried whether Council had organised representation for the Avalon Airshow in Victoria, from 28 March 2025 – 30 March 2025, to advocate for the sale of the Aviation Technology Park land.

The CEO confirmed that a Council officer has been authorised to attend the Avalon Airshow, with the aim of gaining interest from potential investors for the Aviation Technology Park land.

The CEO advised that it is a significant body of work to undertake a review of strategic Nowra CBD land holdings, and that a report back will be provided in March rather than February.

**FR25.5 - Land Sales Strategy Presentation**

Mr Crowther asked if staff could provide a verbal update on this item, noting that the presentation wasn't included in the agenda for this meeting.

The CFO advised that the Quarterly Budget review will be addressing the timing of land sales. The CFO further advised that the Quarterly Budget review is proposing to defer any prepayment of council borrowings (currently budget to occur prior to 30 June 2025) until the proposed land sales are realised to Council not to repay the additional \$10MIL in debt, and that amount will sit in the Industrial Land Reserve as at 30 June 2025.

**FR25.7 - Latest Cash Flow Analysis**

Mr Crowther asked if staff could provide a verbal update on this item.

The CFO advised that finalisation currently underway for cash flow reporting for the December quarter end.

**FR24.1 - Presentation and Questions on Quarterly Budget Report**

Mr Peter Dun requested an update on the previous Question on Notice regarding roles across the organisation which have a critical or legislative requirement.

The CEO advised that staff will provide a response following this meeting.

The CFO further advised that the Quarterly Budget Review is proposing a reduction of \$1.7MIL in the salaries budget.

**RESOLVED** (By consent)

That the Minutes of the Financial Review Panel held on Thursday 30 January 2025 be confirmed.

CARRIED

**Declaration of Interests**

Nil

**GENERAL BUSINESS**

**FR25.9 Additional Item - Materials Recovery Facility Risks - Independent Consultant - Contract Lawyer - Review Waste Strategy**

Mr Mark Crowther presented to the Committee on findings of the Materials Recovery Facility (MRF) Sub-committee, including concerns regarding financial implications and Councils liabilities.

The information presented is attached as a confidential attachment.

Given the concerns outlined in this presentation, the Financial Review Panel made the below recommendation.

**RECOMMENDATION** (By consent)

That given the significant financial implications facing Council and the risks associated with a project of this magnitude, the Financial Review Panel recommend Council to:

1. Appoint an independent consultant to undertake financial, future operations and risk reviews of the future operation of the Materials Recovery Facility as a priority.
2. Engage an experienced commercial contract lawyer to review and advise on Council's position regarding potential future contract liabilities as a priority.

3. Initiate a review of Council's overall waste strategy as soon as practicable.

CARRIED

**FR25.10 Additional Item - Debt Recovery - Allocate Additional Resources - Examine Policy Position**

Mr Peter Dun spoke to the Committee in regard to the amount of outstanding debts Council currently has, specifically in relation to rates, user charges & sundry debts. In the past 10 years the figure has increased.

The Committee further discussed the difficulties that surround debt and opportunities for recovery.

It was also noted that Council will need to review its current Policy positions in relation to debt recovery.

**RECOMMENDATION** (By consent)

That the Financial Review Panel recommend Council, as a matter of urgency, to

1. Allocate additional resources to assist in the debt recovery process to accelerate the collection of outstanding rates, charges & other debts owed to Council.
2. Examine applicable policy documents and its policy position in regard to debt recovery of rates, outstanding fees & user charges.

CARRIED

Mayor Patricia White thanked the Members for participating in the meeting and for all the work completed to reach the above recommendations.

There being no further business, the meeting concluded, the time being 4:43pm.

Mayor Patricia White  
CHAIRPERSON

## **CL25.73 Tenders - Panel Contract - Trade Services**

**HPERM Ref:** D25/59139

**Department:** Finance

**Approver:** Katie Buckman, Chief Financial Officer

### **Purpose:**

The purpose of this report is to inform Council of the tender process for the selection of a Panel of Preferred Suppliers – Trade Services.

In accordance with the Local Government Act 1993 Section 10A(2)(d)(i), some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and / or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### **Summary and Key Points for Consideration:**

Council sources services under a wide range of trade suppliers to supplement its internal operations. The Preferred Supplier Panel streamlines the procurement / engagement process. Staff source trade services directly from the Panel under contracted rates.

### **Recommendation**

That Council consider a separate confidential report in relation to Tenders – Panel Contract – Trade Services in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Accept the recommendation

Implications: Consideration of a separate confidential report on the matter

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the Tender Evaluation Team in accordance with the Tender Evaluation Plan

### **Background and Supplementary information**

#### ***Project Description***

In October 2024, Council invited tenders for provision of Trade Services, with successful tenderers to be appointed to a Preferred Supplier Panel for a maximum period of two years.

This tender process is in line with best practice to ensure compliance with Council's Purchasing Policy, the Local Government Act 1993 and NSW Tendering Regulations 2021.

CL25.73

The public tender was advertised in local newspapers, the Council’s website, and on Council’s e-tendering portal. Suppliers identified as supplying trade services to the Council were advised of the tender release via email. The tender closed on 14 November 2024.

The tender invited suppliers to enter into an agreement with the Council for the occasional provision of trade services for a maximum period of two years at rates submitted. The tender document defined three trade zones - Northern, Central and Southern - for a range of trades as stated below:

- Air-Conditioning Maintenance / Servicing
- Building / Carpentry
- Concreting
- Electrical
- Fencing
- Glazing
- Landscaping
- Locksmith
- Painting
- Plastering
- Poly Pipe Welding
- Plumbing
- Roofing
- Signwriting
- Tiling - Wall & Floor
- Under Road Boring

**Tendering**

The Council called tenders for Panel Contract – Trade Services on 21 October 2024 which closed at 10:00 am on 14 November 2024. A total of 77 tenders were received at the time of closing. Details relating to evaluation of submissions are contained in the confidential report. Submissions were received from the tenderers shown alphabetically in **Table 1** as follows:

**Table 1: Tendering Suppliers**

Supplier Name	LG Base	Suburb / State / Postcode
All About Plaster (NSW) Pty Ltd	Shoalhaven	26 McKail St Ulladulla NSW 2539
All Worx Plumbing & Co Pty Ltd	Wollongong	5 / 143 Industrial Rd Oak Flats NSW 2529
Alpine Glass P/L	Shoalhaven	Cnr Meroo Rd & Concorde Way Bomaderry NSW 2541
Aqua-Assets Pty Ltd	Revesby	PO Box 625 Revesby NSW 2212
ARC Air Conditioning & Mechanical Services Pty Ltd	Wollongong	12 / 249 Shellharbour Rd Port Kembla NSW 2505
Batmac Constructions Pty Ltd	Shoalhaven	PO Box 213 Nowra NSW 2541
Blue Chip Building Solutions (Withdrawn by Tenderer Request)	N / A	
Brian Hayward Electrical	Shoalhaven	581A Culburra Rd Wollumboola NSW 2540
CHILL OUT Refrigeration & Air Conditioning	Shoalhaven	352 Hawken Rd Tomerong NSW 2540
Climax Air Conditioning Pty Ltd	Shoalhaven	6 Norfolk Ave South Nowra NSW 2541
Conex Group	Penrith	PO Box 337 Stanhope Gardens NSW 2768
Country 2 Coast Maintenance	Wollongong	248 Princes Hwy Albion Park NSW 2527

CL25.73

Cove Custom Build & Design Pty Ltd t/as Cove Build	Kiama	59 Kiarama Ave Kiama Downs NSW 2533
Dalski Pty Ltd	Parramatta	5 / 743 The Horsley Dr Smithfield NSW 2164
East Coast Pipe & Civil	Shoalhaven	24 Peacehaven Way Sussex Inlet NSW 2540
Elite Plumbing AU	Campbelltown	231 Sproules La Glenquarry NSW 2576
Evison Little Pty Ltd	Shoalhaven	2 / 35 Cumberland Ave South Nowra NSW 2541
Evolve Electrical & Design Pty Ltd	Shoalhaven	17 The Lookout Manyana NSW 2539
Flavells Plumbing	Shoalhaven	63 Scott St Shoalhaven Heads NSW 2535
Fowlers Plumbing Services Pty Ltd	Shoalhaven	2 Bimbla Ave Dolphin Pt NSW 2539
Fulton Hogan Pty Ltd	Wollongong	2 Werowi St Dapto NSW 2530
Guise Family Trust T/as Ben Guise Electrical	Shoalhaven	19 Lake Conjola Entrance Rd Lake Conjola NSW 2539
Havencord Pty Ltd T/as Floodlighting Australia	Shoalhaven	235B Backforest Rd Backforest NSW 2535
Ian & Brigitte Smith	Shoalhaven	10B Fishermans Paradise Rd Conjola NSW 2539
Ian Greenhalgh Construction Pty Ltd	Shoalhaven	13 Tuckerman Rd Ulladulla NSW 2539
Ian Jorgenson Electrical & Data Pty Ltd T/aS IJED Pty Ltd	Shoalhaven	1 / 6 Victa Way Bomaderry NSW 2541
IEC Solutions Pty Ltd T/as Innovate Energy	Shoalhaven	43 Quinns La South Nowra NSW 2540
IMEEC Electrical Pty Ltd	Shoalhaven	250 Bolong Rd Bomaderry NSW 2541
Inter-Chillers Pty Ltd	Hurstville	50 Stanley St Peakhurst NSW 2210
Ison Family Trust T/as Ison Plumbing Pty Ltd	Shoalhaven	346 Comerong Island Rd Terara NSW 2540
J Quinn Pty Ltd T/as Kiama Electrical Services	Shoalhaven	3 Mathews St Shoalhaven Heads NSW 2535
Jamie Mennie Construction Pty Ltd	Shoalhaven	110 Berry St Nowra NSW 2541
Jas Wearne Building Services Pty Ltd	Shoalhaven	26 Riverview Rd Nowra NSW 2541
Everen Pty Ltd T/as Jervis Bay Installations	Shoalhaven	PO Box 161 Vincentia NSW 2540
Jervis Bay Plumbing	Shoalhaven	14 Currumbene St Huskisson NSW 2540
Jim Freeman Plumbing Pty Ltd	Shoalhaven	27 Bolong Rd Bomaderry NSW 2541
JS & IS Management PTY LTD - Kangaroo Valley Painting & Decorating	Shoalhaven	1 Quirk St Kangaroo Valley NSW 2577



Knowles Constructions	Shoalhaven	Lot 3 Princes Hwy Wandandian NSW 2540
Lakeside Civil and Landscapes Pty Ltd	Shoalhaven	8 Blue Mist Ct Sussex Inlet NSW 2540
Lifestyle Plumbers Pty Ltd	Shoalhaven	466C Wheelbarrow Rd Woodburn NSW 2538
Makki Constructions Pty Ltd	Hurstville	2 / 2-6 Lindsay St Rockdale NSW 2216
Mark Smith Plumbing P/L T/as Accredited Plumbing	Shoalhaven	2 / 243 Princes Hwy Ulladulla NSW 2539
Matt Stewart Builder	Shoalhaven	124 Garrads La Milton NSW 2538
Northern Fencing Specialists Pty Ltd	Shoalhaven	214 Princes Hwy South Nowra NSW 2541
Nowra Emergency Plumbing	Shoalhaven	14 Junction Street Nowra NSW 2541
NSW Building & Civil Pty Ltd	Hurstville	11 Loftus St Turrella NSW 2205
OCS Building & Maintenance T/as Midcity Group	Parramatta	3 / 12 Waterloo Rd Macquarie Park NSW 2113
Opus Contracting Pty Ltd	Shoalhaven	10 Tee Ct Worrigeer NSW 2540
P & S Building & Construction Pty Ltd	Shoalhaven	5 / 176 Princes Hwy South Nowra NSW 2541
Parrish Group Pty Ltd	Shoalhaven	3 / 21 Trim Street South Nowra NSW 2541
Pascall Group Pty Ltd - Pascall Plumbing and Excavations	Shoalhaven	18 Woncor Ave Nowra Hill NSW 2541
Pearce & Percy Constructions Pty Ltd	Shoalhaven	2 / 9 Geary Pl North Nowra NSW 2541
Powercountry Pty Ltd	Shoalhaven	6A Victa Way Bomaderry NSW 2541
Precision Plumbing & Civil Aus	Shoalhaven	65 Wilfords La Milton NSW 2538
Pro-Asset Painting Maintenance Pty Ltd	St Leonards	47 / 6-8 Herbert St St Leonards NSW 2065
Protective Fencing Services (Nowra) Pty Ltd - PD & JD Taylor	Shoalhaven	12 Chapman St Callala Bay NSW 2540
QES Electrical Contracting Pty Ltd	Shoalhaven	315 Little Forest Rd Little Forest NSW 2538
R&K Refrigeration & Air Conditioning	Shoalhaven	8 / 31 Norfolk Ave South Nowra NSW 2541
Radi Pty Ltd	Campbelltown	5 / 5-7 Lone Pine Pl Smeaton Grange NSW 2567
Rebeck Plumbing and Excavations	Kiama	22 Wilson Ave Gerringong NSW 2534
Relyon Constructions Pty Ltd	Caringbah	2a / 2 Resolution Dr Caringbah NSW 2229
Riverview Constructions (NSW) Pty Ltd	Shoalhaven	13 Argyle St Vincentia NSW 2540

Rogers Construction Group Pty Ltd	Wollongong	103 / 38 Atchison St Wollongong NSW 2500
S&N Watson Plumbing Services Pty Ltd	Shoalhaven	14 Tomerong St Currarong NSW 2540
Sherrin Rentals (Submitted in error)	N / A	
Shoalhaven Under Road Boring Pty Ltd	Shoalhaven	554 Sussex Inlet Rd Sussex Inlet NSW 2540
Simpson Family Trust T/as Simpson Landscapes & Consultants Pty Ltd	Kirrawee	36 Monro Avenue Kirrawee NSW 2232
Southern Infrastructure and Hire Pty Ltd	Shoalhaven	1810 Princes Hwy Termeil NSW 2539
SW & SM Rosskelly T/a N&S Construction	Shoalhaven	50 Warrain Cres Currarong NSW 2540
The Trustee for Fine Line Painting Aust Unit Trust	Shoalhaven	Lot 3 / 164 Princes Hwy South Nowra NSW 2541
Trust Plumbing & Consultancy	Shoalhaven	9 Beachway Ave Berrara NSW 2540
Vogue Landscape & Civil Pty Ltd	Shoalhaven	37 Quinns La South Nowra NSW 2541
Wade Henry Electrical	Shoalhaven	987b Woodstock Rd Milton NSW 2538
Waratah Group Services	Ingleburn	1 / 3 Bosci Rd Ingleburn NSW 2565
Waterboys Projects Pty Ltd	Shoalhaven	257F Gannet Rd Nowra Hill NSW 2541
Wilson Hirst Carpentry Building & Maintenance Pty Ltd T/As One Stop Homes	Shoalhaven	3 / 126 Princes Hwy South Nowra NSW 2541
John Hills Signs Pty Ltd - <b>LATE TENDER</b>	Shoalhaven	4 Worthington Way Bomaderry NSW 2541

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### Internal Consultations

The Tender Evaluation Panel comprised key stakeholders from City Services and Shoalhaven Water.

### External Consultations

Nil - Internal resources provided expertise to undertake this Tender.

### Community Consultations

Current identified suppliers to Council and members of the expired Trade Services Panel were notified in writing before the Request for Tender release. The Tender was published on the Council website and released via Council's e-tendering portal.

**Policy and Statutory Implications**

Nil - the tender process has followed requirements under provisions of the Local Government Act 1993.

**Financial Implications**

Services will be delivered to various projects funded in the FY 2024/25 operating and capital works budgets, and subsequent years, for duration of the Panel Contract.

**Risk Implications**

Details relating to Risk Implications are contained in the confidential report.

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## CL25.74 Report Back - Falls Road Bike Track Proposal

**HPERM Ref:** D25/30564

**Department:** Technical Services

**Approver:** Carey McIntyre, Director - City Services

**Attachments:** 1. Constraints - Falls Road Bike Track Proposal [↓](#)

### Purpose:

The purpose of this report is to inform Council on the viability of a temporary bicycle access along Falls Road, Falls Creek to improve cyclist safety during the Jervis Bay Road intersection upgrade in accordance with item 4 of MIN24.451 from the 12 August 2024 Council Meeting.

### Summary and Key Points for Consideration:

- Transport for NSW is currently constructing an intersection upgrade at the Princes Highway and Jervis Bay Road intersection.
- Falls Road, road reserve comprises sections of formed road at each end with a section of unformed and undefined road reserve in the middle. The road reserve links the Princes Highway to Woollamia Road and is a potential alternative active transport route to using the Princes Highway and Jervis Bay Road intersection.
- Portions of Falls Road contain obstacles to providing safe, legal access for cyclists.

### Recommendation

That Council receive for information, the report on the Falls Road Bike Track Proposal.

### Options

1. As recommended.

Implications: The Falls Road bike track will remain a long term, however lower priority project within Council's Active Transport Strategy. Available resources and funding opportunities will be directed to higher priority projects within Council's Active Transport Strategy and not the Falls Road Bike Track until a higher prioritisation is warranted.

2. Council could consider deleting the Falls Road Bike Track proposal from the Active Transport Strategy (not recommended).

Implications: There is strategic merit to the proposal, as an alternative route for longer distance and recreational cyclists (compared to the current higher traffic / higher speed alternative route via the Princes Highway and Jervis Bay Road).

3. Council could consider prioritising the Falls Road Bike Track proposal (not recommended).

Implications: There are currently no identified funds available, and the proposal does not currently rank high under the newly adopted Active Transport Project Selection Criteria (relative to other projects, city wide). Before work could commence budget would need to be identified and allocated for the planning and development phase of the project.

## Background and Supplementary information

On 12 August 2024 Council resolved (MIN24.451):

*That Council:*

1. *Exhibit the draft documents (Active Transport Strategy 2024 – including PAMP and Bike Plan Updates) and associated Appendices, for a minimum of 30 days and delegate staff to make minor changes to prepare for exhibition as required.*
  - a. *If feedback results in no significant changes, finalise the documents and deem adopted; or*
  - b. *If significant adverse feedback is received, update the documents and report the outcomes to Council for final adoption - before December 2024.*
2. *Thank Transport for NSW for collaboration and grant funding.*
3. *Consider funding opportunities for adopted pathway networks, where appropriate, through the preparation of the new Contributions Plan project that is currently underway, or as part of a future plan update.*
4. *Report back on a temporary bicycle access along the gated Falls Public Rd alignment due to the safety issues associated with the Jervis Bay Road intersection works and that this temporary legal access be subject to review in any future investigations for permanent access and any environmental impacts.*

This report is in response to **Item 4** above.

Falls Road connects the Princes Highway to Woollamia Road. Falls Road has 3 physically distinct sections;

- Section 1: Princes Highway to 120 Falls Road – 1.2km of formed sealed road 4 – 6m wide.
- Section 2: Bisecting 120 Falls Road – 0.9km of unformed, undefined and inaccessible road reserve.
- Section 3: 120 Falls Road to Woollamia Road – 1.8km of seal road 4 – 7m wide.

Transport for NSW (TfNSW) is currently constructing an upgrade to the Princes Highway and Jervis Bay Road Intersection. When works commenced in early 2024, Transport for NSW expected the project to take up to four years. Falls Road is a 3.9km potential alternate route to using the Princes Highway and Jervis Bay Road intersection.

### Temporary Bike Access Constraints

There are constraints that prevent safe and legal access for cyclists to be able to use Falls Road as an alternative to Jervis Bay Road. **Attachment 1** shows Falls Road and the current constraints to providing access to cyclists.

Section 1 and Section 3 can legally be used by cyclists. There is potential for conflict with drivers due to narrow road width however low traffic numbers reduce the risk.

Section 2 has the following constraints to providing a temporary access for cyclists;

- The Council owned road reserve is not fenced and without survey data is indistinguishable from the surrounding private property.
- The existing partially formed track is located on private property, not within the Council owned road reserve. If cyclists follow this track they will be unknowingly trespassing on private land.

- The private property and Council’s road reserve are currently used for cattle grazing. Gates are located at the property boundary. If these gates were opened it would create challenges for the property owner in keeping cattle secure.
- There are structures within Council’s road reserve blocking access.
- There are trees within Council’s road reserve blocking access.

Future Investigations to Facilitate Permanent Access Including Environmental Impacts

To allow Falls Road to be used as an alternative to Jervis Bay Road for permanent cyclist access the following would need to be investigated and overcome:

- A land survey to confirm the location of the existing road reserve.
- A preferred alignment through 120 Falls Road would need to be adopted. Consideration being given to using the existing road reserve or if an alternate alignment avoiding existing constraints such as structures, trees and grazing operations is suitable.
- Negotiation of any land transactions needed should an alternate alignment through 120 Falls Road be adopted.
- Negotiation and consideration on how to delineate and secure the public section of road reserve with the adjoining private land.
- The environmental impacts should the adopted alignment require tree clearing.
- The level of service provided by the path, i.e. path material and dimensions, will need to be determined. The level of service level chosen would determine the cost both in terms of construction and maintenance.

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**Internal Consultations**

Internal consultation within the Technical Services team.

**External Consultations**

Nil for this report. No other agencies impacted at this stage.

**Community Consultations**

Nil for this report however, in 2019 community consultation was undertaken for the bike track as a permeant project which resulted in 12 submissions (one being a 59-signature petition). In summary, including the petition, 70 persons provided feedback in reply to the proposal, with the following result-

- 66 objecting (primarily property owners in the Falls Road and Hillside Ridge catchments, and those providing their support for those owners).
- 4 in favour (the 4 in favour were cycling groups).

In 2024 following the exhibition of the new Active Transport Strategy (26 August – 29 September 2024) an “exhibition outcomes” report was prepared and made available to the public via the Get Involved Page on 22 November 2024.

Feedback received during the exhibition of the Active Transport strategy is summarised as:

- There were no responses received in support of the Falls Road Bike Track proposal during the exhibition period;
- There were 4 objections to the Falls Road Bike Track proposal received during the exhibition period.

### **Policy and Statutory Implications**

The content of this report has no anticipated impact on current policies or statutory requirements.

### **Financial Implications**

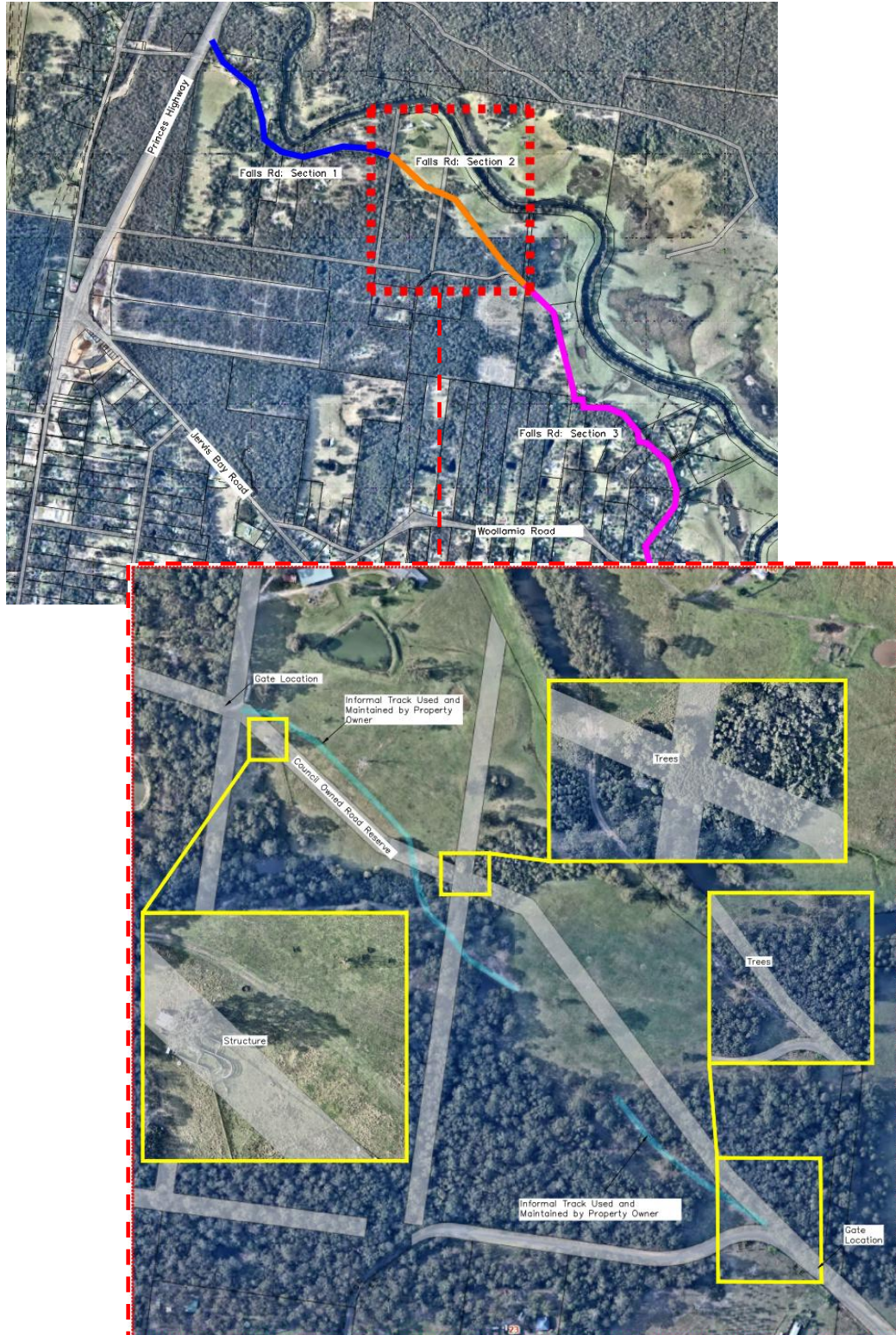
Nil for this report. There is currently no funding identified for the project as either an interim or permanent bike path.

### **Risk Implications**

Any risks to cyclists associated with the Princes Highway/Jervis Bay Road flyover construction site is the responsibility of TfNSW and their contractors who are very experienced in managing projects of that complexity and scale.

While it is understood there is a desire to do so, there is no obligation for Council to provide an alternative temporary or permanent route for cyclists through Falls Road to alleviate risks as part of the TfNSW project.

Attachment 1 – Falls Road Bike Track Location and Constraints



CL25.74 - Attachment 1



## **CL25.75 Report back - Plant and Fleet Service Review**

**HPERM Ref:** D25/93595

**Department:** Financial Sustainability  
**Approver:** James Ruprai, Acting CEO

**Attachments:** 1. Plant and Fleet Service Review Report - with redactions (under separate cover)

### **Purpose:**

The purpose of this report is to address the resolution to publish the AEC Plant and Fleet Service Review from the Ordinary Meeting of 25 February 2025 (MIN25.64). This report provides public access to the service review, provides an update on the organisation's progress to achieve the recommended efficiencies, and outlines a plan for the outstanding actions.

### **Summary and Key Points for Consideration:**

As part of the Financial Sustainability project, AEC Group (AEC) was engaged to complete a service review of Council's plant and fleet management and operations. This work commenced in April 2024 and completed in June 2024.

A project was formed in September 2024 to implement the findings of the service review, under the financial sustainability project. The Director – City Services is the sponsor of the project. The project is resourced by the fleet manager, finance, procurement, IT, and identified operations managers that are heavy users of Council's plant and fleet.

The project has implemented some of the recommendations so far, with ongoing work planned ensure that the maximum financial benefit and process efficiency is derived from the service review. The implementation of all of the recommendations requires a whole of Council approach to ensure consistent processes are applied across Council, and that all decisions regarding the provision of plant and fleet follow Council's policies and procedures without exception.

### **Recommendation**

That Council receive the report on the AEC Plant and Fleet Service Review, in response to MIN25.64 from the Ordinary Council Meeting of 25 February 2025.

### **Options**

1. As recommended

Implications: The information will be received for information

2. The Council requests further information or action from the Acting CEO with respect to the topic.

Implications: Additional information will be provided in a subsequent report to the Council.

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**Background and Supplementary information**

As part of the Financial Sustainability project, AEC was engaged to complete a service review of Council’s plant and fleet management and operations. This work commenced in April 2024 and completed in June 2024. The engagement cost \$65,000 (excl GST) and was conducted by a team of experienced and qualified members including a mechanical engineer and financial consultants who were onsite to meet with staff and review Council’s fleet and workshops.

The service review included:

- Fleet Strategy, Policy and Objectives
- Service demand
- Service outputs (including the current profile of owned/hired/leased fleet)
- Service efficiency and effectiveness
- Financial, staffing and asset resource requirements
- Data and information management
- Utilisation of fleet and plant compared to benchmarks/comparisons
- Whole of life management, including maintenance planning and workshop performance (internal and external)
- Management of risk (financial, operational, safety, compliance, environmental)
- Performance measures (utilisation, downtime, actual maintenance against schedules)
- Historical financial performance, cost recovery and sustainability
- Financial modelling of current and optimised operational and capital costs.

Once the service review was completed, AEC presented the findings and recommendations to the Executive Leadership Team and then to Councillors in a Financial Sustainability workshop.

A project management plan was then developed and approved in September 2024 to support the organisation in delivering the recommendations from the plant and fleet service review.

The following table outlines the agreed project deliverables and status:

<b>Project Deliverable</b>	<b>Status</b>	<b>Actions completed to date</b>	<b>Outstanding Actions</b>
Update Motor Vehicle Policy	In progress – March 2025 completion	Motor Vehicle Policy, leaseback agreement and car allowance agreement updated and approved by Executive Leadership Team. First review by Consultative Committee in February 2025.	Documents to be formally adopted post Consultative Committee meeting in March 2025.
Review leaseback contributions paid by staff	Complete – March 2025	Leaseback contributions reviewed and maximum annual increase (10%) allowable by the	Annual review process to ensure leaseback contribution is in line with benchmarking, and to ensure

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		Award has been applied as of March 2025.	Council's FBT liability is minimised.
Coloured fleet (passenger vehicle) review	Complete – February 2025	<p>Review of current vehicle list complete.</p> <p>New vehicle list approved by Executive Leadership Team – the list has been expanded to include a wider variety of vehicles and price points to diversify fleet and reduce FBT exposure.</p> <p>Coloured fleet replacement period has been adjusted from 2 years to 3 years, with an ability to replace high utilisation vehicles ahead of this schedule to ensure maximum sale value is reached.</p>	N/A - complete
Establish Plant and Fleet Working Group (PFWG)	Complete – October 2024	Terms of reference endorsed, and Plant and Fleet Working Group established.	N/A - complete
Sale of under-utilised plant and fleet	In progress – October 2025	<p>First round of plant and fleet sales complete, with an additional \$500,000 in sales to date (reported in FY25 QBR1)</p> <p>Second round of plant and fleet sales occurred in February, auction results are pending and will be reported in QBR3.</p> <p>PFWG have reviewed replaced assets still in use, with an agreed plan to return vehicles for sale.</p> <p>PFWG have reviewed under-utilised list to determine what can be sold.</p>	<p>The PFWG will continue an iterative review process to identify further opportunities to rationalise plant and fleet across Council operations.</p> <p>Additional plant sales will be possible with the consolidation of parks maintenance into one team.</p>
External plant hire	In progress –	Tender complete.	Detailed process

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	October 2025	High level process agreed at PFWG.	mapping now underway. System changes, development of training materials, and change management activities are required to transition to an improved external plant hire process.
10-year Plant and Fleet Replacement Program	In progress – December 2025	Council has an existing plant and fleet replacement program in OneCouncil. This is extracted as an input into the current long-term financial plan process.	The 10-year plant and fleet replacement program requires system integration to better support integrated planning processes through the ePMO (currently manual). The 10-year plant and fleet programme will be adopted by Council in future years as part of the overall 10-year capital plan.
Performance reporting	In progress – April 2025	Fuel use monitoring in place. Meter readings are being monitored and process in place to address non-conformance. First round of fleet performance dashboards delivered.	Second phase of dashboards under development.
Fleet system improvements	In progress – October 2025	Fixed the fuel data load into OneCouncil.	Further fleet master data improvements and maintenance work orders to be updated with current data. Refresher training for workshop on work order system.
Revaluation and depreciation rates	Not started – December 2025	No action has been taken to date to revalue Council's plant and fleet assets, due to resource constraints in fleet and finance.	Plan to revalue fleet asset based on useful life and determine appropriate depreciation rate. This work will be scheduled later in 2025 based on

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			availability of resource.
Adjusted hire rates	In progress – December 2025	An initial % increase to hire rates was applied in 2024 to ensure the fleet reserve balance was maintained.	A further review to be undertaken in FY26 to build a sustainable hire rate for future years to enable more strategic asset purchasing and disposal.
Fleet team changes	Not started – TBC	No actions have been taken to date to address the fleet team changes as the change require additional operational budget to fund the additional staff.	Consideration will be given in the future on how these positions could be accommodated in the budget.

AEC enquiry into assets with low utilisation

As part of the service review, AEC analysed Council’s plant and fleet by annual utilisation and compared the actual utilisation by industry benchmarks. This process identified a large potential benefit to Council by reviewing and disposing of these assets. This analysis did not consider the operational use of the item.

After receiving the report, significant work has been undertaken by the Plant and Fleet Working Group to review these low utilisation assets, considering their operational use, and identify plant and fleet that can be sold or needs to be retained. As part of this review, some plant and fleet has been sold or is on a sales list to action.

In many cases, the low utilisation plant and fleet on the list perform a specific operation of Council that is required to provide agreed services to the community. An example in Shoalhaven Water is a truck that attends an emergency water main break, that carries the equipment necessary to complete the emergency repair. The vehicle is on stand-by whilst the repairs are taking place and then transports the equipment to the next job. It is on the low utilisation list due to the time each day the vehicle is on stand-by but is absolutely required to enable Shoalhaven Water to attend to critical maintenance in a timely manner.

No Missing vehicles

There has been some media attention on Council, whereby it has been misrepresented that Council has lost 40 vehicles. This is not correct; all Council fleet is accounted for. The 40 vehicles referred to are list in appendix J of the attached service review document – labelled replaced assets still in use. When a vehicle is replaced, the old asset should be returned to the Fleet team to be sold. In some cases, this fleet is retained as temporary hire for an agreed period, to support temporary operational needs. This has been flagged by AEC as vehicles should be returned promptly when replaced with a new vehicle to be sold, to maximise the auction result and replenish the fleet reserve.

This list has been reviewed by the PFWG, and more than 20 vehicles have been identified to be returned to fleet and sold. The remaining vehicles are on temporary loan pending new asset deliveries, and to the Natural Disasters project, with the assets to be retained until the end of the Natural Disasters work.

All fleet related asset will continue to be monitored by PWFG to ensure that replaced assets are returned in a timely manner and considered for sale.

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### **Internal Consultations**

The project to implement the AEC service review recommendations has used the established Plant and Fleet Working Group as the primary source of internal consultation. The PFWG meets fortnightly, and workshops key findings and recommendations from the service review to ensure there is a whole of Council approach to improving our plant and fleet operation.

The Executive Leadership Team is updated weekly on the status of financial sustainability project actions, risks and issues – this includes the implementation of the plant and fleet service review.

As the implementation of some recommendations have an impact on staff, those changes are tabled for discussion at the Consultative Committee.

### **External Consultations**

The service review on Council's plant and fleet operation was completed by AEC and includes a benchmarking comparison with other Councils.

### **Community Consultations**

No community consultation has been undertaken as plant and fleet is an internal operation of Council.

### **Policy and Statutory Implications**

Council's Motor Vehicle Policy and supporting documents are being reviewed and updated as part of the implementation of the Plant and Fleet Service Review.

### **Financial Implications**

All savings associated with the implementation of the Plant and Fleet Service Review are being reported through the Financial Sustainability project. Council has realised \$500,000 in income from the sale of excess plant and fleet so far. Further operational savings and process improvements will be reported in future quarterly reports and will help to improve Council's long-term financial sustainability.

### **Risk Implications**

The improvements being undertaken to Council's plant and fleet operation will have a positive impact on the following corporate risks:

- Financial – improved controls and monitoring of fuel usage
- Corporate governance – the updated Motor Vehicle Policy and implementing other process and system improvements will improve plant and fleet compliance

## **CL25.76 Acquisition of Land for Road Widening - Part Lots 545 and 547 DP 8399 The Wool Road, Basin View**

**HPERM Ref:** D24/57866

**Department:** Buildings & Property Services

**Approver:** Carey McIntyre, Director - City Services

### **Purpose:**

The purpose for this report is to seek Council's resolution to acquire land for road widening being part of Lots 545 and 547, DP 8399, The Wool Road, Basin View.

### **Summary and Key Points for Consideration:**

Council has authority under section 177 of the *Roads Act 1993* to acquire land for the purpose of road widening. Land acquired under this authority must be carried out in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* ('Just Terms Act'). The Just Terms Act sets out compensation provisions for acquisition of land by a public authority. Council is obliged to attempt a negotiated outcome for acquisition of the land after which time acquisition by compulsory process can take place, if required.

Council resolution is required for the acquisition of land under section 377 of the *Local Government Act 1993*.

Dedication of the land as road under section 10 of the *Roads Act 1993* is required to formalise Council's ownership as a public road.

### **Recommendation**

That Council:

1. Acquire by negotiation under section 177 of the *Roads Act 1993* the land described as Lot 9 DP 1297755 (being part of Lot 545 DP 8399) and Lot 7 DP 1297755 (being part of Lot 547 DP 8399) The Wool Road, Basin View, shown on Figure 2 to this report, for road widening purposes comprising areas of approximately 185.1 sqm and 29.17 sqm respectively.
2. Authorise the Acting Chief Executive Officer be delegated with authority to complete negotiations including compensation payable in the amount of \$12,000 (excluding GST), if applicable, for Lot 9 DP 1297755 (being part of Lot 545 DP 8399), and \$1,950 (excluding GST), if applicable, for Lot 7 DP 1297755 (being part of Lot 547 DP 8399) including minor adjustments in accordance with the market value assessment determined by independent certified valuer.
3. Dedicate the identified acquired areas as public road pursuant to section 10 of the *Roads Act 1993* including notice in the Government Gazette.
4. Be responsible for all costs including landowner's reasonable costs such as valuation, survey, plan registration, transfer and legal costs in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
5. Authorise the Common Seal of the Council of the City of Shoalhaven to be affixed to any document required to be sealed and delegate authority to the Acting Chief Executive Officer to sign any documentation necessary to give effect to this resolution.

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## Options

1. Adopt as recommended.

Implications: Council will acquire and dedicate the identified land providing legal ownership of the constructed road.

2. Not adopt as recommended.

Implications: The identified land comprising constructed road will not be in Council ownership.

## Background and Supplementary information

Lots 545 and 547 DP 8399 (No's 99 and 95 The Wool Rd, Basin View) are vacant lots located between the villages of Basin View and St Georges Basin. The lots are densely vegetated with areas 1,504.92 sqm and 1,157.15 sqm respectively (see **Figure 1**) and have a planning overlay requiring 1 ha (10,000sqm) minimum lot size for dwelling entitlement.

**Figure 1:** Aerial map showing location of Lots 545 and 547 DP 8399 highlighted in yellow.



Constructed road exists over the front portion of the subject lots.

Lots 545 and 547 were included in Shoalhaven LEP 1985 (Amendment No 28), gazetted 4 August 1989. Amongst other objectives, the LEP aimed to rezone the subject parts of Lots 542-547 Lot 8399 to '5(e) Local Road – Widening'. The lots were also affected by Development Control Plan 44 adopted by Council on 2 October 1990. Amongst other objectives, it included the intention 'to provide for the dedication of land in subdivision for the widening of The Wool Road', and 'to improve driver sight distance to and from the Atherton Street intersection'.

Whilst some of the planning objectives outlined in the LEP and DCP came to fruition, others did not. The zoning proposal and road construction over the identified parts of Lots 542-547 DP 8399 appears to have taken place, however the acquisition and dedication of the land has not occurred and remains a legacy issue.



Council resolved via MIN23.364 to acquire the road-affected parts of four neighbouring lots, at which time responses from landowners of Lot 545 and 547 were more protracted. Point 4 of the resolution (MIN23.364) was to *‘Continue negotiations with landowners of Lots 545 and 547 of DP 8399, with the aim of acquisition by agreement, subject to further Council report’*.

**Figure 2** depicts the areas identified for acquisition.



**Financial Implications**

As required under the *Land Acquisition (Just Terms Compensation) Act 1991*, independent valuation reports were commissioned from a certified practicing valuer to establish the compensation amount for the land acquisition. The assessed and agreed compensation amounts are as follows:

<b>Original Lot and DP</b>	<b>Land to be acquired identified in Plan of Acquisition as:</b>	<b>Area to be acquired (m2)</b>	<b>Agreed compensation (plus GST - if applicable)</b>
Lot 545 DP 8399	Lot 9 DP 1297755	185.1	\$12,000
Lot 547 DP 8399	Lot 7 DP 1297755	29.17	\$1,950

Council will reimburse the landowner’s reasonable legal, valuation and other costs associated with the acquisition as required under the Act. These costs can ordinarily be expected to be in the range \$5,000 to \$10,000.

Because the parties have agreed on compensation amounts, Council will not need to activate acquisition by compulsory process.

Compensation to be paid to landowners and associated costs of the acquisition will be funded from Council’s existing budget. No unbudgeted costs will be incurred.

**Risk Implications**

Not acquiring the identified land would leave constructed public road in private title ownership. Council’s interests have been considered and there is minimal risk associated with the proposed acquisitions.

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## **CL25.77 Tenders - West Nowra Material Recovery Facility - Design, Supply and Install Water Tanks**

**HPERM Ref:** D25/19980

**Department:** Technical Services

**Approver:** Carey McIntyre, Director - City Services

### **Purpose:**

The purpose of this report is to inform Council of the tender process for Tenders - West Nowra Material Recovery Facility - Design, Supply and Install Water Tanks.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### **Summary and Key Points for Consideration:**

In accordance with Section 178 of the Local Government (General) Regulation 2021, Council is required to consider the recommendation of the tender - West Nowra Material Recovery Facility – Design, Supply and Install Water Tanks.

### **Recommendation**

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

### **Background and Supplementary information**

#### ***Project Description***

Council is in the process of establishing a Materials Recovery Facility (MRF) at its existing West Nowra Waste Management Precinct. The MRF is designed to receive mixed recyclables from the Illawarra and Shoalhaven regions, initially capable of processing up to 24,000 tonnes per year. The facility aims to divert an additional 9,000 tonnes annually of recyclable materials away from landfills. Council's ownership and operation of this state-of-the-art MRF will offer increased adaptability in response to the ever-evolving industry. The MRF will incorporate advanced technology, including optical sorters and artificial intelligence,

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to ensure that recovered commodities meet or exceed market standards with less than 1% contamination. Moreover, it will generate job opportunities, reduce reliance on third-party services, lower recycling costs, enhance landfill diversion rates, and contribute to the transition toward a circular economy.

This tender was seeking to engage a suitably qualified and reputable company to undertake works for the design, supply and install of water tanks which will provide for essential firefighting requirements and capture storm water for re-use.

**Tendering**

Council called tenders for West Nowra Material Recovery Facility – Design, Supply and Install Water Tanks on 15 November 2024 which closed at 10:00 am on 10 December 2024. One tender was received at the time of closing and is listed in **Table 1**.

**Table 1: Tenders Received**

Tenderer	Location
Momentum Civil Group Pty Ltd	Brighton Le Sands

Details relating the evaluation of the tender are contained in the confidential report.

**Internal Consultations**

Council’s procurement team have provided procurement oversight of this tender to ensure that it meets the requirements of Section 178 of the Local Government (General) Regulation 2021.

The future operations managers of the facility, council’s Waste Services team, have been actively consulted throughout the project.

Further ongoing consultations are also occurring with council’s Project Governance team and Finance Team including the Chief Financial Officer, via regular project meetings.

**External Consultations**

External project engineers MI Engineers have been embedded within the project and provide expert reviews of project documentation and procurements.

**Community Consultations**

Project updates have been provided to the community via council’s project web page.

**Policy Implications**

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

**Financial Implications:**

Details relating to the Financial Implications are contained in the confidential report.

**Risk Implications**

Details relating to the Risk Implications are contained in the confidential report.

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## CL25.78 Requested Endorsement for Exhibition - Draft Shoalhaven Local Approvals Policy

**HPERM Ref:** D25/34551

**Department:** Strategic Planning

**Approver:** Lindsay Usher, Acting Director - City Development

**Attachments:** 1. Draft Local Approvals Policy 2025 [↓](#)

### Purpose:

The purpose of this report is to provide an overview of the Draft Shoalhaven Local Approvals Policy (**Attachment 1**) and seek endorsement to proceed to public exhibition.

### Summary and Key Points for Consideration:

Section 165 of the *NSW Local Government Act 1993* (LG Act) requires that the Local Approvals Policy (LAP) of the Council be automatically revoked at the expiration of 12 months after the declaration of the poll for a Council election.

As such this report seeks the Council's endorsement for the exhibition of the new draft LAP for public comment. The draft LAP has been updated to reflect revised legislation and includes minor adjustments to the wording, as well as updates to several of the Council's recently revised policies.

### Recommendation

That Council:

1. Endorse the public exhibition of the Draft Shoalhaven Local Approvals Policy (LAP) (**Attachment 1**) for 28 days and receive comments for 42 days from the commencement of the exhibition period, in accordance with Section 160 of the *NSW Local Government Act 1993*.
2. Following public exhibition:
  - a. Obtain the consent/concurrence of the Chief Executive Officer (CEO) of the NSW Office of Local Government (OLG) for Part 1 of the draft LAP prior to adoption.
  - b. Seek delegation from the CEO of OLG to Council's Acting CEO to make any required updates to the draft LAP that may be required following part 2a above.
3. Subject to obtaining the consent of the CEO of the OLG for Part 1 of the Local Approvals Policy, receive a further report:
  - a. On the outcomes of the public exhibition, and
  - b. Seeking endorsement to adopt and finalise the policy.

### Options

1. As recommended.

Implications: This is the preferred option as it will enable the draft LAP to publicly exhibit and will give the community an opportunity to comment. The LAP enables Council to meet its obligations under the LG Act.

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2. Adopt an alternative recommendation.

Implications: This will depend on the alternative recommendation and could delay Council's implementation of the LAP.

Without an LAP in place, there would be confusion and uncertainty regarding approval pathways and the ability to undertake activities under Section 68 of the LG Act.

**Background and Supplementary information**

An LAP applies to the regulatory function of Council to grant approvals under Section 68 of the *NSW Local Government Act, 1993* (the LG Act). Section 68 of the LG Act specifies that certain activities can only be carried out with the local approval of Council under the provisions of that Act, except in the case of local or legislative exemptions.

Local approvals are different to development consents under the *NSW Environmental Planning and Assessment Act 1979*. A local approval may be required in isolation (e.g., where a land use/activity is exempt or permitted without consent) or in addition to development consent. Activities requiring a local approval include activities on community land, installation of sewage management systems, footpath dining, street stalls, installation of caravans/manufactured homes, mobile food vans, water supply, sewerage, stormwater drainage work and the like.

The draft LAP has been prepared in accordance with the provisions of the LG Act and includes the following mandatory parts:

- Part 1 - Exemptions – specifies the circumstances (if any) in which a person is exempt from the necessity to obtain a particular approval of the council.
- Part 2 - Criteria – specifies the criteria (if any) which the council must take into consideration in determining whether or not to grant an approval to a particular activity.
- Part 3 - Other Matters – specifies other matters relating to approvals not dealt with by the LG Act or Regulations, including information on the application process and supplementary documentation.

Council currently has an adopted [Shoalhaven Local Approval Policy](#) in place; however, the LG Act requires councils to readopt an LAP within 12 months of an election. As such, the draft LAP (**Attachment 1**) is being reported to Council with a recommendation to proceed to public exhibition to meet this requirement.

The Policy has been updated with minor amendments to address changes to technical requirements and administrative updates and modifications to the names of legislative documents.

**Internal Consultations**

The draft LAP (**Attachment 1**) has been prepared with significant input from the relevant sections of Council that issue local approvals. It is based on the current LAP that is in place, with proposed amendments/inclusions highlighted in yellow, with strikethroughs identifying proposed removals. The key proposed changes are summarised in the table below, broken up by relevant section of Council:

**Table 1: Summary of amendments to the current Local Approvals Policy**

Section of Council	Amendment to Draft Local Approvals Policy
Strategic Planning	<ul style="list-style-type: none"> <li>• A number of administrative updates and modifications to the names of legislative documents, including the combined State Environmental Planning Policies, guidelines, and</li> </ul>

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	<p>references to Council policies.</p> <ul style="list-style-type: none"> <li>• Restructured the information required in 1.2 Application.</li> <li>• Updated lodgement processes (NSW Planning Portal).</li> </ul>
Building and Property Services	<ul style="list-style-type: none"> <li>• Update footpath and outdoor dining criteria.</li> </ul>
Environmental Health	<ul style="list-style-type: none"> <li>• Restructured criteria, relevant legislation, policy and advice for Mobile Food Vending Vehicles in a public place.</li> <li>• Update to additional criteria for all Ice Cream Vans only operating in a public place.</li> <li>• Inclusion of a note providing users clarification under Section A: Legislative Exemptions regarding tiny homes.</li> <li>• Update to criteria related to installation of solid fuel or domestic oil heater to align with the Shoalhaven Local Environmental Plan 2014.</li> <li>• Inclusion of additional legislative criteria relating to sewage management facilities, including sewage management facilities and mechanical waste treatment devices.</li> <li>• Inclusion of additional local exemption for the manual collection and re-use of grey water via a small bucket or similar receptacle.</li> </ul>
Shoalhaven Water	<ul style="list-style-type: none"> <li>• Inclusion of the Building Over Water/Sewer Pipelines Policy.</li> <li>• Updated reference to several policies.</li> <li>• Updated references to the Liquid Trade Waste Management Guidelines 2021.</li> <li>• Refinement of criteria and factors for certain activities that generate waste and dispose of liquid trade waste into the sewer of the council.</li> <li>• Restructured the information required for the registration of new cross connection and backflow prevention devices.</li> </ul>
Business & Events	<ul style="list-style-type: none"> <li>• Update information to criteria to 'construct a temporary enclosure for the purpose of entertainment' to include the relevant policies.</li> </ul>

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It is recommended that the draft LAP now be placed on exhibition for community feedback in accordance with Section 160 of the LG Act.

As the draft LAP includes local exemptions under Part 1 (Exemptions from the Necessity to Obtain Approval), consent is required from the Chief Executive Officer (CEO) of the NSW Office of Local Government (OLG) for the adoption of that part prior to Council finally adopting the Policy. Any changes required by the OLG will be reported back to Council with the outcomes of the public exhibition.

### External and Community Consultations

Section 160 of the LG Act requires the draft LAP must be publicly exhibited for a period of not less than 28 days. The public notice must also specify a period of not less than 42 days after the date on which the draft policy is placed on public exhibition, during which time submissions may be made to the Council. Following public exhibition, a report back to Council will be prepared to consider submissions received during the 42-day period.

Resilience NSW will be consulted during the exhibition period regarding the Temporary Recovery Pod Accommodation Program, content of which currently remains in the draft LAP.



### **Policy and Statutory Implications**

The draft LAP has been prepared in accordance with the LG Act and the Local Government (General) Regulation 2021.

The draft LAP improves the procedural transparency of Council's decision-making process associated with approval activities and it would be in the best interest of Council to progress the draft LAP to exhibition and then finalisation (with any changes as required), to enable Council to meet its obligations under the LG Act.

### **Financial Implications**

There are no direct financial implications for Council in adopting the recommendations in this report.

The public exhibition of the draft LAP will continue to be resourced from the existing Strategic Planning budget.

### **Risk Implications**

Under Section 77 of the LG Act, Council is required to bring the relevant matters relating to local approvals to the notice of intending applicants.

In accordance with Section 165 of the LG Act, all LAPs are automatically revoked 12 months after the declaration of the poll for a general Council election. As such, Council needs to commence the process to adopt a new LAP for the current Council term, otherwise Council will be unable to issue approvals for activities under Section 68 of the LG Act. Without a LAP in place, certain activities will not be able to be undertaken in Shoalhaven, which is not a good outcome generally for the community.



# Draft Shoalhaven Local Approvals Policy 2025

CL25.78 - Attachment 1

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**Document history**

Version Number	Date Adopted by Council	Resolution Number	Date of Commencement	Type
1				Draft

*In accordance with s.165 of the Local Government Act 1993, the Shoalhaven Local Approvals Policy is automatically revoked 12 months after the declaration of the poll for a general election of the Council.*

## 1 Introduction

### 1.1 Purpose

The purpose of a Local Approvals Policy (LAP) is to provide exemptions from the need for approval and outline the criteria for those activities where approval is required.

### 1.2 Application

The Shoalhaven LAP applies to all land within the Shoalhaven Local Government Area (LGA) except certain land under the jurisdiction of the National Parks and Wildlife Service (*National Parks and Wildlife Act 1974*).

The Shoalhaven LAP applies to ~~approvals under the Roads Act 1993~~ and approvals for Section 68 activities as prescribed by the *Local Government Act 1993 (LG Act)* and certain approvals under the *Roads Act 1993*.

The following activities, listed in section 68 of the *LG Act*, require Council's prior approval, except when exempt from the need for approval under the regulations or this policy.

<p><b>Part A: Structures or places of public entertainment</b></p> <ol style="list-style-type: none"> <li>1. Install a manufactured home, moveable dwelling or associated structure on land.</li> </ol>
<p><b>Part B: Water supply, sewerage and storm water drainage work</b></p> <ol style="list-style-type: none"> <li>1. Carry out water supply work.</li> <li>2. Draw water from a council water supply or a standpipe or sell water so drawn.</li> <li>3. Install, alter, disconnect or remove a meter connected to a service pipe.</li> <li>4. Carry out sewerage work.</li> <li>5. Carry out stormwater drainage work.</li> <li>6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with drain or sewer which connects with such a public drain or sewer.</li> </ol>
<p><b>Part C: Management of waste</b></p> <ol style="list-style-type: none"> <li>1. For fee or reward, transport waste over or under a public place.</li> <li>2. Place waste in a public place.</li> <li>3. Place a waste storage container in a public place.</li> <li>4. Dispose of waste into a sewer of the council.</li> <li>5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.</li> <li>6. Operate a system of sewage management (within the meaning of section 68A).</li> </ol>
<p><b>Part D: Community land</b></p> <ol style="list-style-type: none"> <li>1. Engage in a trade or business.</li> <li>2. Direct or procure a theatrical, musical or other entertainment for the public.</li> <li>3. Construct a temporary enclosure for the purpose of entertainment.</li> <li>4. For fee or reward, play a musical instrument or sing.</li> <li>5. Set up, operate or use a loudspeaker or sound amplifying device.</li> <li>6. Deliver a public address or hold a religious service or public meeting.</li> </ol>
<p><b>Part E: Public roads</b></p> <ol style="list-style-type: none"> <li>1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.</li> <li>2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.</li> </ol>
<p><b>Part F: Other activities</b></p> <ol style="list-style-type: none"> <li>1. Operate a public car park.</li> </ol>

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2. Operate a caravan park or camping ground.
  3. Operate a manufactured home estate.
  4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
  5. Install or operate amusement devices.
  7. Use a standing vehicle or any article for the purpose of selling any article in a public place.
  10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.
- Note: Section 68 Part F 6, 8 and 9 have been repealed.*

### 1.3 Objectives

The objectives of the Shoalhaven LAP are to:

- Provide an integrated framework for dealing with applications for approval with clear guidelines.
- Apply common and consistent requirements and procedures for the relevant types of approvals.
- Ensure consistency and fairness in the manner in which the Shoalhaven City Council (Council) deals with applications for approval.
- Make Council's policies and requirements for approvals readily accessible and understandable to the community.

### 1.4 Structure

The Shoalhaven LAP is in three parts as per Section 158 of the *LG Act*.

- **Part 1: Exemptions** - outlines the circumstances in which a person is not required to obtain a particular approval. Section A covers exemptions provided for under State Government Legislation. Section B outlines local exemptions applicable only to Shoalhaven.
- **Part 2: Criteria** - is the criteria which must be considered by Council when determining whether or not to grant approval to a particular activity. Section A covers criteria provided for under State Government Legislation. Section B outlines local criteria applicable only to Shoalhaven.
- **Part 3: Other matters** - includes information on the processing of an application and other relevant matters.

### 1.5 Exempt works and activities

There are some works and activities that can be undertaken without the need to apply for approval provided that they meet certain criteria and standards. These works and activities are listed in a wide range of documents and include the Local Government Regulations and the *Environmental Planning and Assessment Act 1979*.

#### **Local Government Act and Regulations**

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 specify works or activities that are exempt.

This LAP forms part of the exemptions under the *LG Act*. It lists further works and activities that may, under certain circumstances, be carried out without requiring the approval of Council.

#### **Environmental Planning and Assessment Act 1979**

The *Environmental Planning and Assessment Act 1979* calls up various exemptions including:

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- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for building works and other activities on private land, such as landscaping or the erection of tents and marquees for community events.
- State Environmental Planning Policy (Transport and Infrastructure) 2021 for works undertaken by public authorities such as the construction of school rooms, installation of street furniture, playground equipment, etc.
- ~~State Environmental Planning Policy (Miscellaneous Consent Provisions) for the erection of tents and marquees on private land or for community events.~~
- Shoalhaven Local Environmental Plan 2014 and Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 provides exemptions for specified activities within certain zones that can be carried out without development consent such as dairies (pasture based), solid fuel heaters and temporary events on public land/public roads/associated temporary structures.

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## 2 Part 1: Exemptions

This part specifies those activities that may be undertaken without obtaining separate approval of Council under Section 68 of the *LG Act*. The exemptions apply to those activities which are of a minor or common nature and which have comparatively minimal impact.

The activities must be conducted in accordance with the provisions outlined in this LAP and relevant legislation. If you cannot meet these provisions, approval will be required. If subsequent activities involve an increase over and above the exemption circumstances shown in this Part, then approval will be required for the further activity.

**Advisory Note:** The exemptions outlined in this document are given in the belief that those activities can function effectively without Council involvement provided that all appropriate guidelines are complied with by the operator. There are, however, other activities that require some degree of regulating and/or co-ordination. In these cases an application and approval is required.

### 2.1 Section A: Legislative exemptions

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021:

- List activities that are exempt from the need for approval.
- Specify conditions applicable to exemptions. Reference should be made to the relevant provisions before proceeding with the proposed activity.

An outline of the legislative exemptions is below.

<b>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</b>	
<b>Conditional Exemptions</b>	
<b>Section 9</b>	<p>(1) The prior approval of the council is not required for:</p> <p>(a) the installation of a manufactured home on land within a manufactured home estate, so long as:</p> <ul style="list-style-type: none"> <li>(i) it is designed, constructed and installed in accordance with the relevant requirements of Division 4, and</li> <li>(ii) it is not occupied by any person until a certificate of completion has been issued for it, or</li> </ul> <p>(b) the installation of an associated structure on land within a manufactured home estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</p> <p>(2) An exemption provided for by this clause applies in respect of the installation of a manufactured home only if such installation is carried out by or with the consent of the holder of the approval to operate the manufactured home estate concerned.</p> <p>(3) An exemption provided for by this clause does not apply to the installation of a manufactured home on flood liable land if the council has notified in writing the holder of the approval to operate the manufactured home estate concerned, before that installation, that the land is flood liable land.</p> <p>(4) An exemption provided for by this clause does not apply to the installation of manufactured homes, or associated structures, of more than one storey in height.</p>
<b>Section 74</b>	Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed with the relevant provisions of the Regulations, the site is not liable to flooding and the installation

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	occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
<b>Section 77(a)</b>	<p>Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.</p> <p><i>Note: Exemptions under Section 77(a) relate only to the caravan, campervan or tent itself. Prior approval of Council is required if wastewater is connected to sewer, or stored, treated or disposed of on site in accordance with C5 and C6 activities.</i></p> <p><b>For the purpose of this LAP, the term caravan includes a tiny house built on a trailer which has the capability of being registered under the Road Transport Act 2013.</b></p>
<b>Section 77(b)</b>	<p>Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.</p> <p><i>Note: Exemptions under Section 77(b) relate only to the caravan or campervan itself. Prior approval of Council is required if wastewater is connected to sewer, or stored, treated or disposed of on site in accordance with C5 and C6 activities.</i></p> <p><i>For the purpose of this LAP, the term caravan includes a tiny house built on a trailer which has the capability of being registered under the Road Transport Act 2013.</i></p>
<b>Section 77(c)</b>	<p>Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.</p> <p><i>Note: Exemptions under Section 77(c) relate only to the caravan or campervan itself. Prior approval of Council is required if wastewater is connected to sewer, or stored, treated or disposed of on site in accordance with C5 and C6 activities.</i></p> <p><i>For the purpose of this LAP, the term caravan includes a tiny house built on a trailer which has the capability of being registered under the Road Transport Act 2013.</i></p>
<b>Section 77(d)</b>	<p>Installation of a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster, so long as it is maintained in a safe and healthy condition and removed within three (3) years.</p>
<b>Unconditional Exemptions</b>	
<b>Section 78</b>	<p>Installation of a caravan, campervan or tent on Crown reserves or on land that is reserved or dedicated under the <i>Forestry Act 1916</i>.</p>

<b>Local Government (General) Regulation 2021</b>	
<b>Exemptions: Drawing of water by Council employees (B2 activity)</b>	
<b>Section 24</b>	<p>An employee of a council acting in the course of his or her employment may draw water from a water supply system or standpipe without the prior approval of the council.</p>
<b>Exemptions: Transport waste (C1 activity)</b>	
<b>Section 48(a)</b>	<p>The transporting of waste over or under a public place for fee or reward if:</p> <ul style="list-style-type: none"> <li>The activity is licensed under the <i>Protection of the Environment Operations Act 1997</i>, or</li> <li>The activity is being carried out in the Sydney metropolitan area as defined in Part 3 of Schedule 1 of the Act, or</li> <li>The waste is being transported through the area of the Council and is not being collected or deposited in that area.</li> </ul>
<b>Exemptions: Place waste in a public place (C2 activity)</b>	
<b>Section 48(b)</b>	<p>The placing of waste in a public place, if done in accordance with arrangements instituted by the Council.</p>



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<b>Exemptions: Install, construct or alter a waste treatment device (C5 activity)</b>	
<b>Section 48(e)</b>	<p>The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done:</p> <ul style="list-style-type: none"> <li>• Under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i>.</li> <li>• In a vessel used for navigation.</li> <li>• In a motor vehicle registered under the <i>Road Transport (Vehicle Registration) Act 1997</i> that is used primarily for road transport.</li> </ul>
<b>Exemptions: Domestic grey water diversion (Note: not permitted on unsewered properties) (F10 activity)</b>	
<b>Section 75A</b>	<p>The installation and operation of a system for diverting greywater generated on a residential premises (single dwelling only) to a garden or lawn on those premises but does not include the manual collection (single dwelling) and re-use of greywater. Domestic greywater diversion may be carried out without the prior approval of the council if:</p> <ol style="list-style-type: none"> <li>a) it is carried out in accordance with the Plumbing and Drainage Code of Practice, and</li> <li>b) a sewage management facility is not installed on the premises concerned, and</li> <li>c) the following performance standards are achieved:             <ol style="list-style-type: none"> <li>i. the prevention of the spread of disease by micro-organisms,</li> <li>ii. the prevention of the spread of foul odours,</li> <li>iii. the prevention of contamination of water,</li> <li>iv. the prevention of degradation of soil and vegetation,</li> <li>v. the discouragement of insects and vermin,</li> <li>vi. ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,</li> <li>vii. the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.</li> </ol> </li> </ol> <p><i>Note: Greywater means waste water from washing machines, laundry tubs, showers, hand basins and baths, but does not include waste water from a kitchen, toilet, urinal or bidet.</i></p>
<b>Exemptions: Operate a system of sewage management (C6 activity)</b>	
<b>Section 48(f)</b>	<p>So much of the operation of a system of sewage management as is limited to an action carried out:</p> <ul style="list-style-type: none"> <li>• Under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i>, or</li> <li>• In a vessel used for navigation, or</li> <li>• In a motor vehicle registered under the <i>Road Transport (Vehicle Registration) Act 1997</i> that is used primarily for road transport.</li> </ul>
<b>Section 47</b>	<p>Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under Section 68 of the <i>LG Act</i> for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).</p> <p>Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.</p>
<b>Exemptions: Use of a loudspeaker or amplifying device on community land (D5 activity)</b>	
<b>Section 49</b>	<p>A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if it is done in accordance with</p>

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	<p>a notice erected on the land by the council or if it is done in the circumstances specified, in relation to the setting up, operation or use (as the case may be), in Part 1 of the local approvals policy applying to the land. Refer to criteria outlined in Part 1: Local Exemptions.</p> <p><i>Note: This LAP does not provide a Local Exemption to activity D5.</i></p>
<b>Exemptions: Domestic oil or solid fuel heating appliance (F4 activity)</b>	
<b>Section 70</b>	A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the Council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i> .
<b>Exemptions: Operation of a public car park (F1 activity)</b>	
<b>Section 66</b>	A public car park may be operated without the prior approval of the Council if approval for its erection or operation has already been given by the Council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.
<b>Exemptions: Amusement devices (F5 activity)</b>	
<b>Section 71</b>	Amusement devices not required to be registered under the Work Health and Safety Regulation may be installed or operated without the prior approval of the Council.
<b>Section 75</b>	<p>A small amusement device may be installed or operated without the prior approval of Council if:</p> <ul style="list-style-type: none"> <li>• The ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason,</li> <li>• The device is registered under the Work Health and Safety Regulation,</li> <li>• The device is erected and operated in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under those Regulations,</li> <li>• There exists for the device a current log book within the meaning of those Regulations,</li> <li>• In the case of a device that is to be or is installed in a building, fire egress is not obstructed,</li> <li>• There is in force a contract of insurance or indemnity for the device that complies with section 74 (see below).</li> </ul> <p>In the Regulation, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under (includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute).</p>
<b>Section 74</b>	It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.

**2.2 Section B: Local exemptions**

In addition to the legislative exemptions available under the Local Government Regulations, the following activity under Section 68 of the *LG Act* is exempt from the need to obtain an approval of Council, in the circumstances specified below:

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<b>S68 Part A – Install a manufactured home, moveable dwelling or associated structure on land</b>	
<b><i>Installation of a moveable dwelling or associated structure to accommodate a person displaced as a result of natural disaster – A1 Activity</i></b>	
<b>Criteria</b>	<p>The installation of a moveable dwelling or associated structure to accommodate a person displaced as a result of natural disaster is exempt from the need for approval provided, they comply with the following criteria:</p> <ul style="list-style-type: none"> <li>• The caravan, manufactured home or other moveable dwelling is being occupied as a temporary dwelling as a temporary replacement for a dwelling on land destroyed by bushfire or a declared State of Emergency under the State Emergency and Rescue Management Act 1989 or a declared natural disaster under the Natural Disaster Relief and Recovery Arrangements (NDRRA) between the State and Federal Government.</li> <li>• With regard to Clause 77(1)(d)(ii)(B) of the <i>Regulation</i>, the caravan, manufactured home or other moveable dwelling is to be removed from the site after a period of three (3) years, or upon issue of an Occupation Certificate for a replacement dwelling, whichever occurs sooner.</li> <li>• The moveable dwelling must be connected to a system of sewage management which has been approved to operate on the land under Section 68 of the <i>LG Act</i>.</li> <li>• The caravan, manufactured home or moveable dwelling must be connected to the reticulated water supply or a water tank having a minimum capacity of at least 20,000 litres.</li> <li>• The caravan, manufactured home or moveable dwelling must be provided with a toilet, bathing, laundry and cooking facilities.</li> <li>• The caravan, manufactured home or moveable dwelling must be provided with an automatic fire detection and alarm system that complies with the requirements of Part 3.7.2 of Volume Two of the Building Code of Australia in relation to Class 1a buildings within the meaning of that Code.</li> <li>• The caravan, manufactured home or moveable dwelling must be located:             <ul style="list-style-type: none"> <li>- behind the front building line of dwellings on adjoining or adjacent properties, except in the case of battle-axe or hatchet shaped allotments where it shall be located beyond the access handle;</li> <li>- minimum two (2) metres from side and rear boundaries.</li> </ul> </li> <li>• Any ancillary structures, buildings or facilities (e.g. clothes drying area, garden sheds etc.) must be located adjacent to the caravan, manufactured home or moveable dwelling and not cause a nuisance to adjoining properties.</li> <li>• The caravan, manufactured home or moveable dwelling and any ancillary structures must not obscure the vision of passing motorists.</li> <li>• The caravan, manufactured home or moveable dwelling and any ancillary structures must not create any amenity issues.</li> <li>• Occupation of the caravan, manufactured home or moveable dwelling must not cause a nuisance to or unreasonably interfere with the amenity of adjoining properties.</li> <li>• The caravan, manufactured home or moveable dwelling must be adequate for the number of occupants occupying the structure.</li> <li>• The property must be maintained in a clean and tidy condition at all times.</li> <li>• Storm water is to be managed so as not to cause a nuisance to adjoining properties or any unacceptable environmental impacts.</li> <li>• All pipes and fittings in a relocatable home that relate to water supply or sewerage must be installed in accordance with:             <ul style="list-style-type: none"> <li>- the Plumbing and Drainage Act 2011 and any regulations under that Act, and</li> <li>- the requirements of any relevant statutory body.</li> </ul> </li> <li>• All electrical wiring, connections, fittings etc. must comply with the supply authorities requirements and AS/NZS 3000:2007 Australian/New Zealand Wiring Rules.</li> </ul>

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	<ul style="list-style-type: none"> <li>A manufactured home or moveable dwelling must be installed in accordance with the specifications contained in the engineer's certificate issued in respect of the manufactured home.</li> <li>A manufactured home or moveable dwelling must be fitted with a compliance plate complying with Clause 67 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.</li> <li>A manufactured home or moveable dwelling must be of a design certified by a practicing structural engineer to be structurally sound. The certificate:             <ul style="list-style-type: none"> <li>must indicate that the relocatable home complies with any applicable standards, codes and specifications, and</li> <li>must include specifications as to the manner in which the relocatable home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.</li> </ul> </li> <li>Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the home or structure may be installed.</li> <li>The design, construction and installation of a manufactured home or moveable dwelling must comply with the relevant provisions of Part 3 Division 4 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>Any variation to the above will require Council consent.</li> <li>Recovery Pods leased by Resilience NSW are exempt from the criteria detailed above.</li> </ul>

<b>S68 Part C – Management of Waste</b>	
<i>Dispose of liquid trade waste into the sewer of the council – C4 activity</i>	
<b>Criteria</b>	Certain activities that dispose liquid trade waste into the sewer of the council, known as "deemed to be approved," are exempt from the need for approval, provided they comply with the following criteria:
<b>Activity generating waste</b>	<b>Criteria</b>
Beautician	<ul style="list-style-type: none"> <li>Solvents are not to be discharged into the sewer.</li> </ul>
Bed and breakfast (not more than 10 persons including proprietor)	<ul style="list-style-type: none"> <li>Sink strainers <b>are to be utilised</b> are used in food preparation areas.</li> <li>Food preparation activities are to comply with sound housekeeping practices including:             <ul style="list-style-type: none"> <li>Floor is to be dry swept before washing,</li> <li><b>Pre-wiping of Scraping</b> all utensils, plates, bowls etc. into <b>the scrap a waste</b> bin before washing up.</li> </ul> </li> <li><b>Use of a food waste disposal unit (garbage grinder) and/or a food waste processing unit (food digesters, composters, etc.) is not permitted.</b></li> </ul>
Cooling tower <b>&lt; 500 L/h</b>	<ul style="list-style-type: none"> <li>No chromium-based products are to be discharged into the sewer.</li> </ul>
Crafts, ceramics, pottery, etc. (including hobby clubs)	Flows <200 L/d <ul style="list-style-type: none"> <li>Nil.</li> </ul> Flows 200–1,000 L/d <ul style="list-style-type: none"> <li>Plaster arrestor is required.</li> </ul>
Dental technician	<ul style="list-style-type: none"> <li>Plaster arrestor is required.</li> </ul>

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	Dental mobile (no amalgam waste)	<ul style="list-style-type: none"> <li>Nil.</li> </ul>
	Florist	<ul style="list-style-type: none"> <li>Dry basket arrestor is required for floor waste outlets and sink strainers are required.</li> <li>Herbicides/pesticides are not permitted to be discharged into the sewer.</li> </ul>
	Hairdressing	<ul style="list-style-type: none"> <li>Dry basket arrestor is required for floor waste outlets and sink strainers and/or hair traps are required.</li> </ul>
	Jewellery shop	<p>Mini Plater</p> <ul style="list-style-type: none"> <li>Mini Plater vessel is to contain no more than 1.5L of precious metal solution.</li> </ul> <p>Ultrasonic washing</p> <ul style="list-style-type: none"> <li>Nil.</li> </ul> <p>Precious stone cutting</p> <ul style="list-style-type: none"> <li>&lt; 1000 L/d, a plaster arrestor is required.</li> <li>&gt; 1000 L/d, a general purpose pit is required.</li> </ul>
	Medical centre/doctors' surgery/physiotherapy (If plaster cases casts are made onsite)	<ul style="list-style-type: none"> <li>Plaster arrestor is required if Plaster of Paris casts are used.</li> </ul>
	Mobile cleaning units – carpet cleaning	<ul style="list-style-type: none"> <li>20-micron filtration system is to be fitted to the mobile unit.</li> </ul>
	Optical service – retail.	<ul style="list-style-type: none"> <li>Solids settlement tank/pit is required.</li> </ul>
	Venetian blind cleaning	<ul style="list-style-type: none"> <li>Where conducted outdoors, the work area is to be roofed and banded to prevent stormwater ingress into the sewerage system.</li> </ul>
<b>Advice</b>		<ul style="list-style-type: none"> <li>Any variation to the above will require an approval under Part 2 of this LAP.</li> <li>Refer to <a href="#">Council's Liquid Trade Waste Discharge to Sewerage System Policy</a>.</li> </ul>

<b>S68 Part D – Community Land</b>	
<b>Ceremonies on Public Land (D6 Activity)</b>	
<b>Criteria</b>	<p>Small private functions including ceremonies and religious services are exempt from the need for approval provided they comply with the following criteria:</p> <ul style="list-style-type: none"> <li>Maximum number of people (including children) at the private function is 50 (total).</li> <li>Maximum duration of the function is 3 hours (including set up/pack up).</li> <li>The area is available to be shared with the general public (i.e. the public reserve is for the use and enjoyment by all and public access must not be restricted in any way).</li> <li>Infrastructure is limited to a personal pop up marquee (maximum 3m x 3m), one table and 10 chairs (that can be carried in and out of the reserve). Larger marquees are not permitted.</li> <li>Public Address (PA) systems are not permitted.</li> <li>The wedding reception is held at a separate venue.</li> <li>Function areas must be located a minimum of 25m from playgrounds, amenities buildings and private residential boundaries. The function must not also block access to other public facilities such pathways and car parks.</li> <li>The reserve may only be used (for the purposes of carrying out an approval-exempt function) between the following hours:</li> </ul>

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	<ul style="list-style-type: none"> <li>– Monday to Saturday 10am to 10pm</li> <li>– Sunday 10am to 8pm</li> <li>• No fencing or other barriers are permitted.</li> <li>• The area is to be left as found in a clean and tidy condition, and arrangements made for the collection/ removal of any waste generated as a result of the private function.</li> <li>• Service of any alcohol (where permitted – noting that some reserves in the Shoalhaven are declared as Alcohol Free Zones) will be carried out by a person(s) with a valid Responsible Service of Alcohol accreditation. Police must also be notified of any function serving alcohol.</li> <li>• Fireworks are not permitted.</li> <li>• 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.</li> <li>• Parking is permitted in allocated parking areas only. Vehicles are not permitted to enter <b>the a</b> public reserve or beach (except where express approval is received to do so).</li> <li>• If the function is a wedding, only biodegradable confetti, bubbles or loose rose petals are to be used.</li> <li>• If the function is a wedding, multiple ceremonies that are facilitated by a wedding planner or celebrant in the same location and on the same day are not permitted (without consent).</li> </ul>
<b>Advice</b>	<ul style="list-style-type: none"> <li>• Any variation to the above will require an approval under Part 2 of this LAP.</li> <li>• Refer to Council's <a href="#">Private Functions on Public Reserves Policy</a>.</li> </ul>

<b>S68 Part F – Other Activities</b>	
<b>Domestic grey water diversion (F10 activity)</b>	
<b>Criteria</b>	<p>The manual collection and re-use of greywater, by means of <b>a bucket, or similar receptacle.</b></p> <ul style="list-style-type: none"> <li>• <b>A bucket, or similar receptacle</b></li> </ul> <p><b>* Where the collection is for beneficial re-use to irrigate gardens or lawns during periods of dry weather or drought.</b></p> <p>The re-use of greywater must not cause waterlogged or boggy conditions and must be distributed in a manner that does not cause run off onto neighbouring properties or into any drain or watercourse.</p>
<b>Advice</b>	<ul style="list-style-type: none"> <li>• <b>Not permitted on unsewered properties</b></li> <li>• <b>Installation of greywater diversion devices in unsewered areas requires approval.</b></li> </ul>

### 3 Part 2: Criteria

Part 2 of the LAP focuses on the considerations and criteria applied by Council in determining whether to give or refuse an approval of a particular kind of activity under Section 68 of the *LG Act* or where required under Sections 125, 138 or 139A of the *Roads Act 1993*.

In order to achieve the objectives of the policy, in terms of creating an atmosphere which provides for activities which do not adversely impact on the amenity of residents and visitors, the following requirements outlined in Section 89 of the *LG Act* will be taken into consideration in the assessment of all applications.

In determining an application, Council:

- Must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and
- Must take into consideration any criteria in a local policy adopted by Council which are relevant to the subject-matter of the application, and
- Must take into consideration the principles of ecologically sustainable development.

If no requirements are prescribed and no criteria are adopted, Council in determining an application is to:

- Take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
- Seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.

In considering the public interest the matters the council is to consider include:

- Protection of the environment, and
- Protection of public health, safety and convenience, and
- Any items of cultural and heritage significance which might be affected.

The LG (General) Regulation 2021 and the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 prescribe a number of matters that must be considered by Council when dealing with an application.

Legislative considerations and criteria have been paraphrased within this Part. Reference should be made to relevant Regulation for specific details. Local considerations and criteria have also been referenced in this part for the following activities:

- Water supply, sewerage and stormwater drainage work.
- Management of waste.
- Outdoor dining and perimeter barricades.
- Menu boards/ A-frames/ advertising signs and outdoor furniture
- Events (theatre/entertainment/music, temporary enclosures, loudspeaker/sound amplifying device, ceremonies).
- Selling food or articles in a public place (mobile food vehicles, temporary food stalls, display of goods and/ or merchandise).
- Installation of solid fuel or domestic oil heater.
- Installation of manufactured home, moveable dwelling or associated structure on flood liable land.
- Operate a caravan park/camping ground/ manufactured home estate.

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**Advisory Notes:**

In some cases, approval may be required under the *LG Act* and the *Roads Act 1993*. Where both Acts apply, a single approval will be issued.

Where an activity requires approval under the *LG Act* and the *Environmental Planning and Assessment Act 1979*, approvals may be applied for as part of the Development Application.

Where a departure or a variation is sought from the criteria contained in this Policy, the departure or variation must be supported by a Council resolution.

Where there is an inconsistency between the *LG Act* or the relevant Local Government Regulations (LG Regulations) and the Shoalhaven LAP, the *LG Act* or the LG Regulations will prevail.

**3.1 Section A: Legislative Criteria**

The LG (General) Regulation 2021, the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and *Roads Act 1993* prescribe a number of matters that must be considered by Council when dealing with an application. Reference should be made to both LG Regulations and *Roads Act 1993* for specific details.

<b>LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</b>	
<b>Consideration criteria – Install a manufactured home, moveable dwelling or associated structure on land (A1 activity) on non-flood liable land</b>	
<b>Part 2</b> <b>Divisions 3 &amp; 4</b>	Council will evaluate applications for: <ul style="list-style-type: none"> <li>• manufactured home estates;</li> <li>• manufactured homes and associated structures;</li> </ul>
<b>Part 3</b> <b>Divisions 3, 4 &amp; 5</b>	<ul style="list-style-type: none"> <li>• relocatable homes and associated structures; and</li> <li>• caravans, tents and annexes, in accordance with the provisions outlined in the Regulation.</li> </ul>
<b>Consideration criteria – Operate a caravan park or camping ground (F2 activity) on non-flood liable land</b>	
<b>Part 3</b> <b>Division 3</b>	Council will evaluate applications for caravan parks and camping grounds in accordance with the provisions outlined in the Regulation.
<b>Consideration criteria – Operate a manufactured home estate (F3 activity) on non-flood liable land</b>	
<b>Part 2</b> <b>Division 3</b>	Council will evaluate applications for manufactured home estates in accordance with the provisions outlined in the Regulation.

<b>LG (General) Regulation 2021</b>	
<b>Consideration criteria – Install, alter, disconnect or remove a meter connected to a service pipe (B3 activities)</b>	
<b>Sections 14 &amp; 15</b>	Council may require an application for an approval relating to the installation of a water meter to be accompanied by a completed water meter identification form provided by Council for the purpose.



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	<p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• Any other matter that it considers to be relevant in the circumstances.</li> </ul> <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2021 specifies mandatory standards for water meters.</p>
<b>Consideration criteria – Stormwater drainage and plumbing works (B1, B2, B4 and B5 activities)</b>	
<b>Section 15</b>	<p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• Any other matter that it considers to be relevant in the circumstances.</li> </ul> <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2021 specifies mandatory standards for stormwater drainage work, including that such works must comply with the Plumbing Code of Australia (also known as the Plumbing and Drainage Code of Practice).</p>
<b>Consideration criteria – dispose of waste into the sewer of council (C4 activity)</b>	
<b>Section 25</b>	<p>An application for approval to discharge trade waste into a sewer under the control of Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines. <del>(superseded by the 'Liquid Trade Waste Regulation Guidelines' in 2021).</del></p>
<b>Consideration criteria – place building waste storage container on a road (C3 activity)</b>	
<b>Section 27</b>	<p>In determining an application for approval to place on a road a building waste storage container, Council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to Council from time to time by NSW Roads and Maritime Services.</p>
<b>Consideration criteria – sewage management facilities (C5 and C6 activities)</b>	
<b>Section 29</b>	<p>In determining an application for approval to install, construct or alter a sewage management facility, Council must take into consideration the following matters:</p> <ul style="list-style-type: none"> <li>• Environment and health protection matters - Council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following: <ul style="list-style-type: none"> <li>– Preventing the spread of disease by micro-organisms.</li> <li>– The prevention of the spread of foul odours.</li> <li>– Preventing contamination of water.</li> <li>– Preventing degradation of soil and vegetation.</li> <li>– The discouragement of insects and vermin.</li> <li>– Ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned.</li> <li>– The re-use of resources (including nutrients, organic matter and water).</li> <li>– The minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.</li> </ul> </li> <li>• Guidelines and directions - Council must consider any matter specified in guidelines or directions issued by the Director-General in relation to any environmental and health protection matters.</li> </ul>
<b>Section 30</b>	<p>Council must not grant an application for an approval to install, construct or alter a waste treatment device or sewage management facility, unless it is satisfied that the activity, as</p>

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	proposed to be carried out, will comply with any applicable standards established by the <i>Local Government (General) Regulation 2021</i> or by under the <i>LG Act</i> .
<b>Section 36</b>	<p>In determining an application for the approval of a sewage management facility, Council must take into the consideration that the sewage management facility –</p> <ul style="list-style-type: none"> <li>• Must be made of durable and non-corrosive components, each having an expected service life of at least – <ul style="list-style-type: none"> <li>– 5 years, in the case of a mechanical or electrical component, and</li> <li>– 15 years, in any other case, and</li> </ul> </li> <li>• Must be installed or constructed – <ul style="list-style-type: none"> <li>– In accordance with the appropriate specifications and in accordance with good trade practice, and</li> <li>– So as to allow ease of access for maintenance, and</li> <li>– With regard to the health and safety of users, operators and persons maintaining the facility, and</li> </ul> </li> <li>• Must be installed or constructed so as to make appropriate provision for access to and removal of contents in a safe and sanitary manner, and</li> <li>• Must, if it is intended to be a permanent fixture, be anchored to prevent movement.</li> </ul>
<b>Section 37</b>	<p>In determining an application for the approval of a human waste storage facility, Council must ensure that the facility is not to be installed in any part of a building unless that part of the building complies with the following requirements –</p> <ul style="list-style-type: none"> <li>• It is adequately ventilated to the outside air,</li> <li>• The walls and roof are of weatherproof material,</li> <li>• The floor is of material that is impervious to water and is drained.</li> </ul> <p>The part of the building in which a human waste storage facility (other than a water closet) is permanently installed must be designed and located so as to allow human waste to be removed without being carried through any dwelling-house or public building or any building in which any person may be, or may be intended to be, employed in any manufacture, trade or business.</p>
<b>Section 38</b>	<p>In determining an application for the approval of a cesspit, Council must take into the consideration that the cesspit –</p> <ul style="list-style-type: none"> <li>• Must be deep, dark and fly-proof, and</li> <li>• Must be constructed and maintained so as to prevent both the access of surface waters to it and the escape of matter from it, and</li> <li>• Must not be located where it can possibly pollute any water used or likely to be used for human consumption or for any domestic or dairy purposes, and</li> <li>• Must not be located where the normal level of grh ground water is less than one metre below the bottom of the cesspit.</li> </ul> <p>If a cesspit is emptied, its contents must be disposed of in a sanitary manner and in accordance with any requirements of the Council.</p>
<b>Section 39</b>	<p>In determining an application for mechanical waste treatment devices, Council must consider the following matters:</p> <ul style="list-style-type: none"> <li>• A bag used for the retention of waste in a mechanical device that treats waste by compaction, shredding or other means must be of a kind approved by Council.</li> <li>• Treated waste kept on premises after treatment other than wholly within the device, is to be deposited in a receptacle of a kind approved by Council.</li> </ul>
<b>Section 40 &amp; 41</b>	<p>Council must not approve the installation or construction of a sewage management facility to which Subdivision 5 of the <i>Regulation</i> applies, unless Council is satisfied that the facility is to be installed or constructed to a design or plan that is the subject of a certificate of accreditation from the Secretary of the Ministry of Health, being a certificate that is in force.</p> <p>Subdivision 5 applies to such models of the following sewage management facilities as are generally available for purchase by retail –</p> <ul style="list-style-type: none"> <li>• Wet composting closets,</li> <li>• Waterless composting closets,</li> <li>• Septic closets,</li> </ul>

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	<ul style="list-style-type: none"> <li>• Septic tanks,</li> <li>• Holding tanks and collection wells used for the receipt and storage of effluent (other than those intended to be emptied after each use, such as chamber pots)</li> <li>• Waste treatment devices designed to comminute or macerate and discharge sewage to a sewage system,</li> <li>• Waste treatment devices that receive and treat sewage before discharging effluent to a common effluent drainage scheme,</li> <li>• Waste treatment devices that treat sewage using a specific process to produce biosolids and disinfected effluent to a standard suitable, either separately or in combination, for recycling by surface or sub-surface irrigation or by internal or external household use,</li> <li>• Any other kind of sewage management facility specified in a notice published in the Gazette by the Secretary for the purposes of this section.</li> </ul> <p>However, Subdivision 5 does not apply –</p> <ul style="list-style-type: none"> <li>• to a sewage management facility intended to treat –             <ul style="list-style-type: none"> <li>– Sewage of a non-domestic nature, or</li> <li>– Sewage from premises normally occupied by more than 10 persons, or</li> <li>– An average daily flow of sewage exceeding 2,000 litres, or</li> </ul> </li> <li>• to the part of sewage management facility that consists of a drain connected to the facility, or</li> <li>• to any other component of a sewage management facility that is specified in a notice published in the gazette by the secretary of the ministry of health for the purposes of this section, or</li> <li>• to or in respect of a sewage management facility –             <ul style="list-style-type: none"> <li>– That is to be installed or constructed as a model for the purposes of testing, or</li> <li>– That is designed, and is to be constructed, by the owner or occupier of the premises on which it is to be installed, or</li> <li>– That is designed, by a person other than the owner or occupier of the premises on which it is to be installed, specifically and uniquely for those premises.</li> </ul> </li> </ul>
<p><b>Sections 43 &amp; 44</b></p>	<p>In determining an application for an approval to operate a system of sewage management, Council will consider the similar matters as those outlined above.</p> <p><i>Note: These matters are also considered on applications for the installation of a grey water treatment device. Devices must however be accredited by NSW Health.</i></p>
<p><b>Consideration criteria – applications relating to public roads (E1 &amp; E2 activities)</b></p>	
<p><b>Section 50</b></p>	<p>In determining an application for an approval under Part E of the Table to Section 68 of the <i>LG Act</i>, Council must take into account the provisions of the <i>Roads Act 1993</i> and any relevant standards and policies of public authorities applying to the use of the road.</p>
<p><b>Consideration criteria – operation of a public car park (F1 activity)</b></p>	
<p><b>Section 53</b></p>	<p>In determining an application for approval to operate a public car park, Council is to take the following matters into consideration:</p> <ul style="list-style-type: none"> <li>• NSW Roads and Maritime Services views about the application.</li> <li>• The effect of the car park on the movement of vehicular traffic and pedestrian traffic.</li> <li>• Whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles.</li> <li>• Whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory.</li> <li>• Whether there will be adequate provision for pedestrian safety and access for people with disabilities.</li> <li>• Whether the internal design of parking facilities and system of traffic management are satisfactory.</li> <li>• Whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided.</li> </ul>

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	<ul style="list-style-type: none"> <li>The <i>Work Health and Safety Act 2011</i>, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there.</li> <li>Whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.</li> </ul>
<b>Consideration criteria – install or operate amusement devices (F5 activity)</b>	
<b>Section 72</b>	<p>Council must not grant an application for an approval to install or operate an amusement device unless it is satisfied:</p> <ul style="list-style-type: none"> <li>That the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and</li> <li>The device is registered under the Occupational Health and Safety Regulation 2001, and</li> <li>That the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that regulation, and</li> <li>That there exists for the device a current log book within the meaning of chapter 5 of that Regulation, and</li> <li>That there is in force a contract of insurance or indemnity for the device that complies with section 74, and</li> <li>That the device is adequately tied down, appropriate to the design, to prevent tipping or uplift by wind or dynamic forces.</li> </ul>

<b>Roads Act 1993</b>	
<b>Consideration criteria – street vending</b>	
<b>Section 139F</b>	<p>When considering whether to grant, extend or transfer a street vending consent, or other consent under this Division permitting the use of a structure in, on or over a public road not in a built-up area, for the purpose of selling any article or service, the roads authority must comply with guidelines relating to street vending jointly issued by Roads and Maritime Services and the Department of Local Government.</p> <p>A street vending consent may not be granted if a structure is subject to a lease under Section 149 of the <i>Roads Act 1993</i>.</p>

**3.2 Section B: Local Criteria**

<b>Structures or Places of Public Entertainment - Part A Section 68, LG Act</b>	
<b>Installation of a manufactured home, moveable dwelling or associated structure on flood liable land - A1 activity</b>	
<b>Criteria</b>	For applications on flood liable land, relevant provisions in Chapter G9: Development on Flood Prone Land and Chapter G10: Caravan Parks in Flood Prone Areas of Shoalhaven Development Control Plan 2014 apply.
<b>Advice</b>	Provisions of the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 apply. For applications on non-flood-liable land, refer to Part 2 Section A: Legislative Criteria (Section 3.1 of this LAP).

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<b>Water supply, sewerage and stormwater drainage work - Part B Section 68, LG Act</b>	
<b>Water supply works - B1 activity</b>	
<b>Criteria</b>	<p>In determining an application, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• <a href="#">Backflow Prevention and Cross-Connection Control</a>.</li> <li>• <a href="#">Minor Mains Extension Policy</a>.</li> <li>• <a href="#">Provision Of Water And Sewerage Infrastructure – Developments not included in Development Servicing Plans</a>.</li> <li>• <a href="#">Non-Urban Water Supply Connection Policy</a>.</li> <li>• <a href="#">Building Over Water/Sewer Pipelines Policy</a>.</li> <li>• Water and Sewer Codes and supplements to the respective codes and other standards.</li> <li>• The requirements of any development consent granted in respect of the proposed activity.</li> <li>• <a href="#">Shoalhaven Water Development Application Notice</a>.</li> <li>• The impact on the water supply and/or sewerage system/s.</li> <li>• Third party approvals (e.g. NSW Roads &amp; Maritime Service, NSW Office of Water).</li> <li>• Are there any environmental impacts?</li> <li>• Is a Review of Environmental Factors (REF) required?</li> <li>• Other pertinent legislation.</li> <li>• Any other matter considered relevant in the circumstances.</li> </ul>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Draw water from a council water supply or a standpipe or sell water so drawn - B2 activity</b>	
<b>Criteria</b>	<p>In determining an application, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• Purpose for which the water will be used.</li> <li>• Rate of withdrawal of water.</li> <li>• Method by which water drawn will be measured.</li> <li>• <a href="#">Backflow Prevention and Cross-Connection Control</a>.</li> <li>• <a href="#">Minor Mains Extension Policy</a>.</li> <li>• <a href="#">Provision Of Water And Sewerage Infrastructure – Developments not included in Development Servicing Plans</a>.</li> <li>• <a href="#">Non-Urban Water Supply Connection Policy</a>.</li> <li>• <a href="#">Non-Urban Water Supply Connection Policy</a>.</li> <li>• <a href="#">Water Hydrant Standpipe Extraction Policy</a>.</li> <li>• Water and Sewer Codes and supplements to the respective codes and other standards.</li> <li>• Shoalhaven Water Development Application Notice.</li> <li>• The impact on the water supply and/or sewerage system/s.</li> <li>• Third party approvals (e.g. Roads &amp; Maritime Service, NSW Office of Water).</li> <li>• The requirements of any development consent granted in respect of the proposed activity.</li> <li>• Are there any environmental impacts?</li> <li>• Is a Review of Environmental Factors (REF) required?</li> <li>• Other pertinent legislation.</li> <li>• Any other matter considered relevant in the circumstances.</li> </ul>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Install, alter, disconnect or remove a meter connected to a service pipe - B3 activity</b>	
<b>Criteria</b>	<p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> </ul>

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	<ul style="list-style-type: none"> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• Any other matter that it considers to be relevant in the circumstances.</li> </ul> <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2021 specifies mandatory standards for water meters.</p> <p>No work is to be done by any person other than a Council employee in the course of his/her employment.</p> <p>Council may require an application for an approval relating to the installation of a water meter to be accompanied by a completed water meter identification form provided by Council for the purpose.</p>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Sewerage work - B4 activity</b>	
<b>Criteria</b>	<p>In determining an application, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• <a href="#">Backflow Prevention and Cross-Connection Control</a>.</li> <li>• <a href="#">Minor Mains Extension Policy</a>.</li> <li>• <a href="#">Provision Of Water And Sewerage Infrastructure – Developments not included in Development Servicing Plans</a>.</li> <li>• <a href="#">Rural/Non-Urban Wastewater Connection Policy</a></li> <li>• <a href="#">Building over Water/Sewer Pipelines Policy</a>.</li> <li>• Water and Sewer Codes and supplements to the respective codes and other standards.</li> <li>• The requirements of any development consent granted in respect of the proposed activity.</li> <li>• <a href="#">Shoalhaven Water Development Application Notice</a>.</li> <li>• The impact on the water supply and/or sewerage system/s.</li> <li>• Third party approvals (e.g. Roads &amp; Maritime Service, NSW Office of Water)</li> <li>• Are there any environmental impacts?</li> <li>• Is a Review of Environmental Factors (REF) required?</li> <li>• Other pertinent legislation.</li> <li>• Any other matter considered relevant in the circumstances.</li> </ul>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Stormwater drainage work - B5 activity</b>	
<b>Criteria</b>	In determining an application for an approval, Council must have regard to compliance with conditions of development consent granted in respect of the proposed activity.
<b>Connect a private drain to a public drain - B6 activity</b>	
<b>Criteria</b>	<p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> <li>• The protection and promotion of public health.</li> <li>• The protection of the environment.</li> <li>• The safety of its employees.</li> <li>• The safeguarding of its assets.</li> <li>• Purpose for which the connection will be made.</li> <li>• Quality and quantity of discharge from the private drain or sewer.</li> <li>• Maximum rate of discharge in litre per second from the private drain or sewer.</li> <li>• Council's <a href="#">Liquid Trade Waste Discharge to Sewerage System Policy</a>.</li> <li>• Any other matter considered relevant in the circumstances.</li> </ul>

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<b>Management of waste - Part C Section 68, LG Act</b>	
<b>Dispose of liquid trade waste into the sewer of the council - C4 activity</b>	
<b>Criteria</b>	<p><b>Liquid Trade Waste</b></p> <p>In determining an application for an approval to dispose of liquid trade waste to the sewer, Council must have regard to <a href="#">Liquid Trade Waste Discharge to Sewerage System Policy</a>.</p> <p><b>Council Approval Required</b></p> <p>Council approval shall be obtained prior to the discharge of liquid trade waste to the sewerage system, or in cases where Council considers an activity to have a potential for liquid trade waste discharge, prior to the commencement of that activity.</p> <p><b>Factors to be considered</b></p> <p>When determining an application to discharge liquid trade waste into the sewerage system, Council will consider the following factors:</p> <ul style="list-style-type: none"> <li>• The potential for the liquid trade waste discharge to impact on public health.</li> <li>• The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors).</li> <li>• The potential impacts of the discharge on the health and safety of Council's employees.</li> <li>• The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process.</li> <li>• The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge, taking into consideration both current system demands and allowance for potential community growth.</li> <li>• The impact the liquid trade waste will have on the ability of the sewerage scheme to meet licence requirements (e.g. under the <a href="#">Protection of the Environment Operations Act 1997</a>).</li> <li>• Compliance of the proposed liquid trade waste discharge with guideline limits in the <a href="#">Liquid Trade Waste Discharge to Sewerage System Policy</a>.</li> </ul> <p><i>Note: The quality of liquid trade waste from some low risk activities in Classification A and B will exceed guideline limits in Council's <a href="#">Liquid Trade Waste Discharge to Sewerage System Policy</a>. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs, maintains and properly operates the required pre-treatment equipment (refer Tables 8, 9, 11 and 16) of Liquid Trade Waste Management Guidelines, 2021). Similarly, septic and pan waste may exceed some guideline limits.</i></p> <ul style="list-style-type: none"> <li>• Water and sewer standards and supplements to the respective codes.</li> <li>• The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewerage treatment process.</li> <li>• The adequacy of the pre-treatment process/es to treat the liquid waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails.</li> <li>• The adequacy of the proposed cleaning and maintenance program of pre-treatment facilities and the effluent monitoring program (if applicable).</li> <li>• Proposed management of liquid waste not discharged to the sewerage system and safeguards to avoid any accidental discharge of these waters to the sewerage system.</li> <li>• The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the chemicals entering the sewerage system.</li> <li>• Whether prohibited substances are proposed to be discharged.</li> <li>• The potential for stormwater ingress into the sewerage system and adequacy of stormwater controls.</li> <li>• Waste minimisation and water conservation programs.</li> <li>• The adequacy of the proposed due diligence program and contingency plan, where required.</li> <li>• Any other matter considered relevant in the circumstances.</li> </ul>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .

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	A written application for approval to discharge liquid trade waste to the sewerage system is to be made by completing and submitting the appropriate Council application form together with any information as may be prescribed by relevant regulations and specified by Council to enable Council to determine the application. (Additionally, refer to Table 1 of the <a href="#">Liquid Trade Waste Management Guidelines, 2021</a> ).
<b>On-site sewage management - C5 activity</b>	
<b>Criteria</b>	<p>On-site sewage management is comprised of three phases:</p> <ul style="list-style-type: none"> <li>• <b>Phase 1</b> - Drains capturing wastewater from the fittings and conveying the wastewater to the storage or treatment device. Drains may be absent for a waterless composting toilet.</li> <li>• <b>Phase 2</b> - A human waste storage facility or waste treatment device.</li> <li>• <b>Phase 3</b> - Drains representing the method of application or disposal of treated wastewater.</li> </ul> <p>Types of systems include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Septic tank &amp; absorption trench.</li> <li>• Aerated wastewater treatment system &amp; irrigation.</li> <li>• Composting toilet.</li> <li>• Septic tank pumpout.</li> <li>• Greywater treatment systems.</li> </ul> <p>For applications relating to on-site sewage management, please refer to Chapter G8: Onsite Sewage Management of Shoalhaven Development Control Plan 2014 (in particular Section 5 Controls, and Section 6 Advisory Information).</p>
<b>Advice</b>	<p>Application fees apply. See Council's <a href="#">Fees and Charges</a>.</p> <p>A written application for approval is to be made by completing and submitting Council's Drainage Application Form together with any information as may be prescribed by relevant regulations and specified by Council to enable Council to determine the application.</p>
<b>Operate an on-site sewage management system - C6 activity</b>	
<b>Criteria</b>	For applications relating to on-site sewage management, refer to Chapter G8: Onsite Sewage Management of Shoalhaven Development Control Plan 2014 (in particular Section 5 Controls, and Section 6 Advisory Information) and relevant section of Part 3 of this LAP.
<b>Advice</b>	<p>Application fees apply. See Council's <a href="#">Fees and Charges</a>.</p> <p>A written application for approval is to be made by completing and submitting Council's Approval to Operate a System of Sewage Management Application Form together Section 68 Applications are to be lodged through the <a href="#">NSW Planning Portal</a> with any information as may be prescribed by relevant regulations and specified by Council to enable Council to determine the application.</p>

<b>Community land - Part D Section 68, LG Act</b>	
<b>Mobile food vehicles on Council land - D1 activity</b>	
<b>Criteria</b>	<p><b>Criteria for all Mobile Food Vehicles</b></p> <ul style="list-style-type: none"> <li>• All vehicles must be registered as per the requirements of the NSW Roads and Maritime Services. No additional flashing or rotating lights permitted.</li> <li>• Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use.</li> <li>• Control is to be exercised over noise emissions (e.g. amplified sound and motor noise) so as to cause no inconvenience to residents. The <i>Protection of the Environment Operations Act 1997</i> and related Regulations will apply.</li> <li>• All matters relating to the sale and storage of foods associated with this approval shall comply with the requirements of the <i>Food Act 2003</i> and Food Regulation 2015.</li> </ul>



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	<ul style="list-style-type: none"> <li>The vehicle is not permitted to use chimes or like devices to attract attention between the hours of 8pm and 8am or to operate within 90m from any hospital, churches in service or schools during school hours.</li> <li>The vehicle must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties.</li> <li>The vehicle must not to trade in locations where motorists are forced to park on kerbside land, where parking/standing restrictions apply.</li> <li>The vehicle is not to create a traffic hazard, obstruction or dangerous situation.</li> <li>Litter bins are to be provided by the operator for the convenience of customers.</li> <li>Wastewater is to be contained within the vehicle for later disposal to the sewerage system.</li> <li>The vehicle must be made available for inspection by Council's Environmental Services Section for a permit under the <i>Food Act 2003</i> prior to the issue of approval.</li> <li>Vehicle must not exceed 6m in length and 2.5m in width.</li> <li>Proof of Public Liability Insurance (minimum of \$20 million) must be provided.</li> <li>The vehicle must operate in full compliance with existing road rules and parking restrictions.</li> </ul>
<b>Advice</b>	Refer to the <a href="#">NSW Food Authority – Guidelines for Mobile Food Vending Vehicles</a> . Application fees apply. See Council's <a href="#">Fees and Charges</a> . Fees are not refundable. Section 68 Applications are to be lodged through the <a href="#">NSW Planning Portal</a> .
<b>Direct or procure a theatrical, music or other entertainment for the public - D2 activity</b>	
<b>Criteria</b>	Refer to criteria in Council's <a href="#">Events Policy</a> .
<b>Advice</b>	It is recommended that you read the <a href="#">Events Policy</a> and discuss your event with Council's Event Liaison Team (02 4429 3541 or email <a href="mailto:Events@shoalhaven.nsw.gov.au">Events@shoalhaven.nsw.gov.au</a> ). Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Construct a temporary enclosure for the purpose of entertainment - D3 activity</b>	
<b>Criteria</b>	<p><b>Temporary enclosure for the purpose of entertainment at an event and/or private function</b> Refer to criteria in Council's <a href="#">Events Policy</a> and Council's <a href="#">Private Functions on Public Reserves Policy</a>.</p> <p><b>Temporary enclosure for the purpose of entertainment at a private function</b> Refer to criteria in Council's <a href="#">Private Functions on Public Reserves Policy</a>.</p>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Set up, operate or use a loudspeaker or sound amplifying device - D5 activity</b>	
<b>Criteria</b>	<p><b>Use of loudspeaker or sound amplifying device at an event and/or private function</b> Refer to criteria in Council's <a href="#">Events Policy</a> and Council's <a href="#">Private Functions on Public Reserves Policy</a>.</p> <p><b>Use of loudspeaker or sound amplifying device at a private function</b> Refer to criteria in Council's <a href="#">Private Functions on Public Reserves Policy</a>.</p>
<b>Advice</b>	Application fees apply. See Council's <a href="#">Fees and Charges</a> .
<b>Ceremonies on public land - D6 activity</b>	
<b>Criteria</b>	Refer to criteria and list of designated reserves in Council's <a href="#">Private Functions on Public Reserves Policy</a> .
<b>Advice</b>	Application fees and bonds apply. See Council's <a href="#">Fees and Charges</a> .

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<b>Public Roads - Part D Section 68, LG Act</b>	
<b>Outdoor dining – E2 D1 activity</b>	
<b>Criteria</b>	<p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Subdivision 20B Outdoor dining (2.40D Development Standards) contains the development standards to apply.</p> <p>Where Outdoor dining is in association with a licensed premise, liquor may not be supplied or consumed without the appropriate licence from Liquor and Gaming NSW. Liquor must not be consumed unless it is in accordance with any liquor license approval.</p> <p>Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply.</p> <p>An application for Outdoor dining in locations adjacent to a classified road (e.g. Princes Highway) will only be considered after the applicant has obtained the written approval of the NSW Roads and Maritime Services.</p> <p>In all instances, an Outdoor dining approval must have regard to the legislative requirements set down by the Disability Discrimination Act 1992 relating to disability access either to the premises or along the public road.</p>
<b>Advice</b>	<p>Whilst Outdoor Dining is exempt under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approval under section 68 of the LG Act is still required.</p> <p>Approvals are non-transferable. Should the associated business be sold, the new operator will need to apply for a new approval should they wish to continue to operate the outdoor restaurant on the road dining.</p> <p>All approval holders must display a notice used by Council in a public area of the restaurant premises that display the term of the approval and layout of approved table configuration.</p> <p>Application fees apply. See Council's <a href="#">Fees and Charges</a>. Fees are not refundable.</p>
<b>Menu boards/ A-frames/ advertising signs – E2 Activity</b>	
<b>Criteria</b>	<p>Provisions within the following Shoalhaven Development Control Plan 2014 chapters apply:</p> <ul style="list-style-type: none"> <li>Chapter G17: Business, Commercial and Retail Activities.</li> <li>Chapter G22: Advertising Signs and Structures.</li> </ul>
<b>Advice</b>	<p>Annual fees apply. See Council's <a href="#">Fees and Charges</a>. Approvals are non-transferable.</p>
<b>Perimeter barricades (delineation of outdoor dining areas) – E2 Activity</b>	
<b>Criteria</b>	<p>Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply.</p>
<b>Advice</b>	<p>Whilst bollards are exempt under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approval under Section 68 of the LG Act is still required.</p>
<b>Display of goods and/ or merchandise – E2 Activity</b>	
<b>Criteria</b>	<p>Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply.</p>
<b>Outdoor furniture - E2 Activity</b>	
<b>Criteria</b>	<p>Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply.</p>
<b>Advice</b>	<p>Whilst certain shade structures are exempt under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approval under Section 68 of the LG Act is still required.</p>

<b>Other activities - Part F Section 68, LG Act</b>	
<b>Operate a caravan park or camping ground - F2 activity</b>	

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<b>Criteria</b>	For applications on flood liable land, relevant provisions in Chapter G10: Caravan Parks in Flood Prone Areas of Shoalhaven Development Control Plan 2014 apply.
<b>Advice</b>	Provisions of the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 apply. For applications on non-flood-liable land, refer to Part 2 Section A: Legislative Criteria (Section 3.1 of this LAP).
<b>Operate a manufactured home estate - F3 activity</b>	
<b>Criteria</b>	For applications on flood liable land, relevant provisions in Chapter G10: Caravan Parks in Flood Prone Areas of Shoalhaven Development Control Plan 2014 apply.
<b>Advice</b>	Provisions of the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 apply. For applications on non-flood-liable land, refer to Part 2 Section A: Legislative Criteria (Section 3.1 of this LAP).
<b>Installation of solid fuel or domestic oil heater - F4 activity</b>	
<b>Criteria</b>	Refer to Local Government (General) Regulation 2021 and the Building Code of Australia. The proposed solid or oil fuelled heater must: <ul style="list-style-type: none"> <li>comply with AS/NZS 2918:2001-2018 Domestic solid fuel burning appliances – Installation.</li> <li>be marked in accordance with AS/NZS 4013:2014 Domestic Solid Fuel Burning Appliances – Method for determination of flue gas emission and have a certificate of compliance for that model of heater.</li> <li>If second hand, have a compliance plate stating compliance with the emission requirements of AS/NZS 4013:2014 &amp; AS/NZS 4012:2014.</li> </ul> <p>A timber storage area out of the weather must be provided so that timber used in solid fuel heaters has a maximum moisture content of 20%.</p> <p>The flue or chimney is to comply with the Environmental Protection Authority document <a href="#">Selecting, installing and operating domestic solid fuel heaters</a>. This document recommends:</p> <ul style="list-style-type: none"> <li>The minimum discharge height of the chimney (flue) is to be 1m above any structure within a 15m horizontal radius.</li> <li>The flue height shall not exceed 2m above the ridge of the roof cladding on which it is installed. The assessment of application will include consideration of the location of the chimney (flue) in relation to the surrounding structures, topography and trees.</li> </ul>
<b>Advice</b>	Section 68 Applications are to be lodged through the <a href="#">NSW Planning Portal</a> . Application can only be made by the owner. Owners consent is required. The owner is permitted to install their own heater subject to compliance with the approval. The owners of neighbouring properties will be notified of the application to install a wood heater unless it is obvious that there is little likelihood of smoke nuisance. The notification may include a plan which clearly shows the location of the chimney (flue). A notification period of 10 working days will be provided and submissions will be considered as part of the assessment.
<b>Mobile Food Vending Vehicles in a public place - F7 activity</b>	
<b>Criteria</b>	<b>Criteria for all Mobile Food Vending Vehicles operating in a public place</b> <ul style="list-style-type: none"> <li>All Mobile Food Vehicles must have a current Section 68 approval to operate in a public place.</li> <li>All vehicles must be made available for inspection by Council's Environmental Services Section under the <i>Food Act 2003</i> at any time during the term of approval.</li> <li>All vehicles must be registered with the NSW Roads and Maritime Services.</li> <li>Vehicles must not trade on NSW Roads and Maritime Services controlled roads.</li> <li>Vehicles must not operate as a roadside stall or sell food to the public on any site that requires development consent for that use.</li> </ul>

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	<ul style="list-style-type: none"> <li>Control is to be exercised over noise emissions (amplified music and motor/generator noise) so as to not inconvenience residents. The <i>Protection of the Environment Operations Act 1997</i> and Regulations will apply.</li> <li>All matter relating to the sale and storage of foods associated with this approval shall comply with the requirements of the <i>Food Act 2003</i> and Regulations.</li> <li>Vehicles must not create a traffic hazard, obstruction, or dangerous situation.</li> <li>No trade is permitted in locations where motorists are forced to park on kerbside land, where parking/standing restrictions apply.</li> <li>Litter bins are to be provided by the operator for the convenience of customers.</li> <li>Wastewater is to be contained within the vehicle for later disposal to the sewerage system.</li> <li>Vehicle must not exceed 6m in length and 2.5m in width.</li> <li>Proof of Public Liability Insurance (minimum of \$20 million) must be provided.</li> <li>All vehicles must operate in full compliance with existing road rules and parking restrictions.</li> </ul> <p><b>Additional criteria for all Ice Cream Vans <u>ONLY</u> operating in a public place</b></p> <ul style="list-style-type: none"> <li>An Ice Cream Van, e.g., Mr Whippy van, is permitted to occupy any one position on a public road for such time as is necessary to engage in the actual serving of a customer. Upon completion of serving the customer, the vehicle must move on and not return soliciting customers over the same ground within <b>on (1) house one (1) hour</b> and shall restrict vending to lightly trafficked roads only.</li> <li>The vehicle is to be fitted with additional warning signs and flashing lights as required by the NSW Roads and Maritime Services.</li> <li>The vehicle is not permitted to operate within 75m of business zoned land under Shoalhaven Local Environmental Plan 2014.</li> <li>The vehicle is not permitted to play music or similar devices to attract attention between the hours of 8pm and 8am or to operate within 90m from any hospital, churches in service or schools during the hours of school hours.</li> </ul> <p><b>Additional criteria for Mobile Food <u>Vending</u> Vehicles with Category 2 Approval</b></p> <ul style="list-style-type: none"> <li>For Mobile Food Vending Vehicles on Council owned or managed land for which a <b>Category 2 permit can be issued, – D4F7</b> Activity, enquiries should be made to Council's Property Section.</li> <li>Council Policy to <b>Management of Mobile Food Vending Vehicles on Council Owned and Managed Land</b> applies.</li> <li>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Subdivision 27A contains the minimum standards to apply.</li> </ul>
Advice	<p><b>Advice for all Mobile Food Vehicle operators</b></p> <ul style="list-style-type: none"> <li>Enquiries on how to obtain a Section 68 approval to operate a Mobile Food Vehicle in a public place should be directed to Council's Environmental Service Section.</li> <li>Mobile Food Vehicle operators may rely on their annual approval to attend council approved markets, fetes, shows, festivals, and the like. (Refer to <b>Sale of food and articles in a public place – F7 activity</b> below)</li> <li>During the currency of the approval, Council may upon application of the holder of such approval, authorise to transfer to another person.</li> </ul> <p>Refer to the <a href="#">NSW Food Authority – Guidelines for Mobile Food Vending Vehicles</a>. Application fees apply. See Council's <a href="#">Fees and Charges</a>. Section 68 Applications are to be lodged through the <a href="#">NSW Planning Portal</a>.</p> <p><b>Advice for Mobile Food Vehicle operators with Category 2 Approval</b></p> <ul style="list-style-type: none"> <li>For Mobile Food Vehicles on Council Land – <b>D4-Activity F7 Activity</b>, enquiries should be made to Council's Property Section.</li> </ul>
<p><b>Sale of food and articles in a public place – F7 Activity</b></p>	
Criteria	<p><b>Advice for all event operators</b></p> <p>For events including but not limited to festivals, markets, food fairs, exhibitions, concerts, fetes and circuses which involve the sale of food and articles in a public place, refer to criteria in Council's <a href="#">Events Policy</a>.</p>

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	<ul style="list-style-type: none"> <li>Any Temporary Food Stalls attending such an event must have a current Section 68 approval to operate in a public place. Enquiries on how to obtain a Section 68 approval to operate a Temporary Food Stall in a public place should be directed to Council's Environmental Services Section.</li> <li>Any Mobile Food Vehicle attending such an event must have a current Section 68 approval to operate in a public place (refer to above criteria and advice for Mobile Food Vehicles).</li> </ul>
<b>Advice</b>	<p>For Temporary Food Stalls operating at such events, refer to the <a href="#">NSW Food Authority – Guidelines for Food Businesses and Temporary Events</a>.</p> <p>For Mobile Food Vehicles operating at such events, refer to the <a href="#">NSW Food Authority – Guidelines for Mobile Food Vending Vehicles</a>.</p> <p>It is recommended that you read the <a href="#">Events Policy</a> and discuss your event with Council's Event Liaison Team (ph. 4429 3541 or email <a href="mailto:Events@shoalhaven.nsw.gov.au">Events@shoalhaven.nsw.gov.au</a>).</p> <p>Application fees apply. See Council's <a href="#">Fees and Charges</a>.</p> <p>Section 68 Applications are to be lodged through the <a href="#">NSW Planning Portal</a>.</p>

<b>Roads Act 1993</b>	
<b>Footpath dining – Section 125</b>	
<b>Criteria</b>	<p>Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply.</p> <p><i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 - Subdivision 20A, contains the development standards to apply with approval for footpath dining to be carried out under both the Roads Act and Local Government Act and footpath awning compliance.</i></p> <p>An application for <b>Outdoor-Footpath</b> Dining in locations adjacent to a classified road (e.g. Princes Highway) will only be considered after the applicant has obtained the written approval of the NSW Roads and Maritime Services.</p> <p>Where <b>Outdoor Footpath</b> Dining is in association with a licensed premise, liquor may not be supplied or consumed without <del>the approval of Council. Concurrence from the Liquor Administration Board is required.</del> appropriate licence from Liquor and Gaming NSW. Liquor must not be consumed unless it is in accordance with any liquor license approval. <del>and only after Council approval has been obtained.</del></p> <p><i>The application must be included a drawing to scale with all relevant street and property boundaries including details on the type of street furniture to be used.</i></p>
<b>Advice</b>	<p>Approvals are not transferable.</p> <p><del>Applicant must check State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to clarify if other approvals (e.g., Development Consent) are required. apply.</del></p> <p>Section 125 and Sections 126-127 of the Roads Act contain minimum standards associated with footpath dining on the public road reserve, including placement of structures and furniture.</p> <p>Approvals are issued for a maximum of seven (7) years after which time the approval may be renewed. The application must include a drawing to scale with all relevant street and property boundaries, including details on the type of street furniture to be used.</p> <p>Application and occupation fees apply. See Council's <a href="#">Fees and Charges</a>. Fees are not refundable.</p>

## 4 Part 3: Other Matters

Part 3 of the LAP covers other matters, mostly administrative, relating to the processing of an application.

The application process is primarily established by legislation and whilst it can vary according to the type of works/activities proposed there is a fundamental process that is followed. This process is outlined below.

### 4.1 General information relating to the approvals process

#### ***Lodgement of an application***

Most applications or bookings have a specific form and/or guide designed to assist in the lodgement of the application. Refer to Council's [forms](#) or the [NSW Planning Portal](#).

Depending on the type of work or activity, fees may apply. Where fees are required, they must be paid at the time of lodgement. Refer to Council's [Fees and Charges](#).

An application may be rejected within 7 days of receipt if it is not clear as to the approval sought or the application is not easily legible. Fees, if applicable, are refunded.

#### ***Assessment of an application***

In assessing the more complex applications, additional information may be needed. Where this is the case, Council will contact the applicant within 21 days of receipt of an application. Due to the nature and type of works/activities requiring approval under the *LG Act* and the *Roads Act 1993*, these applications are not generally notified.

Applications can be amended by the applicant prior to determination provided that the variation is minor.

#### ***Determination***

Once determined, the applicant will be issued with a notice advising them of approval or refusal.

The period of approval will vary depending on the type of activity or work undertaken. If works have not commenced or where the activity is not held during the nominated time then the approval may lapse.

In such cases, and depending on the circumstances, an applicant can seek to lodge a new application or alternatively request to modify/extend an existing approval.

#### ***Review of determination***

A determination can be reviewed under section 100 of the *LG Act*. A request to review must justify the reasons for review and be made in writing within 28 days of Council's determination. Fees apply. The determination of a review is final.

#### ***Refunds***

Limited refunds may apply depending on the level of assessment associated with the application.

#### ***Record of approvals***

A record of an approval is required to be kept under Section 113 of the *LG Act*. This record is available to the public.

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**Enforcement**

An approval may be revoked or modified in any of the following circumstances:

- If the approval was obtained by fraud, misrepresentation or concealment of facts.
- For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused Council not to have granted the approval (or not to have granted it in the same terms).
- For any failure to comply with a requirement made by or under this act relating to the subject of the approval.

For failure to comply with a requirement made by or under the LG Act relating to the subject of the approval or any failure to comply with a condition of the approval may result in Council taking enforcement action in accordance with the LG Act and/or other relevant legislation.

**Advisory Notes:**

Approvals/consents may be required for certain other activities under the provision of separate legislation, particularly in regard to the erection of other buildings which is controlled by the provisions of the *Environmental Planning and Assessment Act 1979*.

Any applications involving the preparation of food or the operation of a temporary food premise must comply with the NSW Food Code.

**4.2 Other matters relating to approvals**

<b>Water supply, sewerage and stormwater drainage work - Part B Section 68, LG Act</b>
<b>Water supply works - B1 activity</b>
<p>As part of the written application, the Council (Shoalhaven Water):</p> <ul style="list-style-type: none"> <li>• Will assess all information submitted.</li> <li>• May request the submission of additional information (including drawings, plans, specifications, reports, etc.).</li> <li>• May require specific form/s to be completed.</li> <li>• Will assess the impact on operation of the water and/or sewerage system/s where necessary.</li> <li>• May require the applicant to undertake further investigation/assessment/study in respect of the impact on the water and/or sewerage system/s.</li> <li>• May undertake study/collect data (as necessary) to assist with assessment of proposed works.</li> <li>• Will prepare necessary report/s for management and/or Council to consider.</li> <li>• Will confirm if third party (e.g. NSW Roads &amp; Maritime Service, NSW Office of Water, NSW Crown Lands Department) approval/concurrence is necessary.</li> <li>• Will liaise with other authorities (internal and external) as necessary and if required.</li> <li>• Will consider any other information that is pertinent to the application.</li> <li>• Will apply the necessary policy/s as outlined under Part 2.</li> <li>• Will apply other legislation as required.</li> <li>• Will prepare a determination for the application.</li> <li>• Will enforce the approval (where granted).</li> <li>• May modify the approval (where granted).</li> </ul>

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**Draw water from a council water supply or a standpipe or sell water so drawn - B2 activity**

**Water Hydrant Standpipe Extraction**

Hire Agreement and Use of Standpipes:

- Customers who wish to extract water from hydrants are required to hire a metered standpipe from Shoalhaven Water and will be required to enter into an agreement for their use.
- The agreement specifies the conditions governing the use of the metered standpipes and payment of fees, charges and security deposit. Metered standpipes remain the property of Shoalhaven Water.
- Standpipes will be available for hire on an annual, quarterly and weekly basis.
- Penalties apply in the event of damage, loss or destruction of standpipe.
- Standpipes are to be presented for meter reading at 6 monthly intervals (May and Nov) or at the end of the hire period.

Refer to Council's [Water Hydrant Standpipe Extraction Policy](#) for additional information.

**Cross Connection and Backflow Prevention**

The following information is required when registering new backflow prevention devices:

- A signed ~~backflow prevention test report~~ test report compliant with AS/NZS 2548.3 for each new device with the following information:
  - ~~Property details.~~
  - ~~Owner details.~~
  - ~~Details of the backflow prevention device.~~
  - ~~Exact location of the backflow prevention device.~~
- Exact location of each device (a hydraulic plan may be required for large/complex sites).
- Other Additional information that may also be required:
  - Principal process of the industry.
  - Nature of water use after each backflow prevention device.
  - Type of raw materials processed.
  - List of chemicals used on the premises.
  - List of any toxic or hazardous materials used in the manufacturing process (may be required even if the material or its residues do not make contact with water).

Refer to Council's [Backflow Prevention and Cross-Connection Control](#) for additional information.

**Sewerage work – B4 activity**

As part of the written application, the Council (Shoalhaven Water):

- Will assess all information submitted.
- May request the submission of additional information (including drawings, plans, specifications, reports, etc.).
- May require specific form/s to be completed.
- Will assess the impact on operation of the sewerage system/s where necessary.
- May require the applicant to undertake further investigation/assessment/study in respect of the impact on the water and/or sewerage system/s.
- May undertake study/collect data (as necessary) to assist with assessment of proposed works.
- Will prepare necessary report/s for management and/or Council to consider.
- Will confirm if third party (e.g. NSW Roads & Maritime Service, NSW Office of Water, NSW Crown Lands Department) approval/concurrence is necessary.
- Will liaise with other authorities (internal and external) as necessary and if required.
- Will consider any other information that is pertinent to the application.
- Will apply the necessary policy/s as outlined under Part 2.
- Will apply other legislation as required.
- Will prepare a determination for the application.
- Will enforce the approval (where granted).
- May modify the approval (where granted).













## CL25.79 Post Exhibition Report - 'The Gordon Timbs 45 Degree Rule' (Amendment No. 57) Shoalhaven Development Control Plan 2014.

**HPERM Ref:** D25/27069

**Department:** Strategic Planning

**Approver:** Lindsay Usher, Acting Director - City Development

### Purpose:

The purpose of this report is to consider the submissions received during the formal public exhibition of Amendment No.57, 'The Gordon Timbs 45 Degree Rule' exemption in Chapter G4: Tree and Vegetation Management of the Shoalhaven Development Control Plan 2014 (DCP), and references in Chapter N20: Jerberra Estate of the DCP.

### Summary and Key Points for Consideration:

- Council resolved to amend the 45 Degree Rule (the Rule) in the DCP on 14 October 2024 (MIN24.498) – a background to the more recent 45 Degree Rule amendment processes is available on the Councillor portal.
- The exhibition period for the proposed amendment has concluded and submissions have been reviewed for Council's consideration.
- The report enables Council to consider how to finalise the matter.

### Recommendation

That after considering the content of this report, Council select one of the options outlined in the report to proceed.

### Options

Council could choose one of the following, or a variation thereof, noting that the options are listed in an order based on the community feedback received via submissions during the exhibition period.

1. Retain the current 45 Degree Rule Exemption (Amendment No. 54 - current trial rule).

Implications: This is the current version of the Rule, known as the 12-month trial. Submission feedback indicates this is the preferred option, with 65.78% of the submissions received supporting retaining Amendment No.54 as is currently in place. To facilitate this option Council would also need to discontinue/not proceed with the amendment process.

Wording for a possible resolution in this regard could be as follows:

*That Council:*

1. *Not proceed with Amendment No. 57 to Chapter G4: Tree and Vegetation Management and Chapter N20: Jerberra Estate of the Shoalhaven Development Control Plan 2014 and retain the existing content of Amendment No. 54 as Council's formal policy position on the 45 Degree Rule.*

2. *Notify the decision not to proceed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations, which includes Council's reason for the decision.*
3. *Collaborate with the Department of Climate Change, Energy, the Environment and Water to develop a "Call Before You Clear" initiative to help residents understand the necessary approvals for tree removals.*
4. *Advise those who made a submission and key stakeholders, including key relevant tree removal operators working in the Shoalhaven Local Government Area, of this decision.*

2. Adopt 'The Gordon Timbs 45 Degree Rule' Exemption (Amendment No. 57), as exhibited.

Implications: This would revert the Rule back to a previous version. Submission feedback indicates this is not the preferred option, with only 34.22% of submissions received supporting progressing the exhibited Amendment No.57.

Wording for a possible resolution in this regard could be as follows:

*That Council:*

1. *Adopt Amendment No. 57 to Chapter G4: Tree and Vegetation Management and Chapter N20: Jerberra Estate of the Shoalhaven Development Control Plan 2014 as exhibited.*
2. *Notify the adoption of the amendment in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations.*
3. *Collaborate with the Department of Climate Change, Energy, the Environment and Water to develop a "Call Before You Clear" initiative to help residents understand the necessary approvals for tree removals.*
4. *Advise those who made a submission and key stakeholders, including key relevant tree removal operators working in the Shoalhaven Local Government Area, of this decision.*

3. Council could choose to adopt an alternative recommendation.

Implications: This will depend on the nature of any changes and could delay the finalisation of the amendment and/or require a further period of public exhibition.

Alternatives could include the following (not exclusively), noting the number of submissions that specifically commented on these matters:

- Retention of Amendment No. 54 with changes, which could include:
  - Changing the name of the Rule to the 'The Gordon Timbs 45 Degree Rule' exemption (144). An adjustment to Chapter N20: Jerberra Estate of the DCP would also still be required.
  - Implementing a mandatory compensatory mechanism whenever a tree removal takes place (16).
  - Removing the notification requirement (0).
  - Removing the requirement for the tree to be removed by a qualified arborist (0).

- Reversion to Amendment No. 57 (previous version of the Rule) with changes, which could include:
  - Require a suitably qualified and experienced Arborist to remove the trees (32).
  - Include the notification requirement (18).
  - Not changing the name of the Rule to the 'The Gordon Timbs 45 Degree Rule' exemption (257). No changes to Chapter N20: Jerberra Estate of the DCP would be required.
  - Inclusion of the criteria that the Rule cannot be used for trees situated beyond the boundary of the lot where the lawfully erected building is located (1).
  - Inclusion of the criteria that the tree is not to contain hollows and/or nests (13).
  - Implementing a mandatory compensatory mechanism whenever a tree removal takes place (16).
- Not participate in the Department of Climate Change, Energy, the Environment and Water to develop a "Call Before You Clear" initiative.

Potential alternate wording would ideally be discussed with Council staff prior to the meeting if needed.

**Background and Supplementary information**

The Rule is an exemption to obtaining approval for tree removal on non-rural land (any zone other than RU1 to RU4). It applies when any part of a tree is within a 45 degree area extending from a lawfully erected building (including a dwelling or outbuilding). The Rule has been in effect since 2004.

In 2023, Council (MIN23.277) resolved to support a 12-month trial to the 45 Degree Rule exemption (Amendment No. 54), which introduced a number of additional criteria to the Rule and how it operates. The submissions received during the recent public exhibition period indicated overall community support for a refinement of The Rule. The 12-month trial currently in place allows for the removal or substantial pruning of a tree if it poses a short-term risk (less than one year) to a lawfully approved building, subject to specific criteria, and enables the collection of data. Trees that are dead or an imminent risk can be removed outside of the Rule exemption (subject to certain conditions).

On 14 October 2024, Council resolved (MIN24.498) to take the necessary steps to revert the Rule back to the previous version that was in place prior to 16 August 2023.

**45 Degree Rule 12 Month Trial - Overview:**

The trial period, which began on 16 August 2023, introduced several changes:

- The tree must pose a short-term risk (less than one year).
- The tree must be on the same lot as the lawfully approved building.
- The tree must not contain hollows or nests or be on a slope greater than 18 degrees.
- The tree must be removed by a qualified and experienced Arborist (was initially AQF Level 3 Arborist).
- The landowner must notify adjoining landowners and Council at least five business days prior to removal.

The 12-month trial concluded on 16 August 2024; however, the trial changes currently remain in force as the DCP must be formally amended to adjust the exemption.

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On 14 October 2024, following consideration of a Mayoral Minute (MM24.33), it was resolved (MIN24.498) that Council:

1. *Take the necessary steps to formally amend Chapter G4, Tree and Vegetation Management in the Shoalhaven Development Control Plan (DCP) 2014, to revert it back to the 45 Degree Rule Exemption version that was in place prior to 16 August 2023.*
2. *Reference the current name, “45-degree rule”, as “The Gordon Timbs 45 Degree Rule” in all Council documents.*
3. *Integrate a native tree species list into the 45 Degree Rule.*

**Public Exhibition and Submissions**

The draft amendment (Amendment No. 57) to the DCP, resulting from MIN24.498, was publicly exhibited for a period of at least 28 days, from 30 October to 29 November 2024. The exhibition included a Draft Chapter G4: Tree and Vegetation Management and a Draft Chapter N20: Jerberra Estate, along with an Explanatory Document that outlined the proposed changes.

Notification of the exhibition was through Council's website, a media release, social media posts, and Council's "Get Involved" page. The exhibition material was accessible both online and at Council's offices located in Nowra and Ulladulla. Additionally, 24 Community Consultative Bodies and 54 industry stakeholders were directly informed of the exhibition.

A total of **414 submissions** were received during the exhibition period, including three from community groups and six from tree removal operators (industry representatives).

Submissions gathered via the "Get Involved" page were structured in a survey format that posed three specific 'yes' or 'no' questions. These questions aimed to ensure that each component of Council's resolution was considered/addressed. Respondents also had the opportunity to provide supplementary comments.

Of the total submissions, 391 were received through the "Get Involved" page, while the remainder were submitted via Council's Exhibition page or email (23). Some of the submissions received through email or the exhibition page did not address all components of the resolution, which is reflected in the total numbers presented in **Table 1** below.

**Key Findings from Submissions Received:**

As illustrated in **Table 1** below, the feedback received from the community:

- Supports the retention of the Rule currently in place (the 12-month trial) (271 - 65.78%).
- Does not support the proposed name change from "45 Degree Rule" to "The Gordon Timbs 45 Degree Rule" (257 – 64.09%).
- Supports the inclusion of an optional native tree species replanting list (286 - 71.50%).

**Table 1: Submission Table**

<b>Survey Question</b>	<b>Yes, I support</b>	<b>No, I do not support</b>	<b>Total</b>	<b>Did not address</b>
<i>1. Do you support the proposed amendment to revert the 45 Degree Rule exemption to its previous version (version 4), which was in effect before the 12 month trial period began on 16 August 2023?</i>	141 (34.22%)	271 (65.78%)	412	2
<i>2. Do you support changing the name of the exemption from "45 Degree</i>	144 (35.91%)	257 (64.09%)	401	13

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Rule" to "The Gordon Timbs 45 Degree Rule".

3. Do you support the inclusion of a native tree species replanting list relating to the 45 Degree Rule exemption? Replanting would not be compulsory and only provides guidance if required.	286 (71.50%)	114 (28.50%)	400	14
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332 of the 414 submissions provided additional comments. Feedback has been categorised into 18 key themes.

Table 2 below presents the themes raised in the additional comments, based on how frequently each theme was explicitly mentioned and has been arranged according to number of mentions.

Table 2: Themes table

Theme	Number of Mentions
<b>Need for tree protection/preservation</b>	98
<b>Concerns regarding environmental impact of tree removal</b>	68
<b>Lack of transparency/accountability (Council should be more transparent about decision making processes regarding tree removal, data collection is important, the trial results should be made publicly available)</b>	42
<b>Concerns regarding adverse loss of urban canopy</b>	33
<b>Support for a qualified arborist</b>	32
<b>Shoalhaven is not consistent with the statewide local government approach to tree removal, and the Rule should be removed entirely</b>	29
<b>Governance concerns (meeting practices regarding the Rule, not following previous resolutions to receive a post-trial report)</b>	27
<b>The Previous Rule Was Effective</b>	21
<b>Safety Concerns:</b>	
<i>Concerned for lives and/or property – support to revert</i>	20
<i>Concern by tree removal by unqualified persons</i>	22
<b>People want autonomy to remove trees as there is concern about trees damaging property</b>	19
<b>Dangerous trees should be removed, and the former Rule is needed to achieve this</b>	19
<b>Data - Need to record removals</b>	18
<b>Property owners have a right to remove trees</b>	17
<b>Support for the native species list</b>	12
<b>The former Rule is supported to minimise bushfire risk</b>	7
<b>Fear around falling trees</b>	6
<b>Replanting:</b>	

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<b>Support</b>	16
<b>Not in support</b>	2
<b>Comments regarding the naming of the Rule:</b>	
<b>Support the name change to "The Gordon Timbs 45 Degree Rule"</b>	2
<b>Not in support of the name change to "The Gordon Timbs 45 Degree Rule"</b>	11

A collated and summarised list of the submissions received is available on the Councillor portal. Submissions have been summarised to address typographical errors, remove content that is not relevant to the exhibited amendment and political statements that were not appropriate/relevant to the scope of the amendment.

### Internal Consultation

Consultation and liaison has occurred as required with Council's Tree Management Officers and Environmental Health Officers.

### External Consultation

No specific external consultation was required or undertaken as part of exhibition of Amendment No. 57.

The NSW Department of Climate Change, Energy, the Environment, and Water has separately requested that Council collaborate with them to develop a "[Call Before You Clear](#)" initiative. This is a state-wide initiative that has been piloted in partnership with Goulburn-Mulwaree Council and NSW Local Land Services. It seeks to raise community awareness and understanding regarding the required approvals for tree removal. It is recommended that Council collaborate with the Department on this educational opportunity.

### Community Consultation

The draft Amendment was publicly exhibited for at least 28 days on Council's website, in accordance with legislative requirements.

A total of 414 submissions were received and are available on the Councillor portal.

### Policy and Statutory Implications

The report recommendation enables Councillors to consider the content of the submissions made by the community in relation to the exhibited Amendment No. 57 and make a decision accordingly. Specific policy implications may arise depending on the nature of Council's decision in this regard.

A decision to amend or not to amend the DCP needs to be finalised in accordance with legislative requirements, including the making of a public notice.

### Financial Implications

The finalisation of the Amendment will continue to be resourced within the existing Strategic Planning budget.

Council will need to consider any additional staff resources required to manage any additional demand that may arise, depending on the policy direction resolved by Council.

**Risk Implications**

Legal advice confirms there are no legal implications for Council resulting from any change (or no change) in policy position relating to any element of The Rule. Depending on the policy direction chosen by Council, additional risk to Council would need to be carefully considered.

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## **CL25.80 Half Yearly Compliance Report**

**HPERM Ref:** D25/34980

**Department:** Certification & Compliance

**Approver:** Lindsay Usher, Acting Director - City Development

### **Purpose:**

The purpose of this report is to advise Councillors as per MIN24.574 that the Half Yearly Compliance Report (August 2024 to January 2025) is available on Council's website and Councillor Portal for viewing.

### **Summary and Key Points for Consideration**

Council resolved at the Ordinary Meeting 28 October 2024, that a half yearly Compliance report be published on Council's website and on the Councillor Portal on a 6 monthly basis covering periods from August to January, and February to July respectively. (MIN24.574).

### **Recommendation**

That Council note the Half Yearly Compliance Report for August 2024 to January 2025 available on Council's website and the Councillor Portal for Councillors information.

### **Options**

1. Council adopts the recommendation as shown.

Implications: Nil

2. Council receives the report and provides additional direction.

Implications: Any changes or additional matters will need to be assessed by staff and advised accordingly.

### **Background and Supplementary information**

The half yearly Compliance report (D25/24871) will be published on Council's website and the Councillor portal to coincide with this report.

### **Report**

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

- (a) Compliance (Certification and Compliance): Development compliance matters including unauthorised development, development not in accordance with development consent, land use issues and swimming pool safety issues.
- (b) Environmental Health (Environmental Services): Pollution incidents (noise, water, and sediment control), environmental incidents, food shops and the operation of on-site sewage waste management facilities.
- (c) Ranger Services (Certification and Compliance): Parking, animal management, unauthorised camping, littering, rubbish dumping, unattended vehicles, and other environmental offences.

- (d) Fire Safety (Certification and Compliance): Fire Safety relating to commercial buildings.

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

This report relates to 1 August 2024 to 31 January 2025.

### **Internal Consultations**

Internal consultation is undertaken with City Development departments who contribute to the report.

### **External Consultations**

There are no external consultations required. However, data from Revenue NSW is included in the report.

### **Community Consultations**

There is no community consultation required to compile this report. However, the report is made available to the public for information.

### **Policy and Statutory Implications**

There are no policy implications related to this report. However, policies such as the Compliance and Enforcement Policy underpin enforcement decisions and reporting outcomes.

### **Financial Implications**

There are no financial implications related to this report. The report is for information.

### **Risk Implications**

There are no risk implications related to this report. The report is for information.

## **CL25.81 Tenders - Supply and Delivery of Equipment for Culburra Sewage Treatment Plant Upgrades**

**HPERM Ref:** D25/66160

**Department:** Water Asset Planning & Development

**Approver:** Andrew McVey, Acting Director - Shoalhaven Water

### **Purpose:**

To inform Council of the tender process for the supply and delivery of equipment for the Culburra Sewage Treatment Plant Upgrades project.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### **Summary and Key Points for Consideration:**

Council resolution is required to determine the tender process for the supply and delivery of equipment for the Culburra Sewage Treatment Plant Upgrade project.

### **Recommendation**

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **ions**

1. Accept the recommendation

Implications: Consider a separate report on the matter.

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

### **Background and Supplementary information**

#### ***Project Description***

Shoalhaven Water has identified Sewage Treatment Plants (STP) through the Shoalhaven Local Government Area which require asset renewal/upgrades to meet current and future planned inflows. The objective of this engagement is to engage specialised equipment suppliers to design, supply and deliver equipment to facilitate the planned upgrades of the inlet and aeration processes at Culburra Beach STP.

The works are intended to be packaged as 2 distinct separable portions, being:

- Separable Portion 1 - Replacement Screening and Grit Removal Equipment

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- Separable Portion 2 - Replacement Bioreactor Aeration Equipment

Bidders were invited to bid on individual or all separable portions, with Council reserving the right to award some separable portions individually, or all separable portions to one or many bidders.

**Tendering**

Council called tenders for the supply and delivery of equipment for the Culburra Sewage Treatment Plant Upgrade on 21 November 2024 which closed at 10:00 am on 16 January 2025.

In relation to Separable Portion 1, Replacement Screening and Grit Removal Equipment, seven (7) submissions were received from four (4) tenderers at the time of closing. No tenders were received after the deadline.

For Separable Portion 1, tenders were received from the following:

<b>Tenderer</b>	<b>Location</b>
VoR Environmental P/L	13-15 Aylesbury Street, Botany, NSW 2019
Hydroflux Epco Pty Limited	Level 26 / 44 Market Street, Sydney NSW 2000
Aquatec Maxcon Pty Ltd	119 Toongarra Road, Wulkuraka Qld 4305
Aqseptence Group Pty Ltd	155 Fison Ave West, Eagle Farm QLD 4009

In relation to Separable Portion 2, Replacement Bioreactor Aeration Equipment, two (2) submissions were received from two (2) tenderers at the time of closing. No tenders were received after the deadline.

For Separable Portion 2, tenders were received from the following:

<b>Tenderer</b>	<b>Location</b>
Aquatec Maxcon Pty Ltd	119 Toongarra Road, Wulkuraka Qld 4305
Waterform Technologies Pty Ltd	31 Coonooer Street, Golden Square VIC 3555

Details relating to the evaluation of the tenders are contained in the confidential report.

**Internal Consultations**

Guidance from Council’s Procurement team was sought on the financial limitations, delegations, and statutory provision for the procurement of the works.

**External Consultations**

Council previously engaged a design consultant to prepare the necessary design documentation for the proposed equipment upgrade of Culburra Sewage Treatment Plant. The intended outcomes of this engagement will be the confirmation of selected equipment suppliers to inform the overall design by the External Consultant, equipment will be free issued to a future civil works contractor.

**Community Consultations**

Community and stakeholder engagement prior to, and during subsequent construction phases of the project are proposed, with a dedicated project webpage to be established under Council’s Major Projects & Works Portal.

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**Policy Implications**

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

**Financial Implications:**

Sufficient funds have been allocated in the Culburra STP Upgrades budget for 2024/25 and 2025/26 financial years. Funding is available to cover the tender amounts including other project costs.

The project is co-funded by Shoalhaven City Council and the NSW Government under their Accelerated Infrastructure Fund – Round 3 program.

**Risk Implications**

Details relating to the Risk Implications are contained in the confidential report.

## LOCAL GOVERNMENT ACT 1993

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

#### (2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

#### (3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services

### **Chapter 3, 8C Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.