

Ordinary Meeting

Meeting Date: Tuesday, 28 April, 2026

Location: The Studio, Shoalhaven Entertainment Centre, Bridge Road, Nowra

Attachments (Under Separate Cover)

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Unreasonable Customer Conduct Policy

DRAFT

Adoption Date:	
Amendment Date:	Draft for Public Exhibition – 7 April 2026
Minute Number:	
Next Review Date:	
Directorate:	City Performance
Record Number:	D23/725 (4734e)

CL26.72 - Attachment 1

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1. Introduction

1.1. Purpose

Shoalhaven City Council is committed to being accessible and responsive to all customers and those who approach us with complaints. At the same time our success depends on:

- Our ability to do our work and perform our functions in the most effective and efficient ways possible.
- The health, safety, wellbeing, and security of our staff and those who work with us, and;
- Our ability to allocate our resources fairly across all customer enquiries we receive.

When customers behave unreasonably in their dealings with us, their conduct can significantly affect our success.

As a result, Shoalhaven City Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably affects us and will support our staff to do the same in accordance with this policy and its related procedures.

1.2. Objectives

The objectives of this policy are to assist staff to better manage unreasonable customer conduct. Its aim is to ensure that all staff:

- Feel confident and supported in taking action to manage unreasonable customer conduct.
- Act fairly, consistently, honestly, and appropriately when responding to unreasonable customer conduct.
- Are aware of their roles and responsibilities in relation to the management of unreasonable customer conduct and how this policy will be used.
- Understand the types of circumstances when it may be appropriate to manage unreasonable customer conduct.
- Have a clear understanding of the criteria that will be considered before we decide to change or restrict a customer's access to our services.
- Are aware of the processes that will be followed to record and report unreasonable customer conduct incidents as well as the procedures for consulting and notifying customers about any proposed actions or decisions to change or restrict their access to our services.
- Are familiar with the procedures for reviewing decisions made under this policy, including specific timeframes for review.

1.3. Scope

This policy applies to all staff and elected Councillors of Shoalhaven City Council.

Customers are defined as individuals, organisations, groups or bodies that have interaction with Shoalhaven City Council and/or individual staff or councillors in their capacity as a Council official.

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This policy authorises staff and councillors to manage their interactions with customers whose conduct is identified as unreasonable. This policy distinguishes between the strategies that frontline staff are authorised to use and those that must be considered and acted on at a senior management level e.g. those that seek to change or restrict a customer's ability to access our services.

This policy should not be seen as a quick solution for dealing with customers who are viewed as being annoying or a nuisance. It is intended to be applied in cases where a customer's conduct raises the types of safety, resource and equity issues identified in this policy.

This policy is based on the NSW Ombudsman's Unreasonable Complainant Conduct Model.

2. Defining unreasonable customer conduct

2.1. Unreasonable customer conduct

Most customers who come to Shoalhaven City Council interact reasonably and responsibly with us, even when they are experiencing elevated levels of distress, frustration or anger about an issue or service that is important to them.

However, in a very small number of cases some customers behave in ways that are inappropriate and unacceptable – despite our best efforts to help them. They may be aggressive or verbally abusive towards staff or councillors or threaten harm and violence. They may bombard Council with unnecessary and excessive phone calls or emails, make inappropriate demands on our time and our resources, and refuse to accept our decisions and recommendations in relation to their requests or complaints. They may make published public comment which is inappropriate, derogatory or defamatory towards our staff or elected Council representatives. When customers behave in these ways, we consider their conduct to be 'unreasonable.'

Unreasonable conduct of customers ('UCC') is any behaviour by a current or former customer which, because of its nature or frequency raises substantial health, safety, wellbeing, resource or equity issues for our organisation, our staff, Councillors, other service users and customers or the customer himself/herself.

Unreasonable customer conduct can be divided into five categories of conduct:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments
- Unreasonable behaviours

Shoalhaven City Council has a zero-tolerance policy towards any harm, abuse or threats directed towards staff and councillors. Any conduct of this kind will be dealt with under this policy and in accordance with our duty of care and work health and safety responsibilities (Work Health and Safety Policy POL23/64), including escalation to NSW Police.

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2.1.1 Unreasonable persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on our organisation, staff and councillors, services, time, or resources. Some examples of unreasonably persistent behaviour include:

- An unwillingness or inability to accept reasonable and logical explanations, including final decisions that have been comprehensively considered and dealt with (even when it is evident the customer does understand the information provided).
- Persistently demanding a review simply because it is available, and without arguing or presenting a case for one.
- Persistently demanding a review when disagreeing with the outcome of an appropriate process or decision.
- Pursuing and exhausting all available review options, even after we have explained that a review is not warranted – and refusing to accept that we cannot or will not take further action on their complaint.
- Reframing a complaint or issue to have it reconsidered.
- Multiple and repeated phone calls, visits, letters, emails (including cc'd correspondence) after we have repeatedly asked them not to.
- Contacting different people within or outside our organisation to get a different outcome or a more sympathetic response to their issue or complaint – this is known as internal and external 'forum shopping.'
- Lodging a number of customer requests (online, by telephone or in person) about a single topic or issue.

2.1.2 Unreasonable demands.

Unreasonable demands are any demands expressly made by a customer that have a disproportionate and unreasonable impact on our organisation, staff and councillors, services, time, or resources. Some examples of unreasonable demands include:

- Issuing instructions and making demands about how to handle their issue or complaint, the priority it should be given, or the outcome to be achieved.
- Insisting on talking to a senior manager, director, or CEO personally when the reasons that this is not appropriate or warranted have been carefully explained to the customer.
- Emotional blackmail and manipulation resulting in intimidation, harassment, shaming, seduction or portraying themselves as being victimised when this is not the case.
- Insisting on outcomes that are not possible or appropriate in the circumstances, for example asking for someone to be fired or prosecuted, or for an apology or compensation when there is no reasonable basis for this.
- Demanding services of a nature or scale that we cannot provide, even after we have explained this to them repeatedly.

2.1.3 Unreasonable lack of cooperation

Unreasonable lack of cooperation is when a customer is unwilling or unable to cooperate with us, our staff, or our complaints process – resulting in a disproportionate and unreasonable use

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of our services, time, or resources. Some examples of unreasonable lack of cooperation include:

- Sending us a constant stream of complex or disorganised information without clearly defining the issue at hand or explaining how the material provided relates to their issue or complaint (where the customer is clearly capable of doing this).
- Providing little or no detail around their issue or complaint or providing information in 'drips and drabs.'
- Refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing that a particular solution is the correct one in the face of valid contrary arguments and explanations.
- Unhelpful behaviour such as withholding information, acting dishonestly and misquoting others.

2.1.4 Unreasonable arguments

Unreasonable arguments include any arguments that are not based on any reason or logic, which are incomprehensible, false, or inflammatory, trivial, or delirious, and that disproportionately and unreasonably impact upon our organisation, staff and councillors, services, time, or resources. Arguments are unreasonable when they:

- fail to follow a logical sequence that the customer can clearly explain to us
- are not supported by any evidence or are based on conspiracy theories.
- lead a customer to reject all other valid and contrary arguments.
- are trivial when compared to the amount of time, resources, and attention that the customer demands.
- are false, inflammatory, or defamatory.

2.1.5 Unreasonable behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances (regardless of how stressed, angry, or frustrated a customer is) because it unreasonably compromises the health, safety, wellbeing and security of our staff, councillors, other service users, or the customer themselves. Some examples of unreasonable behaviours include:

- acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks
- persistent demands, challenges, negative remarks, and disruptive behaviours, which have a cumulative impact over time on staff, other customers and service delivery.
- harassment, intimidation, or physical violence
- rude, confronting, or threatening correspondence
- requests or insistence that Council officials respond to questions about their personal or private circumstances that are not related to the business of the Council.
- threats of harm to self or third parties, threats with a weapon or threats to damage property, including bomb threats
- harassment, verbal abuse or improper personal reflections or stalking, in person or online.
- emotional manipulation.

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- Where a customer attends premises in a manner that is offensive and disruptive to others, for example, inappropriately dressed, poor personal hygiene, or odour.

All staff should note that Shoalhaven City Council has a zero-tolerance policy towards any harm, abuse or threats directed towards Council workers, including conduct that creates a physical or psychosocial risk. Any conduct of this kind will be dealt with under this policy, our procedure for Zero Tolerance – Preventing and Responding to Workplace Aggression and Violence and in accordance with our duty of care and work health and safety responsibilities.

3. Roles and responsibilities

3.1. All Staff

All staff are responsible for familiarising themselves with this policy and the accompanying procedures and for managing front line contact with customers.

All staff are responsible for recording and reporting unreasonable customer incidents they experience or witness to their manager, Manager - Customer and Community Services, the Chief Work Health and Safety Officer or the Public Officer within 24 hours of the incident occurring.

Councillors are responsible for reporting unreasonable customer incidents they experience or witness to the Chief Executive Officer.

3.2. Managers and Supervisors

All managers and supervisors are responsible for supporting staff to apply the strategies in this policy and ensuring that staff are provided with proper support and assistance.

3.3. Department Managers and Directors

Department Managers will outline incidents of unreasonable customer conduct and make recommendations to their Director and/or CEO for action to be taken in response to the conduct as outlined in the procedure. When doing so they will aim to impose any service changes/restrictions in the least restrictive ways possible.

The Executive Leadership team are authorised to determine the appropriate strategies to be applied to a customer in response to conduct or a review of strategies under this policy (with the exception of completely terminating a customer's access to our services).

3.4. The Chief Executive Officer

The CEO will receive reports of UCC incidents from Councillors and arrange for consideration of the customers conduct in accordance with this policy. The CEO will provide support and assistance to Councillors who are subject to incidents of Unreasonable Customer Conduct.

The CEO has the responsibility and authority to completely terminate a customer's access to our commercial or other services where they consider this is warranted to protect the safety and wellbeing of staff and Councillors. The CEO may delegate this responsibility to a Director.

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3.5. The Manager – Community and Customer Services

The Manager – Community and Customer Services is responsible for recording and monitoring all cases where customer’s access has been restricted, to ensure consistency, transparency and accountability. They will report anomalies and any actions required to the Executive Leadership Team.

3.6. The Public Officer

The Public Officer will assist with reporting to and coordinating responses from external agencies with respect to conduct and any restrictions related to this policy.

4. Responding to and managing unreasonable complaint conduct

At times, some members of the public may act inappropriately toward Council staff or may make onerous demands on Council resources. In situations where a customer is behaving inappropriately, which is defined as any unacceptable or hostile behaviour that creates an intimidating, frightening or offensive situation and/or adversely affects work performance, Council staff may:

- Ask the customer to leave the premises or.
- Terminate the telephone call after a warning is issued and behaviour continues.

For serious behavior, Council may:

- Instruct the customer that the conversation will be ending at that time and further communication must be in writing or by telephone or;
- Advise the customer that access to Council officers will be restricted to certain times and with a designated officer or case manager; or
- Restrict access of a customer to a service or facility.

Whilst in some circumstances a Team Leader/Supervisor will become aware of the situation before it escalates and may ask that a customer leave the premises, any staff member may ask a customer to leave the premises if they feel it is warranted, In the event of a customer refusing to leave the premises or displaying anti-social behaviour such that a staff member, councillor or another customer feels at risk, the police will be contacted.

Council staff are to follow the Zero Tolerance Procedures following incidents of this kind.

If a customer is found to have committed a criminal activity that impacts on our services or staff, police should be called, and an event number recorded in the relevant internal system. If a staff member or councillor has been put at risk by the alleged criminal activity, an appropriate WHS Incident report should occur.

4.1. Changing or restricting a customer’s access to our services

Unreasonable customer conduct incidents will generally be managed by limiting or adapting the ways that we interact with and/or deliver services to those customers by restricting:

- **Who they have contact with** – e.g. limiting a customer to a sole contact person/staff member in Council.

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- **What they can raise with us** – e.g. restricting the subject matter of communications that we will consider and respond to.
- **When they can have contact** – e.g. limiting a customer’s contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact with us.
- **Where they can make contact** – e.g. limiting the locations where we will allow face-to-face contact or interviews to secured facilities or areas.
- **How they can make contact** – e.g. limiting or modifying the forms of contact that the customer can have with us. This can include modifying or limiting face-to-face contact, telephone and written communications, prohibiting access to our premises, contact through a representative only, taking no further action or terminating our services altogether.

Where the conduct is severe or occurs on more than one occasion, the Council may need to employ a number of strategies to ensure the responding approach to the conduct is appropriate and effective.

In most situations, a decision to change or restrict a customer’s access to our services will be subject to the Council’s adopted procedures and will include consideration by the Executive Leadership Team of information with respect to:

- Consultation with relevant staff impacted by the conduct.
- Desktop review of records relating to the customer’s prior conduct and interactions with Council.
- Assessment of set criteria which considers: the circumstances in which the conduct has occurred; the personal circumstances of the customer (where known and relevant); and, whether application of restrictions will impact the customer or their dependant/s meeting their obligations or their wellbeing or livelihood.
- Whether the issue of a warning letter or other informal strategy is appropriate in the circumstances

In extreme circumstances, the CEO, exercising their obligations as the PCBU (Person Conducting a Business or Undertaking) *under the Work Health and Safety Act, 2011* may determine that immediate action by termination of access to Council services is warranted to protect the safety and wellbeing of staff and Councillors and to address physical and/or psychosocial risks.

4.1.2. [What – restricting the subject matter of communications that we will consider](#)

Where customers repeatedly send written communications, letters, emails, or online forms that raise trivial or insignificant issues, contain inappropriate or abusive content or relate to a complaint/issue that has already been comprehensively considered and/or reviewed (at least once) by Shoalhaven City Council, we may restrict the issues/subject matter the customer can raise with us/we will respond to. For example, we may:

- Refuse to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a trivial issue, is not related to the business of the Council or is not supported by clear/any evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless

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we decide that we need to pursue it further in which case, we may do so on our 'own motion'.

- Restrict the customer to one complaint/issue per month. Any attempts to circumvent this restriction, for example by raising multiple complaints/issues in the one piece of correspondence may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before we will agree to consider its contents. A copy of the inappropriate correspondence will also be made and kept for our records to identify repeat/further Unreasonable customer conduct incidents.

4.1.3. *When and How – limiting when and how a customer can contact us.*

If a customer's telephone, written or face-to-face contact with Shoalhaven City Council places an unreasonable demand on our time or resources because it is overly lengthy (e.g. disorganised and voluminous correspondence) or affects the health safety and security of our staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, we may limit when and/or how the customer can interact with us. This may include:

- Limiting their telephone calls or face-to-face contact to a particular time of the day or days of the week
- Limiting the length or duration of telephone calls, written correspondence or face-to-face contact. For example:
 - Telephone calls may be limited to 10 minutes at a time and will be politely terminated at the end of that time period.
 - Lengthy written communications may be restricted to a maximum of five typed or written pages, single sided, font size 12 or it will be sent back to the customer to be organised and summarised. This option is only appropriate in cases where the customer is capable of summarising the information and refuses to do so.
 - Limiting face-to-face contact to a maximum of 30 minutes.
 - Limiting the frequency of their telephone calls, written correspondence or face-to-face contact. Depending on the nature of the service(s) provided we may limit:
 - Telephone calls to 1 per week.
 - Written communications to 1 per week.
 - Face-to-face contact or interviews to 1 per week.

For irrelevant, overly lengthy, disorganised or frequent written correspondence we may also:

- Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues that we have identified in their correspondence.
- Restrict the frequency with which customers can send emails or other written communications to us.
- Apply 'in writing' only restrictions to a customer.

In writing only restrictions

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When a customer is restricted to 'in writing only' they may be restricted to written communications through:

- Sending Emails only to an identified specific staff email or our general Council email account
- Hard copy correspondence to be sent through Australia Post only.
- Some other relevant form of written contact, where applicable.
- Blocking all correspondence from their email account

If a customer's contact is restricted to 'in writing only', the determination will clearly identify the specific means that the customer can use to contact our office (e.g. Australia Post only). If it is not suitable for a customer to enter our premises to hand deliver their written communication, this must be communicated to them as well. (See Section 6 below)

Any communications that are received by Shoalhaven City Council in a manner that contravenes a 'writing only' restriction will be filed without acknowledgement.

4.1.4. Where – limiting face-to-face contact to secure areas

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to our premises, we may consider restricting our face-to-face contact with them.

These restrictions may include:

- Restricting access to particular secured premises or areas of Council – such as the foyer area or secured room/facility.
- Restricting their ability to attend our premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- Allowing them to attend Shoalhaven City Council on an 'appointment only' basis and only with specified staff. Note – during these meetings staff will be accompanied by a colleague for added safety and security.
- Banning the customer from attending our premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact.

4.1.5. Contact through a representative only.

In cases where we cannot completely restrict our contact with a customer and their conduct is particularly difficult to manage, we may also restrict contact to through a support person or representative only. The support person may be nominated by the customer but must be approved by the Executive Leadership Team or Chief Executive Officer.

When assessing a representative/support person's suitability, the Executive Leadership Team or Chief Executive Officer should consider factors such as the nominated representative/support person's competency and literacy skills, and their demeanour/behaviour and their relationship with the Council.

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If it is determined that the representative/support person may exacerbate the situation with the customer, the customer will be asked to nominate another person, or we may assist them in this regard.

4.1.6. Completely terminating a customer’s access to our services

In extreme cases, or as a last resort when other strategies have been considered and/or attempted without reduction in the unreasonable conduct, the Chief Executive Officer may decide that it is necessary for our organisation to completely restrict a customer’s contact/access to our services.

A decision to have no further contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a significant risk for our staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault.
- Continued behaviour after application of a restriction strategy under this policy which causes an unreasonable diversion of Council resources and/or psychological risk for Council workers or elected representatives.
- Damage to property while on our premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member or councillor from moving around freely either within their office or during an offsite visit
- Conduct that is otherwise unlawful.

A customer’s access to our services and our premises may also be restricted (directly or indirectly) using the legal mechanisms such as trespass laws, legislation or legal orders to protect members of our staff and/or councillors from personal violence, intimidation or stalking by a customer. Legal mechanisms which may be used to address unreasonable customer conduct are included in the provisions of the *Inclosed Lands Protection Act 1901 (NSW)*.

If a person’s access to Council services is terminated, Council may be required to address and respond to the customer with respect to statutory functions which cannot be delegated or referred elsewhere by Council (e.g. dealing with Development Applications, provision of waste or water services) Where this is the case, the provision and management of those statutory functions may be subject to relevant restrictions outlined in this policy to both meet legislative requirements and protect the safety and wellbeing of Council staff, Councillors and others.

4.1.7. Completely terminating a customer’s access to our commercial services

Several Council facilities and services have separate terms and conditions for paid services or memberships. These include hiring of Council facilities, accommodation services at Council Tourist Parks, access, and membership fees at Council Leisure Centres.

Users of these services or facilities agree to site/service specific terms and conditions. Any significant breach of those terms and conditions may result in suspension, termination, or eviction in accordance with those conditions. Such actions may be taken separately to this policy but will be done so in accordance with adopted site procedures and action will only be taken with relevant management approval.

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Suspension or termination of access to commercial services under the above circumstances does not require the approval of the Executive Leadership Team or the Chief Executive Officer.

5. Alternative dispute resolution

5.1. Using alternative dispute resolution strategies to manage conflicts with customers

The Executive Leadership Team or CEO may consider using alternative dispute resolution strategies conducted by an independent third party where appropriate.

6. Notification to Customer of restrictions

6.1. Providing a warning letter

Unless a customer's conduct poses a substantial risk to the health and safety of staff, councillors or other third parties, the relevant Director will provide them with a written warning about their conduct in the first instance. If the customer is unable to read the letter, it will be followed/accompanied by a telephone call, using an interpreter if necessary.

The warning letter will:

- Specify the date, time, and location of the UCC incident(s).
- Explain why the customer's conduct/UCC incident is problematic.
- List the types of access changes and/or restrictions that may be imposed if the behaviour continues.
- Provide clear and full reasons for the warning being given.
- Provide the name and contact details of the staff member who they can contact about the letter.
- Be signed by the relevant Director.

6.2. Providing a letter of notification of customer restriction

If a customer's conduct continues after they have been given a written warning or in extreme cases of overt aggression, violence, assault, or other unlawful/unacceptable conduct outlined in this policy which creates a physical or psychosocial risk to staff, councillors or others in our workplace, the Chief Executive Officer has the discretion to send a notification letter immediately restricting the customer's access to our services (without prior or further written warning). If the customer is unable to read the letter (due to literacy issues, non-English speaking, etc.) the letter will be followed or accompanied by a telephone call, using an interpreter if necessary.

This notification letter will:

- Specify the date, time, and location of the UCC incident(s).
- Explain why the customer's conduct is problematic.
- Identify the change and/or restriction that will be imposed and what it means for the customer.
- Provide clear and full reasons for this restriction.

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- Specify the duration of the change or restriction imposed, which will not exceed 12 months.
- Indicate a time period when a review will be available.
- Provide the name and contact details of the senior officer who they can contact about the letter and/or appeal the decision.
- Be signed by the Chief Executive Officer or their delegate.

7. Appealing a decision to change or restrict access to our services.

7.1. Right of appeal

Customers may appeal a decision to change/restrict their access to our services. A senior staff member who was not involved in the original decision to change or restrict the customer's access, and where possible has not been personally impacted by the customer's unreasonable behaviour will be assigned to consider the appeal. This senior staff member should consider the customer's arguments along with relevant records regarding the customer's conduct. They will advise the customer of the outcome of their appeal by letter.

Only one appeal will be available for each period of restriction applied under this policy.

A customer may also seek an external review from an oversight agency such as the NSW Ombudsman.

8. Periodic reviews of all cases where this policy is applied.

8.1. Period for review

All cases where this policy is used will be reviewed every three (3) months or six (6) months (depending on the nature of the service provided) and not more than twelve months after the service change or restriction was initially imposed or upheld. The Executive Leadership Team, when applying a restriction will identify an appropriate Senior staff member who will undertake the review when required (The Review Officer).

The Council reserves the right to bring forward a review in the circumstance that the customer engages in further unreasonable conduct which warrants further consideration, despite restrictions already being in place.

8.2. Notifying the customer of an upcoming review

The Review Officer will ask the customer if they would like to participate in the review process unless they determine that this invitation will provoke a negative response from the customer (i.e., further UCC). The invitation will be given, and the review will be conducted in accordance with the customer's access restrictions.

8.3. Criteria to be considered during a review.

When conducting a review, the Review Officer will provide the Executive Leadership Team with information to consider as to:

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- Whether the customer has had any contact with the organisation during the restriction period.
- The customer's conduct during the restriction period.
- Any information or arguments put forward by the customer for review.
- Any other information that may be relevant in the circumstances.

The Review Officer may also consult any staff members or councillors who have had contact with the customer during the restriction period.

Sometimes a customer may not have a reason to contact Council during their restriction period. As a result, a review decision that is based primarily on the fact that the customer has not contacted our organisation during their restriction period may not be an accurate representation of their level of compliance/reformed behaviour. This should be taken into consideration, in relevant situations.

8.4. Notifying a customer of the outcome of a review

The Review Officer will inform the customer of the outcome of their review using an appropriate method of communication, as well as a written letter explaining the outcome. The review letter will:

- Briefly explain the review process.
- Identify the factors that have been considered during the review.
- Explain the decision or outcome of the review and the reasons for it.

If the outcome of the review is to maintain or modify the restriction, the review letter will also:

- Indicate the nature of the new or continued restriction.
- State the duration of the new restriction period.
- Provide the name and contact details of the relevant officer who they can contact to discuss the letter.
- Be signed by the relevant Director, or the CEO in the situation where there is a decision to terminate access to services.

9. Related Legislation, Policies or Procedures

This Policy relates to the following policy documents of the Council.

- [Shoalhaven City Council Customer Service Charter](#)
- Procedure – Managing Unreasonable Customer Conduct (when adopted)
- Complaint Handling Policy
- Procedure - Complaint Handling
- Work Health and Safety Policy POL25/105
- [P37 Zero Tolerance - Preventing and Responding to Workplace Aggression and Violence](#)

Relevant legislation with respect to this policy includes:

- The Local Government Act, 1993
- The Work Health and Safety Act, 2011

DRAFT Unreasonable Customer Conduct Policy

10. Risk Assessment

This policy is designed to ensure fair, transparent, and equitable access to Council services to our customers. It provides strategies to limit unreasonable customer behaviour and allow Council staff to focus efforts and limited resources on the delivery of services and actions to benefit the wider community of the Shoalhaven as a priority. The application of this policy to individuals is focused on risk-based assessment of the conduct of customers when that conduct is unreasonable.

11. Implementation

Council's Website will provide a clear outline of Council's Customer Service Charter, our Complaints Handling Policy and this policy along with additional materials created to assist our customers.

A communication and education program will be undertaken for staff on the adoption of this policy at regular intervals.

12. Review

This policy is to be reviewed on a four (4) yearly basis or when required.

13. Ownership and Approval

13.1. Public Policy

Responsibility	Responsible Owner
Directorate	City Performance
Endorsement	Executive Leadership Team
Approval/Adoption	Council



Monthly Investment Review



March 2026

Arlo Advisory Pty Ltd
ABN: 55 668 191 795
Authorised Representative of InterPrac Financial Planning Pty Ltd
AFSL 246 638
Phone: +61 2 9053 2987
Email: michael.chandra@arloadvisory.com.au / melissa.villamin@arloadvisory.com.au
Level 3, Suite 304, 80 Elizabeth Street, Sydney NSW 2000

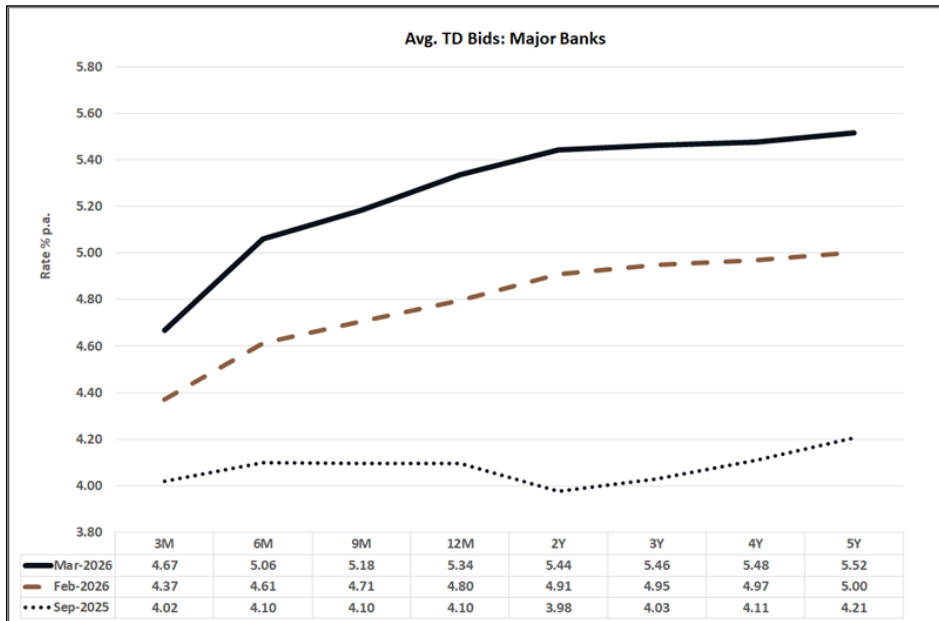
CL26.75 - Attachment 1



Market Update Summary

Financial markets remain volatile as the Middle East conflict continues to dampen risk sentiment, with the conflict becoming more protracted and strategically broader. The market remains focussed on the inflation consequences of the disruptions, from which central bank expectations have repriced sharply.

In the deposit market, over March, at the short-end of the curve (12 months and less), the average deposit rates offered by the domestic major banks was up to 35bp higher compared to where they were the previous month (February) after the RBA lifted official rates by a further 25bp. At the longer-end of the curve (1-5 years), the average rates were also up to 35bp higher compared to where they were the previous month. Markets are pricing in another two rate hikes for 2026.



Source: Imperium Markets

CL26.75 - Attachment 1



Shoalhaven City Council 's Portfolio & Compliance

Asset Allocation

The majority of the portfolio is directed to fixed term deposits and cash or cash notice accounts. The remainder of the portfolio is directed to liquid senior FRNs.

Senior FRNs remain marginally 'expensive' on a historical basis but new issuances should continue to be considered on a case by case scenario for diversification purposes (duration and asset type). In the interim, staggering a mix of fixed deposits between 9 months to 3 years remains a more optimal strategy for the 'core' assets to maximise returns over a longer-term cycle, which can be supplemented by investing a small proportion of surplus funds in senior FRNs.

Should inflation be within the RBA's target band of 2-3% over the longer-term, fixed assets yielding above 5%-5½% p.a. for 1-3 years or higher should outperform benchmark.



CL26.75 - Attachment 1



Term to Maturity

All maturity limits (minimum and maximum) comply with the Investment Policy. There is around ~12% assets maturing in the Short-Medium Term (1-2 years). We recommend additional diversification by allocating some surplus funds into this horizon.

Any funds excess to surplus requirements should be placed in longer-dated tenors between 1-3 years across fixed assets along with any attractive new FRNs (3-5 years) as they come to market (refer to respective sections below).

Compliant	Horizon	Invested (\$)	Invested (%)	Min. Limit (%)	Max. Limit (%)	Available (\$)
✓	0 - 90 days	\$64,146,240	22.46%	0%	100%	\$221,413,777
✓	91 - 365 days	\$150,000,000	52.53%	0%	100%	\$135,560,016
✓	1 - 2 years	\$35,015,596	12.26%	0%	70%	\$164,876,415
✓	2 - 5 years	\$36,398,181	12.75%	0%	50%	\$106,381,828
✓	5 - 10 years	\$0	0.00%	0%	25%	\$71,390,004
		\$285,560,016	100.00%			

CL26.75 - Attachment 1



Counterparty

As at the end of March 2026, all counterparty exposures comply within the Policy limits. Capacity limits are also dependent on the movement in the cash balances. Overall, the portfolio is well diversified across the entire credit spectrum, including some exposure to the regional bank (lower rated) ADIs.

Compliant	Issuer	Rating	Invested (\$)	Invested (%)	Max. Limit (%)	Available (\$)
✓	ING Cov	AAA	\$2,004,972	0.70%	100.00%	\$283,555,044
✓	Suncorp Cov	AAA	\$2,019,562	0.71%	100.00%	\$283,540,454
✓	NSW SIRA	AA+	\$6,675,000	2.34%	100.00%	\$278,885,016
✓	ANZ	AA-	\$21,190,067	7.42%	100.00%	\$264,369,949
✓	CBA	AA-	\$37,490,618	13.13%	100.00%	\$248,069,398
✓	HSBC Bank	AA-	\$2,015,596	0.71%	100.00%	\$283,544,420
✓	NAB	AA-	\$24,505,889	8.58%	100.00%	\$261,054,127
✓	Westpac	AA-	\$79,015,868	27.67%	100.00%	\$206,544,148
✓	Rabobank	A+	\$3,324,038	1.16%	100.00%	\$282,235,978
✓	ING Bank	A	\$77,720,555	27.22%	100.00%	\$207,839,461
✓	Bendigo	A-	\$5,602,931	1.96%	20.00%	\$51,509,072
✓	BOQ	A-	\$23,994,920	8.40%	20.00%	\$33,117,083
			\$285,560,016	100.00%		

CL26.75 - Attachment 1



Credit Quality

The portfolio is well diversified from a credit ratings perspective. The portfolio is entirely invested amongst the investment grade ADIs (BBB+ or higher). All ratings categories are within the Policy limits:

Compliant	Credit Rating	Invested \$	Invested %	Max Limit %	Available
✓	AAA Category	\$4,024,534	1%	100%	\$281,535,482
✓	AA Category	\$170,893,038	60%	100%	\$114,666,978
✓	A+ to A Category	\$81,044,593	28%	100%	\$204,515,423
✓	A- Category	\$29,597,851	10%	40%	\$84,626,156
✓	BBB+ to BBB Category	\$0	0%	30%	\$85,668,005
✓	BBB- & NR ADIs	\$0	0%	5%	\$14,278,001
✓	TCorp LTGF	\$0	0%	100%	\$285,560,016
		\$285,560,016	100.00%		

CL26.75 - Attachment 1



Performance

Council's performance for the month ending March 2026 (excluding cash) is summarised as follows:

Performance (Actual)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	0.34%	0.94%	1.84%	2.77%	3.77%
AusBond Bank Bill Index	0.32%	0.91%	1.82%	2.75%	3.80%
T/D Portfolio	0.39%	1.09%	2.19%	3.35%	4.56%
FRN Portfolio	0.41%	1.18%	2.42%	3.62%	4.85%
Council's Total Portfolio [^]	0.39%	1.10%	2.22%	3.38%	4.59%
Relative (to Bank Bills)	0.07%	0.19%	0.40%	0.63%	0.79%

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

Performance (Annualised)	1 month	3 months	6 months	FYTD	1 year
Official Cash Rate	4.10%	3.85%	3.72%	3.71%	3.77%
AusBond Bank Bill Index	3.81%	3.73%	3.68%	3.69%	3.80%
T/D Portfolio	4.65%	4.47%	4.44%	4.48%	4.56%
FRN Portfolio	4.97%	4.86%	4.91%	4.85%	4.85%
Council's Total Portfolio [^]	4.70%	4.54%	4.51%	4.53%	4.59%
Relative (to Bank Bills)	0.89%	0.81%	0.82%	0.84%	0.79%

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

For the month of March, the total portfolio (excluding cash) provided a return of +0.39% (actual) or +4.70% p.a. (annualised), outperforming the benchmark AusBond Bank Bill Index return of +0.32% (actual) or +3.81% p.a. (annualised). The longer-term positive performance continues to be anchored by the handful of deposits that were originally placed for terms greater than 12 months.



Recommendations for Council

Term Deposits

As at the end of March 2026, Council's **deposit** portfolio was yielding 4.54% p.a. (up 8bp from the previous month), with a weighted average duration of ~224 days (~7½ months). We recommend extending the weighted average duration closer to 9-12 months to optimise returns in the long-run.

Going forward, a more optimal strategy would be staggering deposits across 1-5 year terms – this is likely to earn up to ¼-½% p.a. higher compared to shorter tenors in a normal market environment. Despite the possibility of additional rate hikes in 2026, locking in rates above 5¼% p.a. across 1-3 year tenors (small proportion of surplus funds) should still outperform benchmark in the long-run, on assumption that the RBA can get inflation back within their 2-3% target band.

Please refer to the section below for further details on the Term Deposit market.

Securities

Primary (new) **FRNs** (with maturities between 3-5 years) are expensive on a historical basis but remains an option (particularly for those investors with portfolios skewed towards fixed assets) and should be considered on a case by case scenario. **Fixed Bonds** may also provide attractive opportunities from new (primary and secondary) issuances.



Council's FRN Portfolio

We recommend that Council retains most its FRNs at this stage. We will continue to monitor them individually and will advise when it is appropriate to sell to boost the overall returns of the portfolio in future. (We also remind Council that FRNs can also be sold in the case of an emergency for cash flow purposes).

The following FRNs (unrealised gains of ~\$81k) are up for consideration to be sold over the next few months. We recommend switching into a new attractive FRN when available or otherwise, medium-term fixed deposits (1-3 years) or fixed bonds yielding above 5% p.a.

Issuer	Rating	Maturity Date	ISIN	Face Value	Trading Margin	Capital Price (\$)	Unrealised Gain (\$)
CBA	AA-	17/08/2028	AU3FN0080396	\$1,000,000	+58.0bp	\$100.771	\$7,713
SUNCORP	AAA	12/07/2028	AU3FN0079406	\$2,000,000	+58.5bp	\$100.978	\$19,562
HSBC	AA-	03/03/2028	AU3FN0075792	\$2,000,000	+59.0bp	\$100.780	\$15,596
ANZ	AA-	05/02/2029	AU3FN0084398	\$2,500,000	+63.0bp	\$100.831	\$20,770
Rabo	A+	26/02/2029	AU3FN0085163	\$2,000,000	+69.0bp	\$100.860	\$17,204

CL26.75 - Attachment 1



Term Deposit Market Review

Current Term Deposits Rates

As at the end of March, we see value in the following:

ADI	LT Credit Rating	Term	Rate % p.a.
ING	A	5 years	5.60%
Westpac	AA-	5 years	5.60%
NAB	AA-	5 years	5.45%
BoQ	A-	5 years	5.39%
ING	A	4 years	5.55%
Westpac	AA-	4 years	5.55%
NAB	AA-	4 years	5.45%
BoQ	A-	4 years	5.34%
Westpac	AA-	3 years	5.55%
ING	A	3 years	5.50%
NAB	AA-	3 years	5.45%
BankVic	BBB+	3 years	5.40%
Westpac	AA-	2 years	5.50%
ING	A	2 years	5.50%
BankVic	BBB+	2 years	5.50%
Bendigo-Adelaide	A-	2 years	5.44%

The above deposits are suitable for investors looking to maintain diversification and lock-in a slight premium compared to purely investing short-term.

For terms under 12 months, we believe the strongest value is currently being offered by the following ADIs (we stress that rates are indicative, dependent on daily funding requirements and different for industry segments):



ADI	LT Credit Rating	Term	Rate % p.a.
BankVic	BBB+	12 months	5.55%
Regional Aus. Bank	BBB+	12 months	5.50%
Bank of Sydney	Unrated	12 months	5.50%
ING	A	12 months	5.46%
Police & Nurses	BBB+	12 months	5.45%
Bank of Sydney	Unrated	9 months	5.40%
NAB	AA-	9 months	5.39%
Bendigo-Adelaide	A-	9 months	5.39%
Regional Australia	BBB+	9 months	5.35%
Heritage and P.C.	BBB+	9 months	5.35%
BankVic	BBB+	6 months	5.40%
Bank of Sydney	Unrated	6 months	5.40%
Bank Australia	BBB+	6 months	5.35%
NAB	AA-	6 months	5.34%
Bendigo-Adelaide	A-	6 months	5.34%
Heritage and P.C.	BBB+	3 months	5.00%
NAB	AA-	3 months	4.96%
Bank of Sydney	Unrated	3 months	4.95%
Westpac	AA-	3 months	4.82%

For those investors that do not require high levels of liquidity and can stagger their investments longer term, they will be rewarded over a longer-term cycle if they roll for an average min. term of 12 months, with a spread of investments out to 5 years (this is where we see current value). In a normal market environment (upward sloping yield curve), investors could earn over a cycle, on average, up to ¼-½% p.a. higher compared to those investors that entirely invest in short-dated deposits.

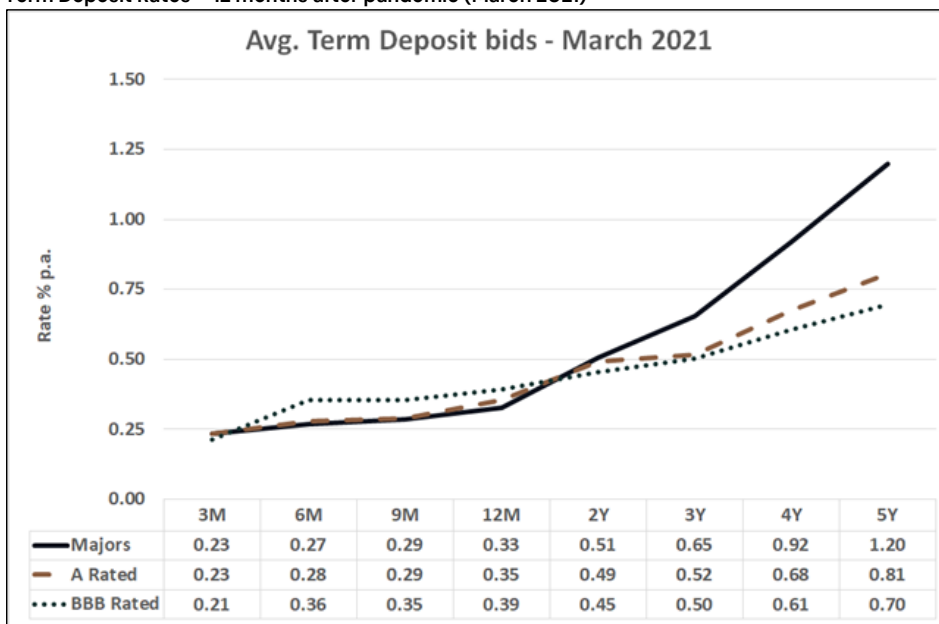
Despite the possibility of additional rate hikes in 2026, investors should consider allocating some longer-term surplus funds for diversification purposes by investing across 1-5 year fixed deposits and locking in rates above 5¼-5½% p.a. Should inflation get under control (be within the RBA's 2-3% target band), yields above these levels should still outperform benchmark.



Term Deposits Analysis

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

Term Deposit Rates – 12 months after pandemic (March 2021)



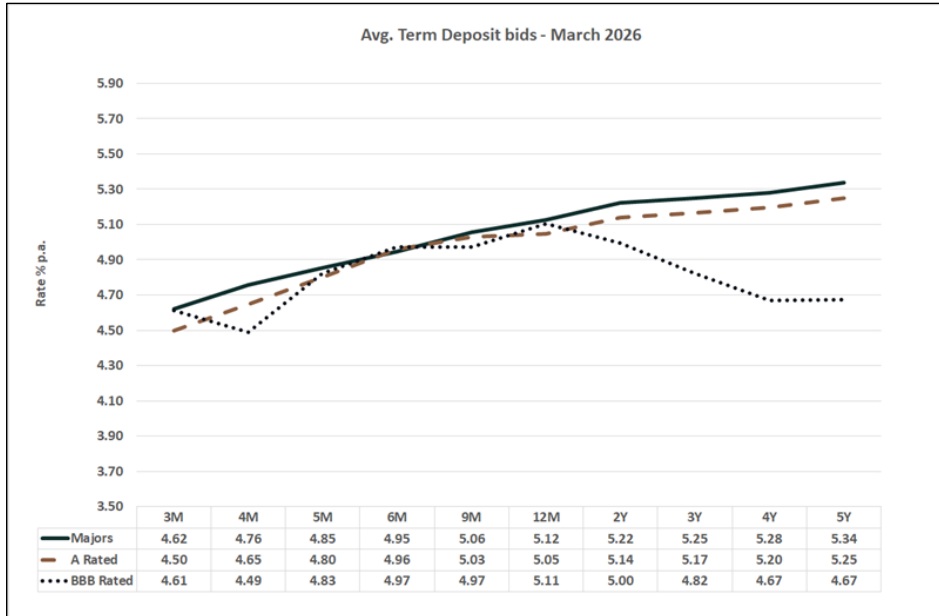
Source: Imperium Markets

The abnormal marketplace experienced during the pandemic is starting to reverse as the competition for deposits slowly increases, partially driven by the RBA's term funding facility coming to an end. In recent months, we have started to periodically see some of the lower rated ADIs ("A" and "BBB" rated) offering slightly higher rates compared to the domestic major banks ("AA" rated) on different parts of the curve (i.e. pre-pandemic environment). Some of this has been attributed to lags in adjusting their deposit rates as some banks (mainly the lower rated ADIs) simply set their rates for the week.



Going forward, investors should have a larger opportunity to invest a higher proportion of its funds with the lower rated institutions (up to Policy limits), from which the majority are not lending to the Fossil Fuel industry or considered 'ethical'. We are slowly seeing this trend emerge, although the major banks always seem to react more quickly than the rest of the market during periods of volatility:

Term Deposit Rates – Currently (March 2026)



Source: Imperium Markets

Financial Stability of the Banking (ADI) Sector

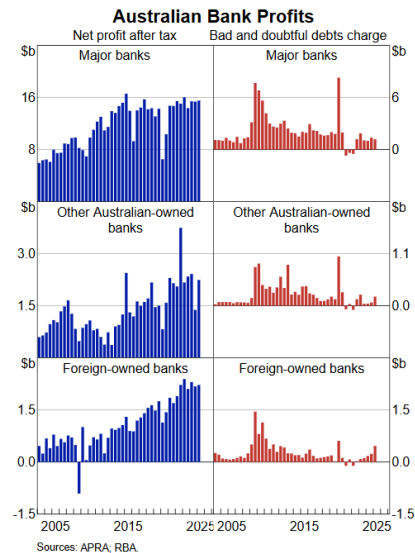
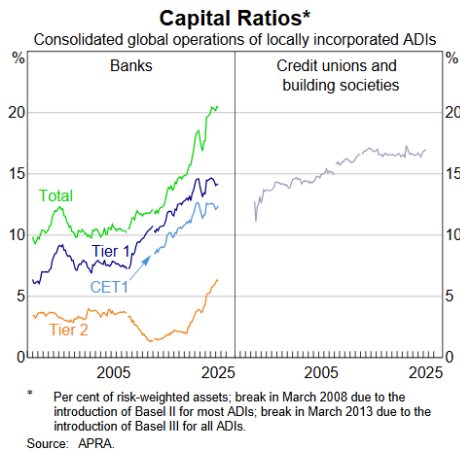
The RBA’s Financial Stability reaffirms the strong balance sheet across the ADI sector. They noted that the risk of widespread financial stress remains limited due to the generally strong financial positions of most (individual) borrowers. Very few mortgage borrowers are in negative equity, limiting the impact on lenders (ADIs) in the event of default and supporting their ability to continue providing credit to the economy. Most businesses that have entered insolvency are small and have little debt, limiting the broader impact on the labour market and thus household incomes, and on the capital position of lenders (ADIs).

Australian banks (collectively the APRA regulated ADIs) have maintained prudent lending standards and are well positioned to continue supplying credit to the economy. A deterioration in economic conditions or temporary disruption to funding markets is unlikely to halt lending activity. Banks have anticipated an



increase in loan arrears and have capital and liquidity buffers well above regulatory requirements (see *Capita Ratios chart below*). APRA’s mandate is to “protect depositors” and provide “financial stability”.

Over the past two decades, both domestic and international banks continue to operate and demonstrate high levels of profitability (see *Australian Bank Profits chart below*), which also covers two stress-test environments being the GFC (September 2008) and the COVID pandemic period (March 2020):



The Council of Financial Regulators (CFR) – being the Australian Prudential Regulation Authority (APRA), the Australian Securities and Investments Commission (ASIC), the Australian Treasury and the Reserve Bank of Australia (RBA), have the ultimate aim of promoting the stability of the financial system, whilst supporting effective and efficient regulation. In their latest quarterly review, the CFR agreed on the following priorities heading into 2026:

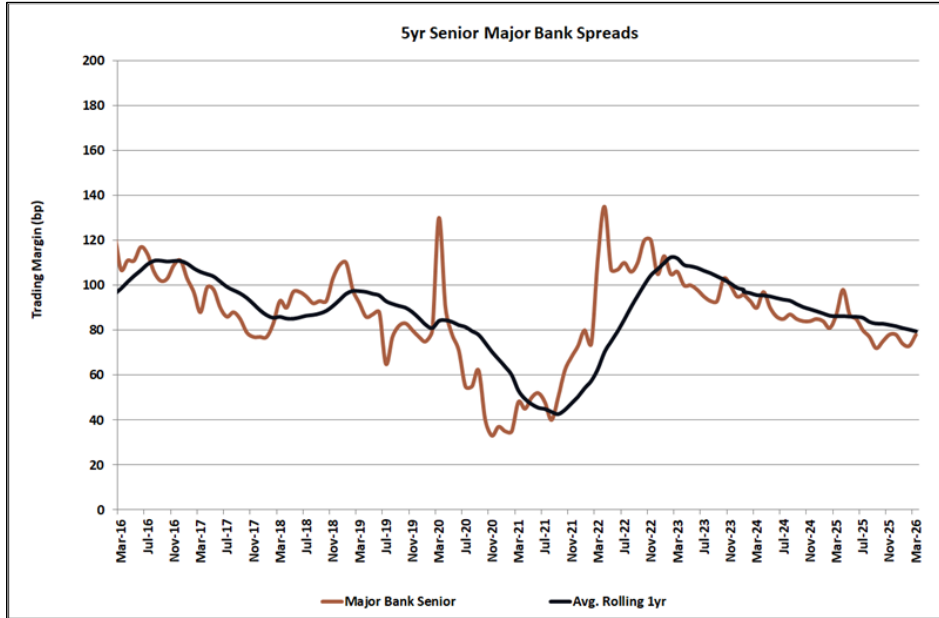
- Improving preparedness for geopolitical risks;
- Operational vulnerabilities, including cyber, third parties and AI;
- Amplification of systemic liquidity risk: further strengthening CFR and industry readiness to respond to systemic liquidity stress events; and
- High household leverage: continuing to closely monitor household leverage and bank lending standards.

The Council noted that in each of these priority areas, CFR agencies are taking forward a number of initiatives to strengthen the resilience of the financial system.



Senior FRNs Market Review

Over March, amongst the senior major bank FRNs, physical credit securities widened up to 5bp at the long-end of the curve. Long-term major bank senior securities remain 'expensive' on a historical basis, noting the 5yr margin has averaged around the +92bp level over a cycle (currently around +80bp).



Source: IBS Capital

During the month, there was little issuances as issuers were reluctant to tap into the primary markets given the selloff in risk markets. QBank (BBB) issued a 3 year senior private placement FRN at +140bp, whilst MyState (BBB) issued a 3 year senior FRN at +115bp, printing \$250m.

Amongst the "A" and "BBB" rated sector, the securities widened up to 20bp at the 3–5 year part of the curve. Overall, credit securities are marginally expensive on a historical basis but remain a good option for diversification purposes. FRNs will continue to play a role in investors' portfolios mainly based on their liquidity and the ability to roll down the curve and gross up returns over ensuing years (in a relatively stable credit environment), whilst also providing some diversification to those investors skewed towards fixed assets (and especially with the RBA on a tightening bias).



Senior FRNs (ADIs)	31/03/2026	27/02/2026
"AA" rated – 5yrs	+80bp	+73bp
"AA" rated – 3yrs	+63bp	+58bp
"A" rated – 5yrs	+88bp	+80bp
"A" rated – 3yrs	+70bp	+63bp
"BBB" rated – 3yrs	+115bp	+95bp

Source: IBS Capital

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

- On or before early-2029 for the "AA" rated ADIs (domestic major banks);
- On or before mid-2027 for the "A" rated ADIs; and
- Within 6-9 months for the "BBB" rated ADIs (consider case by case).

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



Senior Fixed Bonds – ADIs (Secondary Market)

Investors may look at some opportunities in the secondary market. We currently see value in the following fixed bond lines (please note supply in the secondary market may be limited on any day):

ISIN	Issuer	Rating	Capital Structure	Maturity Date	~Remain. Term (yrs)	Fixed Coupon	Indicative Yield
AU3CB0314763	Bendigo	A-	Senior	24/10/2028	2.57	4.79%	5.46%
AU3CB0308955	BoQ	A-	Senior	30/04/2029	3.09	5.30%	5.55%
AU3CB0319879	Nova Sco.	A-	Senior	21/03/2030	3.98	5.23%	5.81%
AU3CB0331056	ING Bank	A	Senior	13/02/2031	4.88	5.21%	5.52%
AU3CB0326890	CBA	AA-	Senior	09/10/2035	9.53	5.18%	5.86%



Economic Commentary

International Market

Financial markets remain volatile as the Middle East conflict continues to dampen risk sentiment, with the conflict becoming more protracted and strategically broader. The market remains focussed on the inflation consequences of the disruptions, from which central bank expectations have repriced sharply.

Across equity markets, the US indices were sold off with the S&P 500 Index falling -5.09%, whilst the tech heavy NASDAQ suffered a loss of -4.75%. Europe’s main indices also plunged, with falls across Germany’s DAX (-10.30%), France’s CAC (-8.90%) and UK’s FTSE (-6.73%).

The US Federal Reserve and Bank of Canada held rates steady as expected, both indicating in different ways they are prepared to “look through” initial energy price rises. The Swiss National Bank also kept official rates unchanged, at 0.0%.

US February CPI rose +0.3% m/m, with core CPI up +0.2%, both in line with consensus, confirming inflation remains too firm for the FOMC to pivot toward labour-market support for now. The US unemployment rate rose by 0.1% to 4.4% in February. US retail sales for January, while not disappointing, were at best uninspiring. The headline print, at -0.2%, was down a little less than expected.

Canada’s February labour report was unequivocally weak, the unemployment rate up 0.2% to 6.7% (flat on a trend basis since late 2024), with employment falling -84k m/m. Canada’s annual inflation rate eased to a nine-month low in February with headline at +1.8% (from +2.3%) and core at +2.0%.

UK January GDP was flat against the +0.2% consensus, which UK economic observers note leaves the level of GDP flat from seven months ago. UK headline inflation was in line at +3.0%, but core and services inflation were both 0.1% higher than expected. The Bank of England, in announcing a unanimous (9-0) decision to keep rates at 3.75%, said that all members “stand ready to act” to contain inflation.

Norway’s Norges Bank held policy unchanged, but its guidance pivoted from expected easing to expected tightening. An earlier plan of three rate cuts by the end of 2028 has been replaced by guidance that an increase “at one of the forthcoming monetary policy meetings” will likely be necessary.

The MSCI World ex-Aus Index fell -6.25% for the month of March:

Index	1m	3m	1yr	3yr	5yr	10yr
S&P 500 Index	-5.09%	-4.63%	+16.33%	+16.69%	+10.44%	+12.23%
MSCI World ex-AUS	-6.25%	-3.58%	+19.35%	+17.43%	+10.85%	+12.45%
S&P ASX 200 Accum. Index	-7.15%	-1.61%	+11.67%	+9.54%	+8.63%	+9.44%

Source: S&P, MSCI



Domestic Market

In a close decision based on timing and not the direction (5 votes to 4), the RBA Monetary Policy Board decided to lift the official cash rate by 25bp to 4.10% in March. The main driver of the decision was a judgement that there is a material risk that inflation remains above target for even longer than previously anticipated.

The unemployment rate rose to 4.3% in February (4.1% consensus), despite strong employment growth, up +49k. The rise in unemployment came alongside a 0.2% rise in participation to 66.9%, back to where it was in October last year.

Q4 GDP rose +0.8% q/q and +2.6% y/y, slightly below market expectations.

Dwelling prices across the combined capitals have risen +9.6% over the past year. In February, prices rose +0.6% m/m, driven by the mid-size capitals with Sydney and Melbourne seeing flat outcomes. On a 3-month annualised basis, dwelling prices are rising around +30% in Perth and about +20% in Brisbane and Adelaide, while Sydney (-0.3%) and Melbourne (-1.8%) are now recording declines.

Household spending rose by +0.3% m/m in January to be +4.6% higher over the year, but remains below the recent trend.

The Australian dollar fell around -3.94%, finishing the month at US68.45 cents (from US71.26 cents the previous month).

Credit Market

The global credit indices widened significantly during the month as risk assets were sold off. Overall, credit assets remain resilient despite the escalating geopolitical tensions, with spreads still below longer-term historical averages:

Index	March 2026	February 2026
CDX North American 5yr CDS	67bp	54bp
iTraxx Europe 5yr CDS	73bp	54bp
iTraxx Australia 5yr CDS	92bp	67bp

Source: Markit



Fixed Interest Review

Benchmark Index Returns

Index	March 2026	February 2026
Bloomberg AusBond Bank Bill Index (0+YR)	+0.32%	+0.28%
Bloomberg AusBond Composite Bond Index (0+YR)	-1.42%	+0.88%
Bloomberg AusBond Credit FRN Index (0+YR)	+0.25%	+0.32%
Bloomberg AusBond Credit Index (0+YR)	-1.15%	+0.64%
Bloomberg AusBond Treasury Index (0+YR)	-1.36%	+0.98%
Bloomberg AusBond Inflation Gov't Index (0+YR)	-0.89%	+1.08%

Source: Bloomberg

Other Key Rates

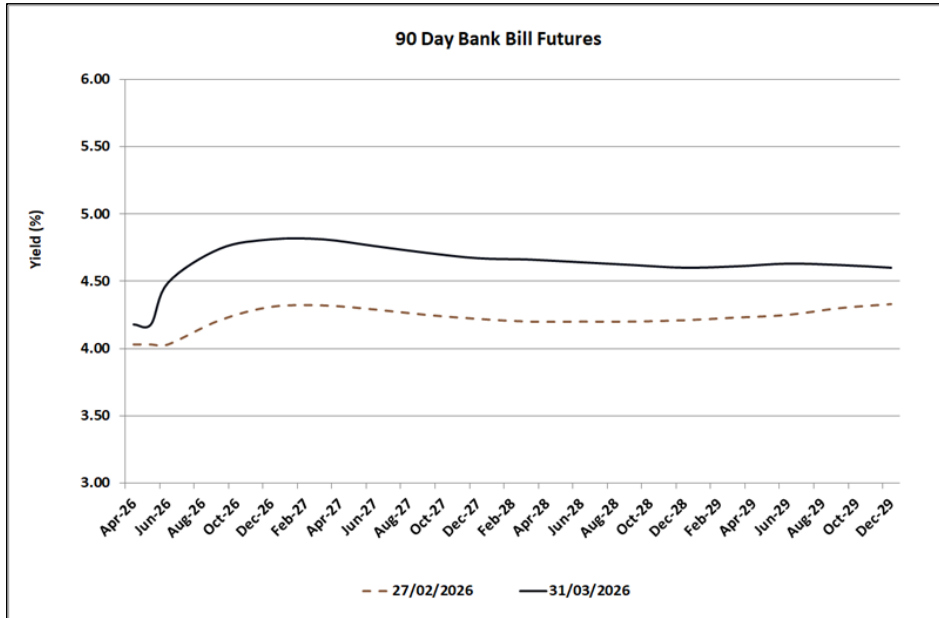
Index	March 2026	February 2026
RBA Official Cash Rate	4.10%	3.85%
90 Day (3 month) BBSW Rate	4.32%	3.99%
3yr Australian Government Bonds	4.66%	4.21%
10yr Australian Government Bonds	4.97%	4.64%
US Fed Funds Rate	3.50%-3.75%	3.50%-3.75%
2yr US Treasury Bonds	3.79%	3.38%
10yr US Treasury Bonds	4.30%	3.97%

Source: RBA, ASX, US Department of Treasury



90 Day Bill Futures

Bill futures rose significantly during the month. Markets have reacted quickly after the RBA lifted rates in consecutive meetings, whilst also signalling further rate rises may need to be delivered to temper rising inflation expectations.



Source: ASX



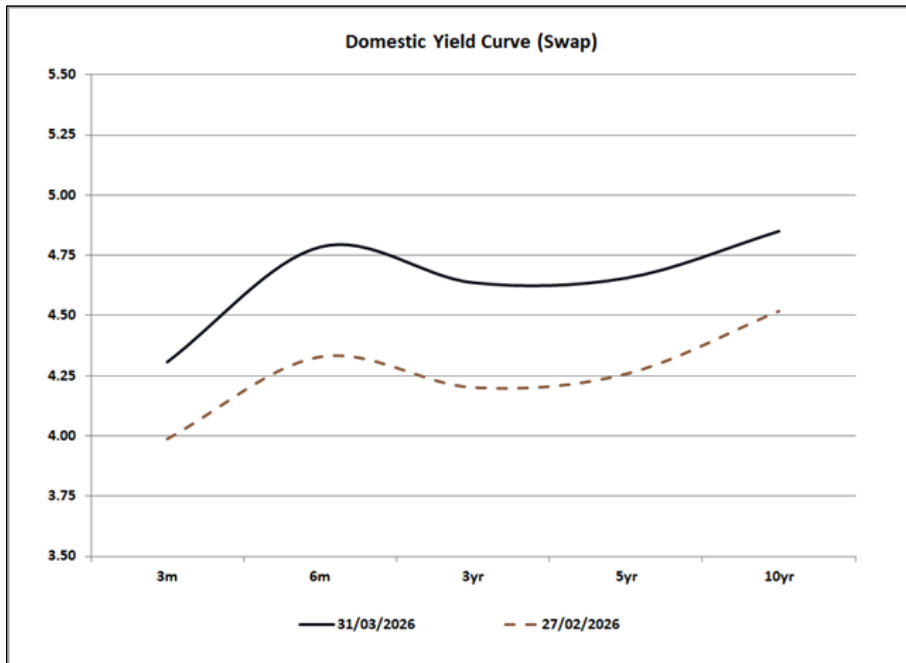
Fixed Interest Outlook

Markets finally flipped from pricing meaningful rate cuts in the US over the next year, to a much flatter and potential rate increase for 2026, as inflation expectations have recalibrated significantly. At month-end, President Trump had told aides he was willing to end the US military campaign against Iran even if the Strait of Hormuz remains largely closed.

Domestically, after lifting rates in February and March, the RBA remains “attentive to the data and the evolving assessment of the outlook and risks to guide its decisions”. Every meeting is considered “live”, with the RBA commenting that “members agreed that further tightening in monetary policy would likely be required”. Members noted higher oil prices had further increased inflation risk and downside risks to the labour market had abated over prior months.

On the path forward, uncertainty about the breadth and duration of the conflict in the Middle East meant “it was not possible to predict the future path for the cash rate target with any confidence” and that a longer conflict could have a material bearing on both inflation and economic activity.

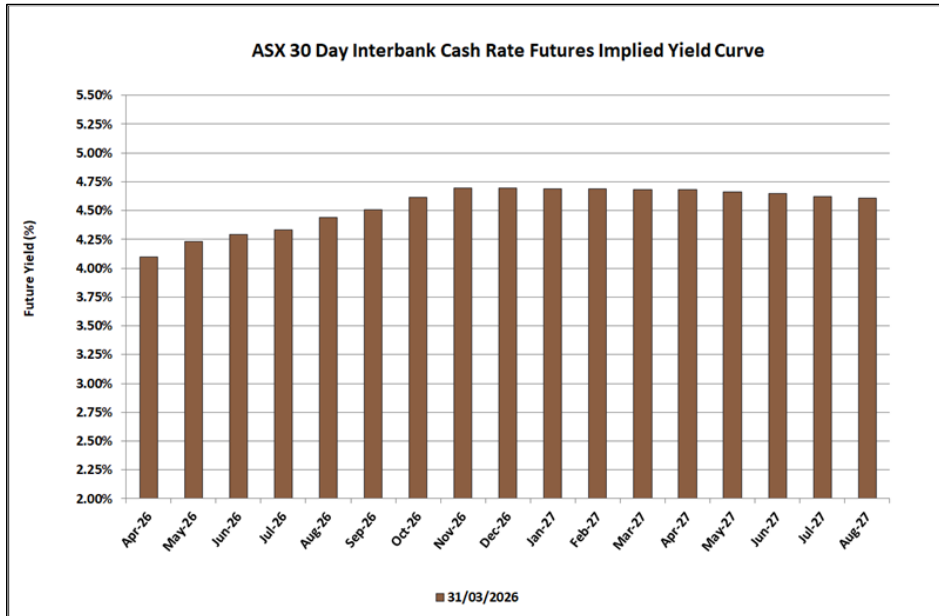
Yields rose up to 45bp at the longer-end of the curve this month:



Source: ASX, RBA



Financial markets are currently fully pricing in two more rate hikes in 2026 (by August and October). There is also the potential for a further rate hike if inflation continues to spike or remain elevated:



Source: ASX

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Statement of Investments

as at 31 March 2026

Portfolio by Asset as at 31/03/2026

Asset Type: CASH

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
State Insurance Regulatory Authority	AA+	CASH	GENERAL	Monthly	31/03/2026	31/03/2026	0.0000	6,675,000.00	6,675,000.00
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/03/2026	31/03/2026	4.1000	25,075,147.50	25,075,147.50
Commonwealth Bank	AA-	CASH	GENERAL	Monthly	31/03/2026	31/03/2026	0.0000	2,396,092.25	2,396,092.25
CASH SUBTOTALS								34,146,239.75	34,146,239.75

Asset Type: TD

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Suncorp Bank	AA-	TD	GENERAL	At Maturity	02/04/2025	02/04/2026	4.7000	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	31/07/2025	08/04/2026	4.1700	5,000,000.00	5,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	14/10/2025	14/04/2026	4.3400	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	09/05/2025	06/05/2026	4.1000	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/06/2025	03/06/2026	4.1300	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	12/06/2025	12/06/2026	4.1700	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	10/07/2025	10/07/2026	4.1400	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	15/07/2025	15/07/2026	4.1300	5,000,000.00	5,000,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Westpac	AA-	TD	GENERAL	At Maturity	31/07/2025	31/07/2026	4.1700	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	06/08/2025	06/08/2026	4.1600	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	Annual	18/08/2025	18/08/2026	4.1200	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	21/08/2025	21/08/2026	4.1300	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	28/08/2025	28/08/2026	4.1400	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	05/09/2025	07/09/2026	4.1800	10,000,000.00	10,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	13/03/2026	14/09/2026	5.1400	5,000,000.00	5,000,000.00
NAB	AA-	TD	GENERAL	At Maturity	29/09/2025	29/09/2026	4.3000	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	14/10/2025	14/10/2026	4.2000	10,000,000.00	10,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	11/11/2025	11/11/2026	4.3500	5,000,000.00	5,000,000.00
Westpac	AA-	TD	GENERAL	At Maturity	24/11/2025	24/11/2026	4.3700	5,000,000.00	5,000,000.00
Suncorp Bank	AA-	TD	GENERAL	At Maturity	10/12/2025	10/12/2026	4.6600	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	16/12/2025	16/12/2026	4.6300	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	Annual	18/12/2025	18/12/2026	4.6300	10,000,000.00	10,000,000.00
Bendigo and Adelaide	A-	TD	GENERAL	At Maturity	31/03/2026	04/01/2027	5.3900	5,000,000.00	5,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	03/02/2026	03/02/2027	4.8100	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	16/02/2026	16/02/2027	4.9000	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	10/03/2026	10/03/2027	5.0800	10,000,000.00	10,000,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
Westpac	AA-	TD	GENERAL	At Maturity	20/02/2026	20/04/2027	4.9300	10,000,000.00	10,000,000.00
BOQ	A-	TD	GENERAL	At Maturity	27/02/2026	27/05/2027	4.9300	10,000,000.00	10,000,000.00
ING Bank (Australia) Ltd	A	TD	GENERAL	At Maturity	10/03/2026	10/06/2027	5.0900	10,000,000.00	10,000,000.00
NAB	AA-	TD	GENERAL	Annual	01/03/2024	15/12/2027	4.7000	3,000,000.00	3,000,000.00
TD SUBTOTALS								213,000,000.00	213,000,000.00

Asset Type: FRN

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
HSBC Bank, Sydney Branch	AA-	FRN	GENERAL	Quarterly	03/03/2023	03/03/2028	5.0422	2,015,596.00	2,000,000.00
Suncorp Bank	AAA	FRN	GENERAL	Quarterly	12/07/2023	12/07/2028	4.7870	2,019,562.00	2,000,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	17/08/2023	17/08/2028	4.9142	1,007,713.00	1,000,000.00
Bendigo and Adelaide	A-	FRN	GENERAL	Quarterly	24/10/2024	24/10/2028	4.7716	602,931.00	600,000.00
BOQ	A-	FRN	GENERAL	Quarterly	20/11/2025	20/11/2028	4.7568	3,994,920.00	4,000,000.00
ANZ Bank	AA-	FRN	GENERAL	Quarterly	05/02/2024	05/02/2029	4.8926	2,520,770.00	2,500,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	26/02/2024	26/02/2029	5.0223	2,017,204.00	2,000,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	19/03/2024	19/03/2029	5.2455	1,258,782.50	1,250,000.00
Rabobank Australia Branch	A+	FRN	GENERAL	Quarterly	17/07/2024	17/07/2029	4.6367	1,306,834.10	1,300,000.00

Issuer	Rating	Type	Allocation	Interest Paid	Purchase Date	Maturity Date	Rate (%)	Capital Value (\$)	Face Value (\$)
ING Bank (Australia) Ltd	A	FRN	GENERAL	Quarterly	20/08/2024	20/08/2029	5.0068	2,720,555.10	2,700,000.00
NAB	AA-	FRN	GENERAL	Quarterly	14/11/2024	14/11/2029	4.7772	1,505,889.00	1,500,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	09/01/2025	09/01/2030	4.5785	2,511,490.00	2,500,000.00
Suncorp Bank	AA-	FRN	GENERAL	Quarterly	21/05/2025	21/05/2030	4.9235	2,410,514.40	2,400,000.00
Westpac	AA-	FRN	GENERAL	Quarterly	19/06/2025	19/06/2030	5.0955	4,015,868.00	4,000,000.00
ING Bank (Australia) Ltd	AAA	FRN	GENERAL	Quarterly	15/08/2025	15/08/2030	4.7372	2,004,972.00	2,000,000.00
Commonwealth Bank	AA-	FRN	GENERAL	Quarterly	15/01/2026	15/01/2031	4.4654	6,500,175.50	6,500,000.00
FRN SUBTOTALS								38,413,776.60	38,250,000.00

Portfolio by Asset Totals as at 31/03/2026

Type	Capital Value (\$)	Face Value (\$)
CASH	34,146,239.75	34,146,239.75
TD	213,000,000.00	213,000,000.00
FRN	38,413,776.60	38,250,000.00
TOTALS	285,560,016.35	285,396,239.75

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“Accrued Interest” is the the accrued amount calculated since either from the purchase date or the last payment date. The quoted figure is not the accrued interest for the financial year to date (FYTD).



PLAN OF MANAGEMENT

Nowra Showground

CL26.79 - Attachment 1

Responsible Officer: Matthew Urbaniak

Reviewed By: TBC

Date Adopted: xx/xx/xxxx

Adopted By: TBC

Resolution No: xxxxx

Review Due Date: xx/xx/xxx

Revision No: 3

Previous Versions: N/A

Author/Editor: Community Infrastructure Planner

CL26.79 - Attachment 1

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Plan of Management – Nowra Showground

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CL26.79 - Attachment 1

1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Nowra Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is an area of General Community Use.

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CL26.79 - Attachment 1

2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation
- Showground
- Access
- Community Purpose
- Bush Fire Brigade
- Study/Preservation of Native Flora
- Cemetery
- Public Recreation & Showground
- Local Government Purposes
- Wharf Facility
- Museum
- Public Recreation & War Memorial
- Parking
- Camping
- Public Recreation & Racecourse
- Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.

Plan of Management – Nowra Showground

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- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

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CL26.79 - Attachment 1

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister's consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from 07/07/2025 to 18/08/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 13 submissions were received.

Following the initial exhibition period and consultation with the Nowra Show Society, several amendments to the PoM were required. Engagement with the Show Society included a formal written submission and follow-up meeting with Council's Community Infrastructure Planning team regarding the inclusion of historical arrangements, and clarifications relating to the ongoing use and management of the Showground. The required amendments were incorporated into a revised PoM.

The revised PoM was subsequently placed on public exhibition from XX/XX/2026 to XX/XX/2026, in accordance with section 38 of the LG Act. A total of XX submissions were received during this exhibition period. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.

3 Land Description

This plan of management covers Nowra Showground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by council as Crown land manager under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
N/A	CNO403	Shoalhaven City Council	Public Recreation	N/A	Lot F DP 397462	R1: General Residential	General Community Use	N/A
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 1 Sec 15 DP 758794	RE1: Public Recreation	General Community Use	
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 4 DP 1136269	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7302 DP 1134093	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 702 DP 1024852	RE1: Public Recreation	General Community Use	

R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7323 DP 1164817	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 374 DP 755952	RE1: Public Recreation	General Community Use	

This PoM is specific to the land mentioned in Table 1 above. Contact the council or refer to the council's website for information about other public land not listed above.

3.2 Active Lease and Licences Agreements.

All details of active lease and licenses is detailed in Section 5.4.

3.3 Site Overview

The city of Nowra is the main commercial and administrative centre of the Shoalhaven and lies immediately south of the Shoalhaven River approximately 160kms south of Sydney. Nowra Showground is situated on the western edge of the main town street grid on high ground directly above the Shoalhaven River. The site commands views over the river to the north and west, and to the city and coastal land to the east.

Further info about use provided in 5 (Nowra Show)

The Showground contains a mix of built structures, vegetation, and open space. Trees make up a large part of the space and are integral to the history of the site. The trees are further discussed in the Nowra Showground Conservation Management Plan 2012 document. All future development and use will be undertaken in accordance with the Conservation Management Plan and guided by the Nowra Showground Master Plan 2022.

Buildings and other elements are included on the following list which has been adapted and expanded from the Nowra Showground Conservation Management Plan. The Conservation Management Plan contains photographic surveys of the site and detailed descriptions and histories of the subject buildings and other elements.

- Horse Stables & Horse Yards
- Reg's Shed
- Cattle Sheds
- Cattle Judging Ring, Judging Box, and seating
- Family Café (former Publican's Bar) and Picnic Area
- Show Arena
- Athletics Club Storage Shed
- Commentary Box & Entry Box
- Main Arena with perimeter fence and seating, show arena track, trotting track, turf cricket wicket and rugby league field
- Tennis Club and Courts
- Poultry Pavilion
- Changerooms/Amenities Building
- Ben's Walk Picnic Ledge and Hanging Rock Picnic Area and Lookout
- Federation Pavilion and Nowra Show Society Committee Room
- Wood Chop Arena
- Wood Chop Commentary Box
- Youth Club Hall
- Monaghan's Fountain
- McKenzie's Gate
- Toilet Block
- Dog Training Club
- Caretakers Cottage
- Council Storage Shed
- Croquet Club and Lawn
- Memorial Gates
- Added Area Sports field including concrete cricket pitch

The condition of all the above is noted in the table in Section 5.4.

Plan of Management – Nowra Showground

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The Showground Pavilion Complex was upgraded in the 1990s and is now available for commercial and community hiring. The Pavilion consists of a main hall with stackable seating for approximately 100 people. It is air conditioned and carpeted. There is a mezzanine level which overlooks the main hall. There is a kiosk/kitchen and a separate office with phone accessible from the main hall. Two meeting rooms are attached which will accommodate 10-12 people seated at tables. The adjacent Committee Room is also air conditioned and carpeted with stackable seating for 70, 10 tables and its own kitchen. The Pavilion Complex is situated overlooking the main oval to the east and the Shoalhaven River with views to the mountains in the west. Car parking for over 200 vehicles is available with access from both Junction Street and Worrigea Street. Public toilets are incorporated in the complex and additional amenities are nearby.

The main landscape elements at Nowra Showground are

- well grassed sports fields
- some garden beds, mainly around the Committee Room
- picnic areas with furniture and
- informal open areas.

In most areas there are substantial mature trees. The Showground provides an exceptional opportunity for retaining a large number of trees, including some very large trees, in an urban setting. There are informal remnant and regrowth native vegetation, with the most common native species being Spotted Gum, Black Butt and Grey Gums.

There are some structured formal plantings, some of which are reported in the Nowra Showground Conservation Management Plan as having been supplied by the Sydney Botanic Gardens in the 1880s and 1890s, and by the Government Nursery at Gosford in the early 1900s.

Trees at the Nowra Showground are important because of:

- outstanding aesthetic quality,
- outstanding size or age,
- provision of shade,
- important contribution to the townscape,
- association with local people,
- historical associations and commemorative trees,
- having curious growth habit or unusual physical features and
- being part of an historic garden or park.

In addition to the value of individual trees, some group plantings have been identified as significant to the overall setting, such as the figs around the main show ring to the south of the Pavilion and to the east of the Added Area sports field. At least two of these trees were ceremonially planted during Empire Day celebrations in 1906 and 1912. There is also an anecdotal report that some were planted as memorials to soldiers who served in the First World War (letter from Shoalhaven Historical Society to Nowra Croquet Club Dec. 9, 2004).

In the horse and cattle area, the introduced Coral Trees surround the Cattle Judging Ring, provide much shade and give a distinctive character to the area. Coral Trees were reportedly planted in the horse and cattle area in 1939. The coral trees at the cattle stand as being of considerable heritage significance because they are representative of a historic period of planting. Coral trees are significant to the area as typical rural plantings to shade cattle. Their purpose would have been two-fold in this location; they are fast growing and provide good shade for cattle, and they have colourful flowers to provide a decorative backdrop in the Showground. The stand should be maintained and conserved. The significant layout of the planting rows between the cattle stands should be maintained. A large community area such as the Nowra Showground is one of the few appropriate community locations for examples of Coral Trees. The Coral Trees are an important and interesting feature of rural life for visitors to the town.

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The Conservation Management Plan contains photographic surveys of the site and detailed descriptions and histories of the subject buildings and other elements.

The Nowra Showground is a designated Large Animal Emergency Evacuation Centre.

This plan has been prepared to assist the future management of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of this plan of management allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

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4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for General Community Use are outlined in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council’s Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

Shoalhaven City Council’s Delivery Program and Operational Plan Resourcing Strategy outlines Council’s annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Councils website.

Coastal Management Program – Lower Shoalhaven River.

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This coastal management program being developed under the Coastal Management Act 2016, seeking to achieve the objects of that Act and to preserve the social, cultural, economic, and environmental values of Shoalhaven's coastal zone. The Lower Shoalhaven River Coastal Management Program is currently in draft format and yet to be adopted (February 2025).

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5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Nowra Showground is used for active recreation for the township of Nowra as well as visitors. The campground is also frequently used by visitors to the area.

Camping is permitted on the premises year-round, subject to occasional closures for maintenance and improvement works. Reservations for camping facilities shall be made through the Council's official website and designated booking system, the camping is paid. The camping area provides essential amenities, including bathroom facilities and power supply.

One of the purposes for which land at Nowra Showground is dedicated is "Showground". The annual Nowra Show is a primary consideration in planning and management for the place.

The Nowra Show is held on the second Friday and Saturday of February and has been at the current Showground since 1886. The Annual Nowra Show is an important cultural event for the region.

The Nowra Show Society organises the annual Nowra Show, including the competitions, exhibitions and entertainment. Key objectives of the Show Society are to promote the development of Agricultural, Horticultural and Industrial resources of Nowra and the surrounding districts by holding exhibitions for the display of livestock, Horticultural and Agricultural produce of all kinds, together with other such objects of manufacture product or the arts as may be determined and to provide entertainment for its patrons.

In addition to the Nowra Show, the Show Society stages other events at the Showground from time to time, such as the Junior Dairy Cattle Judging. In planning for its activities throughout the year, the Society also uses facilities at the Showground such as the Committee Room and Pavilion, and the Show Secretary's Office.

The Nowra Show Society has assisted Council and the NSW Government to develop the buildings and infrastructure at the Showground. All the profits made by the Society are allocated to improve facilities at the Showground.

In managing the Showground as a multipurpose facility, Council has responsibility for maintenance of the grounds and many of the buildings there. To help offset the cost of maintaining the Showground Council hires out facilities to the general community in accordance with Council's Fees & Charges.

Council contributes to the running of the Show in the following ways, amongst others:

1. Scheduling normal showground maintenance and groundwork to coincide with show preparations, ensuring the showground is presented at its best for show time. Examples include:
 - Maintenance of grass, gardens, trees and grounds.

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- Grading of roads and trotting track.
 - Ensuring all permanent electrical, lighting, water and communications provisions are operational at show time.
2. Providing services to the Show Society on a fee-paying basis for works that are specific to staging the Show. Examples include:
 - Cleaning toilets before, during and after the Show.
 - Provision of garbage bins.
 - Emptying of garbage bins.
 - Provision of power and lighting specific to the needs of casual site space hirers, the Showmen's Guild and campers at the Show.
 3. Providing voluntary contribution through the loan of equipment, labour and advice to the Show Society. Examples include:
 - Loan of tables, chairs, cutlery and crockery.
 - Loan of marquees.
 - Loan of equipment such as fax machine, ladders, trolleys.
 - Loan of road closure signage, witches hats and other safety related equipment.
 4. Providing services in its role as Council through inspections of food vendors, carnival rides and occupational health and safety aspects of the Show. Examples include:
 - Inspection of food vending operators and issuing of certificates (cost borne by operators).
 - Inspection of current Workcover Certificates for rides (cost borne by operators).
 - Electrical safety inspections during show time.

Background Information

The purpose of the following information is to provide historical context for the current use of the land.

In 1937, Council was appointed as Trustee for the Crown land at the Showground and in 1938 the Crown land was rededicated for the purposes of "Public Recreation, Showground, Racecourse, Athletic Sports and Camping".

Over time, the way in which Council manages community facilities, including showgrounds, has evolved. Historically, several Memoranda of Understanding (MoU) were established between the Nowra Show Society and Council to formalise arrangements that reflected the unique maintenance, operational and usage needs of the Showground at that time. These agreements provided bespoke mechanisms for allocating responsibilities, recognising contributions by the Society, and coordinating preparation for the annual Nowra Show, and are now superseded by contemporary arrangements outlined below.

A major administrative restructure in 2014 created a consolidated asset management and operational framework for all community facilities. This introduced consistent procedures for maintenance, fees and charges, volunteer activities, and event management across the local government area.

In 2016, Council notified the Nowra Show Society that the former 2004 Memorandum of Understanding (MoU) would not continue in perpetuity. Instead, the Showground would be managed in line with the standardised processes applied to all community facilities. The intent of the original MoU clauses remains recognised, and these purposes are now fulfilled through current Council policies and procedures, as outlined below.

1. Access for the Annual Show and Related Activities

The original MoU ensured the Show Society could conduct the annual Nowra Show without financial burden.

This purpose is now met through Council's *Fees and Charges Policy*, which provides no-charge use of the Showground for the annual show and for meetings or activities that directly support its organisation. Other uses by the Society outside this specific purpose are charged at standard rates consistent with all user groups.

2. Maintenance Responsibilities

The MoU historically allocated certain maintenance tasks to the Show Society.

Under current arrangements, all maintenance of Council-owned assets is undertaken by Council staff or inducted volunteers to ensure safe, consistent and compliant asset management.

3. Volunteer Working Bees

The MoU allowed the Society to conduct working bees for minor works.

Today, any proposed working bee is assessed through the *Events Policy* as a small event. This provides structured oversight, appropriate insurance coverage, and alignment with broader operational practices, while still enabling volunteer involvement.

4. Use of Buildings

The MoU acknowledged past financial contributions by offering free use of the Committee Room.

Current Council policy adopts a consistent approach across the city: contributions to capital works do not create ongoing fee waivers. The *Fees and Charges Policy* is the sole mechanism for determining waived or discounted fees, with free access limited to activities directly supporting the annual show.

5. Pre- and Post-Show Coordination

The MoU required scheduled meetings with Council before and after each show.

This purpose is now fulfilled through the Event Permits Process, which includes pre- and post-event inspections and ongoing liaison with the Show Society throughout the year. This ensures coordinated planning and communication in a more formal and risk-managed framework.

6. Camping Fees During the Show

The MoU permitted the Show Society to collect camping fees during the show period.

Under current procedures, event organisers may charge participants for activities associated with their event at their discretion. Council does not regulate these fees, maintaining the Society's ability to manage event-related income.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area and the forms of development generally associated with those uses, are set out in this plan of management.

5.2.1 List of Category Sections

- General Community Use

5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business

- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- s) mooring of boats to wharves or other structures,
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Conditions Report

Condition rating was given to the Land and Structures, using the following scale.

Table 2: Condition rating scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Nowra Showground*.

Table 3: Condition of land and structures at Nowra Showground.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
CNO403	Shoalhaven City Council	Part Lot 1 Sec 15 DP 758794	N/A	1	Plunkett Street Gates	Satisfactory / Fair
				2	Cattle Loading Ramp	Satisfactory / Fair
				3	Cattle Wash Down Slabs	Good
				4	Horse and Cattle Yards / Stalls	Satisfactory / Fair
				5	Cattle Judging Ring	Satisfactory / Fair
				33	West Street Oval	N/A
CNO403	Shoalhaven City Council	Part Lot 4 DP 1136269	N/A	6	Judging Box and Seating	Very Good / Excellent
				8	Family Café and Picnic Area (former Publicans Bar)	Very Good
				9	Horse Trough	Satisfactory / Fair
				10	Cricket Roller Store	Satisfactory / Fair
				14	Camping Areas	Very Good
CNO403	Shoalhaven City Council	Lot F DP 397462	N/A	7	Council Storage Shed	Very Good
R580011	The State of New South Wales	Lot 7302 DP 1134093	N/A	11	Worrigeer Street Gates	Poor
				12	Commentary Box and Storage	Satisfactory / Fair

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580011	The State of New South Wales	Lot 702 DP 1024852	<p>Licence in holdover to West Street Nowra Croquet Club on Lot 702 DP 1024852. LD7818. 01/02/2019 – 31/01/2024. Permitted Use – For the activity of Croquet and all matters incidental.</p> <p>Licence in holdover to Nowra Mens Shed on Lot 702 DP 1024852. LD5444. 01/08/2014 – 31/07/2024. Permitted Use – Activity rooms, meeting rooms, workshops or shed and rooms for the purposes ancillary to intellectual, cultural & recreational pursuits of Nowra Mens Shed in accordance with the Nowra Showground PoM and the purpose of the reservation.</p> <p>Licence in holdover to Shoalhaven Woodcraft Society on Lot 702 DP 1024852. LD5226. 03/02/2014 – 02/02/2024. Permitted Use - Activity rooms, meeting rooms, workshops or shed and rooms for the purposes ancillary to intellectual, cultural & recreational pursuits of the Shoalhaven Woodcraft Society in accordance with the Nowra Showground PoM and the purpose of the reservation.</p> <p>Licence in holdover to Nowra Spinners & Weavers on Lot 702 DP 1024852. LD5282. 03/02/2014 –</p>	13	Poultry Pavilion	Satisfactory / Fair
				15	Ben's Walk Entries	Satisfactory / Fair
				16	Picnic Area	Poor
				18	Changerooms / Amenities Building	Satisfactory / Fair
				19	Showground Pavilion Complex (Incl. grandstand, Pavilion, Nowra Show Society Committee Room.	Satisfactory / Fair
				20	Main Arena (Incl. Perimeter Fence, Seating, Trotting Track, Turf Cricket Wicket, AFL and Rugby League Field)	Satisfactory / Fair
				21	Tennis Club and Courts	Satisfactory / Fair
				22	Croquet Club and Lawn	Satisfactory / Fair
24	Caretakers Cottage	Satisfactory / Fair				

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Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
			02/02/2024. Permitted Use - Activity and meeting room for the purposes ancillary to intellectual, cultural & recreational pursuits of Nowra Spinners and Weavers in accordance with the Nowra Showground PoM and the purpose of the reservation. 5-year Lease to Interchange Shoalhaven on Lot 702 DP 1024852. (October 2024-2029)	25	Men's Shed	Very Good / Excellent
				26	Victorian Masonry Gate and Amenity Building	Amenity - Satisfactory / Fair
				27	Victorian Fountain (Monaghan's Memorial)	Satisfactory / Fair
R580011	The State of New South Wales	Lot 7323 DP 1164817	N/A	15	Ben's Walk Entries	Satisfactory / Fair
				17	Hanging Rock Lookout	Good
				28	Wood Chop Arena	Satisfactory / Fair
R580011	The State of New South Wales	Lot 374 DP 755952		23	War Memorial Gateway (Junction Street)	Satisfactory / Fair
				29	Youth Hall	Good
				30	Sports field (Incl. Concrete Cricket Pitch)	Good
				31	Dog Agility Park	Good

Note: All assets are maintained in accordance with relevant Asset Management Plans.

6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

promote, encourage and provide for the use of the land

provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or

- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4: Permissible use and development of community land categorised as Area of Cultural Significance by council or the community.

Purpose/Use	Development to facilitate uses
Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.	Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth

Purpose/Use	Development to facilitate uses
<p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> casual or informal recreation meetings (including for social, recreational, educational or cultural purposes) functions concerts, including all musical genres performances (including film and stage) exhibitions agricultural shows fairs and parades workshops leisure or training classes designated group use (e.g. scout and girl guide use) entertainment facilities caravan parks and camping grounds 	<p>services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> provision of buildings or other amenity areas to facilitate use and enjoyment by the community development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) landscaping and finishes, improving access, amenity and the visual character of the general community area water-saving initiatives such as rain gardens energy-saving initiatives such as solar lights and solar panels car parking and loading areas advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council locational, directional, regulatory and interpretive signage. maintenance and operations utilities

Note: All proposed developments and uses will be undertaken in accordance with the Nowra Showground Conservation Management Plan.

6.1.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 5.

Table 5: Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes and games sporting uses developed/operated by a private operator kiosk, café and refreshment purposes commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> educational purposes, including libraries, education classes, workshops recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> • functions (including commemorative functions, book launches, film releases, balls, and similar activities) • displays, exhibitions, fairs, fashion parades and shows • events (including weddings, corporate functions, and community gatherings) • concerts and other performances, including both live performances and film (cinema and TV) • broadcasts associated with any event, concert, or public speech • engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 6 sets out these requirements for community land categorised as General Community Use.

Table 6: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Sensitive development of the site in line with the existing Masterplan.	<p>Ensure that all future development is consistent with the masterplan.</p> <p>Works onsite are to be carefully planned and consistent with materials and colours of the existing heritage values of the site.</p>	<p>All designs to be consistent with the masterplan.</p> <p>Internal and external engagement is to incorporate the masterplan as a primary source document.</p>	Works will be in line with the endorsed masterplan.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	Ensure the Showground is accessible.	Where possible, facilities at the Showground are centrally located, close to essential services and transport options. Facilities will aim to be affordable and welcoming.	During the planning process of the Showground, accessibility will be considered. Complaints received from community members regarding accessibility are recorded.
Access	Facilities at the Showground are easily accessed and well known in the community.	Information on Facilities are available online and are advertised on Council's social media.	Information on Facilities is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Visitation	To increase annual visitation and usage of the Showground.	Ensure that Council works with event organisers and user groups to increase visitation and usage of the Showground.	Annual visitation numbers to be recorded.

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Appendices

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Appendix 1 Community Land Covered by this Plan of Management

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
N/A	CNO403	Shoalhaven City Council	Public Recreation	N/A	Lot F DP 397462	R1: General Residential	General Community Use	N/A
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 1 Sec 15 DP 758794	RE1: Public Recreation	General Community Use	
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 4 DP 1136269	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7302 DP 1134093	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 702 DP 1024852	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7323 DP 1164817	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 374 DP 755952	RE1: Public Recreation	General Community Use	

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Appendix 2 Maps

Figure 1 – Map of Nowra Showground, categorisation and land ownership.



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Figure 2 – Site Plan of Nowra Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

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Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be

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used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council’s dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Coastal Management Act 2016

The *Coastal Management Act 2016* (the Act) establishes a strategic framework and objectives for managing coastal issues in NSW. The Act promotes strategic and integrated management, use and development of the coast for the social, cultural, and economic wellbeing of the people of NSW.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- NSW Invasive Species Plan 2008-2015
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- Australian Natural Heritage Charter

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Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



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PLAN OF MANAGEMENT

Nowra Showground

CL26.79 - Attachment 2

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1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Nowra Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is an area of **Sportsground and GeGeneral** Community Use.

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2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation–
 - [Showground](#)
 - Access
 - Community Purpose
 - Bush Fire Brigade
 - Study/Preservation of Native Flora
 - Cemetery
 - Public Recreation & Showground
 - Local Government Purposes
 - Wharf Facility
 - Museum
 - Public Recreation & War Memorial
 - Parking
 - Camping
 - Public Recreation & Racecourse
 - Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.

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- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

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2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister's consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from ~~[07/XX/2025-XXXX]~~ to ~~[18/XX/08/XX/2025-XXXX]~~, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of ~~13[XX]~~ submissions were received. ~~Council considered these submissions before adopting the PoM.~~

~~In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.~~

~~Following the initial exhibition period and consultation with the Nowra Show Society, several amendments to the PoM were required. Engagement with the Show Society included a formal written submission and follow-up meeting with Council's Community Infrastructure Planning team regarding the inclusion of historical arrangements, and clarifications relating to the ongoing use and management of the Showground. The required amendments were incorporated into a revised PoM.~~

~~The revised PoM was subsequently placed on public exhibition from ~~XX/XX/2026~~ to ~~XX/XX/2026~~, in accordance with section 38 of the LG Act. A total of ~~XX~~ submissions were received during this exhibition period. Council considered these submissions before adopting the PoM.~~

~~In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.~~

3 Land Description

This plan of management covers Nowra Showground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by council as Crown land manager under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
N/A	CNO403	Shoalhaven City Council	Public Recreation	N/A	Lot F DP 397462	R1: General Residential	General Community Use	N/A
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 1 Sec 15 DP 758794	RE1: Public Recreation	Sportsground General Community Use	
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 4 DP 1136269	RE1: Public Recreation	Sportsground General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7302 DP 1134093	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 702 DP 1024852	RE1: Public Recreation	General Community Use	

R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7323 DP 1164817	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 374 DP 755952	RE1: Public Recreation	General Community Use	

This PoM is specific to the land mentioned in Table 1 above. Contact the council or refer to the council's website for information about other public land not listed above.

3.2 Active Lease and Licences Agreements.

All details of active lease and licenses is detailed in Section 5.4.

3.3 Site Overview

The city of Nowra is the main commercial and administrative centre of the Shoalhaven and lies immediately south of the Shoalhaven River approximately 160kms south of Sydney. Nowra Showground is situated on the western edge of the main town street grid on high ground directly above the Shoalhaven River. The site commands views over the river to the north and west, and to the city and coastal land to the east.

Further info about use provided in 5 (Nowra Show)

The Showground contains a mix of built structures, vegetation, and open space.- Trees make up a large part of the space and are integral to the history of the site.- The trees are further discussed in the Nowra Showground Conservation Management Plan 2012 document. All future development and use will be undertaken in accordance with the Conservation Management Plan and guided by the Nowra Showground Master Plan 2022.

Buildings and other elements are included on the following list which has been adapted and expanded from the Nowra Showground Conservation Management Plan. -The Conservation Management Plan contains photographic surveys of the site and detailed descriptions and histories of the subject buildings and other elements.

- Horse Stables & Horse Yardsheds
- Reg's Shed
- Cattle Sheds
- Cattle Judging Ring, Judging Box, and seating
- Family Café (former Publican's Bar) and Picnic Area
- Show Arena
- Athletics Club Storage Shed
- Commentary Box & Entry Box
- Main Arena with perimeter fence and seating, show arena track, trotting track, turf cricket wicket and rugby league field
- Tennis Club and Courts
- Poultry Pavilion
- Changerooms/Amenities Building
- Ben's Walk Picnic Ledge and Hanging Rock Picnic Area and Lookout
- Federation Pavilion and Nowra Show Society Committee Room
- Wood Chop Arena
- Wood Chop Commentary Box
- Youth Club Hall
- Monaghan's Fountain
- McKenzie's Gate
- Toilet Block
- Dog Training Club
- Caretakers Cottage
- Council Storage Shed
- Croquet Club and Lawn
- Memorial Gates
- Added Area Sports field including concrete cricket pitch

The condition of all the above is noted in the table in Section 5.4.

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The Showground Pavilion Complex was upgraded in the 1990s and is now available for commercial and community hiring. The Pavilion consists of a main hall with stackable seating for approximately 100 people. It is air conditioned and carpeted. There is a mezzanine level which overlooks the main hall. There is a kiosk/kitchen and a separate office with phone accessible from the main hall. Two meeting rooms are attached which will accommodate 10-12 people seated at tables. The adjacent Committee Room is also air conditioned and carpeted with stackable seating for 70, 10 tables and its own kitchen. The Pavilion Complex is situated overlooking the main oval to the east and the Shoalhaven River with views to the mountains in the west. Car parking for over 200 vehicles is available with access from both Junction Street and Worrigee Street. Public toilets are incorporated in the complex and additional amenities are nearby.

The main landscape elements at Nowra Showground are

- well grassed sports fields
- some garden beds, mainly around the Committee Room
- picnic areas with furniture and
- informal open areas.

In most areas there are substantial mature trees. The Showground provides an exceptional opportunity for retaining a large number of trees, including some very large trees, in an urban setting. There are informal remnant and regrowth native vegetation, with the most common native species being Spotted Gum, Black Butt and Grey Gums.

There are some structured formal plantings, some of which are reported in the Nowra Showground Conservation Management Plan as having been supplied by the Sydney Botanic Gardens in the 1880s and 1890s, and by the Government Nursery at Gosford in the early 1900s.

Trees at the Nowra Showground are important because of:

- outstanding aesthetic quality,
- outstanding size or age,
- provision of shade,
- important contribution to the townscape,
- association with local people,
- historical associations and commemorative trees,
- having curious growth habit or unusual physical features and
- being part of an historic garden or park.

In addition to the value of individual trees, some group plantings have been identified as significant to the overall setting, such as the figs around the main show ring to the south of the Pavilion and to the east of the Added Area sports field. At least two of these trees were ceremonially planted during Empire Day celebrations in 1906 and 1912. There is also an anecdotal report that some were planted as memorials to soldiers who served in the First World War (letter from Shoalhaven Historical Society to Nowra Croquet Club Dec. 9, 2004).

In the horse and cattle area, the introduced Coral Trees surround the Cattle Judging Ring, provide much shade and give a distinctive character to the area. Coral Trees were reportedly planted in the horse and cattle area in 1939. The coral trees at the cattle stand as being of considerable heritage significance because they are representative of a historic period of planting. Coral trees are significant to the area as typical rural plantings to shade cattle. Their purpose would have been two-fold in this location; they are fast growing and provide good shade for cattle, and they have colourful flowers to provide a decorative backdrop in the Showground. The stand should be maintained and conserved. The significant layout of the planting rows between the cattle stands should be maintained. A large community area such as the Nowra Showground is one of the few appropriate community locations for examples of Coral Trees. The Coral Trees are an important and interesting feature of rural life for visitors to the town.

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The Conservation Management Plan contains photographic surveys of the site and detailed descriptions and histories of the subject buildings and other elements.

The Nowra Showground is a designated Large Animal Emergency Evacuation Centre.

This plan has been prepared to assist the ~~day to day physical management and~~ future ~~strategic~~ management ~~direction~~ of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of this plan of management allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

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4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for ~~Sportsground and~~ General Community Use are outlined in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council's Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

Shoalhaven City Council's Delivery Program and Operational Plan Resourcing Strategy outlines Council's annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Council's website.

Coastal Management Program – Lower Shoalhaven River.

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This coastal management program being developed under the Coastal Management Act 2016, seeking to achieve the objects of that Act and to preserve the social, cultural, economic, and environmental values of Shoalhaven's coastal zone. The Lower Shoalhaven River Coastal Management Program is currently in draft format and yet to be adopted (February 2025).

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5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Nowra Showground is used for active recreation for the township of Nowra as well as visitors. The campground is also frequently used by visitors to the area.

Camping is permitted on the premises year-round, subject to occasional closures for maintenance and improvement works. Reservations for camping facilities shall be made through the Council's official website and designated booking system, the camping is paid. The camping area provides essential amenities, including bathroom facilities and power supply.

The Management Committee has delegated authority to operate on behalf of Council for the operational management of Nowra Showground. Further lease and licensing information is available in Section 5.4. One of the purposes for which land at Nowra Showground is dedicated is "Showground". The annual Nowra Show is a primary consideration in planning and management for the place.

The Nowra Show is held on the second Friday and Saturday of February and has been at the current Showground since 1886. The Annual Nowra Show is an important cultural event for the region.

The Nowra Show Society organises the annual Nowra Show, including the competitions, exhibitions and entertainment. Key objectives of the Show Society are to promote the development of Agricultural, Horticultural and Industrial resources of Nowra and the surrounding districts by holding exhibitions for the display of livestock, Horticultural and Agricultural produce of all kinds, together with other such objects of manufacture product or the arts as may be determined and to provide entertainment for its patrons.

In addition to the Nowra Show, the Show Society stages other events at the Showground from time to time, such as the Junior Dairy Cattle Judging. In planning for its activities throughout the year, the Society also uses facilities at the Showground such as the Committee Room and Pavilion, and the Show Secretary's Office.

The Nowra Show Society has assisted Council and the NSW Government to develop the buildings and infrastructure at the Showground. All the profits made by the Society are allocated to improve facilities at the Showground.

In managing the Showground as a multipurpose facility, Council has responsibility for maintenance of the grounds and many of the buildings there. To help offset the cost of maintaining the Showground Council hires out facilities to the general community in accordance with Council's Fees & Charges.

Council contributes to the running of the Show in the following ways, amongst others:

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1. Scheduling normal showground maintenance and groundwork to coincide with show preparations, ensuring the showground is presented at its best for show time. Examples include:
 - Maintenance of grass, gardens, trees and grounds.
 - Grading of roads and trotting track.
 - Ensuring all permanent electrical, lighting, water and communications provisions are operational at show time.
2. Providing services to the Show Society on a fee-paying basis for works that are specific to staging the Show. Examples include:
 - Cleaning toilets before, during and after the Show.
 - Provision of garbage bins.
 - Emptying of garbage bins.
 - Provision of power and lighting specific to the needs of casual site space hirers, the Showmen's Guild and campers at the Show.
3. Providing voluntary contribution through the loan of equipment, labour and advice to the Show Society. Examples include:
 - Loan of tables, chairs, cutlery and crockery.
 - Loan of marquees.
 - Loan of equipment such as fax machine, ladders, trolleys.
 - Loan of road closure signage, witches hats and other safety related equipment.
4. Providing services in its role as Council through inspections of food vendors, carnival rides and occupational health and safety aspects of the Show. Examples include:
 - Inspection of food vending operators and issuing of certificates (cost borne by operators).
 - Inspection of current Workcover Certificates for rides (cost borne by operators).
 - Electrical safety inspections during show time.

Background Information

The purpose of the following information is to provide historical context for the current use of the land.

In 1937, Council was appointed as Trustee for the Crown land at the Showground and in 1938 the Crown land was rededicated for the purposes of "Public Recreation, Showground, Racecourse, Athletic Sports and Camping".

Over time, the way in which Council manages community facilities, including showgrounds, has evolved. Historically, several Memoranda of Understanding (MoU) were established between the Nowra Show Society and Council to formalise arrangements that reflected the unique maintenance, operational and usage needs of the Showground at that time. These agreements provided bespoke mechanisms for allocating responsibilities, recognising contributions by the Society, and coordinating preparation for the annual Nowra Show, and are now superseded by contemporary arrangements outlined below.

A major administrative restructure in 2014 created a consolidated asset management and operational framework for all community facilities. This introduced consistent procedures for maintenance, fees and charges, volunteer activities, and event management across the local government area.

In 2016, Council notified the Nowra Show Society that the former 2004 Memorandum of Understanding (MoU) would not continue in perpetuity. Instead, the Showground would be managed in line with the standardised processes applied to all community facilities. The intent of the original MoU clauses remains recognised, and these purposes are now fulfilled through current Council policies and procedures, as outlined below.

1. Access for the Annual Show and Related Activities

The original MoU ensured the Show Society could conduct the annual Nowra Show without financial burden.

This purpose is now met through Council's *Fees and Charges Policy*, which provides no-charge use of the Showground for the annual show and for meetings or activities that directly support its organisation. Other uses by the Society outside this specific purpose are charged at standard rates consistent with all user groups.

2. Maintenance Responsibilities

The MoU historically allocated certain maintenance tasks to the Show Society.

Under current arrangements, all maintenance of Council-owned assets is undertaken by Council staff or inducted volunteers to ensure safe, consistent and compliant asset management.

3. Volunteer Working Bees

The MoU allowed the Society to conduct working bees for minor works.

Today, any proposed working bee is assessed through the *Events Policy* as a small event. This provides structured oversight, appropriate insurance coverage, and alignment with broader operational practices, while still enabling volunteer involvement.

4. Use of Buildings

The MoU acknowledged past financial contributions by offering free use of the Committee Room.

Current Council policy adopts a consistent approach across the city: contributions to capital works do not create ongoing fee waivers. The *Fees and Charges Policy* is the sole mechanism for determining waived or discounted fees, with free access limited to activities directly supporting the annual show.

5. Pre- and Post-Show Coordination

The MoU required scheduled meetings with Council before and after each show.

This purpose is now fulfilled through the *Event Permits Process*, which includes pre- and post-event inspections and ongoing liaison with the Show Society throughout the year. This ensures coordinated planning and communication in a more formal and risk-managed framework.

6. Camping Fees During the Show

The MoU permitted the Show Society to collect camping fees during the show period.

Under current procedures, event organisers may charge participants for activities associated with their event at their discretion. Council does not regulate these fees, maintaining the Society's ability to manage event-related income.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The general types of uses which may occur on community land categorised as Park, Sportsground, General Community Use and Natural Area and the forms of development generally associated with those uses, are set out in this plan of management.

5.2.1 List of Category Sections

- General Community Use
- Sportsground

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5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business

- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- s) mooring of boats to wharves or other structures,
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Conditions Report

Condition rating was given to the Land and Structures, using the following scale.

Table 2: Condition rating scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Nowra Showground*.

Table 3: Condition of land and structures at Nowra Showground.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
CNO403	Shoalhaven City Council	Part Lot 1 Sec 15 DP 758794	N/A	1	Plunkett Street Gates	Satisfactory / Fair
				2	Cattle Loading Ramp	Satisfactory / Fair
				3	Cattle Wash Down Slabs	Good
				4	Horse and Cattle Yards / Stalls	Satisfactory / Fair
				5	Cattle Judging Ring	Satisfactory / Fair
				33	West Street Oval	N/A
CNO403	Shoalhaven City Council	Part Lot 4 DP 1136269	N/A	6	Judging Box and Seating	Very Good / Excellent
				8	Family Café and Picnic Area (former Publicans Bar)	Very Good
				9	Horse Trough	Satisfactory / Fair
				10	Cricket Roller Store	Satisfactory / Fair
				14	Camping Areas	Very Good
CNO403	Shoalhaven City Council	Lot F DP 397462	N/A	7	Council Storage Shed	Very Good
R580011	The State of New South Wales	Lot 7302 DP 1134093	N/A	11	Worrigeer Street Gates	Poor
				12	Commentary Box and Storage	Satisfactory / Fair

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580011	The State of New South Wales	Lot 702 DP 1024852	<p>Licence in holdover to West Street Nowra Croquet Club on Lot 702 DP 1024852. LD7818. 01/02/2019 – 31/01/2024. Permitted Use – For the activity of Croquet and all matters incidental.</p> <p>Licence in holdover to Nowra Mens Shed on Lot 702 DP 1024852. LD5444. 01/08/2014 – 31/07/2024. Permitted Use – Activity rooms, meeting rooms, workshops or shed and rooms for the purposes ancillary to intellectual, cultural & recreational pursuits of Nowra Mens Shed in accordance with the Nowra Showground PoM and the purpose of the reservation.</p> <p>Licence in holdover to Shoalhaven Woodcraft Society on Lot 702 DP 1024852. LD5226. 03/02/2014 – 02/02/2024. Permitted Use - Activity rooms, meeting rooms, workshops or shed and rooms for the purposes ancillary to intellectual, cultural & recreational pursuits of the Shoalhaven Woodcraft Society in accordance with the Nowra Showground PoM and the purpose of the reservation.</p> <p>Licence in holdover to Nowra Spinners & Weavers on Lot 702 DP 1024852. LD5282. 03/02/2014 –</p>	13	Poultry Pavilion	Satisfactory / Fair
				15	Ben's Walk Entries	Satisfactory / Fair
				16	Picnic Area	Poor
				18	Changerooms / Amenities Building	Satisfactory / Fair
				19	Showground Pavilion Complex (Incl. grandstand, Pavilion, Nowra Show Society Committee Room.	Satisfactory / Fair
				20	Main Arena (Incl. Perimeter Fence, Seating, Trotting Track, Turf Cricket Wicket, AFL and Rugby League Field)	Satisfactory / Fair
				21	Tennis Club and Courts	Satisfactory / Fair
				22	Croquet Club and Lawn	Satisfactory / Fair
			24	Caretakers Cottage	Satisfactory / Fair	

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Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
			02/02/2024. Permitted Use - Activity and meeting room for the purposes ancillary to intellectual, cultural & recreational pursuits of Nowra Spinners and Weavers in accordance with the Nowra Showground PoM and the purpose of the reservation. 5-year Lease to Interchange Shoalhaven on Lot 702 DP 1024852. (October 2024-2029)	25	Men's Shed	Very Good / Excellent
				26	Victorian Masonry Gate and Amenity Building	Amenity - Satisfactory / Fair
				27	Victorian Fountain (Monaghan's Memorial)	Satisfactory / Fair
R580011	The State of New South Wales	Lot 7323 DP 1164817	N/A	15	Ben's Walk Entries	Satisfactory / Fair
				17	Hanging Rock Lookout	Good
				28	Wood Chop Arena	Satisfactory / Fair
R580011	The State of New South Wales	Lot 374 DP 755952		23	War Memorial Gateway (Junction Street)	Satisfactory / Fair
				29	Youth Hall	Good
				30	Sports field (Incl. Concrete Cricket Pitch)	Good
				31	Dog Agility Park	Good

Note: All assets are maintained in accordance with relevant Asset Management Plans.

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6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 361 of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - ◊ (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - ◊ (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or

- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use ~~and Sportsground~~.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4: Permissible use and development of community land categorised as Area of Cultural Significance by council or the community.

Purpose/Use	Development to facilitate uses
Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.	Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth

Purpose/Use	Development to facilitate uses
<p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> casual or informal recreation meetings (including for social, recreational, educational or cultural purposes) functions concerts, including all musical genres performances (including film and stage) exhibitions agricultural shows fairs and parades workshops leisure or training classes designated group use (e.g. scout and girl guide use) entertainment facilities caravan parks and camping grounds* 	<p>services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> provision of buildings or other amenity areas to facilitate use and enjoyment by the community development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) landscaping and finishes, improving access, amenity and the visual character of the general community area water-saving initiatives such as rain gardens energy-saving initiatives such as solar lights and solar panels car parking and loading areas advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council locational, directional, and regulatory and interpretive signage. maintenance and operations utilities

Note: All proposed developments and uses will be undertaken in accordance with the Nowra Showground Conservation Management Plan.

6.1.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 5.

Table 5: Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes and games sporting uses developed/operated by a private operator kiosk, café and refreshment purposes commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> educational purposes, including libraries, education classes, workshops recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities <u>sporting fixtures and events</u> <u>sports and fitness training and classes</u> <u>broadcasting or filming of sporting fixtures</u> <u>ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.)</u> <u>uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'quest' events for juniors; gala days; club meetings)</u>
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 6 sets out these requirements for community land categorised as General Community Use.

Table 6: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Sensitive development of the site in line with the existing Masterplan.	<p>Ensure that all future development is consistent with the masterplan.</p> <p>Works onsite are to be carefully planned and consistent with materials and colours of the existing heritage values of the site.</p>	<p>All designs to be consistent with the masterplan.</p> <p>Internal and external engagement is to incorporate the masterplan as a primary source document.</p>	Works will be in line with the endorsed masterplan.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	Ensure the Showground is accessible.	Where possible, facilities at the Showground are centrally located, close to essential services and transport options. Facilities will aim to be affordable and welcoming.	During the planning process of the Showground, accessibility will be considered. Complaints received from community members regarding accessibility are recorded.
Access	Facilities at the Showground are easily accessed and well known in the community.	Information on Facilities are available online and are advertised on Council's social media.	Information on Facilities is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Visitation	To increase annual visitation and usage of the Showground.	Ensure that Council works with event organisers and user groups to increase visitation and usage of the Showground.	Annual visitation numbers to be recorded.

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6.2 Sportsground

6.2.1 Guidelines and Core Objectives

Sportsgrounds are defined in clause 103 of the LG (General) Regulation 2021 as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for sportsgrounds, as outlined in Section 36F of the LG Act, are to:

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

6.2.2 Management Framework for Reserves Categorised as Sportsground

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on-leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off-leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are “fit for purpose, reliable, safe and secure” with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use and Sportsground.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.2.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Sportsground and the forms of development generally associated with those uses, are set out in detail in Table 7. The facilities on community land may change over time, reflecting the needs of the community.

Table 7: Permissible use and development of community land categorised as Sportsground by council, or the community.

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities • Organised and unstructured recreation activities • Community events and gatherings • Commercial uses associated with sports facilities 	<ul style="list-style-type: none"> • Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> • Sports field (cricket, football, track and field athletics, baseball, softball) • Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.) • Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities) • Professional rooms for hire • Change room/locker areas • Shower/toilet facilities • Kiosk/café uses • Car parking and loading areas • Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) • Shade structures • Storage ancillary to recreational uses, community events or gatherings, and public meetings

Purpose/Use	Development to facilitate uses
	<ul style="list-style-type: none"> • Facilities for sports training, e.g. batting cages, tennis walls • Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first aid areas • Café/kiosk facilities • Heritage and cultural interpretation, e.g. signs • Equipment sales/hire areas • Meeting rooms/staff areas • Compatible, small scale commercial uses, e.g. sports tuition • Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • Water saving initiatives such as stormwater harvesting, rain gardens and swales • Energy saving initiatives such as solar lights and solar panels • Locational, directional and regulatory signage

6.2.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 8.

Table 8: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground.

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • café/kiosk areas, including seating and tables • management of court facilities • hire or sale of recreational equipment
Licence	<ul style="list-style-type: none"> • outdoor café/kiosk seating and tables • management of court or similar facilities • hire or sale of recreational equipment
Short-term licence	<ul style="list-style-type: none"> • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community

Type of tenure arrangement	Purpose for which tenure may be granted
	land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.2.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 9 sets out these requirements for community land categorised as Sportsground.

Table 9: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Sportsground.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access	To improve access the sportsgrounds at Nowra Showground.	Undertake a review of Sportsgrounds to determine required accessibility upgrades in consultation with relevant stakeholders. Ensure access standards, as set out in Council's relevant Policies are met through integrating management objectives set out by the Pedestrian Access & Mobility Plan (or equivalent)	Number of submissions received due to accessibility-related matters. Review is completed and accessibility needs are prioritised
User Groups	To plan for a range of sports and user groups needs to be met.	Consult with the community on how the Showground can better be utilised for a range of sporting groups.	Ideas and concerns from the community are placed into an actions register which can be appropriately planned for.
Maintenance	Ensure the sportsground components are managed appropriately, and maintenance is appropriately scheduled.	Council's Parks and Operations unit, as well as the relevant Management and Advisory Committees comply with the Sportsground Maintenance Agreement (or equivalent).	Regular inspection of the site is undertaken in accordance with the Performance Monitoring System for the Showground.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(e) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
User Safety	Maintain the sportsground to ensure the safety of all users.	Regular inspection of the site is undertaken in accordance with the Performance Monitoring System for the Showground. Remain in close liaison with sporting user groups to be aware of any safety concerns that arise.	Reduced number of complaints received due to lack of maintenance.

Appendices

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Appendix 1 Community Land Covered by this Plan of Management

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
N/A	CNO403	Shoalhaven City Council	Public Recreation	N/A	Lot F DP 397462	R1: General Residential	General Community Use	N/A
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 1 Sec 15 DP 758794	RE1: Public Recreation	SportsgroundGeneral Community Use	
N/A	CNO403	Shoalhaven City Council	Public Reserve	N/A	Part Lot 4 DP 1136269	RE1: Public Recreation	SportsgroundGeneral Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7302 DP 1134093	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 702 DP 1024852	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 7323 DP 1164817	RE1: Public Recreation	General Community Use	
R580011	N/A	The State of New South Wales	Athletic Sports, Racecourse, Public Recreation, Showground, Camping	30 September 1938	Lot 374 DP 755952	RE1: Public Recreation	General Community Use	

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Appendix 2 Maps

Figure 1 – Map of Nowra Showground, categorisation and land ownership.



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Figure 2 – Site Plan of Nowra Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

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Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be

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used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council’s dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Coastal Management Act 2016

The *Coastal Management Act 2016* (the Act) establishes a strategic framework and objectives for managing coastal issues in NSW. The Act promotes strategic and integrated management, use and development of the coast for the social, cultural, and economic wellbeing of the people of NSW.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

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Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- NSW Invasive Species Plan 2008-2015
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- Australian Natural Heritage Charter

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Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



Shoalhaven
City Council

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CL26.79 - Attachment 2



PLAN OF MANAGEMENT

Milton Showground

CL26.79 - Attachment 3

Responsible Officer: Matthew Urbaniak

Reviewed By: TBC

Date Adopted: xx/xx/xxxx

Adopted By: TBC

Resolution No: xxxxx

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CL26.79 - Attachment 3

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CL26.79 - Attachment 3

1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Milton Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is General Community Use.

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CL26.79 - Attachment 3

2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation
- Showground
- Access
- Community Purpose
- Bush Fire Brigade
- Study/Preservation of Native Flora
- Cemetery
- Public Recreation & Showground
- Local Government Purposes
- Wharf Facility
- Museum
- Public Recreation & War Memorial
- Parking
- Camping
- Public Recreation & Racecourse
- Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

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Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister's consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from 07/07/2025 to 18/08/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 5 submissions were received. Council considered these submissions before adopting the PoM.

Following the initial exhibition period several significant amendments to the PoM were required. The required amendments were incorporated into a revised PoM.

The revised PoM was subsequently placed on public exhibition from XX/XX/2026 to XX/XX/2026, in accordance with section 38 of the LG Act. A total of XX submissions were received during this exhibition period. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.

3 Land Description

This plan of management covers Milton Showground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by council as Crown land manager under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Reserve Number	R580042	R580042	
Owner of the Land	Crown Lands	Crown Lands	Shoalhaven City Council (not Crown land)
Reserve purpose	Showground Public Recreation	Showground Public Recreation	N/A
Gazettal date	22/08/1906	22/08/1906	N/A
Land parcel/s	Lot 7031 DP 1031354	Lot 1 DP 575779	Lot 1 DP 960910
Area (Ha)	3.27ha	.4047ha	4ha
LEP zoning	RE1: Public Recreation	RE1: Public Recreation	RE1: Public Recreation
Assigned category/categories	General Community Use	General Community Use	General Community Use
Native Title Claim/Determination	NSD1331/2017 - Name: South Coast People	NSD1331/2017 - Name: South Coast People	N/A

This PoM is specific to the land mentioned in Table 1 above. Contact the council or refer to the council's website for information about other public land not listed above.

3.2 Site Overview

Milton Showground is located on the south side of Croobyar Road, on the southern side of the Milton township. The Showground includes a diversity of significant buildings and other facilities. Milton Showground is an important piece of public space used by many people, inclusive of both Shoalhaven residents and visitors, with social and commercial benefits for the local community. The site is multi-use in nature and is of high value to the community. The showground provides for changing community needs and interests in the area.

The Showground contains a mix of built structures, vegetation and open space. Majority of structures are located in the centre and northwest portion of the site, with the main elements of the site being the main sportsground and stadium. Large open grassed areas mainly used for overflow parking extend along the southern and western boundaries of the site, with the exception of the dog agility area at the south west corner of the site and croquet court and clubhouse at the north west corner of the site. Vegetation and plantings scattered around the site except for the significant row of trees along the western boundary.

The Showground contains a variety of landscape elements and vegetation. Open grassed areas are located largely around the perimeter of the site, with the large open areas to the west and south-west used for overflow parking. There are open grassed areas located adjacent to the south-west portion of road circling the showground ring more central to the site are designated camping areas. A fenced grassed area at the south-east portion of the site is used as a horse dressage area.

A mix of semi-mature and mature trees are scattered around the site, with well-established trees likely planted in the 20th and early 21st century located around the eastern part of the Showground. Two significant

Radiata Pines exist at the Showground, located past the south end of the stadium/pavilion building, with the other at the south end of the woodchop arena.

The built structures on the site range in construction dates and material, with some purpose built for the Showground. All of the structures are identified on the site plan (figure 2), with condition rating in Section 5.4.

Aboriginal Australians were first sighted on beaches near Milton in 1770, with the first white settler in the locality being Reverend Thomas Kendall who started cedar cutting at Narrawallee Creek in 1828. Many farms were established in the area before the locality was identified as Milton in 1860 with the opening of the post office. Many homes and built structures in the area date back to 1870, with the township of Milton listed with the National Trust.

The Shoalhaven area hosted a number of ploughing matches throughout the 1860s and 1880s. An especially significant ploughing match took place in Ulladulla in July 1866 following on from an election of a committee from a public meeting on Monday 4 June 1866.

The same committee reached a decision to hold an exhibition to showcase livestock, dairy produce and other farm products following a meeting in November 1866. The showcase was to be held in East Milton on the property of Mr W Martin, with classes included for cattle, pigs, poultry, grain, fruit, vegetables, butter, potatoes, horses and floral arrangements. The exhibition was deemed so successful that the committee resolved to make the showcase an annual event. Although a few shows were hindered by natural disasters and other various reasons throughout the years, by 1874 the annual show was well established as a key event in the wider district.

A special government grant was secured in 1898/1899 by the Local MP, Captain Millard to put towards the purchase of a site as a new showground. The grant of one hundred and fifty pounds was used to purchase some 16 acres of farm opposite the central butter factory at the time, and included the cricket ground. On 1 July 1899, the old showground at East Milton was put to auction. From 1900 onwards, shows were held at the new Showground.

The shows in their schedules over the years reflected the changes in district production and development. The Governor of New South Wales officially opened the Centenary Show, held over the 21 and 22 February 1969 which was considered to be one of the most outstanding events of its kind on the South Coast up to that time.

This plan of management covers the Milton Showground (Showground). The Showground comprises three allotments which form a regular square shape with an area totalling approximately 7.7 hectares. Two allotments are owned by the NSW State Government (Crown) while the remaining allotment is owned by Shoalhaven City Council (Council). Where the allotments are owned by the Crown, Council acts as Crown land manager under the *Crown Land Management Act 2016*.

This plan has been prepared to assist the future management of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of this plan of management allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for General Community Use are set out in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council's Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

Shoalhaven City Council's Delivery Program and Operational Plan Resourcing Strategy outlines Council's annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Councils website.

5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Milton Showground is used for active recreation for the Milton and Ulladulla villages as well as visitors. The campground is also frequently used by visitors to the area.

camping is permitted on the premises year-round, subject to occasional closures for maintenance and improvement works. Reservations for camping facilities shall be made through the Council's official website and designated booking system. The camping area provides essential amenities, including bathroom facilities, laundry services, cooking facilities, outdoor food preparation areas, and power supply.

There are no active lease and licenses at Milton Showground, as outlined in section 5.4. The Management Committee has delegated authority to operate on behalf of Council for the operational management of Milton Showground.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

5.2.1 List of Category Sections

- General Community Use

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5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business
- c) the playing of a lawful game or sport

- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- s) mooring of boats to wharves or other structures,
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Conditions Report

Condition rating was given to the Land and Structures, using the following scale.

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Table 2: Condition rating scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Milton Showground*.

Table 3: Condition of land and structures at Milton Showground.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580042	The State of New South Wales	Lot 7031 DP 1031354	N/A	3	Stadium	Satisfactory / Fair
				4	Secretary's Office	Satisfactory / Fair
				5	Gate Ticket Office	Satisfactory / Fair
				6	Open Grassed Area – Overflow Parking	Satisfactory / Fair
				7	Public Toilet	Poor
				8	Dog Show Area	Satisfactory / Fair
				9	First Aid Building	Very Good / Excellent
				10	Horse Secretary's Office (Commentary Box)	Good
				11	Sportsground	Good
				12	Dog / Cattle Judging Box	Good
				13	Dog Judging Ring	Poor
				14	Cattle Yards	Poor
				16	Horse Yards	Poor
				20	Poultry Pavilion	Satisfactory / Fair
				21	Animal Nursery Enclosure	Satisfactory / Fair
				22	Bar and Steak Bar	Poor
23	Woodchop Arena	Satisfactory / Fair				
24	Woodchop Judging Box	Satisfactory / Fair				
25	Designated Camping Area (Incl. Dump Point and Fire Hydrants)	Good				
27	Camping Amenities Block	Very Good / Excellent				

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Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580042	The State of New South Wales	Lot 1 DP 575779	N/A	N/A	N/A	
	Shoalhaven City Council (not Crown land)	Lot 1 DP 630910	N/A	1	Croquet Club and Gate Ticket Office	Satisfactory / Fair
				2	Croquet Courts	Good
				15	Horse Stables	Satisfactory / Fair
				17	Dressage Area	Poor
				18	Dog Agility Area	Satisfactory / Fair
				19	Dog Agility Clubhouse	Very Good / Excellent
				26	Car Park	Satisfactory / Fair

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6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

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Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4 Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> casual or informal recreation meetings (including for social, recreational, educational or cultural purposes) community gardens functions concerts, including all musical genres performances (including film and stage) exhibitions agricultural shows fairs and parades workshops leisure or training classes designated group use (e.g. scout and girl guide use) entertainment facilities caravan parks and camping grounds* 	<p>Development for the purposes of social, community, cultural and recreational activities, such as childcare centres, youth services, aged services, men's sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> provision of buildings or other amenity areas to facilitate use and enjoyment by the community development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) landscaping and finishes, improving access, amenity and the visual character of the general community area community gardens water-saving initiatives such as rain gardens energy-saving initiatives such as solar lights and solar panels car parking and loading areas advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council locational, directional and regulatory signage maintenance and operations utilities

6.1.4 Express Authorisation of Leases, Licences and Other Estates – General Community Use

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 5

Table 5 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use (Showground and Public Recreation)

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> educational purposes, including libraries, education classes, workshops cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes and games sporting uses developed/operated by a private operator kiosk, café and refreshment purposes commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> • functions (including commemorative functions, book launches, film releases, balls, and similar activities) • displays, exhibitions, fairs, fashion parades and shows • events (including weddings, corporate functions, and community gatherings) • concerts and other performances, including both live performances and film (cinema and TV) • broadcasts associated with any event, concert, or public speech • engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 6 sets out these requirements for community land categorised as General Community Use.

Table 6 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	Ensure the Showground is accessible.	Where possible, facilities at the Showground are centrally located, close to essential services and transport options. Facilities will aim to be affordable and welcoming.	During the planning process of the Showground, accessibility will be considered. Complaints received from community members regarding accessibility are recorded.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access	Facilities at Milton Showground are easily accessed and well known in the community.	Information on Facilities and public events are available online and are advertised on Council's social media.	Information on the facilities and public events at Milton Showgrounds is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Landscape and Placemaking Plan	To ensure consistency across the site and provide a strategic future direction for the site.	Masterplan is to be prepared for the site. This is to include a landscaping plan for the entire site, as well as a signage plan.	Assessing community feedback and adopt appropriate masterplan. Future development aligns with the adopted plans.

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Appendices

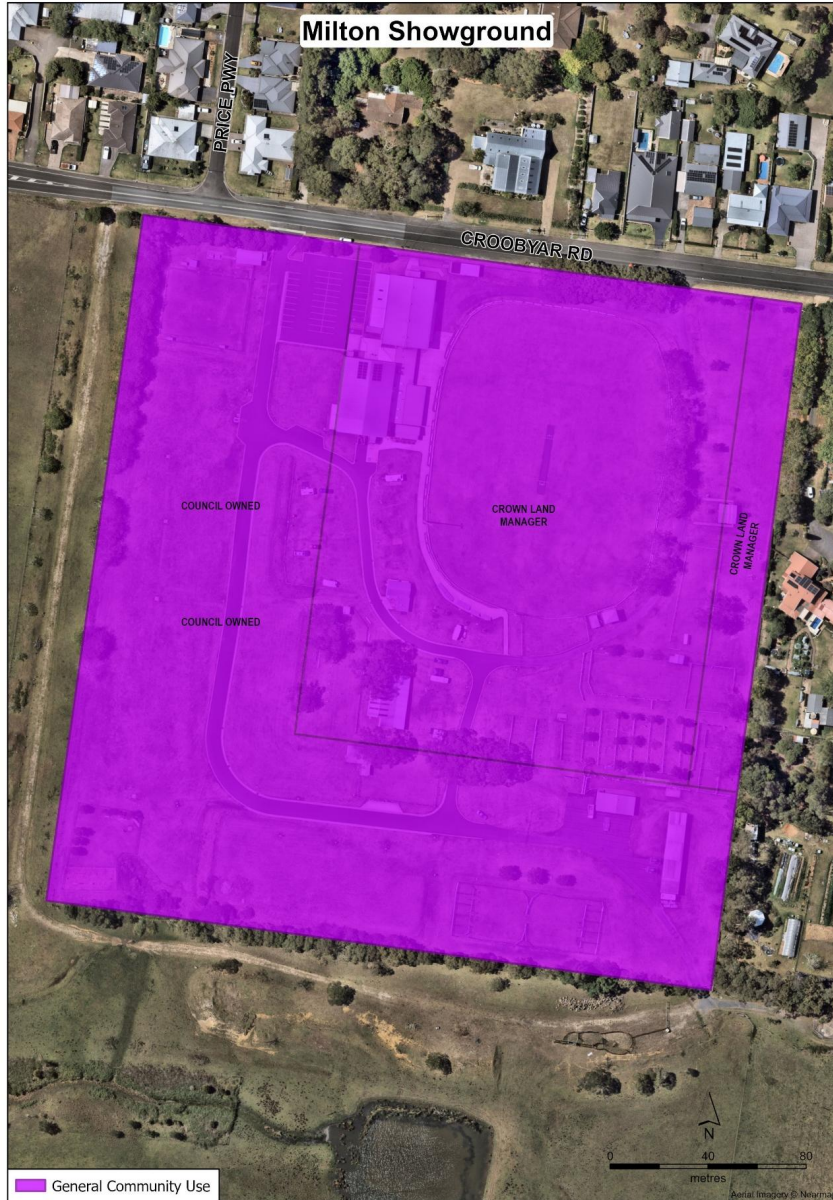
Appendix 1 Community Land Covered by this Plan of Management

Reserve Number	R580042	R580042	
Owner of the Land	Crown Lands	Crown Lands	Shoalhaven City Council (not Crown land)
Reserve purpose	Showground Public Recreation	Showground Public Recreation	N/A
Gazettal date	22/08/1906	22/08/1906	N/A
Land parcel/s	Lot 7031 DP 1031354	Lot 1 DP 575779	Lot 1 DP 960910
Area (Ha)	3.27ha	.4047ha	4ha
LEP zoning	RE1: Public Recreation	RE1: Public Recreation	RE1: Public Recreation
Assigned category/categories	General Community Use	General Community Use	General Community Use
Native Title Claim/Determination	NSD1331/2017 - Name: South Coast People	NSD1331/2017 - Name: South Coast People	N/A

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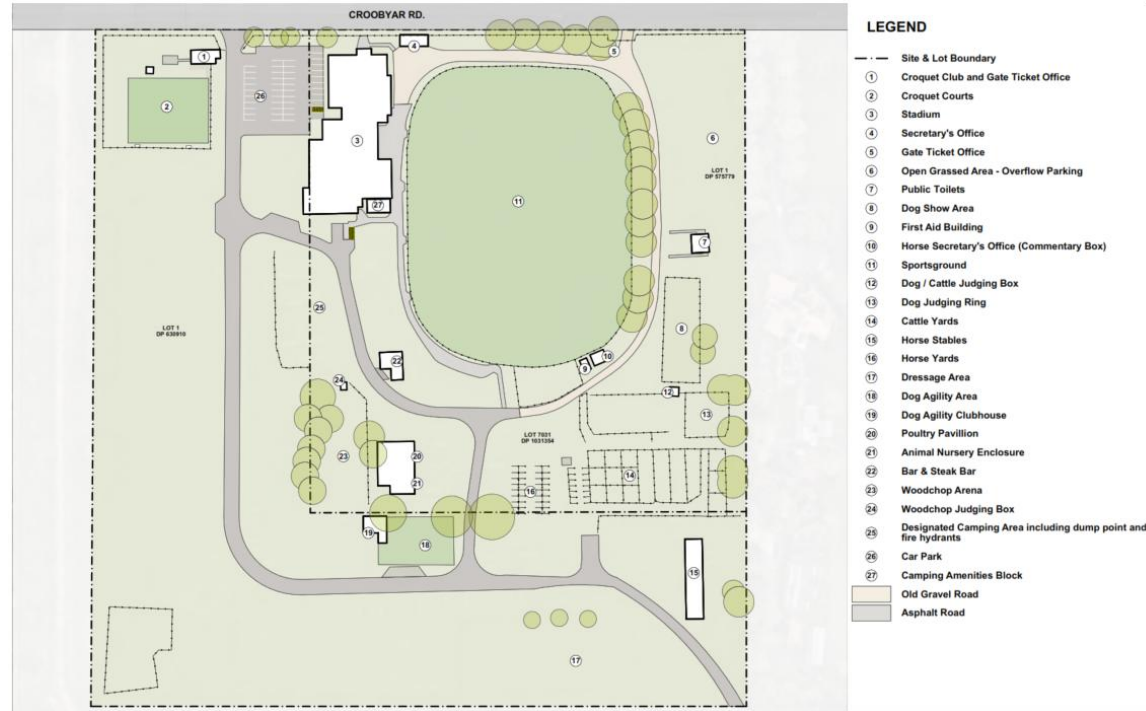
Appendix 2 Maps

Figure 1 – Map of Milton Showground, categorisation and land ownership.



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Figure 2: Site Plan of Milton Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

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3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.

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- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- *NSW Invasive Species Plan 2008-2015*
- *National Local Government Biodiversity Strategy*
- *NSW Biodiversity Strategy*
- *Australian Natural Heritage Charter*

CL26.79 - Attachment 3

Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



Shoalhaven
City Council

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All communication should be addressed to

The Chief Executive Officer:

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CL26.79 - Attachment 3



PLAN OF MANAGEMENT

Milton Showground

CL26.79 - Attachment 4

Responsible Officer: Matthew Urbaniak
Caitlin Maheny

Reviewed By: TBC Paul Donnelly

Date Adopted: xx/xx/xxxx

Adopted By: TBC First Last Name

Resolution No: (if relevant) xxxxx

Review Due Date: xx/xx/xxx

Revision No: 32

Previous Versions: xxxxx

Minute No: (if relevant) xxxxx

Descriptions of Amendments:

- ~~Updated Mapping.~~
- ~~Reformatted in line with Crown Land Site Specific template.~~
- ~~Updated active lease / licence information.~~
- ~~Updated condition table.~~
- ~~Updated action plan table.~~
- ~~Review of permissible development and use.~~

Author/Editor: Community First Last Name
Infrastructure Planner

Review/Sign Off:

CL26.79 - Attachment 4

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1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Milton Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is General Community Use ~~and~~ Sportsground.

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2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public ~~Recreation~~Recreation-
- ~~Showground~~
- Access
- Community Purpose
- Bush Fire Brigade
- Study/Preservation of Native Flora
- Cemetery
- Public Recreation & Showground
- Local Government Purposes
- Wharf Facility
- Museum
- Public Recreation & War Memorial
- Parking
- Camping
- Public Recreation & Racecourse
- Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

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Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister's consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from 07/07/2025 to 18/08/2025 in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 5 submissions were received. Council considered these submissions before adopting the PoM.

Following the initial exhibition period several significant amendments to the PoM were required. The required amendments were incorporated into a revised PoM.

The revised PoM was subsequently placed on public exhibition from XX/XX/2026 to XX/XX/2026, in accordance with section 38 of the LG Act. A total of XX submissions were received during this exhibition period. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.

3 Land Description

This plan of management covers Milton Showground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by council as Crown land manager under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Reserve Number	R580042	R580042	
Owner of the Land	Crown Lands	Crown Lands	Shoalhaven City Council (not Crown land)
Reserve purpose	Showground Public Recreation	Showground Public Recreation	N/A
Gazettal date	22/08/1906	22/08/1906	N/A
Land parcel/s	Lot 7031 DP 1031354	Lot 1 DP 575779	Lot 1 DP 960910
Area (Ha)	3.27ha	.4047ha	4ha
LEP zoning	RE1: Public Recreation	RE1: Public Recreation	RE1: Public Recreation
Assigned category/categories	General Community Use	General Community Use	Sportsground and Showground-General Community Use
Native Title Claim/Determination	NSD1331/2017 - Name: South Coast People	NSD1331/2017 - Name: South Coast People	N/A

This PoM is specific to the land mentioned in Table 1 above. Contact the council or refer to the council's website for information about other public land not listed above.

3.2 Site Overview

Milton Showground is located on the south side of Croobyar Road, on the southern side of the Milton township. The Showground includes a diversity of significant buildings and other facilities. Milton Showground is an important piece of public space used by many people, inclusive of both Shoalhaven residents and visitors, with social and commercial benefits for the local community. The site is multi-use in nature and is of high value to the community. The showground provides for changing community needs and interests in the area.

The Showground contains a mix of built structures, vegetation and open space. Majority of structures are located in the centre and northwest portion of the site, with the main elements of the site being the main sportsground and stadium. Large open grassed areas mainly used for overflow parking extend along the southern and western boundaries of the site, with the exception of the dog agility area at the south west corner of the site and croquet court and clubhouse at the north west corner of the site. Vegetation and plantings scattered around the site except for the significant row of trees along the western boundary.

The Showground contains a variety of landscape elements and vegetation. Open grassed areas are located largely around the perimeter of the site, with the large open areas to the west and south-west used for overflow parking. There are open grassed areas located adjacent to the south-west portion of road circling the showground ring more central to the site are designated camping areas. A fenced grassed area at the south-east portion of the site is used as a horse dressage area.

A mix of semi-mature and mature trees are scattered around the site, with well-established trees likely planted in the 20th and early 21st century located around the eastern part of the Showground. Two significant

Radiata Pines exist at the Showground, located past the south end of the stadium/pavilion building, with the other at the south end of the woodchop arena.

The built structures on the site range in construction dates and material, with some purpose built for the Showground. All of the structures are identified on the site plan (figure 2), with condition rating in Section 5.4.

Aboriginal Australians were first sighted on beaches near Milton in 1770, with the first white settler in the locality being Reverend Thomas Kendall who started cedar cutting at Narrawallee Creek in 1828. Many farms were established in the area before the locality was identified as Milton in 1860 with the opening of the post office. Many homes and built structures in the area date back to 1870, with the township of Milton listed with the National Trust.

The Shoalhaven area hosted a number of ploughing matches throughout the 1860s and 1880s. An especially significant ploughing match took place in Ulladulla in July 1866 following on from an election of a committee from a public meeting on Monday 4 June 1866.

The same committee reached a decision to hold an exhibition to showcase livestock, dairy produce and other farm products following a meeting in November 1866. The showcase was to be held in East Milton on the property of Mr W Martin, with classes included for cattle, pigs, poultry, grain, fruit, vegetables, butter, potatoes, horses and floral arrangements. The exhibition was deemed so successful that the committee resolved to make the showcase an annual event. Although a few shows were hindered by natural disasters and other various reasons throughout the years, by 1874 the annual show was well established as a key event in the wider district.

A special government grant was secured in 1898/1899 by the Local MP, Captain Millard to put towards the purchase of a site as a new showground. The grant of one hundred and fifty pounds was used to purchase some 16 acres of farm opposite the central butter factory at the time, and included the cricket ground. On 1 July 1899, the old showground at East Milton was put to auction. From 1900 onwards, shows were held at the new Showground.

The shows in their schedules over the years reflected the changes in district production and development. The Governor of New South Wales officially opened the Centenary Show, held over the 21 and 22 February 1969 which was considered to be one of the most outstanding events of its kind on the South Coast up to that time.

This plan of management covers the Milton Showground (Showground). The Showground comprises three allotments which form a regular square shape with an area totalling approximately 7.7 hectares. Two allotments are owned by the NSW State Government (Crown) while the remaining allotment is owned by Shoalhaven City Council (Council). Where the allotments are owned by the Crown, Council acts as Crown land manager under the *Crown Land Management Act 2016*.

This plan has been prepared to assist the ~~day-to-day physical management and~~ future ~~strategic~~ management ~~direction~~ of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of this plan of management allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for **Sportsground and General Community Use categories** are set out in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

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The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council's Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

Shoalhaven City Council's Delivery Program and Operational Plan Resourcing Strategy outlines Council's annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Councils website.

5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Milton Showground is used for active recreation for the Milton and Ulladulla villages as well as visitors. The campground is also frequently used by visitors to the area.

camping is permitted on the premises year-round, subject to occasional closures for maintenance and improvement works. Reservations for camping facilities shall be made through the Council's official website and designated booking system. The camping area provides essential amenities, including bathroom facilities, laundry services, cooking facilities, outdoor food preparation areas, and power supply.

There are no active lease and licenses at Milton Showground, as outlined in section 5.4. The Management Committee has delegated authority to operate on behalf of Council for the operational management of Milton Showground.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

5.2.1 List of Category Sections

- General Community Use

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• Sportsground

•

5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

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- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business
- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- ~~s) mooring of boats to wharves or other structures,~~
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Conditions Report

Condition rating was given to the Land and Structures, using the following scale.

Table 2: Condition rating scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Milton Showground*.

Table 3: Condition of land and structures at Milton Showground.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580042	The State of New South Wales	Lot 7031 DP 1031354	N/A	3	Stadium	Satisfactory / Fair
				4	Secretary's Office	Satisfactory / Fair
				5	Gate Ticket Office	Satisfactory / Fair
				6	Open Grassed Area – Overflow Parking	Satisfactory / Fair
				7	Public Toilet	Poor
				8	Dog Show Area	Satisfactory / Fair
				9	First Aid Building	Very Good / Excellent
				10	Horse Secretary's Office (Commentary Box)	Good
				11	Sportsground	Good
				12	Dog / Cattle Judging Box	Good
				13	Dog Judging Ring	Poor
				14	Cattle Yards	Poor
				16	Horse Yards	Poor
				20	Poultry Pavilion	Satisfactory / Fair
21	Animal Nursery Enclosure	Satisfactory / Fair				
22	Bar and Steak Bar	Poor				
23	Woodchop Arena	Satisfactory / Fair				
24	Woodchop Judging Box	Satisfactory / Fair				

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
				25	Designated Camping Area (Incl. Dump Point and Fire Hydrants)	Good
				27	Caping Amenities Block	Very Good / Excellent
R580042	The State of New South Wales	Lot 1 DP 575779	N/A	N/A	N/A	
	Shoalhaven City Council (not Crown land)	Lot 1 DP 630910	N/A	1	Croquet Club and Gate Ticket Office	Satisfactory / Fair
				2	Croquet Courts	Good
				15	Horse Stables	Satisfactory / Fair
				17	Dressage Area	Poor
				18	Dog Agility Area	Satisfactory / Fair
				19	Dog Agility Clubhouse	Very Good / Excellent
				26	Car Park	Satisfactory / Fair

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CL26.79 - Attachment 4

6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use ~~and Sportsground~~.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4 Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> casual or informal recreation meetings (including for social, recreational, educational or cultural purposes) <u>community gardens</u> functions concerts, including all musical genres performances (including film and stage) exhibitions <u>agricultural shows</u> fairs and parades workshops leisure or training classes designated group use (e.g. scout and girl guide use) entertainment facilities caravan parks and camping grounds* 	<p>Development for the purposes of social, community, cultural and recreational activities, such as childcare centres, youth services, aged services, men's sheds, health services, sports. Development includes:</p> <ul style="list-style-type: none"> provision of buildings or other amenity areas to facilitate use and enjoyment by the community development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) landscaping and finishes, improving access, amenity and the visual character of the general community area <u>community gardens</u> water-saving initiatives such as rain gardens energy-saving initiatives such as solar lights and solar panels car parking and loading areas advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council <u>locational, directional and regulatory signage</u> <u>maintenance and operations</u> <u>utilities-</u>

6.1.4 Express Authorisation of Leases, Licences and Other Estates – General Community Use

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 5

Table 5 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use (Showground and Public Recreation)

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> educational purposes, including libraries, education classes, workshops cultural purposes, including concerts, dramatic productions and galleries recreational purposes, including fitness classes, dance classes and games sporting uses developed/operated by a private operator kiosk, café and refreshment purposes commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities <u>sporting fixtures and events</u> <u>sports and fitness training and classes</u> <u>broadcasting or filming of sporting fixtures</u> <u>ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.)</u> <u>uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'quest' events for juniors; gala days; club meetings)</u>
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 6 sets out these requirements for community land categorised as General Community Use.

Table 6 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	Ensure the Showground is accessible.	Where possible, facilities at the Showground are centrally located, close to essential services and transport options. Facilities will aim to be affordable and welcoming.	During the planning process of the Showground, accessibility will be considered. Complaints received from community members regarding accessibility are recorded.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Access	Facilities at Milton Showground are easily accessed and well known in the community.	Information on Facilities and public events are available online and are advertised on Council's social media.	Information on the facilities and public events at Milton Showgrounds is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Landscape and Placemaking Plan	To ensure consistency across the site and provide a strategic future direction for the site.	Masterplan is to be prepared for the site. This is to include a landscaping plan for the entire site, as well as a signage plan.	Assessing community feedback and adopt appropriate masterplan. Future development aligns with the adopted plans.

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6.2 Sportsground

6.2.1 Guidelines and Core Objectives

Sportsgrounds are defined in clause 103 of the LG (General) Regulation 2021 as land used primarily for active recreation involving organised sports or playing outdoor games.

The core objectives for sportsgrounds, as outlined in Section 36F of the LG Act, are to:

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

6.2.2 Management Framework for Reserves Categorised as Sportsground

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on-leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are “fit for purpose, reliable, safe and secure” with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take-out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are “fit for purpose, reliable, safe and secure” with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use and Sportsground.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.2.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Sportsground and the forms of development generally associated with those uses, are set out in detail in Table 7. The facilities on community land may change over time, reflecting the needs of the community.

Table 7 Permissible use and development of community land categorised as Park by council, or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<ul style="list-style-type: none"> Active and passive recreational and sporting activities compatible with the nature of the particular land and any relevant facilities Organised and unstructured recreation activities Community events and gatherings Commercial uses associated with sports facilities 	<ul style="list-style-type: none"> Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> Sports field (cricket, football, track and field athletics, baseball, softball) Marked court (basketball, volleyball, badminton, tennis, hockey, netball etc.) Aquatic facility (learn to swim classes, squad training, fitness and health classes including aqua aerobics, recreational and competitive swimming and diving, organised water sports including water polo, diving, hydrotherapy facilities) Professional rooms for hire Change room/locker areas Shower/toilet facilities Kiosk/café uses Car parking and loading areas Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) Shade structures

Purpose/Use, such as...	Development to facilitate uses, such as...
	<ul style="list-style-type: none"> • Storage ancillary to recreational uses, community events or gatherings, and public meetings • Facilities for sports training, e.g. batting cages, tennis walls • Provision of amenities to facilitate use and enjoyment of the community land including seating, change rooms, toilets, storage, first-aid areas • Café/kiosk facilities • Heritage and cultural interpretation, e.g. signs • Equipment sales/hire areas • Meeting rooms/staff areas • Compatible, small scale commercial uses, e.g. sports tuition • Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • Water-saving initiatives such as stormwater harvesting, rain gardens and swales • Energy-saving initiatives such as solar lights and solar panels • Locational, directional and regulatory signage

6.2.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 8.

Table 8: Leases, licences and other estates and purposes for which they may be granted for community land categorised as Sportsground.

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • café/kiosk areas, including seating and tables • management of court facilities • hire or sale of recreational equipment
Licence	<ul style="list-style-type: none"> • outdoor café/kiosk seating and tables • management of court or similar facilities • hire or sale of recreational equipment
Short-term licence	<ul style="list-style-type: none"> • sporting fixtures and events • sports and fitness training and classes • broadcasting or filming of sporting fixtures • ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) • uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)

Type of tenure arrangement	Purpose for which tenure may be granted
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.2.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 9 sets out these requirements for community land categorised as Sportsground.

Table 9: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Sportsground.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Community involvement	Continue involving the community in decisions affecting the use and management of the sportsgrounds and courts at Milton Showground	Major additions or alterations to sportsgrounds are communicated to the community using Councils Community Engagement principles and are publicly exhibited	All major additions or alterations to sportsgrounds are placed on Public Exhibition where the community may submit comment

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Appendices

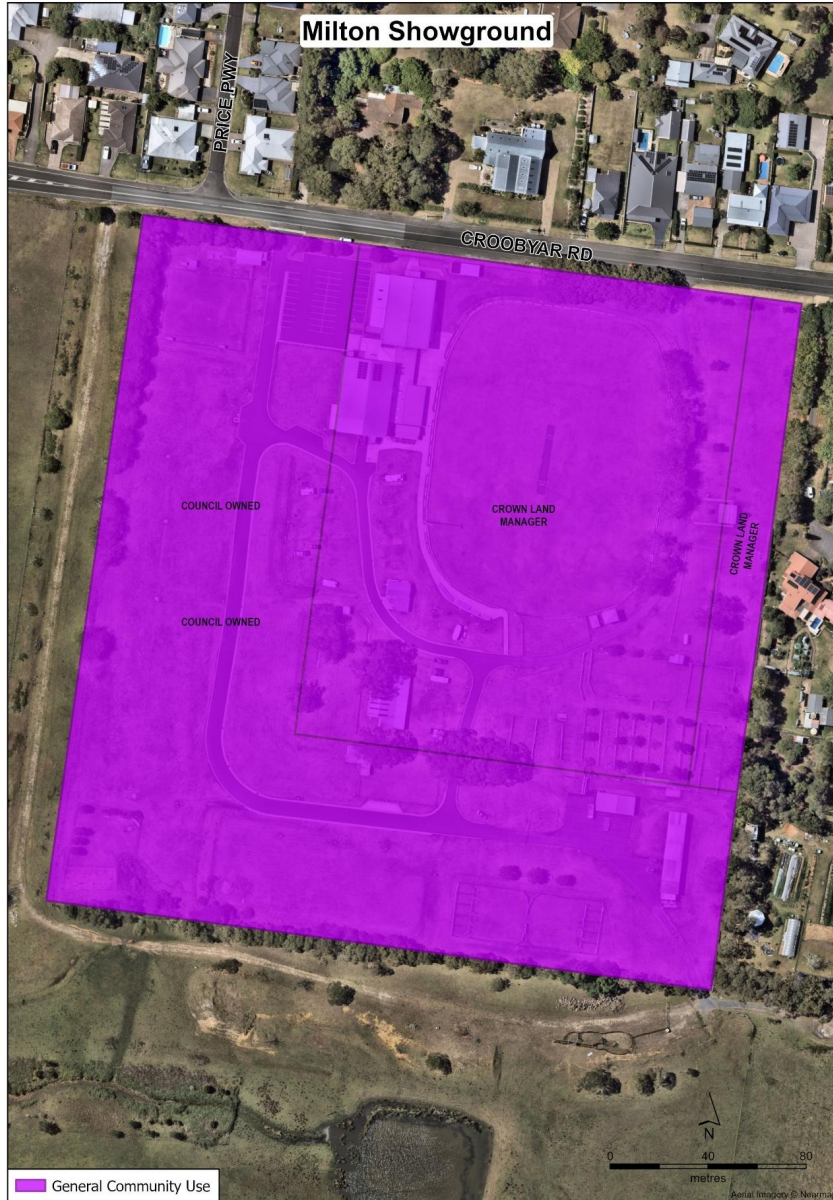
Appendix 1 Community Land Covered by this Plan of Management

Reserve Number	R580042	R580042	
Owner of the Land	Crown Lands	Crown Lands	Shoalhaven City Council (not Crown land)
Reserve purpose	Showground Public Recreation	Showground Public Recreation	N/A
Gazettal date	22/08/1906	22/08/1906	N/A
Land parcel/s	Lot 7031 DP 1031354	Lot 1 DP 575779	Lot 1 DP 960910
Area (Ha)	3.27ha	.4047ha	4ha
LEP zoning	RE1: Public Recreation	RE1: Public Recreation	RE1: Public Recreation
Assigned category/categories	General Community Use	General Community Use	<u>Sportsground and Showground-General Community Use</u>
Native Title Claim/Determination	NSD1331/2017 - Name: South Coast People	NSD1331/2017 - Name: South Coast People	N/A

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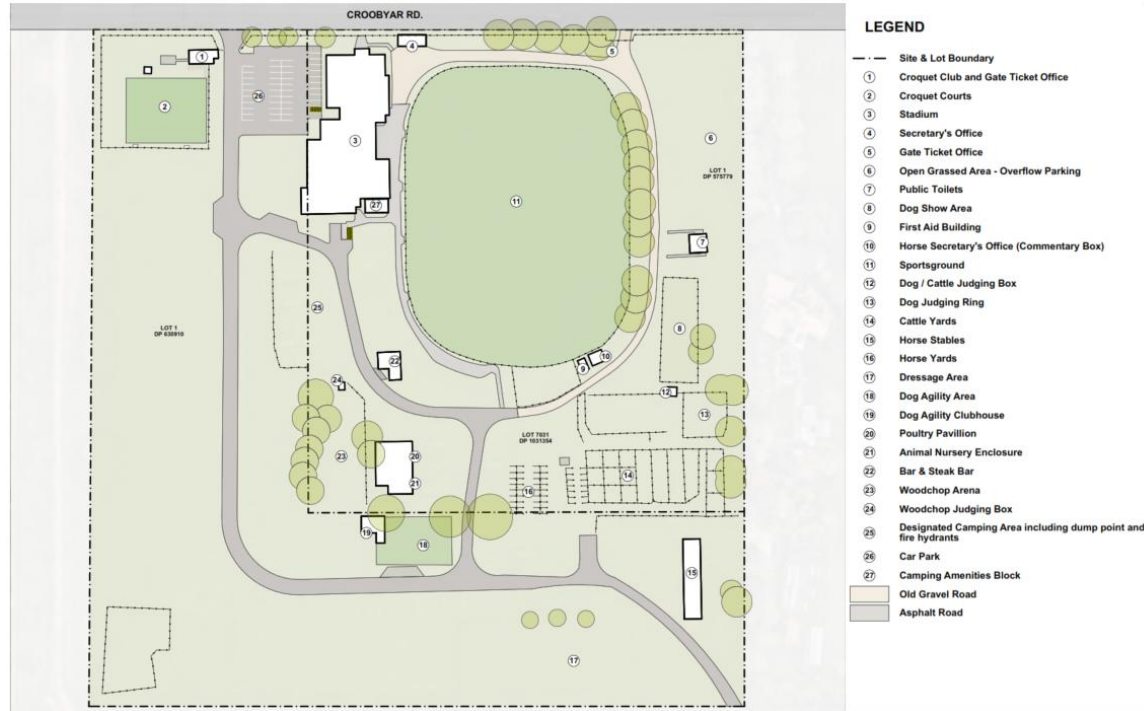
Appendix 2 Maps

Figure 1 – Map of Milton Showground, categorisation and land ownership.



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Figure 2: Site Plan of Milton Showground



Plan of Management – Milton Showground

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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

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3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.

- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

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The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- *NSW Invasive Species Plan 2008-2015*
- *National Local Government Biodiversity Strategy*
- *NSW Biodiversity Strategy*
- *Australian Natural Heritage Charter*

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Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



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City Council

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CL26.79 - Attachment 4



PLAN OF MANAGEMENT

Kangaroo Valley Showground (Osborne Park)

CL26.79 - Attachment 5

Responsible Officer: Matthew Urbaniak

Reviewed By: Crown Lands

Date Adopted: 20/03/2026

Adopted By: Shoalhaven City Council

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1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Kangaroo Valley Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is General Community Use Land.

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2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation
- Showground
- Access
- Community Purpose
- Bush Fire Brigade
- Study/Preservation of Native Flora
- Cemetery
- Public Recreation & Showground
- Local Government Purposes
- Wharf Facility
- Museum
- Public Recreation & War Memorial
- Parking
- Camping
- Public Recreation & Racecourse
- Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.

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- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister's consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from 07/07/2025 to 18/08/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 63 submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Housing and Infrastructure.

3 Land Description

This plan of management covers Kangaroo Valley Showground (Osborne Park). The reserve information is detailed in Table 1. The land is owned by The State of New South Wales, and is managed by Council as Crown Land Manager, under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R580015	NKV142	The state of New South Wales	Public Recreation	27 March 1888	Lot 1 DP 909749	RE1: Public Recreation.	General Community Use.	Fed. Court No: NSD1331/2017 - Name: South Coast People
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 2 DP 210368	RE1: Public Recreation.	General Community Use.	
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 3 DP 589396	RU5: Village.	General Community Use.	
D580016	N/A	The state of New South Wales	Public Recreation	29 October 1965	Lot 1 DP 210368	RE1: Public Recreation.	General Community Use.	
N/A	NKV031	Shoalhaven City Council	Public Recreation	N/A	Lot 1 DP 627807	RU1: Primary Production. RU5: Village.	Operational land	N/A
N/A	NKV143	Shoalhaven City Council	Public Hall	N/A	Lot 1 DP 1003243	RU5: Village.	General Community Use.	

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot A DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Showground	N/A	Lot B DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot D DP 409219	RU5: Village.	General Community Use.	

3.2 Site Overview

Kangaroo Valley Showground (Osborne Park) is public land centrally located in the village of Kangaroo Valley in the City of Shoalhaven. The Showground is a mixture of Council owned community land and operational land, as well as Crown land, for which the Shoalhaven City Council (Council) is the Crown Land Manager.

The Showground, incorporating the area known as Osborne Park, is located on the northern side of Moss Vale Road with views to the mountain ranges and escarpment to the north. The Kangaroo River forms the northern boundary of part of the site, with relatively low-lying land subject to flooding. The Showground has a range of significant buildings and other facilities, including several with important heritage values.

The Showground is an important public space used by many people, both Shoalhaven residents and visitors, with flow-on social and commercial benefits to the local community. This multi-functional site, being the main recreational centre for the Kangaroo Valley village, is of high social value for past and present generations and a reminder of the enterprise of volunteer labour in providing facilities for the district. It contains a number of built structures which reflect changing community needs and interests in the area.

Primary uses of the Showground include, but are not limited to:

- Annual Show
- Events
- Soccer
- Cricket
- Meeting spaces
- Local aquatics
- Passive recreation
- Active Recreation

This plan has been prepared to assist the future management of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of a management plan allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for General Community Use are set out in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council's Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

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Shoalhaven City Council's Delivery Program and Operational Plan Resourcing Strategy outlines Council's annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Council's website.

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5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council prioritises resources based on making the best use of the available funds, while adhering to Council's resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Kangaroo Valley Showground is used for active recreation for the Kangaroo Valley village as well as visitors.

The Management Committee has delegated authority to operate on behalf of Council for the operational management of Kangaroo Valley Showground. Further lease and licensing information is available in Section 5.4.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in this plan of management.

5.2.1 List of Category Sections

- General Community Use

5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business
- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- s) ~~mooring of boats to wharves or other structures,~~
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Condition Report

Condition rating was given to the Land and Structures, using the following scale.

Table 2: Condition rating scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Kangaroo Valley Showground*.

Table 3: Condition of land and structures at Kangaroo Valley Showground.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580015 NKV142	The state of New South Wales	Part Lot 1 DP 909749	N/A	2	Pump House	Satisfactory / Fair
				3	25m Outdoor Swimming Pool	Good
				4	Toddler Pool	Good
				5	Amenities	Very Poor
				6	Toilets	Good
				8	Eastern Car Park	Very Good
				16	Showground Main Area with Grass Cricket Pitch	Good
				17	Pony Club Building	Poor
				18	Poultry Shed	Good
				22	Pool Kiosk	Good
D580016 NKV142	The state of New South Wales	Lot 2 DP 210368	N/A	12	Showground Maintenance Shed and Storage	Very Good / Excellent
				15	Wood Chopping Arena	Good
D580016 NKV142	The state of New South Wales	Lot 3 DP 589396	N/A	N/A	N/A	
D580016	The state of New South Wales	Lot 1 DP 210368	N/A	N/A	N/A	
NKV031	Shoalhaven City Council	Lot 1	N/A	1	Western Car Park	N/A
				19	Pony Club Field	Good

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
		DP 627807		21	Concrete Water Tank (for fire fighting purposes)	Very Good
NKV143	Shoalhaven City Council	Lot 1 DP 1003243	N/A	7	Hall	Satisfactory / Fair
NKV029	Shoalhaven City Council	Lot A DP 376259	N/A	9	John Walker Pavilion	Satisfactory / Fair
				20	Grandstand	Fair
NKV029	Shoalhaven City Council	Lot B DP 376259	Residential Lease in holdover to J Lenz on Part Lot B DP 376259 (181 Main Road, Kangaroo Valley). 17/1/164. 30/03/1987 – 29/03/1988. Permitted Use – Residential.	10	Canteen and Committee Room	Satisfactory / Fair Part Very Poor
				11	Caretakers Residence	Satisfactory / Fair
NKV029	Shoalhaven City Council	Lot D DP 409219	N/A	13	Cattle Area	Good
				14	Cattle Ramp	Good
				23	Judges Box	Poor

6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

promote, encourage and provide for the use of the land

provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

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- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4: Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • agricultural shows • fairs and parades • workshops • leisure or training classes • designated group use (e.g. scout and girl guide use) • entertainment facilities 	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • locational, directional and regulatory signage • maintenance and operations • utilities

Note: All proposed developments and uses will be undertaken in accordance with the Kangaroo Valley Showground Conservation Management Plan.

6.1.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 5.

Table 5: Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • child care or vacation care • cultural purposes, including concerts, dramatic productions and galleries • recreational purposes, including fitness classes, dance classes and games • sporting uses developed/operated by a private operator • kiosk, café and refreshment purposes

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> social purposes (including child care, vacation care) recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities sporting fixtures and events sports and fitness training and classes broadcasting or filming of sporting fixtures ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 6 sets out these requirements for community land categorised as General Community Use.

Table 6: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use Management Issues

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	To ensure accessibility is improved at Kangaroo Valley Showground.	Where possible, any development on the site is to include elements to improve the accessibility of the showground, through paths, seating, buildings and parking.	During the planning process of the Showground, these factors will be considered. Complaints received from community members regarding accessibility are recorded.
Access	Facilities at the Showground are easily accessed and well known in the community.	Information on Facilities are available online and are advertised on Council's social media.	Information on Facilities is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Heritage Conservation Management Plan to be reviewed.	Review the heritage conservation management plan to ensure consistency and accuracy for the heritage items onsite.	Suitably qualified heritage advisor to review and if required amend the Heritage Conservation Management Plan.	Heritage advisor has completed a review of the Heritage Conservation Management Plan.
Landscape and Placemaking Plan	To ensure consistency across the site and provide a strategic future direction for the site.	Masterplan is to be prepared for the site. This is to include a landscaping plan for the entire site, as well as a signage plan.	Assessing community feedback and adopt appropriate masterplan. Future development aligns with the adopted plans.

Appendices

CL26.79 - Attachment 5

Appendix 1 Community Land Covered by this Plan of Management

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R580015	NKV142	The state of New South Wales	Public Recreation	27 March 1888	Lot 1 DP 909749	RE1: Public Recreation.	General Community Use.	Fed. Court No: NSD1331/2017 - Name: South Coast People
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 2 DP 210368	RE1: Public Recreation.	General Community Use.	
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 3 DP 589396	RU5: Village.	General Community Use.	
D580016	N/A	The state of New South Wales	Public Recreation	29 October 1965	Lot 1 DP 210368	RE1: Public Recreation.	General Community Use.	
N/A	NKV031	Shoalhaven City Council	Public Recreation	N/A	Lot 1 DP 627807	RU1: Primary Production. RU5: Village.	Operational land	N/A
N/A	NKV143	Shoalhaven City Council	Public Hall	N/A	Lot 1 DP 1003243	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot A DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Showground	N/A	Lot B DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot D DP 409219	RU5: Village.	General Community Use.	

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Appendix 2 Maps

Figure 1 – Map of Kangaroo Valley Showground, categorisation and land ownership



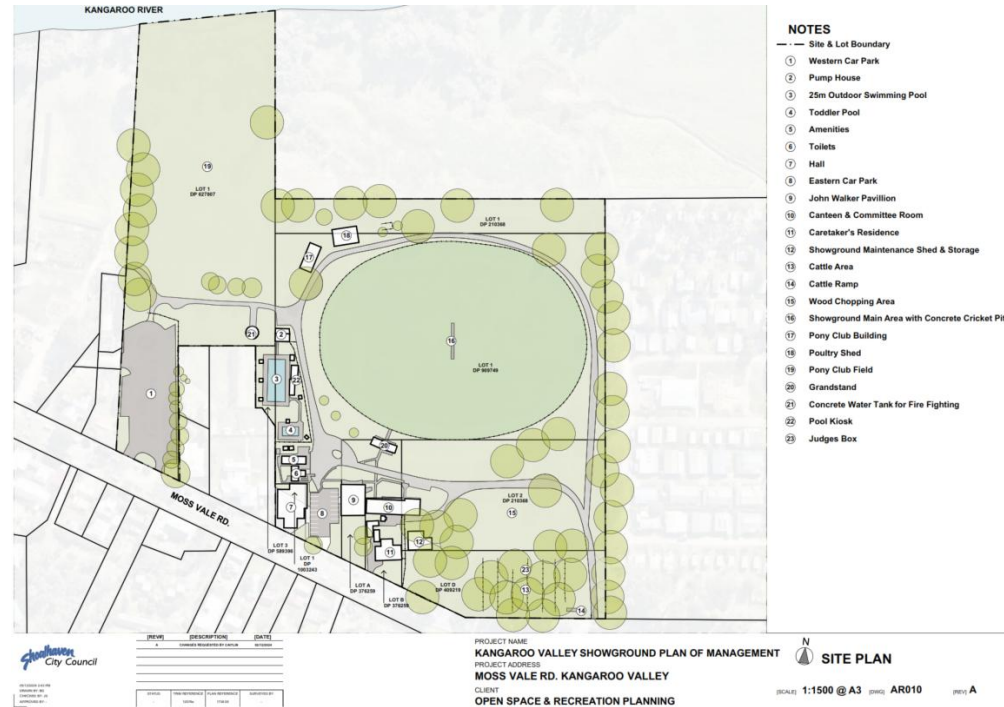
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Figure 2 – Site Plan of Kangaroo Valley Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))

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- by council to be of cultural significance (section 36D(2)).

3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

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This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- NSW Invasive Species Plan 2008-2015
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- Australian Natural Heritage Charter

Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



Shoalhaven
City Council

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CL26.79 - Attachment 5



PLAN OF MANAGEMENT

Kangaroo Valley Showground (Osborne Park)

CL26.79 - Attachment 6

Responsible Officer: Matthew Urbaniak

Reviewed By: Crown LandsTBC

Date Adopted: 20/03/2026 ~~xx/xx/xxxx~~

Adopted By: Shoalhaven City CouncilTBC

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- ~~• Updated Mapping.~~
- ~~• Reformatted in line with Crown Land Site Specific template.~~
- ~~• Updated active lease / licence information.~~
- ~~• Updated condition table~~
- ~~• Updated Action Plan table~~
- ~~• Review of permissible development and use.~~

Author/Editor: ~~Project Officer – Open Space & Recreation Planning~~ Community Infrastructure Planner

Review/Sign-Off:

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1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Kangaroo Valley Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is General Community Use Land.

CL26.79 - Attachment 6

2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation-
 - [Showground](#)
 - Access
 - Community Purpose
 - Bush Fire Brigade
 - Study/Preservation of Native Flora
 - Cemetery
 - Public Recreation & Showground
 - Local Government Purposes
 - Wharf Facility
 - Museum
 - Public Recreation & War Memorial
 - Parking
 - Camping
 - Public Recreation & Racecourse
 - Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.

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- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister's consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister's written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister's consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from 07/07/2025 to 18/08/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 63 submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Housing and Infrastructure, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Housing and Infrastructure.

3 Land Description

This plan of management covers Kangaroo Valley Showground (Osborne Park). The reserve information is detailed in Table 1. The land is owned by The State of New South Wales, and is managed by Council as Crown Land Manager, under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R580015	NKV142	The state of New South Wales	Public Recreation	27 March 1888	Lot 1 DP 909749	RE1: Public Recreation.	General Community Use.	Fed. Court No: NSD1331/2017 - Name: South Coast People
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 2 DP 210368	RE1: Public Recreation.	General Community Use.	
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 3 DP 589396	RU5: Village.	General Community Use.	
D580016	N/A	The state of New South Wales	Public Recreation	29 October 1965	Lot 1 DP 210368	RE1: Public Recreation.	General Community Use.	
N/A	NKV031	Shoalhaven City Council	Public Recreation	N/A	Lot 1 DP 627807	RU1: Primary Production. RU5: Village.	Operational land	N/A
N/A	NKV143	Shoalhaven City Council	Public Hall	N/A	Lot 1 DP 1003243	RU5: Village.	General Community Use.	

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot A DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Showground	N/A	Lot B DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot D DP 409219	RU5: Village.	General Community Use.	

3.2 Site Overview

Kangaroo Valley Showground (Osborne Park) is public land centrally located in the village of Kangaroo Valley in the City of Shoalhaven. The Showground is a mixture of Council owned community land and operational land, as well as Crown land, for which the Shoalhaven City Council (Council) is the Crown Land Manager.

The Showground, incorporating the area known as Osborne Park, is located on the northern side of Moss Vale Road with views to the mountain ranges and escarpment to the north. The Kangaroo River forms the northern boundary of part of the site, with relatively low-lying land subject to flooding. The Showground has a range of significant buildings and other facilities, including several with important heritage values.

The Showground is an important public space used by many people, both Shoalhaven residents and visitors, with flow-on social and commercial benefits to the local community. This multi-functional site, being the main recreational centre for the Kangaroo Valley village, is of high social value for past and present generations and a reminder of the enterprise of volunteer labour in providing facilities for the district. It contains a number of built structures which reflect changing community needs and interests in the area.

Primary uses of the Showground include, but are not limited to:

- Annual Show
- Events
- Soccer
- Cricket
- Meeting spaces
- Local aquatics
- Passive recreation
- Active Recreation

This plan has been prepared to assist the ~~day-to-day physical management and~~ future ~~strategic~~ management ~~direction~~ of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of a management plan allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

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4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for General Community Use are set out in this plan of management.

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Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council’s Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

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Shoalhaven City Council's Delivery Program and Operational Plan Resourcing Strategy outlines Council's annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Council's website.

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5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Kangaroo Valley Showground is used for active recreation for the Kangaroo Valley village as well as visitors.

The Management Committee has delegated authority to operate on behalf of Council for the operational management of Kangaroo Valley Showground. Further lease and licensing information is available in Section 5.4.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as General Community Use and the forms of development generally associated with those uses, are set out in this plan of management.

5.2.1 List of Category Sections

- General Community Use

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5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business
- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- s) ~~mooring of boats to wharves or other structures,~~
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Condition Report

Condition rating was given to the Land and Structures, using the following scale.

Table 2: Condition rating scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Kangaroo Valley Showground*.

Table 3: Condition of land and structures at Kangaroo Valley Showground.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
R580015 NKV142	The state of New South Wales	Part Lot 1 DP 909749	N/A	2	Pump House	Satisfactory / Fair
				3	25m Outdoor Swimming Pool	Good
				4	Toddler Pool	Good
				5	Amenities	Very Poor
				6	Toilets	Good
				8	Eastern Car Park	Very Good
				16	Showground Main Area with Grass Cricket Pitch	Good
				17	Pony Club Building	Poor
				18	Poultry Shed	Good
				22	Pool Kiosk	Good
D580016 NKV142	The state of New South Wales	Lot 2 DP 210368	N/A	12	Showground Maintenance Shed and Storage	Very Good / Excellent
				15	Wood Chopping Arena	Good
D580016 NKV142	The state of New South Wales	Lot 3 DP 589396	N/A	N/A	N/A	
D580016	The state of New South Wales	Lot 1 DP 210368	N/A	N/A	N/A	
NKV031	Shoalhaven City Council	Lot 1	N/A	1	Western Car Park	N/A
				19	Pony Club Field	Good

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
		DP 627807		21	Concrete Water Tank (for fire fighting purposes)	Very Good
NKV143	Shoalhaven City Council	Lot 1 DP 1003243	N/A	7	Hall	Satisfactory / Fair
NKV029	Shoalhaven City Council	Lot A DP 376259	N/A	9	John Walker Pavilion	Satisfactory / Fair
				20	Grandstand	Fair
NKV029	Shoalhaven City Council	Lot B DP 376259	Residential Lease in holdover to J Lenz on Part Lot B DP 376259 (181 Main Road, Kangaroo Valley). 17/1/164. 30/03/1987 – 29/03/1988. Permitted Use – Residential.	10	Canteen and Committee Room	Satisfactory / Fair Part Very Poor
				11	Caretakers Residence	Satisfactory / Fair
NKV029	Shoalhaven City Council	Lot D DP 409219	N/A	13	Cattle Area	Good
				14	Cattle Ramp	Good
				23	Judges Box	Poor

6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - ⊖ (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - ⊖ (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

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- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of Area of General Community Use.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 4. The facilities on community land may change over time, reflecting the needs of the community.

Table 4: Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use, such as...	Development to facilitate uses, such as...
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • <u>agricultural shows</u> • fairs and parades • workshops • leisure or training classes • designated group use (e.g. scout and girl guide use) • entertainment facilities 	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • <u>locational, directional and regulatory signage-</u> • <u>maintenance and operations</u> • <u>utilities</u>

Note: All proposed developments and uses will be undertaken in accordance with the Kangaroo Valley Showground Conservation Management Plan.

6.1.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 5.

Table 5: Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • child care or vacation care • cultural purposes, including concerts, dramatic productions and galleries • recreational purposes, including fitness classes, dance classes and games • sporting uses developed/operated by a private operator • kiosk, café and refreshment purposes

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> commercial retail uses associated with the facility (e.g. sale or hire of sports goods) caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> social purposes (including child care, vacation care) recreational purposes, including fitness classes, dance classes café/kiosk areas sale of goods or services that are ancillary to community land use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities <u>sporting fixtures and events</u> <u>sports and fitness training and classes</u> <u>broadcasting or filming of sporting fixtures</u> <u>ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.)</u> <u>uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'quest' events for juniors; gala days; club meetings)</u>
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 6 sets out these requirements for community land categorised as General Community Use.

Table 6: Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use Management Issues

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Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	To ensure accessibility is improved at Kangaroo Valley Showground.	Where possible, any development on the site is to include elements to improve the accessibility of the showground, through paths, seating, buildings and parking.	During the planning process of the Showground, these factors will be considered. Complaints received from community members regarding accessibility are recorded.
Access	Facilities at the Showground are easily accessed and well known in the community.	Information on Facilities are available online and are advertised on Council's social media.	Information on Facilities is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Heritage Conservation Management Plan to be reviewed.	Review the heritage conservation management plan to ensure consistency and accuracy for the heritage items onsite.	Suitably qualified heritage advisor to review and if required amend the Heritage Conservation Management Plan.	Heritage advisor has completed a review of the Heritage Conservation Management Plan.
Landscape and Placemaking Plan	To ensure consistency across the site and provide a strategic future direction for the site.	Masterplan is to be prepared for the site. This is to include a landscaping plan for the entire site, as well as a signage plan.	Assessing community feedback and adopt appropriate masterplan. Future development aligns with the adopted plans.

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Appendices

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Appendix 1 Community Land Covered by this Plan of Management

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R580015	NKV142	The state of New South Wales	Public Recreation	27 March 1888	Lot 1 DP 909749	RE1: Public Recreation.	General Community Use.	Fed. Court No: NSD1331/2017 - Name: South Coast People
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 2 DP 210368	RE1: Public Recreation.	General Community Use.	
D580016	NKV142	The state of New South Wales	Public Recreation	29 October 1965	Lot 3 DP 589396	RU5: Village.	General Community Use.	
D580016	N/A	The state of New South Wales	Public Recreation	29 October 1965	Lot 1 DP 210368	RE1: Public Recreation.	General Community Use.	
N/A	NKV031	Shoalhaven City Council	Public Recreation	N/A	Lot 1 DP 627807	RU1: Primary Production. RU5: Village.	Operational land	N/A
N/A	NKV143	Shoalhaven City Council	Public Hall	N/A	Lot 1 DP 1003243	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot A DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Showground	N/A	Lot B DP 376259	RU5: Village.	General Community Use.	
N/A	NKV029	Shoalhaven City Council	Public Reserve	N/A	Lot D DP 409219	RU5: Village.	General Community Use.	

Appendix 2 Maps

Figure 1 – Map of Kangaroo Valley Showground, categorisation and land ownership

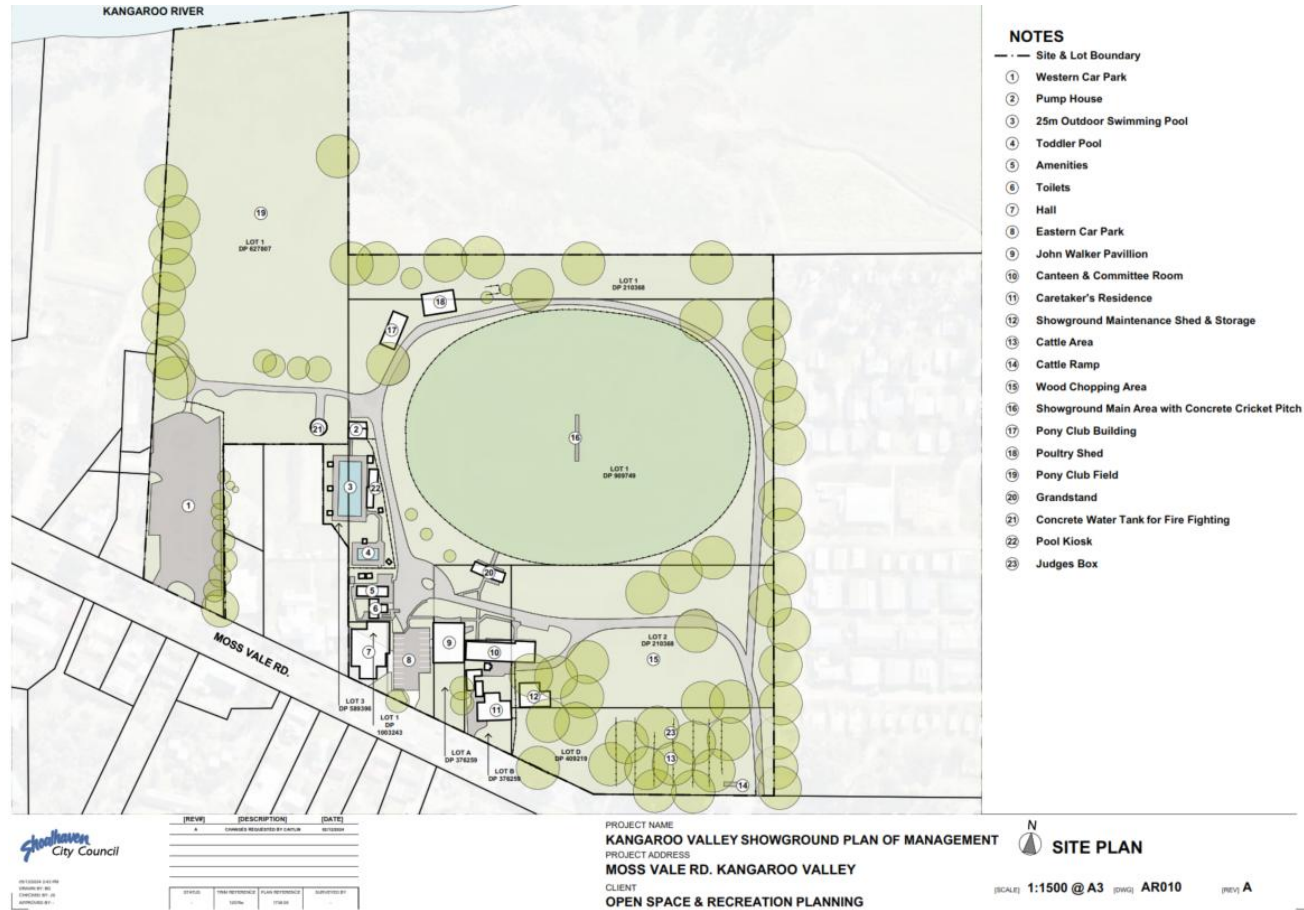


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Figure 2 – Site Plan of Kangaroo Valley Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))

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- by council to be of cultural significance (section 36D(2)).

3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

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Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

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3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

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This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- NSW Invasive Species Plan 2008-2015
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- Australian Natural Heritage Charter

Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



Shoalhaven
City Council

Email: council@shoalhaven.nsw.gov.au

Bridge Road, Nowra (02) 4429 3111

All communication should be addressed to

The Chief Executive Officer:

PO Box 42, Nowra NSW 2541

DX 5323 Nowra NSW

shoalhaven.nsw.gov.au f @   

CL26.79 - Attachment 6



PLAN OF MANAGEMENT

Berry Showground

CL26.79 - Attachment 7

Responsible Officer: Matthew Urbaniak

Reviewed By: Crown Lands

Date Adopted: 20/03/2026

Adopted By: Shoalhaven City Council

Resolution No: MIN22.444

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CL26.79 - Attachment 7

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1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Berry Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is General Community Use and Park.

CL26.79 - Attachment 7

2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation
- Showground
- Access
- Community Purpose
- Bush Fire Brigade
- Study/Preservation of Native Flora
- Cemetery
- Public Recreation & Showground
- Local Government Purposes
- Wharf Facility
- Museum
- Public Recreation & War Memorial
- Parking
- Camping
- Public Recreation & Racecourse
- Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.

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- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister’s consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister’s written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister’s consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister’s consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister’s consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes.

2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from 07/07/2025 to 18/08/2025, in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 4 submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.

3 Land Description

This plan of management covers Berry Showground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by council as Crown land manager under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R81105	NBE128	The State of New South Wales	Community Land	3 October 1958	Lot 1 DP 940561	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 3 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 4 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 5 DP 17263	RE1: Public Recreation	General Community Use	
N/A	NBE043	Shoalhaven City Council	Community Land	N/A	Lot 1 DP 1167057	RE1: Public Recreation	Park	N/A
N/A	NBE008	Shoalhaven City Council	Community Land	N/A	Lot 1 SP 17263	RE1: Public Recreation	Park	
N/A	N/A	Shoalhaven City Council	Operational Land	N/A	Lot 3 DP 840080	RE1: Public Recreation		

This PoM is specific to the land mentioned in Table 1 above. Contact the council or refer to the council's website for information about other public land not listed above.

*Footnote: *This land is subject to the Sec 25A notice under the CLC Act 1913*

3.2 Site Overview

Berry is the first township in Shoalhaven along the Princes Highway from Sydney and is 16 kilometres north of Nowra. It is set in lush pasture land with the escarpment forming an attractive backdrop to the north and west.

The Berry Showground, known as Hazelberry Park, is public land located within the township of Berry in the City of Shoalhaven. It is a showpiece for the Shoalhaven and the south coast region, located on prime real estate with views to the Illawarra Escarpment and surrounding farming land. The Showground has a range of significant buildings and other facilities, including several with important heritage values.

The Berry Showground is used by many people, both Shoalhaven residents and visitors, with flow-on social and commercial benefits to the local community. The Showground is popular for organised community activities such as the annual Berry Agricultural Show, monthly Berry Country Fair, sporting activities such as equestrian events and football, regular use by various community groups and occasional use for festivals, concerts, and group camping. The grounds are also enjoyed for passive recreation opportunities such as walking, picnicking and use of the children's playground. The Berry Showground is well recognised as a focal point for community celebrations and interaction.

The early history of Berry differs from that of most other country towns in New South Wales in that it began as a private estate town. The land on which the town of Berry began and is now situated was formerly part of the Alexander Berry - Edward Wollstonecraft estate of Coolangatta. In November 1825 seven free sawyers employed by Alexander Berry made their camp near Broughton Creek. By 1866 a sizeable town, which had also taken the name Broughton Creek, had grown on the two ridges either side of Broughton Mill Creek. By 1868 the population had reached 300 persons and the area was declared a municipality. In 1873 Alexander Berry died and the estate passed to his younger brother David, who had been managing it since 1848. David Berry died in 1889 leaving a large estate. The year after David Berry's death the name of the town was changed to Berry.

Agricultural Societies began to develop in New South Wales in 1822 and the Berry family was greatly involved. The first Broughton Creek Show was held in 1884 in a temporary wooden structure on an area of land adjoining Queen Street. The shows were held there until 1888. The current showground was set aside and furnished by David Berry and improved by John Hay after he inherited the estate. The first show held on the new showground in February 1888 was the fifth annual exhibition, and the Berry Show has been held there annually (excluding 1914-1918, 1939-1945, 2020 and 2022) ever since. For that first show at the new location, the Agricultural Pavilion on the corner of Victoria and Albany Streets was built, as were yards, pens, coops, stalls, etc for livestock and an ornamental pavilion for the judges of horses in the centre of the ring.

There are three "memorials" within the main showground. These are:

1. Sir John Hay Fountain – in the north eastern corner of the Showground near the children's play equipment, donated by his widow in 1915
2. The Centenary of Federation Tree – in the north eastern corner of the showground, near the children's play equipment and the rotunda; a *Magnolia grandiflora* tree was planted by the Berry Garden Club in 2001 to commemorate the centenary of the federation of Australia. It has a protective fence and a plaque indicating its significance.
3. Memorial Tree – a Cape Chestnut planted in the ring of trees that surrounds the showground ring (between labelled trees 128 and 129). Ashes buried below and plaque inscribed: "Thanks for the Memories of 50 years of Jersey Breeding at Austral Park Berry. A Tribute to the Vision of E. E and Rex Chegwidden."

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Nearby, but outside the showground there are other significant memorials:

1. the David Berry Memorial Column and Pedestal in the David Berry Memorial Park on the western corner of Alexandra Street and Station Road;
2. the War Memorial in Berry War Memorial Park on the eastern corner of Alexandra Street and Station Road;
3. the Memorial Avenue of trees, each planted in memory of particular fallen soldiers, on both sides of Alexandra Street.

This plan has been prepared to assist future management of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of this plan of management allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

The draft Berry Showground Master Plan was placed on public exhibition from 16/07/2023 to 14/08/2023. The Draft Master Plan is pending future heritage advice remains in draft status. Although not finalised, all future developments should consider the Draft Master Plan and associated public exhibition outcomes.

4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for Park and General Community Use are set out in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

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Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council's Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

Shoalhaven City Council's Delivery Program and Operational Plan Resourcing Strategy outlines Council's annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Council's website.

5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Berry Showground is used for active recreation for the Berry village as well as visitors. The campground is also frequently used by visitors to the area.

camping is permitted on the premises year-round, subject to occasional closures for maintenance and improvement works. Reservations for camping facilities shall be made through the Council's official website and designated booking system, and is paid camping. The camping area provides essential amenities, including bathroom facilities, laundry services, cooking facilities, outdoor food preparation areas, and power supply.

There are no active lease and licenses at Berry Showground, as outlined in Section 5.4. The Management Committee has delegated authority to operate on behalf of Council for the operational management of Berry Showground.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park and General Community Use, are set out in this plan of management.

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5.2.1 List of Category Sections

- General Community Use
- Park

5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business
- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve,
- b) advertising,
- c) camping using a tent, caravan or otherwise,
- d) catering,
- e) community, training or education,
- f) emergency occupation,
- g) entertainment,
- h) environmental protection, conservation or restoration or environmental studies,
- i) equestrian events,
- j) exhibitions,
- k) filming (as defined in the Local Government Act 1993),
- l) functions,
- m) grazing,
- n) hiring of equipment,
- o) holiday accommodation,
- p) markets,
- q) meetings,
- r) military exercises,
- ~~s) mooring of boats to wharves or other structures,~~
- t) sales,
- u) shows,
- v) site investigations,
- w) sporting and organised recreational activities,
- x) stabling of horses,
- y) storage.

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Conditions Report

Condition rating was given to the Land and Structures, using the following scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Berry Showground*.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
NBE128 R81105	The State of New South Wales	Lot 1 DP 940561	N/A	1	Animal Pavilion / Stable	Satisfactory / Fair
				2	Shed / Storage	Satisfactory / Fair
				3	Livestock Yard	Satisfactory / Fair
				4	Vehicle Washing	Good
				5	Wood Chopping	Good / Part Poor
				6	Camp Amenities	Good
				7	Camp Kitchen	Poor
				8	Laundry / Washing Facilities	Poor
				9	Camping Area - Campervans	Good
				10	Play Area	Good
				11	Grandstand	Good
				12	Kiosk / Café	Satisfactory / Fair
				13	Spectator Area (Accessible)	Satisfactory / Fair
				14	Outdoor Events Space / Sports Area	Good
				15	Broadcast / Announcing	Poor
				16	Ticket Booth	Poor

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Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
				17	Club / Meeting Building	Satisfactory / Fair
				18	Pool Machinery Room	Satisfactory / Fair
				19	Former Council Chambers	Good
				20	Swimming Pool	Good
				21	Rotunda / Memorial Fountain	Satisfactory / Fair
				22	Pedestrian / Cycling Path	Poor
				23	Vehicle Road	Poor
				24	Vehicle Entry	Good
				25	Pedestrian Entry	Satisfactory / Fair
				26	Emergency Coordination Hub	Good
R81105	Berry Showground Reserve Trust	Lot 4 DP 17263	N/A	N/A	N/A	
R81105	Berry Showground Reserve Trust	Lot 3 DP 17263	N/A	N/A	N/A	
R81105	Berry Showground Reserve Trust	Lot 5 DP 17263	N/A	N/A	N/A	
NBE043	Shoalhaven City Council	Lot 1 DP 1167057	N/A	N/A	N/A	
NBE008	Shoalhaven City Council	Lot 1 DP 17263	N/A	N/A	N/A	
N/A	Shoalhaven City Council	Lot 3 DP 840080	N/A	N/A	N/A	

6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

promote, encourage and provide for the use of the land

provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

(a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or

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- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are "fit for purpose, reliable, safe and secure" with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are "fit for purpose, reliable, safe and secure" with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purpose of General Community Use and Park.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 2. The facilities on community land may change over time, reflecting the needs of the community.

Table 2 Permissible use and development of community land categorised as General Community Use by council or the community.

Purpose/Use	Development to facilitate uses
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • agricultural shows • fairs and parades • workshops • leisure or training classes • designated group use (e.g. scout and girl guide use) • educational centres, including libraries, information and resource centres • entertainment facilities • caravan parks and camping grounds 	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • locational, directional and regulatory signage. • maintenance and operations • utilities

Note: All proposed developments and uses will be undertaken in accordance with the Berry Showground Conservation Management Plan.

6.1.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 3

Table 3 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • educational purposes, including libraries, education classes, workshops • cultural purposes, including concerts, dramatic productions and galleries • recreational purposes, including fitness classes, dance classes and games • sporting uses developed/operated by a private operator • kiosk, café and refreshment purposes • commercial retail uses associated with the facility (e.g. sale or hire of sports goods) • caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> • recreational purposes, including fitness classes, dance classes • café/kiosk areas • sale of goods or services that are ancillary to community land use and reserve purpose, for example flower sales at cemetery

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Type of tenure arrangement	Purpose for which tenure may be granted
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities sporting fixtures and events sports and fitness training and classes broadcasting or filming of sporting fixtures ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'guest' events for juniors; gala days; club meetings)
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 4 sets out these requirements for community land categorised as General Community Use.

Table 4 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Heritage Conservation Management Plan	<p>To ensure that the Showground is being managed in a way that maintains the heritage significance of the site.</p> <p>Engage with the Community once there is an active draft of the document.</p>	Engage a suitably qualified professional to prepare a Heritage Conservation Management Plan.	Publish a Heritage Conservation Management Plan to the public domain.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	To ensure all areas of the Showground is accessible.	Where possible, facilities at the Showground are to be accessible to cater for people of all ages, abilities and cultural backgrounds. Undertake accessibility audit of the Showground to identify compliance.	Increased local use of the Showground. This can be measured by survey and observation. Record on the public record the findings of the accessibility audit, with recommendations and priorities.
Access	Facilities at the Showground are easily accessed and well known in the community.	Information on Facilities are available online and are advertised on Council's social media.	Information on Facilities is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Impacts on adjoining residents	To minimise negative impacts of use on adjoining residents.	Investigate potential impacts and prepare mitigating plans in conjunction with residents and user groups as required.	Submissions and complaints received from residents adjoining land covered by this Plan of Management are recorded.
Landscape and Placemaking Plan	To ensure consistency across the site and provide a strategic future direction for the site.	Masterplan is to be prepared for the site. This is to include a landscaping plan for the entire site, as well as a signage plan.	Assessing community feedback and adopt appropriate masterplan. Future development aligns with the adopted plans.

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6.2 Park

6.2.1 Guidelines and Core Objectives

Parks are defined in clause 104 of the LG (General) Regulation 2021 as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities
- provide for passive recreational activities or pastimes and for the casual playing of games
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

6.2.2 Management Framework for Reserves Categorised as Park

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

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Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are “fit for purpose, reliable, safe and secure” with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are “fit for purpose, reliable, safe and secure” with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of General Community Use and Park.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.2.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in detail in Table 5. The facilities on community land may change over time, reflecting the needs of the community.

Table 5 Permissible use and development of community land categorised as Park by council, or the community.

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Active and passive recreation including children’s play and cycling • Group recreational use, such as picnics and private celebrations • Eating and drinking in a relaxed setting • Publicly accessible ancillary areas, such as toilets • Festivals, parades, markets, fairs, exhibitions and similar events and gatherings • Low-intensity commercial activities (for example recreational equipment hire) • Filming and photographic projects • Busking 	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas • Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts • Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas • Café or refreshment areas (kiosks/cafes) including external seating

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Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Public address (speeches) Community gardening <p>Note: Some of the uses listed above require a permit from the council.</p>	<ul style="list-style-type: none"> Lighting, seating, toilet facilities, courts, paved areas Hard and soft landscaped areas Storage sheds Car parking and loading areas Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment Community gardens Heritage and cultural interpretation, for example signs Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council Bio-banking and carbon sequestration initiatives Energy-saving initiatives such as solar lights and solar panels Locational, directional and regulatory signage

Note: All proposed developments and uses will be undertaken in accordance with the Berry Showground Conservation Management Plan.

6.2.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 6.

Table 6. Leases, licences and other estates and purposes for which they may be granted for community land categorised as park.

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> café/kiosk areas, including seating and tables management of court facilities hire or sale of recreational equipment
Licence	<ul style="list-style-type: none"> outdoor café/kiosk seating and tables management of court or similar facilities hire or sale of recreational equipment
Short-term licence	<ul style="list-style-type: none"> community events and festivals playing a musical instrument, or singing for fee or reward picnics and private celebrations such as weddings and family gatherings filming, including for cinema/television conducting a commercial photography session public performances engaging in an appropriate trade or business

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Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> delivering a public address community events fairs, markets, auctions and similar activities
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.2.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 7 sets out these requirements for community land categorised as Park.

Table 7. Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Park.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Use and recreation	<p>Provide opportunities for all kinds of formal and informal activity in the open space component of the Showground, to cater for people of all ages, abilities and cultural backgrounds.</p> <p>To optimise public access to all areas of parks and general community use land.</p>	<p>Maintain and increment the range of organised and informal / unstructured activities within the Showground</p> <p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of the Showground</p> <p>Undertake accessibility audit of the Showground to identify compliance.</p> <p>Provide well-managed off-leash areas for social use with signage and fencing if appropriate.</p>	<p>Increased local use of the Showground. This can be measured by survey and observation.</p> <p>Number of visitors to Berry Showground</p>

Appendices

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Appendix 1 Community Land Covered by this Plan of Management

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R81105	NBE128	The State of New South Wales	Community Land	3 October 1958	Lot 1 DP 940561	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 3 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 4 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 5 DP 17263	RE1: Public Recreation	General Community Use	
N/A	NBE043	Shoalhaven City Council	Community Land	N/A	Lot 1 DP 1167057	RE1: Public Recreation	Park	N/A
N/A	NBE008	Shoalhaven City Council	Community Land	N/A	Lot 1 SP 17263	RE1: Public Recreation	Park	
N/A	N/A	Shoalhaven City Council	Operational Land	N/A	Lot 3 DP 840080	RE1: Public Recreation		

Footnote: *This land is subject to the Sec 25A notice under the CLC Act 1913

Appendix 2 Maps

Figure 1 – Map of Berry Showground, categorisation and land ownership



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Figure 2 –Site Plan of Berry Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

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3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

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- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

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The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

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State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- NSW Invasive Species Plan 2008-2015
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- *Australian Natural Heritage Charter*

Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



Shoalhaven
City Council

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CL26.79 - Attachment 7



PLAN OF MANAGEMENT

Berry Showground

CL26.79 - Attachment 8

Responsible Officer: Matthew Urbaniak

Reviewed By: Crown LandsTBC

Date Adopted: xx/xx/xxxx20/03/2026

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1 Key Information

This plan of management (PoM) has been prepared by Shoalhaven City Council and provides direction as to the use and management of council-managed Crown reserves classified as 'community land' in the Shoalhaven area. The PoM is required in accordance with Section 3.23 of the Crown Land Management Act 2016 and Section 36 of the Local Government Act 1993.

This PoM specifically addresses the management of Berry Showground. The PoM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licence on the land.

This PoM is a site-specific PoM covering land that whereby the reserve is General Community Use and Park.

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2 Introduction

Shoalhaven City Council is located on the south coast of New South Wales, the regional centre of Nowra-Bomaderry is located approximately 160km south of Sydney. The population is mostly concentrated along the coast. Major centres include Nowra-Bomaderry, Milton-Ulladulla, Huskisson-Vincentia, St Georges Basin, Culburra Beach and Sussex inlet.

As Shoalhaven City Council has an area of over 4600 square kilometres, it contains significant areas of National Park, State Forest, bushland, beaches and lakes, with strong natural amenity, the area is a popular among new residents, holiday makers and day trippers.

Shoalhaven City Council has a large amount of Crown land, with over 170 Crown reserves, with approximately 120 of those being under the management of Council. Crown land in the Shoalhaven is varied in its use and in the purpose for which the land was reserved, however the reserve purposes typically found in the Shoalhaven are:

- Public Recreation -
 - [Showground](#)
 - Access
 - Community Purpose
 - Bush Fire Brigade
 - Study/Preservation of Native Flora
 - Cemetery
 - Public Recreation & Showground
 - Local Government Purposes
 - Wharf Facility
 - Museum
 - Public Recreation & War Memorial
 - Parking
 - Camping
 - Public Recreation & Racecourse
 - Environmental Protection

The categorisation of Crown land managed by Shoalhaven City Council was done so that the categorisation most closely relates to the reserve purpose. As a result, the most common categorisation of Crown land in the Shoalhaven is Park and Natural area.

2.1 Purpose of the Plan of Management

The *Local Government Act 1993* (LG Act) requires a plan of management (PoM) to be prepared for all public land that is classified as 'community land' under that Act.

The *Crown Land Management Act 2016* (the CLM Act) authorises local councils (council managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the *Local Government Act 1993* (LG Act). A PoM is required for all council-managed Crown reserves on community land.

The purpose of this PoM is to:

- contribute to the council's broader strategic goals and vision as set out in the Community Strategic Plan.
- ensure compliance with the *Local Government Act 1993* and the *Crown Land Management Act 2016*.
- provide clarity in the future development, use and management of the community land.

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- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of Crown Reserve PoMs can be found in Appendix 2 of this document.

2.2 Process of Preparing this Plan of Management

Figure 1 illustrates the process followed by council in preparing this PoM.

Step 1	<p>Drafting the PoM</p> <ul style="list-style-type: none"> ○ The PoM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. ○ Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. ○ Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
Step 2	<p>Notifying the landowner and seeking Minister’s consent to adopt</p> <ul style="list-style-type: none"> ○ The department as the landowner is to be notified of the draft PoM prior to public exhibition of the PoM under s.39 of the LG Act. ○ Council is also required to seek the Minister’s written consent to adopt the draft PoM (under clause 70B of CLM Regulation). The Minister’s consent can be sought at the same time as notifying the landowner (the department) of the draft PoM. ○ Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft PoM for a final review where Minister’s consent to adopt the draft PoM will be provided.
Step 3	<p>Community consultation</p> <p>Councils are required to publicly notify and exhibit PoM under section 38 of the LG Act</p> <ul style="list-style-type: none"> ○ Councils are <u>not</u> required to hold a public hearing for Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation).
Step 4	<p>Adopting a PoM</p> <ul style="list-style-type: none"> ○ If there are any significant changes to the draft PoM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister’s consent to adopt the PoM. ○ A council resolution of a PoM that covers Crown land should note that the PoM is adopted pursuant to section 40 of the LG Act in accordance with 3.23(6) of the CLM Act. ○ Once a council has adopted the PoM, a copy of the adopted PoM and minutes of the council resolution should be forwarded to the department (council.clm@crowland.nsw.gov.au) for record purposes;.

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2.3 Change and Review of this Plan of Management

This Plan of Management will be reviewed within five years, from the date of its adoption. The plan will be reviewed in relation to the performance targets which are outlined in this plan and in relation to the accuracy of reserves included in Appendix 1.

This Plan of Management may also be reviewed if directed by Council, or if there is significant change in legislation.

2.4 Community Consultation

This PoM was placed on public exhibition from [07XX/07XX/2025XXXX to 18XX/08XX/2025XXXX], in accordance with the requirements of section 38 of the *Local Government Act 1993* (LG Act). A total of 4XX submissions were received. Council considered these submissions before adopting the PoM.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft PoM was referred to the Department of Planning, Industry and Environment – Crown Lands, as representative of the state of NSW, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by Department of Planning, Industry and Environment – Crown Lands.

3 Land Description

This plan of management covers Berry Showground. The reserve information is detailed in Table 1. The land is owned by the Crown and is managed by council as Crown land manager under the Crown Land Management Act 2016.

3.1 Owner of the Land

Table 1: Information about reserve covered by this plan of management.

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R81105	NBE128	The State of New South Wales	Community Land	3 October 1958	Lot 1 DP 940561	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 3 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 4 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 5 DP 17263	RE1: Public Recreation	General Community Use	
N/A	NBE043	Shoalhaven City Council	Community Land	N/A	Lot 1 DP 1167057	RE1: Public Recreation	Park	N/A
N/A	NBE008	Shoalhaven City Council	Community Land	N/A	Lot 1 SP 17263	RE1: Public Recreation	Park	
N/A	N/A	Shoalhaven City Council	Operational Land	N/A	Lot 3 DP 840080	RE1: Public Recreation		

This PoM is specific to the land mentioned in Table 1 above. Contact the council or refer to the council's website for information about other public land not listed above.

*Footnote: *This land is subject to the Sec 25A notice under the CLC Act 1913*

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3.2 Site Overview

Berry is the first township in Shoalhaven along the Princes Highway from Sydney and is 16 kilometres north of Nowra. It is set in lush pasture land with the escarpment forming an attractive backdrop to the north and west.

The Berry Showground, known as Hazelberry Park, is public land located within the township of Berry in the City of Shoalhaven. It is a showpiece for the Shoalhaven and the south coast region, located on prime real estate with views to the Illawarra Escarpment and surrounding farming land. The Showground has a range of significant buildings and other facilities, including several with important heritage values.

The Berry Showground is used by many people, both Shoalhaven residents and visitors, with flow-on social and commercial benefits to the local community. The Showground is popular for organised community activities such as the annual Berry Agricultural Show, monthly Berry Country Fair, sporting activities such as equestrian events and football, regular use by various community groups and occasional use for festivals, concerts, and group camping. The grounds are also enjoyed for passive recreation opportunities such as walking, picnicking and use of the children's playground. The Berry Showground is well recognised as a focal point for community celebrations and interaction.

The early history of Berry differs from that of most other country towns in New South Wales in that it began as a private estate town. The land on which the town of Berry began and is now situated was formerly part of the Alexander Berry - Edward Wollstonecraft estate of Coolangatta. In November 1825 seven free sawyers employed by Alexander Berry made their camp near Broughton Creek. By 1866 a sizeable town, which had also taken the name Broughton Creek, had grown on the two ridges either side of Broughton Mill Creek. By 1868 the population had reached 300 persons and the area was declared a municipality. In 1873 Alexander Berry died and the estate passed to his younger brother David, who had been managing it since 1848. David Berry died in 1889 leaving a large estate. The year after David Berry's death the name of the town was changed to Berry.

Agricultural Societies began to develop in New South Wales in 1822 and the Berry family was greatly involved. The first Broughton Creek Show was held in 1884 in a temporary wooden structure on an area of land adjoining Queen Street. The shows were held there until 1888. The current showground was set aside and furnished by David Berry and improved by John Hay after he inherited the estate. The first show held on the new showground in February 1888 was the fifth annual exhibition, and the Berry Show has been held there annually (excluding 1914-1918, 1939-1945, 2020 and 2022 ~~opt for the war years~~) ever since. For that first show at the new location, the Agricultural Pavilion on the corner of Victoria and Albany Streets was built, as were yards, pens, coops, stalls, etc for livestock and an ornamental pavilion for the judges of horses in the centre of the ring.

There are three "memorials" within the main showground. These are:

1. Sir John Hay Fountain – in the north eastern corner of the Showground near the children's play equipment, donated by his widow in 1915
2. The Centenary of Federation Tree – in the north eastern corner of the showground, near the children's play equipment and the rotunda; a *Magnolia grandiflora* tree was planted by the Berry Garden Club in 2001 to commemorate the centenary of the federation of Australia. It has a protective fence and a plaque indicating its significance.
3. Memorial Tree – a Cape Chestnut planted in the ring of trees that surrounds the showground ring (between labelled trees 128 and 129). Ashes buried below and plaque

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inscribed: "Thanks for the Memories of 50 years of Jersey Breeding at Austral Park Berry.
A Tribute to the Vision of E. E and Rex Chegwidde."

Nearby, but outside the showground there are other significant memorials:

1. the David Berry Memorial Column and Pedestal in the David Berry Memorial Park on the western corner of Alexandra Street and Station Road;
2. the War Memorial in Berry War Memorial Park on the eastern corner of Alexandra Street and Station Road;
3. the Memorial Avenue of trees, each planted in memory of particular fallen soldiers, on both sides of Alexandra Street.

This plan has been prepared to assist ~~the day-to-day physical management and~~ future ~~strategic~~ management ~~direction~~ of the Showground, but should not be confused with a masterplan which guides the future enhancement or embellishment of the land. The preparation of this plan of management allows for an integrated approach to the future development of the Showground which takes into account the needs of all user groups, as well as the wider community and tourists that visit the site. Through this integrated process, it is anticipated that the needs of user groups will be met and, subsequently, well managed.

[The draft Berry Showground Master Plan was placed on public exhibition from 16/07/2023 to 14/08/2023. The Draft Master Plan is pending future heritage advice remains in draft status. Although not finalised, all future developments should consider the Draft Master Plan and associated public exhibition outcomes.](#)

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4 Basis of Management

Shoalhaven City Council intends to manage its community land to meet:

- assigned categorisation of community land
- the LG Act guidelines and core objectives for community land
- restrictions on management of Crown land community land.
- the council's strategic objectives and priorities
- development and use of the land outlined in Section 6 of the LG Act.

4.1 Categorisation of the Land

All community land is required to be categorised as one or more of the following categories. Where the land is owned by the Crown, the category assigned should align with the purpose for which the land is dedicated or reserved.

The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Area of Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further categorised into bushland, escarpment, foreshore, watercourse and wetland categories.

4.2 Guidelines and Core Objectives for Management of Community Land

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community land. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the LG Act. The guidelines and core objectives for Park and General Community Use are set out in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

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Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

4.3 Restrictions on Management of Crown Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the *Crown Land Management Act 2016*. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the *Crown Land Management Act 2016*
- consider any interests held on title.

4.4 Council’s Strategic Objectives and Priorities

Shoalhaven City Council, in consultation with the community, has developed the following strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by PoMs.

Shoalhaven Community Strategic Plan 2032

Shoalhaven City Council, in consultation with the community, has developed a community strategic plan identifying key themes that summarise important community priorities. The Shoalhaven Community Strategic Plan (CSP) is known as Shoalhaven 2032, and is the roadmap devised by our community for the future of Shoalhaven City.

There are four themes identified within Shoalhaven 2032. These themes are:

- Theme 1 – Resilient, safe, accessible, and inclusive communities.
- Theme 2 – Sustainable, liveable environments.
- Theme 3 – Thriving local economies that meet community needs.
- Theme 4 – Effective, responsible & authentic leadership.

Shoalhaven 2032 has a direct influence on the objectives, uses and management approach covered by this PoM. The land covered by this PoM shall therefore be managed in accordance with the key themes outline in Shoalhaven 2032.

Delivery Program Operational Plan

Shoalhaven City Council’s Delivery Program and Operational Plan Resourcing Strategy outlines Council’s annual delivery plan. It is prepared by Council in collaboration with and on behalf of residents, businesses, all levels of government and local agencies, to help build and maintain a vibrant and sustainable future for the local community. The Delivery Program and Operation Plan Resourcing Strategy can be found online on Council’s website.

5 Development and Use

Shoalhaven City Council is committed to the ongoing maintenance of Crown Lands under its management, ensuring an acceptable level of maintenance and service based on the local requirements and the use of the land and facilities. Council priorities resources based on making the best use of the available funds, while adhering to Councils resourcing strategy.

Crown Land will be maintained, in accordance with Council maintenance schedule, through Asset Management Plans (AMP) which outline life cycle costing, asset replacement and rehabilitation and maintenance policies and procedures.

5.1 Current Use of the Land

At the date of adoption of this plan, Berry Showground is used for active recreation for the Berry village as well as visitors. The campground is also frequently used by visitors to the area.

camping is permitted on the premises year-round, subject to occasional closures for maintenance and improvement works. Reservations for camping facilities shall be made through the Council's official website and designated booking system, and is paid camping. The camping area provides essential amenities, including bathroom facilities, laundry services, cooking facilities, outdoor food preparation areas, and power supply.

There are no active lease and licenses at Berry Showground, as outlined in Section 5.4. The Management Committee has delegated authority to operate on behalf of Council for the operational management of Berry Showground.

5.2 Permissible Uses / Future Uses

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Shoalhaven area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Shoalhaven City Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Shoalhaven City Council intends to permit and encourage a broad range of appropriate activities.

The use of community land is often supported by appropriate ancillary development such as playground equipment, amenity blocks or food kiosks.

The general types of uses which may occur on community land categorised as Park and General Community Use, are set out in this plan of management.

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5.2.1 List of Category Sections

- General Community Use
- Park

5.3 Express Authorisation of Leases and Licences and Other Estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this PoM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

5.3.1 Leases and Licences Authorised by the Plan of Management

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land covered by the plan of management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved
- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)
- where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Table/s in the relevant sections of this plan of management further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

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5.3.2 Short-term Licences

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use.

Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Short-term licences issued under Clause 116 of the Local Government (General) Regulation 2021 are authorised for the purpose of:

- a) the playing of a musical instrument, or singing, for fee or reward
- b) engaging in a trade or business
- c) the playing of a lawful game or sport
- d) the delivery of a public address
- e) commercial photographic sessions
- f) picnics and private celebrations such as weddings and family gatherings
- g) filming sessions
- h) the agistment of stock.

This PoM expressly authorises Council to issue short-term licences (for up to 12 months) under s2.20 of the Crown Land Management Act for the prescribed purposes listed in Clause 31 of the Crown Land Management Regulation 2018.

Short-term licences granted under s2.20 of the CLM Act are authorised for the following prescribed purposes:

- a) access through a reserve.
- b) advertising.
- c) camping using a tent, caravan or otherwise.
- d) catering.
- e) community, training or education.
- f) emergency occupation.
- g) entertainment.
- h) environmental protection, conservation or restoration or environmental studies.
- i) equestrian events.
- j) exhibitions.
- k) filming (as defined in the Local Government Act 1993).
- l) functions.
- m) grazing.
- n) hiring of equipment.
- o) holiday accommodation.
- p) markets.
- q) meetings.
- r) military exercises.
- s) mooring of boats to wharves or other structures.
- t) sales.
- u) shows.
- v) site investigations.
- w) sporting and organised recreational activities.
- x) stabling of horses.
- y) storage.

- ~~a) access through a reserve,~~
- ~~b) advertising,~~
- ~~c) camping using a tent, caravan or otherwise,~~
- ~~d) catering,~~

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- e) ~~community, training or education,~~
- f) ~~emergency occupation,~~
- g) ~~entertainment,~~
- h) ~~equestrian events,~~
- i) ~~exhibitions,~~
- j) ~~filming (as defined in the Local Government Act 1993),~~
- k) ~~functions,~~
- l) ~~hiring of equipment,~~
- m) ~~markets,~~
- n) ~~meetings,~~
- o) ~~sales,~~
- p) ~~shows,~~
- q) ~~site investigations,~~
- r) ~~sporting and organised recreational activities,~~
- s) ~~stabling of horses,~~
- t) ~~storage.~~

5.3.3 Native Title and Aboriginal Land Rights Considerations in Relation to Leases, Licences and Other Estates

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the *Commonwealth Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the *NSW Aboriginal Land Rights Act 1983*.

It is the role of the council's engaged or employed native title manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the NT Act (see Appendix 3 for more information).

5.4 Conditions Report

Condition rating was given to the Land and Structures, using the following scale.

Code	Short Description	Longer Definition
1	Very Good/Excellent	Asset is new, as new or recently refurbished. Maintenance is planned and/or routine only.
2	Good	Asset with minor defects requiring minor routine maintenance on occasion.
3	Satisfactory	Asset is operating as expected, however routine or corrective maintenance required on consistent basis.
4	Poor	Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable.
5	Very Poor	Asset is unserviceable and/or beyond rehabilitation. Immediate action required.

At the time of adoption of this Plan of Management, the condition of the land and structures was as follows, this should be read in conjunction with *Figure 2: Site Plan of Berry Showground*.

Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
NBE128 R81105		Lot 1	N/A	1	Animal Pavilion / Stable	Satisfactory / Fair

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Reserve Number	Owner of the Land	Land Parcel	Lease / Licence Notes	No.	Building	Condition Score
	The State of New South Wales	DP 940561		2	Shed / Storage	Satisfactory / Fair
				3	Livestock Yard	Satisfactory / Fair
				4	Vehicle Washing	Good
				5	Wood Chopping	Good / Part Poor
				6	Camp Amenities	Good
				7	Camp Kitchen	Poor
				8	Laundry / Washing Facilities	Poor
				9	Camping Area - Campervans	Good
				10	Play Area	Good
				11	Grandstand	Good
				12	Kiosk / Café	Satisfactory / Fair
				13	Spectator Area (Accessible)	Satisfactory / Fair
				14	Outdoor Events Space / Sports Area	Good
				15	Broadcast / Announcing	Poor
				16	Ticket Booth	Poor
				17	Club / Meeting Building	Satisfactory / Fair
				18	Pool Machinery Room	Satisfactory / Fair
				19	Former Council Chambers	Good
				20	Swimming Pool	Good
				21	Rotunda / Memorial Fountain	Satisfactory / Fair
				22	Pedestrian / Cycling Path	Poor
				23	Vehicle Road	Poor
				24	Vehicle Entry	Good
				25	Pedestrian Entry	Satisfactory / Fair
				26	Emergency Coordination Hub	Good
				R81105	Berry Showground Reserve Trust	Lot 4 DP 17263
R81105	Berry Showground Reserve Trust	Lot 3 DP 17263	N/A	N/A	N/A	
R81105	Berry Showground Reserve Trust	Lot 5 DP 17263	N/A	N/A	N/A	
NBE043	Shoalhaven City Council	Lot 1 DP 1167057	N/A	N/A	N/A	
NBE008	Shoalhaven City Council	Lot 1 DP 17263	N/A	N/A	N/A	
N/A	Shoalhaven City Council	Lot 3 DP 840080	N/A	N/A	N/A	

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6 Management of Land – By Category

6.1 General Community Use

6.1.1 Guidelines and Core Objectives

General community use land is defined in clause 106 of the LG (General) Regulation 2021 as land that may be made available for use for any purpose for which community land may be used, and does not satisfy the definition of natural area, sportsground, park or area of cultural significance.

The core objectives for community land categorised as general community use, as outlined in Section 36I of the LG Act, are to:

- promote, encourage and provide for the use of the land
- provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
 - (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
 - (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

6.1.2 Management Framework for Reserves Categorised as General Community Use

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or

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- Within 10 metres of a children’s playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council’s Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council’s native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are “fit for purpose, reliable, safe and secure” with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are “fit for purpose, reliable, safe and secure” with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purpose of General Community Use and Park.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.1.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as General Community Use, and the forms of development generally associated with those uses, are set out in detail in Table 2. The facilities on community land may change over time, reflecting the needs of the community.

Table 2 Permissible use and development of community land categorised as General Community Use by council or the community.

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Purpose/Use	Development to facilitate uses
<p>Providing a location for, and supporting, the gathering of groups for a range of social, cultural or recreational purposes.</p> <p>Providing multi-purpose buildings (for example, community halls and centres) with specialised community uses such as:</p> <ul style="list-style-type: none"> • casual or informal recreation • meetings (including for social, recreational, educational or cultural purposes) • functions • concerts, including all musical genres • performances (including film and stage) • exhibitions • agricultural shows • fairs and parades • workshops • leisure or training classes • designated group use (e.g. scout and girl guide use) • educational centres, including libraries, information and resource centres • entertainment facilities • caravan parks and camping grounds* 	<p>Development for the purposes of social, community, cultural and recreational activities, such as libraries, childcare centres, youth services, aged services, men’s sheds, health services, sports.</p> <p>Development includes:</p> <ul style="list-style-type: none"> • provision of buildings or other amenity areas to facilitate use and enjoyment by the community • development (particularly within buildings) for the purposes of addressing the needs of a particular group (for example, a stage) • landscaping and finishes, improving access, amenity and the visual character of the general community area • water-saving initiatives such as rain gardens • energy-saving initiatives such as solar lights and solar panels • car parking and loading areas • advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> ○ relate to approved uses/activities ○ are discreet and temporary ○ are approved by the council • locational, directional and regulatory signage. • maintenance and operations • utilities

Note: All proposed developments and uses will be undertaken in accordance with the [Berry Showground Conservation Management Plan](#).

6.1.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management **expressly authorises** the issue of leases, licences and other estates over the land categorised as General Community Use, listed in Table 3

Table 3 Leases, licences and other estates and purposes for which they may be granted for community land categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • educational purposes, including libraries, education classes, workshops • cultural purposes, including concerts, dramatic productions and galleries • recreational purposes, including fitness classes, dance classes and games • sporting uses developed/operated by a private operator • kiosk, café and refreshment purposes • commercial retail uses associated with the facility (e.g. sale or hire of sports goods) • caravan parks and camping grounds
Licence	<ul style="list-style-type: none"> • recreational purposes, including fitness classes, dance classes • café/kiosk areas • sale of goods or services that are ancillary to community land use and reserve purpose, for example flower sales at cemetery

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Type of tenure arrangement	Purpose for which tenure may be granted
Short-term licence	<ul style="list-style-type: none"> public speeches, meetings, seminars and presentations, including educational programs functions (including commemorative functions, book launches, film releases, balls, and similar activities) displays, exhibitions, fairs, fashion parades and shows events (including weddings, corporate functions, and community gatherings) concerts and other performances, including both live performances and film (cinema and TV) broadcasts associated with any event, concert, or public speech engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities sporting fixtures and events sports and fitness training and classes broadcasting or filming of sporting fixtures ancillary ceremonies (for example, rehearsal of opening and closing ceremonies, cheer squads, etc.) uses reasonably associated with the promotion or enhancement of sporting groups, fixtures and events (for example, 'quest' events for juniors; gala days; club meetings)
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.1.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 4 sets out these requirements for community land categorised as General Community Use.

Table 4 Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as General Community Use

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Heritage Conservation Management Plan	<p>To ensure that the Showground is being managed in a way that maintains the heritage significance of the site.</p> <p>Engage with the Community once there is an active draft of the document.</p>	Engage a suitably qualified professional to prepare a Heritage Conservation Management Plan.	Publish a Heritage Conservation Management Plan to the public domain.

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Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Accessibility	To ensure all areas of the Showground is accessible.	Where possible, facilities at the Showground are to be accessible to cater for people of all ages, abilities and cultural backgrounds. Undertake accessibility audit of the Showground to identify compliance.	Increased local use of the Showground. This can be measured by survey and observation. Record on the public record the findings of the accessibility audit, with recommendations and priorities.
Access	Facilities at the Showground are easily accessed and well known in the community.	Information on Facilities are available online and are advertised on Council's social media.	Information on Facilities is kept up to date online.
Provision of facilities	Consider the future need of the community when planning facilities at the Showground.	Population trends are considered when planning for facilities at the Showground in order to meet the future need of the community. Where possible, facilities are multipurpose and adaptable to ensure a variety of possible future use.	During the planning process of facilities located at the Showground, future uses are considered and implemented.
Maintenance	To ensure the Showground is maintained according to the specifications detailed in Council's Service Level Agreement.	Undertake maintenance as per the relevant Asset Management Plan.	Number of submissions received in relation to maintenance of the site.
Impacts on adjoining residents	To minimise negative impacts of use on adjoining residents.	Investigate potential impacts and prepare mitigating plans in conjunction with residents and user groups as required.	Submissions and complaints received from residents adjoining land covered by this Plan of Management are recorded.
Landscape and Placemaking Plan	To ensure consistency across the site and provide a strategic future direction for the site.	Masterplan is to be prepared for the site. This is to include a landscaping plan for the entire site, as well as a signage plan.	Assessing community feedback and adopt appropriate masterplan. Future development aligns with the adopted plans.

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6.2 Park

6.2.1 Guidelines and Core Objectives

Parks are defined in clause 104 of the LG (General) Regulation 2021 as land which is improved by landscaping, gardens or the provision of non-sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that do not intrude on the peaceful enjoyment of the land by others.

The core objectives for parks, as outlined in Section 36G of the LG Act, are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities
- provide for passive recreational activities or pastimes and for the casual playing of games
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

6.2.2 Management Framework for Reserves Categorised as Park

Based on legislative and corporate goals, community needs, and expectations the following management guidelines have been identified. The Guidelines apply to all categories of the reserve.

Alcohol

The occasional sale of alcohol by a community group requires the approval of the NSW Office of Liquor Gaming and Racing through the issue of a Limited Licence. The Licence should be provided to Council in each instance. When making an application for the use of a recreation area if the sale of alcohol is intended, applicants are required to comply with any requirements of both the Office of Liquor Gaming and Racing and Council.

Companion Animals

Domestic pets may use the reserve where authorised by signage provided that they are on leash and under the control of a responsible person at all times and do not cause loss of amenity to other users of the land, except where specifically publicly notified.

Dogs are not permitted within any area (on or off leash) that is:

- Set aside for the playing of organised games, or
- Within 10 metres of a children's playing apparatus or
- Within 10 metres of cooking or eating facilities

Dogs are not permitted to be walked or exercised off leash, unless sign posted that off-leash activity is allowed.

Building and Amenities

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by the Council's Native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Buildings and amenities are to be maintained to ensure they are fit for purpose, reliable, safe and secure with funds available for resources.

Infrastructure

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Any necessary infrastructure to service the purpose of the land may be constructed provided that a Native Title assessment has been carried out by Council's native Title Manager, the land is not subject to a claim under the Aboriginal Land Rights Act 1983 and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Infrastructure assets are to be maintained to ensure they are “fit for purpose, reliable, safe and secure” with funds available for resources.

General Maintenance

General maintenance will match the level and type of use and wherever possible users will be encouraged to assist through the Parkcare program. Areas held under lease, licence or regular occupancy shall be maintained by the user where appropriate.

Maintenance (Planned, programmed, reactive and / or take out of service) shall be considered as part of the life cycle activities by the Asset Custodian to ensure the assets are “fit for purpose, reliable, safe and secure” with funds available for resources. Decision making process to achieve the optimum outcome shall consider but not limited to current/ future service provision, risk, utilisation, condition of assets, etc.

Access

This Plan of Management seeks to facilitate access to the land to enable its use for the purposes of General Community Use and Park.

Trees, Vegetation and Landscape

Proper management of landscaping measures, trees and vegetation is important to provide a high degree of amenity on the land.

Trees will be maintained as will maintenance of appropriate growing conditions involving management of soil compaction and other encroachments in accordance with Council policy.

6.2.3 Permissible Uses / Future Uses

The general types of uses which may occur on community land categorised as Park and the forms of development generally associated with those uses, are set out in detail in Table 5. The facilities on community land may change over time, reflecting the needs of the community.

Table 5 Permissible use and development of community land categorised as Park by council, or the community.

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Active and passive recreation including children’s play and cycling • Group recreational use, such as picnics and private celebrations • Eating and drinking in a relaxed setting • Publicly accessible ancillary areas, such as toilets • Festivals, parades, markets, fairs, exhibitions and similar events and gatherings • Low-intensity commercial activities (for example recreational equipment hire) • Filming and photographic projects • Busking 	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity and the visual character of the park, for example paths, public art, pergolas • Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts • Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas • Café or refreshment areas (kiosks/cafes) including external seating

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Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Public address (speeches) Community gardening <p>Note: Some of the uses listed above require a permit from the council.</p>	<ul style="list-style-type: none"> Lighting, seating, toilet facilities, courts, paved areas Hard and soft landscaped areas Storage sheds Car parking and loading areas Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment Community gardens Heritage and cultural interpretation, for example signs Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> relate to approved uses/activities are discreet and temporary are approved by the council Bio-banking and carbon sequestration initiatives Energy-saving initiatives such as solar lights and solar panels Locational, directional and regulatory signage

Note: All proposed developments and uses will be undertaken in accordance with the Berry Showground Conservation Management Plan.

6.2.4 Express Authorisation of Leases, Licences and Other Estates – Park

This plan of management expressly authorises the issue of leases, licences and other estates over the land categorised as Park, listed in Table 6.

Table 6. Leases, licences and other estates and purposes for which they may be granted for community land categorised as park.

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> café/kiosk areas, including seating and tables management of court facilities hire or sale of recreational equipment
Licence	<ul style="list-style-type: none"> outdoor café/kiosk seating and tables management of court or similar facilities hire or sale of recreational equipment
Short-term licence	<ul style="list-style-type: none"> community events and festivals playing a musical instrument, or singing for fee or reward picnics and private celebrations such as weddings and family gatherings filming, including for cinema/television conducting a commercial photography session public performances engaging in an appropriate trade or business

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Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> delivering a public address community events fairs, markets, auctions and similar activities
Other estates	This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

6.2.5 Action Plan

Section 36 of the LG Act requires that a PoM for community land details:

- objectives and performance targets for the land
- the means by which the council proposes to achieve these objectives and performance targets
- the manner in which the council proposes to assess its performance in achieving the objectives and performance targets.

Table 7 sets out these requirements for community land categorised as Park.

Table 7. Objectives and performance targets, means of achieving them and assessing achievement for community land categorised as Park.

Management Issues	s.36(3)(b) Objectives and Performance Targets	s.36(3)(c) Means of achievement of objectives	s.36(3)(d) Manner of assessment of performance
Use and recreation	<p>Provide opportunities for all kinds of formal and informal activity in the open space component of the Showground, to cater for people of all ages, abilities and cultural backgrounds.</p> <p>To optimise public access to all areas of parks and general community use land.</p>	<p>Maintain and increment the range of organised and informal / unstructured activities within the Showground</p> <p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of the Showground</p> <p>Undertake accessibility audit of the Showground to identify compliance.</p> <p>Provide well-managed off-leash areas for social use with signage and fencing if appropriate.</p>	<p>Increased local use of the Showground. This can be measured by survey and observation.</p> <p>Number of visitors to Berry Showground</p>

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Appendices

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Appendix 1 Community Land Covered by this Plan of Management

Crown Reserve Number	Council Reserve Number	Owner of the Land	Reserve Purpose	Gazettal Date	Land Parcel	LEP Zoning	Assigned Category	Native Title Claim / Determination
R81105	NBE128	The State of New South Wales	Community Land	3 October 1958	Lot 1 DP 940561	RE1: Public Recreation	General Community Use	Fed. Court No: NSD1331/2017 - Name: South Coast People
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 3 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 4 DP 17263	RE1: Public Recreation	General Community Use	
R81105	NBE128	The Council of the City of Shoalhaven*	Community Land	3 October 1958	Lot 5 DP 17263	RE1: Public Recreation	General Community Use	
N/A	NBE043	Shoalhaven City Council	Community Land	N/A	Lot 1 DP 1167057	RE1: Public Recreation	Park	N/A
N/A	NBE008	Shoalhaven City Council	Community Land	N/A	Lot 1 SP 17263	RE1: Public Recreation	Park	
N/A	N/A	Shoalhaven City Council	Operational Land	N/A	Lot 3 DP 840080	RE1: Public Recreation		

Footnote: *This land is subject to the Sec 25A notice under the CLC Act 1913

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Appendix 2 Maps

Figure 1 – Map of Berry Showground, categorisation and land ownership



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Figure 2 –Site Plan of Berry Showground



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Appendix 3 Plan of Management Legislative Framework

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au.

3.1 Local Government Act 1993

Section 35 of the LG Act provides that community land can only be **used** in accordance with:

- the plan of management applying to community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- the category of the land,
- the objectives and performance targets of the plan with respect to the land,
- the means by which the council proposes to achieve the plan's objectives and performance targets,
- the manner in which the council proposes to assess its performance with respect to the plan's objectives and performance targets,
- and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore
- f) a category prescribed by the regulations.

Additionally, under section 36 of the *Local Government Act 1993* (LG Act), a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

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3.1.1 Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (the CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

3.2 Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, as Council Crown land managers, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

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- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

3.3 Native Title Act 1993

The Commonwealth Native Title Act 1993 (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council's dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged
- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

3.4 Council plans and policies relating to this plan of management

Council has developed plans and policies that are concerned to some extent with the management of community land. These documents have been considered when preparing this PoM.

Land included in this Plan of Management is zoned under the Shoalhaven Local Environmental Plan 2014 (SLEP). The Local Environmental Plan sets out the objectives for each zone, as well as the activities, developments and structures which are permissible with or without development consent, and those which are prohibited within the Zone.

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3.5 Other state and Commonwealth legislation

3.5.1 NSW state legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

Biodiversity Conservation Act 2016

This Act covers conservation of threatened species, populations and ecological communities, the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Threatened Species Conservation Act 1995 has been repealed and superseded by the Biodiversity Conservation Act 2016. However, references to the former legislation remain in the LG Act and are therefore retained in this guideline.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the Threatened Species Conservation Act 1995 were repealed on the commencement of the Biodiversity Conservation Act in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned, and these control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the state.

Fisheries Management Act 1994

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The Fisheries Management Act 1994 (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

3.5.2 Commonwealth legislation

Environmental Protection and Biodiversity Conservation Management Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

3.5.3 State Environmental Planning Policies

State Environmental Planning Policy No. 19 – Bushland in urban areas

This planning policy deals with bushland in urban areas, so is applicable to PoMs for community land categorised as Natural Area– Bushland.

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State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

This aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Transport and Infrastructure) 2021

This planning policy lists development allowed with consent or without consent on community land.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.5.4 Other relevant legislation, policies and plans

Other relevant legislation, policies and plans includes but is not limited to:

- *Aboriginal Land Rights Act 1983*
- *Biodiversity Conservation Act 2016*
- *Biosecurity Act 2015*
- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection and Biodiversity Conservation Management Act 1999 (Cth)*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Rural Fires Act 1997*
- *Soil Conservation Act 1938*
- *Telecommunications Act 1997 (Cth)*
- *Water Management Act 2000*
- NSW Invasive Species Plan 2008-2015
- National Local Government Biodiversity Strategy
- NSW Biodiversity Strategy
- *Australian Natural Heritage Charter*

Appendix 4 Aboriginal Interests in Crown Land

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal peoples of NSW. The CLM Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

The management of Crown land can be impacted by the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW).

4.1 Native Title

Native title describes the rights and interests that Aboriginal and Torres Strait Islander people have in land and waters according to their traditional law and customs. Native title is governed by the Commonwealth Native Title Act 1993 (NT Act).

Native title does not transfer the land to the native title holder, but recognises the right to land and water, by providing access to the land and if applicable, compensation for any loss, diminution, impairment or other effect of the act on their native title rights and interests.

All Crown land in NSW can be subject to a native title claim under the NT Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

When preparing a PoM, Council is required to employ or engage a qualified native title manager to provide advice and validate acts (developments and tenures) over the reserve, in line with the NT Act. The most effective way to validate acts under the NT Act is to ensure all activities align with the reserve purpose.

If native title rights are found to exist on Crown land, council Crown land managers may be liable to pay compensation for acts that impact on native title rights and interests. This compensation liability arises for local councils whether or not the act was validated under the NT Act.

For further information about native title and the future acts framework see the Crown lands website.

4.2 Aboriginal Land Rights

The Aboriginal Land Rights Act 1983 (ALR Act) seeks to compensate Aboriginal peoples for past dispossession, dislocation and removal of land in NSW (who may or may not also be native title holders).

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning, Industry and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this plan of management, there are [insert number] reserves which are affected by an undetermined Aboriginal land claim. Council has considered the claim(s) in development of this plan of management.



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CL26.79 - Attachment 8

Attachment 9

(Draft Plans of Management – Showgrounds – Outcomes of Public Exhibition)

Kangaroo Valley Showground & Berry Showground

Tables 1 and 2 below detail the key themes that emerged through community feedback received during the public exhibition period and associated responses.

Table 1. Kangaroo Valley Showground Plan of Management – Key Themes

Key Theme	Response
Need for more shaded and covered seating near event areas (e.g. wood chop, cattle judging) to support comfort for spectators, especially elderly and infirm persons.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Support for off-leash dog access and installation of permanent dog agility structures to enhance recreational opportunities.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Request for further community consultation to ensure the Plan reflects the diverse needs, uses, costs, and management preferences of the Kangaroo Valley community.	Consultation undertaken in line with the <i>Local Government Act 1993</i> and <i>Crown Land Management Act 2018</i> . Various communications methods were utilised; directly affected residents received a letter, user groups were invited to participate, signage was placed on site, social media updates were published, and a media release was issued.
Request for permanent gym facilities and upgrades to the existing building to support ongoing community health and fitness activities.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Suggestion to include soccer and other current uses in the Plan, with direct engagement with local users.	High level information has been provided with reference to types of recreation. Minor amendment to the <i>Site Overview</i> chapter actioned.
Support for allowing the Men's Shed to construct a facility on the Showground due to its central location and accessibility.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required. Council has demonstrated support for the establishment of a Men's Shed facility at West Moss Vale Road Reserve in Kangaroo Valley (Lot 7 DP 264336) (ref. MIN24.405).

Key Theme	Response
Concern that increased paperwork or red tape will hinder community use; preference for community-led management of the Showground.	Plans of management are a <u>statutory requirement</u> . Councils are required to develop plans of management for community land, in accordance with the Local Government Act 1993 (ref. Part 2, Division 1, <u>section 36</u>).
Support for allowing dogs off-leash in all areas where they are currently permitted on-leash.	Noted – out of scope. No amendment required.
The Plan does not adequately address future community needs.	Noted. No amendment required.
Only essential upgrades like electrical improvements and a day-use picnic area should proceed, given Council's financial constraints.	Noted – out of scope. Decisions about whether or not to deliver certain capital works improvements (expressly authorised by a plan of management) can be made – with reference to financial considerations – through appropriate governance mechanisms for discrete projects. No amendment required.
Concerns about outsourced cleaning and maintenance; preference for local contractors to maintain hygiene and support local employment.	Noted – operational matter (outside of scope), subject to Council's <i>Procurement Policy</i> and procedures. No amendment required.
Many assets rated as "satisfactory" are perceived by the community as "fair" or "poor"; asset condition assessments should be reviewed.	Asset condition review undertaken in line with condition definitions below. Data provided by teams responsible for asset maintenance. No amendment required. <i>Very Good / Excellent:</i> Asset is new, as-new or recently refurbished. Maintenance is planned and/or routine only. <i>Good:</i> Asset with minor defects requiring minor routine maintenance on occasion. <i>Satisfactory:</i> Asset is operating as expected, however routine or corrective maintenance required on consistent basis. <i>Poor:</i> Asset requiring significant renewal/rehabilitation or substantial maintenance to keep the asset serviceable. <i>Very Poor:</i> Asset is unserviceable and/or beyond rehabilitation. Immediate action required.
The Plan lacks proposals for new or upgraded facilities to support broader community use (e.g. youth services, elderly spaces, libraries, sports club rooms).	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
The Plan lacks detail specific to Kangaroo Valley Showground and does not reflect how the site is currently used or could be better managed.	Minor amendment to the <i>Site Overview</i> actioned.

Key Theme	Response
Local groups and clubs should have more opportunities to use and adapt buildings to suit their needs.	Noted – out of scope. The Draft Plan of Management supports developments of this nature. No amendment required.
Lighting across the Showground should be improved to support safety and usability.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
The current management system is inefficient and fragmented, making it difficult for community members to organise activities.	Noted – taken as a comment on historical arrangements. Kangaroo Valley Showground Management Committee is no longer active. Kangaroo Valley Showground is now managed directly by Council. No amendment required.
Council's contractor procurement process lacks transparency and has led to poor outcomes, including safety risks and community dissatisfaction.	Noted. All procurement is undertaken in accordance with Council's <i>Procurement Policy</i> . No amendment required.
The Plan should include proposals for new or upgraded facilities to support youth, elderly, and community groups.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Better signage, maps, and interpretation (e.g. Aboriginal significance, historical info, river walks) are needed to support tourism and education.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Public amenities such as barbecues, caravan areas, river access, shaded seating, and picnic areas are insufficient and should be expanded.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
The Plan lacks specific goals or a clear vision for upgrades and improvements; suggestions include a barbecue and picnic area at Osborne Park, improved signage, and river access.	Noted – out of scope. Issues raised will be addressed by a future Master Plan. This is not the purpose of the Plan of Management. No amendment required.
Replacement of shower blocks at the pool should be planned during off-season periods to improve amenity.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
The Plan does not reflect current or future community needs; the Showground should serve as a central hub for diverse groups and activities.	PoM functions as a planning instrument to determine permissible developments and use at the Showground. All Showground PoMs have a primary categorisation of General Community Use, which in turn permits a wide variety of developments and uses. This is outlined in section 6 of the PoM.
The Plan fails to outline how assets rated as poor, fair, or satisfactory will be maintained, upgraded, or replaced.	Noted – out of scope. Feedback related to 'Asset Management Plan' (separate mechanism, outside of scope of Plan of Management for community land). In accordance with section 3A(a)(i) of the Local Government Act 1993, plans of management are

Key Theme	Response
	required to: "... include a description of the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management..."
The draft Plan does not accurately reflect the full range of activities and events supported by the Showground, nor does it provide a clear strategy for long-term viability.	High level information was provided with reference to types of recreation undertaken at the site. In response to feedback, additional relevant activities have been listed in the <i>Site Overview</i> . Action Plan provides objectives and performance measures related to long-term viability of the Showground. No amendments required.
The document is difficult for laypeople to understand; an executive summary outlining proposed changes is needed to support informed community feedback.	The provisions of the Draft Plan of Management do not represent a 'change' in the management arrangements for Kangaroo Valley Showground. No amendment required. Document template developed by Crown Lands.
The cost of hiring facilities like the Hall is prohibitive for small community events, limiting access and use.	Fees associated related to hiring facilities are determined by the <i>Fees & Charges</i> released with the annual Delivery Program Operational Plan & Budget (DPOP). No amendment required.
Each community ground has unique needs and contexts; a one-size-fits-all approach is inappropriate and undermines local relevance.	Noted. Consultation undertaken with local stakeholders in line with the <i>Local Government Act 1993</i> and <i>Crown Land Management Act 2018</i> .
The Plan should not be finalised until Council meets directly with Kangaroo Valley user groups to ensure their needs are reflected.	Consultation undertaken in line with the <i>Local Government Act 1993</i> and <i>Crown Land Management Act 2018</i> . The contents and scope of the PoM does not necessitate further engagement. No additional consultation is required.
The Plan risks reducing access, flexibility, and responsiveness to community needs; Council has not demonstrated an understanding of local priorities.	The plan does not propose any changes prohibiting / restricting community use of the site (relative to current arrangements). No amendment required.
The Plan lacks transparency, including missing revision history, unclear public exhibition dates, and omission of heritage caveats related to Osborne Park.	Community consultation section intentionally left blank to enable this information to be updated upon completion of public exhibition. Final document amended to reflect actual public exhibition dates. Note added to <i>Development & Use</i> outlining the role of the <i>Kangaroo Valley Showground (Osborne Park) Conservation Management Plan</i> .
Community consultation would help align permitted uses with actual daily and periodic activities at the Showground.	Consultation undertaken in line with the <i>Local Government Act 1993</i> and <i>Crown Land Management Act 2018</i> . No additional consultation required.

Table 2. Berry Showground Plan of Management – Key Themes

Key Theme	Response
Update the showground history to reflect that the Berry Show was not held between 2020 to 2022 due to the bushfires and COVID-19.	Statement added to <i>Site Overview</i> section.
Improve maintenance of the playing surface following major events to reduce injury risks for sports teams, particularly rugby league.	Noted - operational matter. No amendment required. Referred to facility operations team for future reference.
Relocate amplified music events to more suitable venues like Artie Smith to reduce noise impacts on nearby residents.	Not supported, music events remain a core intended 'use' / function of the Berry Showground. No amendment required. All events to be undertaken in accordance with the noise level requirements in Council's <i>Events Policy</i> .
Retain the current casual, multi-use nature of the Showground and avoid red tape that could affect community use.	Noted. Plans of management are a <u>statutory requirement</u> . Councils are required to develop plans of management for community land, in accordance with the Local Government Act 1993 (ref. Part 2, Division 1, section 36). No amendment required.

Nowra Showground & Milton Showground

Tables 3 and 4 below detail the key themes that emerged through community feedback received during the public exhibition period and associated responses.

Table 3. Nowra Showground Plan of Management – Key Themes

Key Theme	Response
Need to review land categorisation and ensure consistency with current and historical uses.	SIGNIFICANT AMENDMENT All parcels have been recategorized to General Community Use to better align with the multifunctional nature of the Showground.
Requests for clearer recognition of the Show Society's role, refinement of reserve purpose information, amendments to the Site Overview, and confirmation of key uses and operational arrangements.	SIGNIFICANT AMENDMENT Acknowledgement of the Show Society's historic and ongoing role at the Showground has been actioned in section 5.1. Reserve purpose information has been coordinated directly with Crown Lands via gazettal documentation. No amendment required. Additional development purposes added to the permissible development table to support operational needs.

Key Theme	Response
Support for more live music and quality market events at the Showground.	Noted – music events supported by PoM. No amendment required.
Preserve old-growth trees for habitat and biodiversity; support for improved footpath connectivity for public health and recreation.	Biodiversity and habitat protection are supported by the PoM. Nowra Showground Master Plan refers to the retention of trees due to their significance. No amendment required. Connectivity comments are out of scope. No amendment required.
Concerns about dogs off-leash on the main sports field causing safety and hygiene issues for athletes and sports users.	Noted – out of scope. No amendment required. Nowra Showground Master Plan seeks to remove off leash access from the Main Oval, and the off-leash area would be limited to the eastern sports field. To be implemented following the completion of an REF.
Strong support for relocating off-leash dog activity to a dedicated area to protect the main sports field.	Noted – out of scope. No amendment required. Nowra Showground Master Plan seeks to remove off leash access from the Main Oval, and the off-leash area would be limited to the eastern sports field. To be implemented following the completion of an REF.
Mixed views on camping; some support current arrangements while others feel caravans negatively impact the Showground's appearance and atmosphere.	Noted. No amendment proposed.
Noise, lighting, and early/late activity impacts on adjacent residents; requests for better regulation and notification of events.	All events to be undertaken in accordance with the noise level requirements in Council's <i>Events Policy</i> . No amendment required.
Support for development of children's play equipment similar to Boongaree in Berry, especially in light of the Riverfront precinct development.	Development of a playground supported by PoM. No amendment required. Playground is proposed in the adopted Nowra Showground Master Plan.
Request for stronger enforcement and regulation to prevent dog waste on sports fields.	Noted – out of scope. No amendment required. Nowra Showground Master Plan seeks to remove off leash access from the Main Oval, and the off-leash area would be limited to the eastern sports field. To be implemented following the completion of an REF.


Key Theme	Response
Concerns about Coral trees being non-native, dropping branches, and posing a fire risk; request for their removal and replacement with more suitable species.	Noted – out of scope. No amendment required. Coral trees are supported for retention in the Nowra Showground Master Plan due to their shade and aesthetics.
Request for time restrictions on noise-generating activities (e.g. car shows, bin collection, equipment movement) to protect residential amenity.	Council's <i>Events Policy</i> outlines that the events and associated operations will be assessed for their community impact in relation to noise. Therefore, this process is managed by the Policy. No amendment to the PoM is required.
Request for the Family Café toilets to be open 9am–5pm to support accessibility for people with disability.	Noted – operational matter. No amendment required. Referred to precinct operations team for consideration.
Request to upgrade and expand the rugby league toilet block to better accommodate visitors, especially caravanners.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required. Project not identified in the Nowra Showground Master Plan.
Request to maintain and improve access to Ben's Walk from all entry points.	Noted – out of scope. This portion of the Showground will come under the Natural Areas Plan of Management. No amendment required.
Concern that the Council storage shed is misrepresented in the Plan; it functions as a meeting room and should be acknowledged as such.	Reference to existing shed in the site plan is considered appropriate. No amendment required.
Request for the Plan to acknowledge traditional access points, such as the gate at the back of 43 West Street.	Not supported. Access is not available to the public. No amendment required.

Table 4. Milton Showground Plan of Management – Key Themes

Key Theme	Response
Need to review land categorisation and ensure consistency with current and historical uses.	SIGNIFICANT AMENDMENT All parcels have been recategorized to General Community Use to better align with the multifunctional nature of the Showground.
Support for establishing a Community Garden at Milton Showground to promote year-round use, social connection, and wellbeing.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Concern that the Draft Plan lacks specific, actionable short, medium, and long-term goals.	Noted. Action plans currently detail high level objectives to ensure that the use of the Showground continues to align with the core purpose of the reserve. There are not sufficient resources available to support and administer a more detailed action plan. The Action

Key Theme	Response
	Plans are deemed sufficient for their purpose. No amendment required.
Dog off-leash area is underrepresented in the Plan despite its importance to families and elderly residents. Plan omits recognition of current users like dog training clubs.	Milton Dog Training Club was invited to provide feedback on the draft PoM. The PoM does not explicitly list all known user groups of the facility. Activities undertaken by the Dog Training club and similar users are generally supported by the PoM. No amendment required.
Suggestion to limit year-round camping/caravanning to peak periods to support local holiday parks to encourage other uses such as events.	Both camping and events are permitted by the PoM. Not supported. No amendment required.
Request for improved infrastructure including a grandstand and recreation areas for children and teens (e.g. skate/bike paths).	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Suggestion to consolidate recreational infrastructure and improve multifunctional spaces.	Noted – out of scope. The suggested development/use is permitted under the Draft Plan of Management. No amendment required.
Opposition to Council having sole authority to issue leases/licences without input from the Milton Showground Management Committee and user groups.	Authority is permitted to Council under the <i>Crown Land Management Act 2018</i> . Council actively engages with the Management Committee and other user groups to inform leasing/licencing agreements. No amendment required.

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		Section 4.15 Assessment Report <i>Environmental Planning & Assessment Act 1979</i>	
<p><u>Conflict of interest declaration</u></p> <p>I have considered the potential for a conflict of interest under the Code of Conduct and to the best of my knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists.</p> <p><i>Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be countersigned by the Manager.</i></p>			
Assessing Officer		26/02/2026	
Peer Review Officer		25/03/2026	
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form? <i>Note: Where a pecuniary interest is identified ensure, appropriate actions are taken (e.g. blocking access to TRIM folder for affected staff)</i> <i>Note: For applications lodged by Council staff, Councillors and Council refer to POL22/149. A conflict of interest management statement may be required.</i>	No	
Councillor Representations		<i>Councillor</i>	<i>Date</i>
			<i>TRIM Reference</i>
Delegation Level Required	Council		
Report Recommendation	Refusal		
Development Description	Demolition and construction of a two-storey dwelling containing 14 bedrooms with en-suites, basement carpark and rooftop patio		
Variations Proposed	<input checked="" type="checkbox"/> DCP departure <ul style="list-style-type: none"> - Retaining wall height - 110% variation - Floor Space Ratio – 153% variation - Carparking - Streetscape Character - Visual and Acoustic Privacy - Cut & Fill - Waste management - Tree protection - Geotechnical stability 		

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	<input checked="" type="checkbox"/> Clause 4.6 exception - Building Height	
	Clause number	Clause 4.3 The development proposed exceeds the 8.5m height limit by as much as 0.6m to the top of the glass balustrade and 2.6m to the top of the removal sails on the roof.
	Percentage variation	31%
	Brief justification for the variation	The additional height to the structure is only to the rooftop balustrade and roof sails. The roof top balustrade will be made of frameless glass which does not contribute to the bulk of the building. The sails proposed are also lightweight and will be removal structures.
	Determination date	
DA Number	DA2026/1007	
PAN	PAN-603735	
Property Address	2 Barnett Street VINCENTIA NSW 2540 - Lot 65 DP 526875	
Applicant(s)		
Owner(s)		
Owner's consent provided?	Yes	
Is the proposal a Crown development application under Division 4.6 of the EP&A Act 1979?	No	
Date Lodged	9 January 2026	
Date of site inspection	25/03/2026	
Date clock stopped	13/02/2026	
Date clock started	Additional information requested was not supplied – clock still stopped	
Related Application in NSW Planning Portal?	<input type="checkbox"/> Concurrence and/or external agency referral (CNR) <input type="checkbox"/> HPC Contributions (CON) <input type="checkbox"/> Planning Panel (PPSSTH) <input type="checkbox"/> Section 68 (S68)	
Number of submissions	103	

1. Detailed Proposal

The application proposes demolition and construction of a two-storey dwelling with basement car park and rooftop terrace. The dwelling will include 14 bedrooms with en-suites and 5 additional bathrooms not associated with any of the bedrooms

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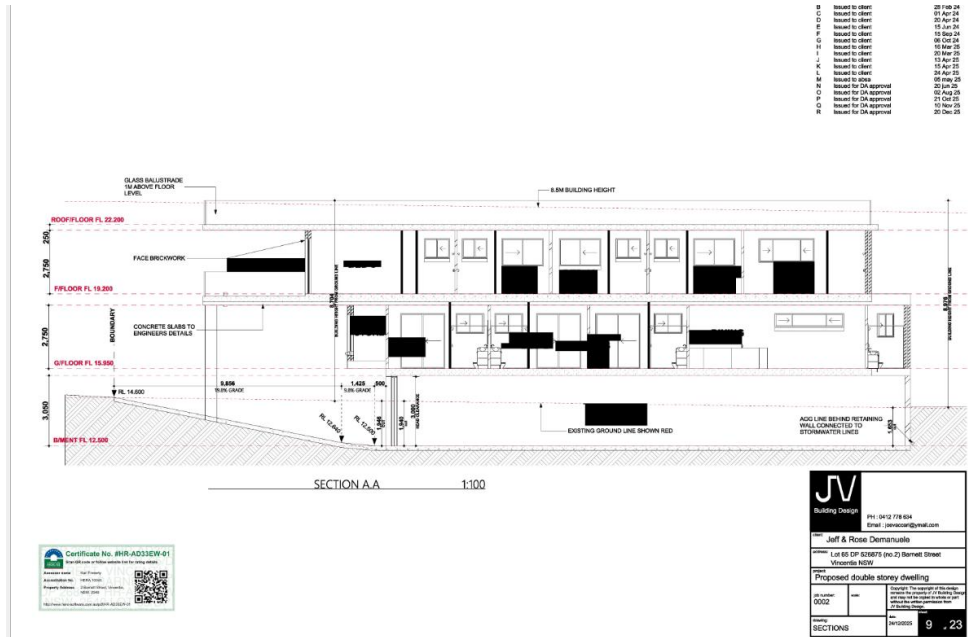


Figure 7: Section Plan

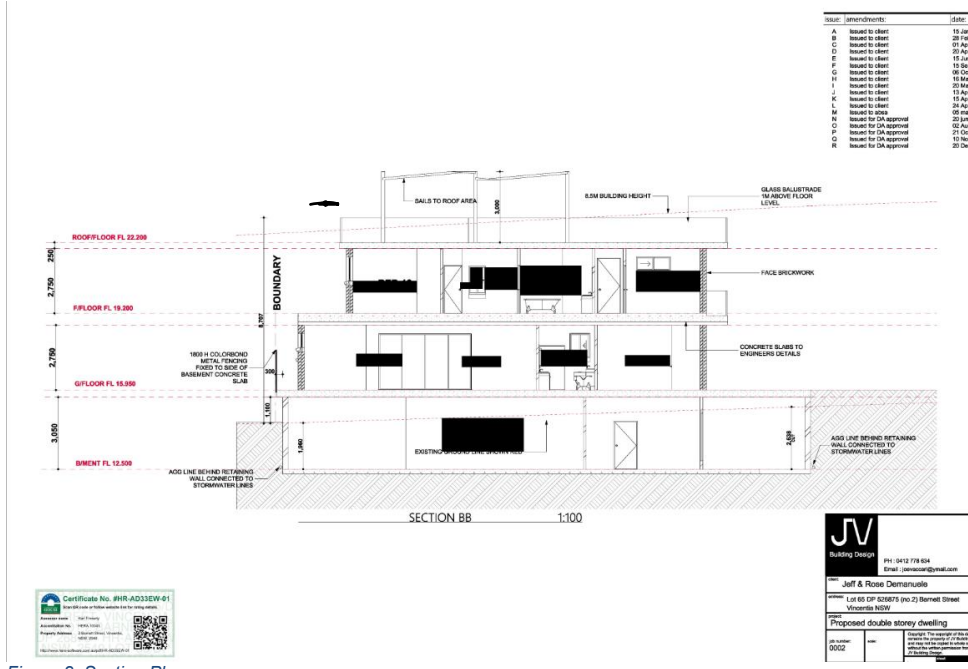


Figure 8: Section Plan

CL26.86 - Attachment 1

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The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
0002 – 1	-	Site Plan	J V Building Design	24/12/2026
0002 – 2	-	Basement Plan	J V Building Design	24/12/2026
0002 – 3	-	Ground Floor Plan	J V Building Design	24/12/2026
0002 – 4	-	First Floor Plan	J V Building Design	24/12/2026
0002 – 5	-	Roof Plan	J V Building Design	24/12/2026
0002 – 6	-	Elevation Plan Western	J V Building Design	24/12/2026
0002 – 7	-	Elevation Plan East	J V Building Design	24/12/2026
0002 – 8	-	Elevation Plan South/North	J V Building Design	24/12/2026
0002 – 9	-	Section AA Plan	J V Building Design	24/12/2026
0002 – 10	-	Section BB Plan	J V Building Design	24/12/2026
0002 – 11	-	Retaining Wall Section	J V Building Design	24/12/2026
0002 – 14	-	Site Management Plan	J V Building Design	24/12/2026
0002 – 15	-	Site Analysis Plan	J V Building Design	24/12/2026
0002 – 20	-	Demolition Plan	J V Building Design	24/12/2026

Documents			
Document title	Version number	Prepared by	Date of document
External Colour Schedule	-	-	23 June 2025
Basix Certificate	1798383S_02	Green Rate	8 December 2025

2. Subject Site and Surrounds

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Site Description

- The subject site –
 - Zoned R2 Low Density Residential
 - Frontage to Barnett Street Vincentia and secondary road frontage to Lambs Crescent Vincentia, Sanctuary Point
 - Located in a residential street, predominately of single dwellings and two storey dwellings.
 - Site slopes away from the street to the north east
 - Has reticulated power, water and sewer
 - Contains an existing dwelling and detached shed which is proposed to be demolished as part of this application.



Figure 9: Aerial imagery of subject site

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Figure 10: Aerial imagery of subject site



Figure 11: View of site from intersection of Lambs Crescent and Barnett Street

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Figure 12: View of site from Lambs Crescent



Figure 13: Tree on neighbouring property at 8 Lambs Crescent

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Summary of Site and Constraints

GIS Map Layer																				
	Lot Area	733.49m ²																		
	Zone	R2 Low Density Residential																		
	Does the land have a dwelling entitlement? <i>Note: for rural land refer to clause 4.2D of Shoalhaven LEP 2014.</i>	Yes																		
	Does the property adjoin Council, Crown, National Parks or other public reserve? <i>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</i>	No																		
Topographic Layer	Has appropriate survey information been provided? <i>Note: For residential development identified as “?” on the DA Requirements for Lodgement Checklist (DA Matrix), the following criteria should be used as a guide for when additional survey detail is required:</i>	Yes																		
	<table border="1"> <thead> <tr> <th>Development Type and setbacks</th> <th>Required Survey Information</th> </tr> </thead> <tbody> <tr> <td>Rural sheds/garages with setbacks >10m</td> <td>Builders' dumpy levels</td> </tr> <tr> <td>Rural sheds/garages with setbacks >5m</td> <td>Spot levels and identification survey</td> </tr> <tr> <td>Rural sheds/garages with setbacks <5m</td> <td>Part survey of affected areas</td> </tr> <tr> <td>Urban sheds with setbacks >1.2m</td> <td>Spot levels</td> </tr> <tr> <td>Urban sheds with setbacks <1.2m</td> <td>Detailed / Part survey</td> </tr> <tr> <td>Carports with setbacks <1.2m</td> <td>Identification survey</td> </tr> <tr> <td>Urban retaining walls</td> <td>Detailed survey</td> </tr> <tr> <td>Rural retaining walls</td> <td>Survey information as necessary</td> </tr> </tbody> </table>	Development Type and setbacks	Required Survey Information	Rural sheds/garages with setbacks >10m	Builders' dumpy levels	Rural sheds/garages with setbacks >5m	Spot levels and identification survey	Rural sheds/garages with setbacks <5m	Part survey of affected areas	Urban sheds with setbacks >1.2m	Spot levels	Urban sheds with setbacks <1.2m	Detailed / Part survey	Carports with setbacks <1.2m	Identification survey	Urban retaining walls	Detailed survey	Rural retaining walls	Survey information as necessary	
	Development Type and setbacks	Required Survey Information																		
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	Rural sheds/garages with setbacks <5m	Part survey of affected areas																		
	Urban sheds with setbacks >1.2m	Spot levels																		
	Urban sheds with setbacks <1.2m	Detailed / Part survey																		
	Carports with setbacks <1.2m	Identification survey																		
	Urban retaining walls	Detailed survey																		
Rural retaining walls	Survey information as necessary																			
Fall direction of land	Fall of land away from street																			
Slope of land >20%?	No																			
Site Inspection	Works within proximity to electricity infrastructure?	No																		
	Is the development adjacent to a classified road ?	No																		
	Is the development adjacent to a rail corridor ?	No																		

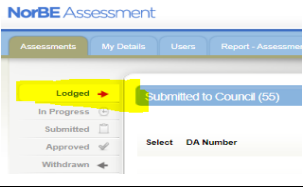
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Eastern Gas High Pressure Pipeline (Jemena)	<p>Site within proximity to the eastern gas high pressure pipeline?</p> <ul style="list-style-type: none"> within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or within 20m of the centreline (measured radially) of a relevant pipeline, or within 20m of land the subject of an easement for a relevant pipeline. 	No
Utility Network	Access to reticulated sewer?	Yes
	<p>Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?</p> <div style="border: 1px solid #ccc; padding: 5px;"> <input checked="" type="checkbox"/> Sewer Pressure Mains > <ul style="list-style-type: none"> — Rising Main - - Surcharge Main - - Low Pressure Sewer Main — Under Construction </div>	No
	<p>Building over sewer policy applicable?</p> <p><i>Note: Zones of influence can differ based on soil type (e.g., sandy soils vs clay soils). If unsure discuss with Shoalhaven Water.</i></p>	No
	Access to reticulated water?	Yes
	Does the proposal impact on any critical water or sewer infrastructure (e.g. REMS, water, sewer layers)?	No
	Does the proposal increase dwelling density and demand on water or sewer services (e.g. secondary dwelling, dual occupancy, multi dwelling housing, subdivision)?	Yes - Referral to Shoalhaven Water required.
	<p>On-site sewage management (OSSM) - Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?</p> <p><i>Note: Ensure you have adequate information about the location of existing OSSM systems</i></p>	N/A
	<p>On-site sewage management (OSSM) - Do effluent management areas (EMA) or effluent disposal areas (EDA) adopt suitable buffers to water mains and other potable drinking water infrastructure.</p> <p><i>Note: EMA/EDAs should be located at least 20m away from a downstream water main and at least 10m from an upstream water main.</i></p>	N/A
E n v i r o n m e n t	Aboriginal Cultural Heritage	No

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	Bush Fire	No
	Coastal Hazard Lines (applies to location of proposed development)	No
	Coastal Hazard Area	No
	Potentially Contaminated Land	No
	Flood <i>Note: There are several catchments that have not have flood studies conducted. Sites outside of the flood study area may still be subject to flooding. Refer to advisory note on p.3 of Chapter G9 of Shoalhaven DCP 2014.</i> <input checked="" type="checkbox"/> Flood Data <input checked="" type="checkbox"/>  Flood Studies	No
Planning Layers	Development on waterfront land (i.e. within 40m of a watercourse) <i>Note: A Controlled Activity Approval (CAA) may be required for works within 40m of a watercourse. The Waterfront land e-tool can be used to determine if a CAA is required.</i>	No
	Development Control Plan - Area Specific Chapters	No
	Draft Exhibited Planning Proposal	No
	Shoalhaven LEP (Jerberra Estate) 2014	No
	Acid Sulfate Soils	Class 5
	Buffers	No
	Terrestrial Biodiversity	No
	Local Clauses <ul style="list-style-type: none">Clause 7.20 – Development in the Jervis Bay region	Yes
	Coastal Risk Planning	No
	Heritage	No
	Scenic Protection	No
	Riparian Land and Watercourses <i>Note: Clause 7.6 applies to all land identified as "Riparian Land", "Watercourse", and all land within 50m of the top bank of a "Watercourse".</i>	No
	Sydney Drinking Water Catchment area (e.g. NorBE) <i>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</i>	No

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	<p><i>SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management</i></p>	<p>Yes</p> <ul style="list-style-type: none"> • Coastal Environment area • Coastal use area
	<p>Marine Park Estate</p>	<p>No</p>
<p><u>BV Map</u></p>	<p><i>Biodiversity Values Map</i></p>	<p>No</p>

Site Inspection Observations

Refer to site inspection report.

Deposited Plan and 88B Instrument

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

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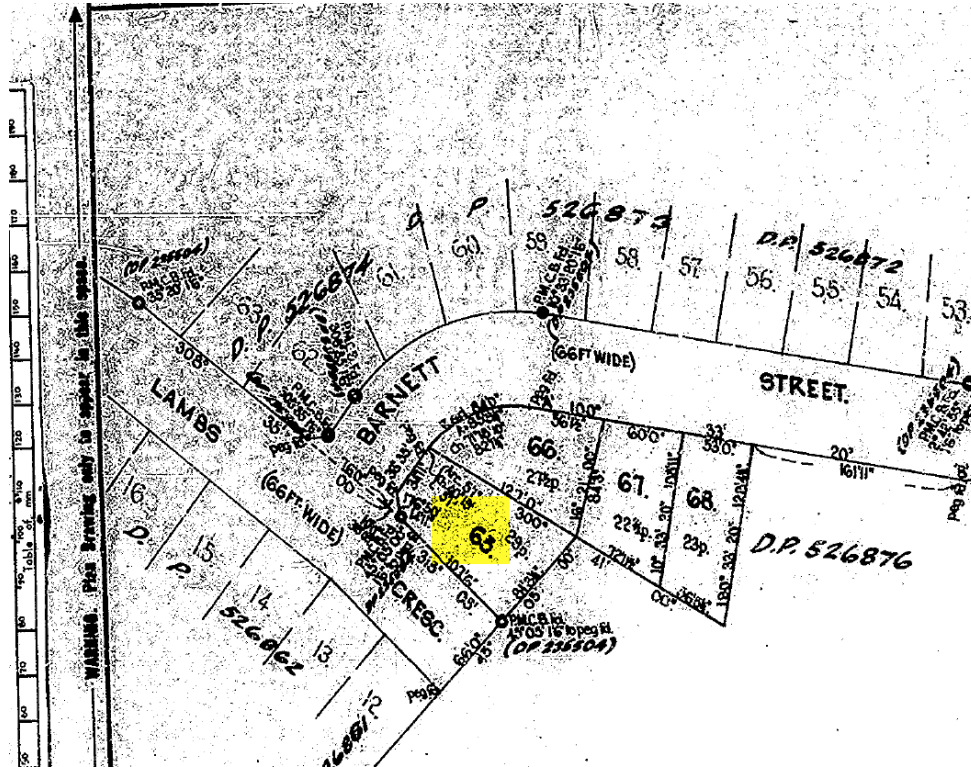


Figure 14: Copy of Deposited Plan

3. Background

Pre-Lodgement Information

N/A

Post-Lodgement Information

The applicant was requested to provide amended plans and additional information to address the following issues within 21 days to support their application. This information has not been provided.

- A revised Clause 4.6 statement to address non-compliance with Clause 4.3 – the Height of Buildings development standard
- A geotechnical report to ensure that the proposed excavation will not require dewatering of the site and not adversely impact the integrity of adjoining land
- A basement layout plan to identify the proposed number of car spaces
- Updated elevation plans to identify proposed fencing
- A statement addressing key DCP non-compliances
- Accurate gross floor area calculations
- An accurate estimated cost of development (Council staff are concerned that the applicant has underquoted and not paid the correct application fees)

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Site History and Previous Approvals

There is no site history relevant to this application.

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Shoalhaven Water Sent: 11/2/2026 Response: 4/3/2026	No objection subject to recommended conditions - Water Development Notice
Development Engineer Sent: 11/2/2026 Response: 25/2/2026	The application was deficient with regards to the following matters: <ul style="list-style-type: none"> - A geotechnical report is required to determine the impacts of excavation and basement construction - The location and size of the stormwater detention tank is not supported - Insufficient information is provided to determine if the driveway and basement are adequately serviced with a stormwater outlet - The size of the retaining walls exceeds Council's controls

5. Other Approvals

Integrated Development – N/A

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

The following provides an assessment of the submitted application against the matters for consideration under [Section 4.15](#) of the Environmental Planning and Assessment Act 1979.

(a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

(i) Environmental planning instrument

This report assesses the proposed development/use against relevant State, Regional and Local Environmental Planning Instruments and policies in accordance with Section 4.15 (1) of the *Environmental Planning and Assessment Act 1979*. The following planning instruments and controls apply to the proposed development:

Environmental Planning Instrument
Shoalhaven Local Environmental Plan 2014
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Sustainable Buildings) 2022

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State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

The subject land is mapped as coastal environment area and coastal use area under the SEPP.

It is considered that the proposed development does not unduly impact upon the coastal environment. The proposed development is acceptable with regard to SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development — BASIX

BASIX Certificate	
<p>Has the application been supported by an appropriate BASIX Certificate?</p> <p>Note: Residential development BASIX Certificates are required for:</p> <ul style="list-style-type: none"> Erection (but not the relocation of) of all new residential dwellings. Development that involves the change of use by which a building becomes a dwelling. Alterations and additions to dwellings that cost \$50,000 or more. Swimming pools and spas with a combined capacity of 40,000 litres or more. 	Yes
<p>Is the BASIX Certificate valid and has the DA been submitted within 3 months of date of issue of the BASIX Certificate?</p>	Yes
<p>Have BASIX commitments identified to be shown in the DA been shown on the DA plans?</p>	Yes

Shoalhaven Local Environmental Plan Local Environmental Plan 2014

Land Zoning

The land is zoned R2 Low Density Residential under the *Shoalhaven Local Environmental Plan 2014*.

Characterisation and Permissibility

The proposal is best characterised as Dwelling House under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

The development by way of its form, scale and density does not accord with the desired low density residential environment in the zone. The development is therefore contrary to objective (a) of the R2 Low Density Residential zone.

Applicable Clauses

Clause	Comments	Complies/ Consistent
Part 1 Preliminary		
Part 2 Permitted or prohibited development		

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2.7	Demolition is permitted but only with development consent.	Complies
Part 4 Principal development standards		
4.3	The height set by the Height of Buildings Map is 8.5m The development proposed exceeds the 8.5m height limit by as much as 0.6m to the top of the glass balustrade and 2.6m to the top of the removable sails on the roof.	Does not comply
4.6	A request to contravene clause 4.3 - the Height of Buildings development standard – has been submitted. The request is not supported. Further discussion is provided in the Council report.	Does not comply
Part 5 Miscellaneous provisions		
Part 7 Additional local provision		
7.2	Consideration has been given to the matters outlined in clause 7.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately.	Does not comply Insufficient information has been provided
7.11	All relevant services are available to the site. There is suitable vehicle access to the site.	Complies

ii) **Draft Environmental Planning Instrument**

The proposal is not inconsistent with any [draft environmental planning instruments](#).

iii) **Any Development Control Plan**

[Shoalhaven Development Control Plan 2014](#)

Generic DCP Chapter	
G1: Site Analysis, Sustainable Design and Building Materials	
<i>Has the application been supported by a suitable site / site analysis plan?</i>	Yes
<i>Have appropriate details of colours and materials been submitted with the application?</i>	Yes
G2: Sustainable Stormwater Management and Erosion/Sediment Control	
<i>Has the application been supported with appropriate erosion and sediment control details?</i>	No – conditions of consent would be recommended were the application to be approved

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<p><i>Does the development require on site detention (OSD) to be provided?</i></p>	<p>Yes</p>
<p><i>Has the application been supported appropriate stormwater drainage details?</i></p> <p>Stormwater</p> <p>The following is to be addressed with respect to stormwater:</p> <ul style="list-style-type: none"> a) Subsoil drainage for all retaining walls is to be shown on the plans, where changes are required to the retaining wall location. b) The run Drains model for the 1%, 5% and 20% AEP events is to be provided per DCP Chapter G2 A5.1. c) It is not clear that the driveway levels will allow suitable grade to the pipes from the rainwater tanks to the kerb outlet. In this respect a long-section of each side of the driveway is to be provided from the edge of bitumen to the basement complying with Council's Standard Drawing 2026-09. 	<p>Does not comply</p>

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Question	Yes	No	
1. Is the application for alterations and additions attached to an existing building?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	<input checked="" type="checkbox"/> Proceed to Question 2
2. Is the proposed development on a large rural allotment where it is appropriate to disperse stormwater on site?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to a level spreader.	<input checked="" type="checkbox"/> Proceed to Question 3
3. Can stormwater be drained to the street via gravity?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to street.	<input checked="" type="checkbox"/> Proceed to Question 4
4. Can stormwater be drained to an existing inter-allotment drainage easement?	<input type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed to existing drainage easement.	<input checked="" type="checkbox"/> Proceed to Question 5
5. Does the application include the creation of a proposed inter-allotment drainage easement?	<input type="checkbox"/>	Referral required to development engineers.	<input checked="" type="checkbox"/> Proceed to Question 6
6. Is a charged stormwater drainage system proposed?	<input type="checkbox"/>	Proceed to Question 7	<input checked="" type="checkbox"/> Proceed to Question 8

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<p>7. If charged stormwater drainage is proposed, have suitable efforts been made to demonstrate that drainage to the street via gravity or creation of a drainage easement is not possible.</p> <p><i>Note: A2.1 of Chapter G2 of Shoalhaven DCP 2014 outlines the necessary steps to be satisfied that stormwater drainage via gravity or creation of an inter-allotment drainage easement is not possible. An easement request letter is available on Council's website.</i></p> <p><i>Note: Where an easement refusal letter is submitted it must indicate that a reasonable amount of compensation has been offered for the proposed drainage easement and that the advantages of creating as easement were explained to the affected landowner.</i></p>	<input type="checkbox"/>	<p>Discuss with supervisor or development engineer</p>	<input checked="" type="checkbox"/>	<p>Applicant must submit information demonstrating how proposed development complies with A2.1 in Chapter G2.</p>
<p>8. Is on-site stormwater absorption trench proposed and is Council satisfied that all other avenues of stormwater disposal have been exhausted?</p> <p><i>Note: As outlined in Chapter G2 of Shoalhaven DCP 2014 absorption trenches should only be utilised as a last resort.</i></p>	<input type="checkbox"/>	<p>Proceed to Question 9</p>	<input type="checkbox"/>	<p>Does not comply - Insufficient stormwater details have been provided.</p>
<p>9. Have absorption trenches been shown on the plans and has the application been supported by a suitable geotechnical report for the absorption trenches?</p>	<input type="checkbox"/>	<p>Discuss with supervisor or development engineer</p>	<input checked="" type="checkbox"/>	<p>Does not comply – additional stormwater drainage details and a geotechnical report for the absorption trenches is required as per <i>Chapter G2 of Shoalhaven DCP 2014</i></p>
<p><u>G3:</u> Landscaping Design Guidelines</p>				
<p><i>Is existing/proposed landscaping appropriate?</i></p>				<p>Insufficient details have been provided indicating any landscaping proposed.</p>
<p><i>Does the proposal impact on any street trees?</i></p>				<p>No</p>
<p><u>G4:</u> Tree and Vegetation Management</p>				
<p><i>Have any trees proposed to be removed been clearly shown on the site plan (where required)?</i></p>				<p>No</p>

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	<p>It does appear from the plans that two trees will be required to be removed.</p> <p>Not shown on plans</p>
<p><i>Does the development encroach into the Tree Preservation Zone (TPZ) or Structural Root Zone (SRZ) of any trees to be retained (including trees on adjoining properties and within the road reserve)?</i></p> <p><i>Note: TPZ and SRZ encroachments can be calculated using the AS4970-2009 calculator.</i></p> <p><i>Note: Australian Standard AS4970 – 2009 sets out the methodology for calculating TPZ and SPZ.</i></p> <p><i>Note: Where there are major encroachments into the TPZ or the SRZ an arborist report (prepared by a level 5 consulting arborist) demonstrating that the development will ensure that the tree remains viable.</i></p>	<p>Yes. The development may impact TPZ or SRZ of the tree located on 8 Lambs Crescent Vincentia</p>
<p>G5: Biodiversity Impact Assessment</p>	
<p><i>Is the proposal satisfactory with regard to biodiversity impacts?</i></p>	<p>Yes</p>
<p>G7: Waste Minimisation and Management Controls</p>	
<p><i>Has the application been supported by an appropriate waste minimisation and management plan?</i></p>	<p>No – It is unlikely that Council's standard waste collection services will meet the demands generated by a development of this scale</p>
<p>G12: Dwelling Houses and Other Low Density Residential Development</p>	
<p>See Appendix A</p>	
<p>G21: Car Parking and Traffic</p>	
<p>Number of on-site car parking spaces required by Section 5.1 of Chapter G21</p>	<p>Number of car parking spaces provided</p>
<p>2</p>	<p>2</p>
<p><i>Have car parking spaces been clearly shown on the site plan?</i></p>	<p>No</p>
<p><i>Is the slope of any driveway access suitable?</i></p> <p><i>Note: The Maximum and Minimum Garage Floor Levels tool (D20/329669) can be used to calculate if the slope of a driveway access is suitable. The calculator will only calculate the</i></p>	<p>No</p> <p>Insufficient information has been provided</p>

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<p><i>required minimum and maximum garage floor levels. Driveway slope to be as per the gradients shown on the longitudinal section diagrams.</i></p> <p style="text-align: center;">Maximum Garage Floor Height - High Level Garage</p> <p style="text-align: center;">Minimum Garage Floor Height - Low Level Garage</p> <p style="text-align: center;">Longitudinal Section</p>	<p>to demonstrate compliance with the control</p>
<p><i>Does the proposed development require the provision of kerb and gutter?</i></p> <p><i>Note: Table 3 in Chapter G21 requires that kerb and gutter be provided for dual occupancy and medium density development. There is no kerb and gutter requirement for low density residential development (e.g. alterations and additions, single dwellings, secondary dwellings)</i></p>	<p>No - Development is low density and does not require kerb and gutter</p>
<p>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</p>	
<p><i>Is the development suitable with regard to acid sulfate soils?</i></p>	<p>Yes</p>
<p><i>Geotechnical and structural engineering reports been provided regarding geotechnical constraints on the site, and all appropriate constraints and remedial actions required before, during and after the carrying out of the development are identified.</i></p>	<p>No – insufficient information has been provided</p>

iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements applying to this application.

iv) Environmental Planning and Assessment Regulation 2021

<p><u>Clause 62</u></p>	<p><i>Does the application result in a change of use of an existing building but does not propose any building works?</i></p>	<p>No</p>
<p><u>Clause 64</u> Partial Upgrade</p>	<p><i>Does the application involve alterations or additions to an existing building?</i></p>	<p>No</p>

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Clause 64 Total Upgrade	Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?	No
---	---	----

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.


Any coastal zone management plan

The proposed development is consistent with the applicable [coastal zone management plans / coastal management programs](#).

Other Shoalhaven Council Policies

State Contributions																						
<p>Does the proposed development trigger the Housing and Productivity Contribution (HPC)?</p> <p><i>Note: If the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal. The calculation needs to be reviewed and confirmed in the Portal.</i></p> <p><i>Note: HPC is implemented via Ministerial planning orders. Different Orders apply for development lodged before 1/7/2024. See the NSW Government webpage for further information.</i></p> <p><i>Note: The Housing and Productivity Contributions Guide to the Ministerial Planning Order provides examples and guidance for calculating HPC.</i></p> <table border="1" data-bbox="327 981 619 1355"> <thead> <tr> <th colspan="3" data-bbox="327 981 619 1025">Central Coast, Illawarra Shoalhaven and Lower Hunter</th> </tr> <tr> <th data-bbox="327 1025 438 1070">Development class</th> <th data-bbox="438 1025 502 1070">Amount</th> <th data-bbox="502 1025 619 1070">Unit</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 1070 438 1126">Residential subdivision</td> <td data-bbox="438 1070 502 1126">\$8,000</td> <td data-bbox="502 1070 619 1126">new dwelling lot</td> </tr> <tr> <td data-bbox="327 1126 438 1205">Medium or high-density residential development</td> <td data-bbox="438 1126 502 1205">\$6,000</td> <td data-bbox="502 1126 619 1205">new dwelling</td> </tr> <tr> <td data-bbox="327 1205 438 1261">Manufactured home estate</td> <td data-bbox="438 1205 502 1261">\$6,000</td> <td data-bbox="502 1205 619 1261">new dwelling site</td> </tr> <tr> <td data-bbox="327 1261 438 1317">Commercial development</td> <td data-bbox="438 1261 502 1317">\$30</td> <td data-bbox="502 1261 619 1317">square metre of new GFA</td> </tr> <tr> <td data-bbox="327 1317 438 1355">Industrial development</td> <td data-bbox="438 1317 502 1355">\$15</td> <td data-bbox="502 1317 619 1355">square metre of new GFA</td> </tr> </tbody> </table> <p><i>Note: The Ministerial planning orders provide excluded lots and credits in some instances. When calculating HPC ensure that these are considered.</i></p>	Central Coast, Illawarra Shoalhaven and Lower Hunter			Development class	Amount	Unit	Residential subdivision	\$8,000	new dwelling lot	Medium or high-density residential development	\$6,000	new dwelling	Manufactured home estate	\$6,000	new dwelling site	Commercial development	\$30	square metre of new GFA	Industrial development	\$15	square metre of new GFA	No
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Industrial development	\$15	square metre of new GFA																				
Local Contributions																						
Is the development site an " old subdivision property " identified in Shoalhaven Contributions Plan 2019?	No																					
Is the proposed development considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 ?	No																					

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<p>Where s7.11 contributions are raised for residential development, have they been capped (where required) as per the Ministerial Direction?</p>		N/A								
	<table border="1"> <thead> <tr> <th></th> <th>Capped Rate (per dwelling/lot)</th> </tr> </thead> <tbody> <tr> <td>Infill residential development (Section 6 of Direction)</td> <td>\$20,000.00</td> </tr> <tr> <td>Greenfield residential development (Schedule 2 of Direction) <i>Note: The Direction Amendment dated 7/12/2021 incorporates the Moss Vale Road North and South Urban Release Areas (i.e. Badagarang) into Schedule 2. A \$30,000.00 cap is applicable to these URAs..</i></td> <td>\$30,000.00</td> </tr> <tr> <td>Land where there is no cap (Schedule 1 of Direction)</td> <td>No Cap</td> </tr> </tbody> </table>		Capped Rate (per dwelling/lot)	Infill residential development (Section 6 of Direction)	\$20,000.00	Greenfield residential development (Schedule 2 of Direction) <i>Note: The Direction Amendment dated 7/12/2021 incorporates the Moss Vale Road North and South Urban Release Areas (i.e. Badagarang) into Schedule 2. A \$30,000.00 cap is applicable to these URAs..</i>	\$30,000.00	Land where there is no cap (Schedule 1 of Direction)	No Cap	
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<p><i>Note: Section 6 of the Environmental Planning and Assessment (Local Infrastructure) Direction 2012 (most recent consolidated version of Direction is available here – noting that this does not consolidate subsequent or future amendments to the Direction) sets the capped rate for residential development.</i></p> <p><i>Note: Where s7.11s are capped, the 'Apportion Cap' rate must be updated to the correct amount and selected.</i></p> <p>Developer Contributions - Calculation: 6340</p> 										
<p>Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)</p>		Yes - See Shoalhaven Water Development Application Notice.								

The proposed development is for the construction of a residential dwelling house, contributions are not applicable

(b) The significant likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

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Head of Consideration	Comment
Natural Environment	The proposed development will have a significant adverse impact on the natural environment.
Built Environment	The proposed development will have a significant adverse impact on the built environment.
Social Impacts	The proposed development will not have a negative social impact in the locality.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

(c) Suitability of the site for the development

The site is not considered suitable for the proposed development.

For the reasons listed for refusal, the site is not suitable for the proposed development.

(d) Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. 103 submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Reasons for Determination
Mischaracterisation of the Proposed Use	The application was lodged for use as a residential dwelling. The applicant provided a letter supporting the use as a dwelling.
Inadequate Statement of Environmental Effect	The applicant was requested to revise the Statement of Environmental Effects as the submitted SEE does not address key non-compliances with the proposal.
Incomplete and Deficient Plans	Insufficient information has been provided to support the application.
Non-compliance with Height	The proposed development exceeds the maximum height of building standard and is not supported.
Overdevelopment, Bulk and Scale	The development exceeds the maximum height and floor space ratio permitted for the site, an egregiously large and imposing building that would significantly detract from the existing and desired character and appearance of the streetscape.

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Impact on the amenity of the surrounding area	The proposed development is incompatible with, and will have an adverse impact on, the existing and desired future character and appearance of the locality by way of its height, bulk, scale, intensity, gross floor area, siting, cut-and-fill and form. The scale, design and elevation of the proposed roof terrace is incompatible with the existing form and character of the surrounding area and will have an adverse visual and acoustic impact on the amenity and privacy of neighbouring properties.
Overshadowing	The proposed shadow diagrams do not include shadows from existing structures. Notwithstanding it is unlikely that the building would adversely overshadow neighbours during midwinter.
Landscaping – insufficient with no deep soil area for planting	The applicant failed to provide additional information to address minimum deep soil and landscaping requirements during the assessment of the application.
Basement Car Parking and Traffic Impacts	Insufficient information has been provided to determine the number of car spaces within the basement. It is likely that the development would result in significantly greater traffic and parking demand compared to typical low density residential development.
Excessive Cut and Fill	The building and excavation result in excessive cut and fill on site and is not supported.
Waste Management Deficiencies	It is unlikely that Council's standard waste collection would accommodate the demand caused by a dwelling of this size.
Fence Height and Visual Impact	Insufficient information was provided to determine the impacts of the proposed fencing.
Stormwater and Drainage	Insufficient information has been provided to ensure that the development would not have an adverse impact on stormwater flows from the site and into the surrounding area.
Fire Safety Concerns	A residential dwelling is not required to provide any dedicated fire stairs or fire strategies.
Safety Concerns	Council does not envisage any safety concerns in relation to the occupation of the proposed development.

(e) The Public Interest

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The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is **not** in the public interest.

Delegations

<i>Are any clause 4.6 exceptions proposed?</i>		Yes
<i>Development Standard</i>	<i>Numerical Extent of Departure</i>	<i>Percentage (%) Extent of Departure</i>
Clause 4.6 - Height of Buildings Extent of the Variation The development proposed exceeds the 8.5m height limit by as much as 0.6m to the top of the glass balustrade and 2.6m to the top of the removal sails on the roof. The building structure (concrete roof) is below the 8.5m building height limit.	2..6m	31%
<i>Are any DCP performance-based solutions proposed?</i>		Yes
<i>Acceptable Solution</i>	<i>Numerical Extent of Departure</i>	<i>Percentage (%) Extent of Departure</i>
Gross floor area A16.1 The maximum floor space ratio in the R2 – Low Density Residential zone is 0.5:1 (366.75m ²)	Due to insufficient information, the proposed development will have an estimated floor space ratio of 1.26:1 (929m ²)	153%
Retaining Wal Height - basement Extent of the Variation The development proposed has a basement carpark below the building. The proposed cut to the basement is approx. 2.1m at the most down to approx. 1.6m at the least cut. Basement wall on the eastern boundary will be constructed above ground at the highest point of approx. 1500mm.	1.1m	110%

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Guidelines for use of Delegated Authority

The Guidelines for use of Delegated Authority have been reviewed and the assessing officer does not have the Delegated Authority to determine the Development Application.

As the application proposes to vary Clause 4.3 – the Height of Buildings standard by more than 10%, the application must be determined by Council.

Recommendation

This application has been assessed having regard for Section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*. As such, it is recommended that the application be **refused** for the following reasons:

Reasons for Refusal

1. The application has failed to demonstrate that compliance with the maximum 8.5 metre building height under clause 4.3 – the Height of Buildings development standard – is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention. As such, development consent must not be granted as it is inconsistent with the following planning controls:
 - Shoalhaven Local Environmental Plan 2014
 - Clause 4.3 – Height of Buildings
 - Clause 4.6 – Exceptions to development standards

2. The proposed development is incompatible with, and will have an adverse impact on, the existing and desired future character and appearance of the locality and R2 Low Density Residential zone by way of its height, bulk, scale, intensity, gross floor area, siting, cut-and-fill and form. The development is therefore contrary to the following planning controls:
 - Shoalhaven Local Environmental Plan 2014
 - Clause 2.3(2) – Zone objectives and Land Use Table
 - Shoalhaven Development Control Plan 2014 – Chapter G12
 - Clause 5.2 – Orientation and Siting
 - Clause 5.3 – Local Character and Context
 - Clause 6.1.1 – Density
 - Clause 6.1.2 – Height and Setbacks
 - Clause 6.3.1 – Building Design & Form

3. The scale, design and elevation of the proposed roof terrace is incompatible with the existing form and character of the surrounding area and will have an adverse visual and acoustic impact on the amenity and privacy of neighbouring properties. The development is therefore contrary to the following planning control:
 - Shoalhaven Development Control Plan 2014
 - Chapter G12 Clause 5.5 Visual & Acoustic Privacy

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4. Insufficient information has been provided by way of geotechnical and structural engineers' reports to demonstrate that the proposed basement excavation will not disrupt or have a detrimental effect on drainage patterns and soil stability in the locality of the development, effect the existing and likely amenity of adjoining properties or recommend appropriate measures to avoid, minimise or mitigate impacts. The development is therefore contrary to the following planning controls:

Shoalhaven Local Environmental Plan 2014

- o Clause 7.2 – Earthworks
- o Chapter G26 Clause 5.2 Geotechnical – Site Stability

5. Insufficient information by way of arborist and structural engineer reports have been submitted to demonstrate that the proposed development will not adversely impact a mature tree located on an adjoining property. The development is therefore contrary to the following planning controls:

Shoalhaven Development Control Plan 2014

- o Chapter G4 Clause 5.3.3 – Amenity Considerations

6. Insufficient information has been provided to identify the number and layout of car spaces within the proposed basement and that sufficient swept paths are provided for manoeuvrability. The development is therefore contrary to the following planning controls:

Shoalhaven Development Control Plan 2014

- o Chapter G21 Clause 5.3 – Parking, Layout and Dimensions

7. Insufficient information has been provided to demonstrate that the development will be properly serviced by Council's waste collection services. The development is therefore contrary to the following planning controls:

Shoalhaven Development Control Plan 2014

- o Chapter G7 Clause 5 – Controls

8. By way of the cumulative impact of the reasons listed above, the development is likely to have a significant adverse impact on both the natural and built environments in the locality. As such the site is not suitable for the proposed development.

9. For the reasons listed above, the development is not in the public interest.

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18/03/2026

Reviewers Comments

The application has been reviewed and the recommendations of the report are concurred with. Section 7.11 contributions (where applicable) have been reviewed and agreed to.

Lead - City Development
City Development
25/03/2026

Manager - City Development
City Development
[Click here to enter a date.](#)

CL26.86 - Attachment 1

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Appendix A – Assessment Checklist: Chapter G12: Dwelling Houses and Other Low Density Residential Development

Objectives of Chapter G12

The objectives of are to:

- i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity.
- ii. Maintain and enhance the amenity of existing and future residential areas.
- iii. Ensure development is compatible with the bulk, scale and character of the area, including scenic, landscape, pastoral or environmental qualities.
- iv. Set appropriate environmental criteria for energy efficiency, solar access, privacy, noise, vehicular access, parking, landscaping and open space.
- v. Ensure that development has due regard and is sympathetic to the physical constraints of the site.
- vi. Allow for efficient use of existing services and facilities, including utility services transport systems and community facilities.
- vii. Promote wider and more affordable housing choice in Shoalhaven. Implement agreed strategic directions and respond to demographic needs.

5 General Controls

5.1 Building Envelope

Is the proposed development wholly contained within the building envelope?

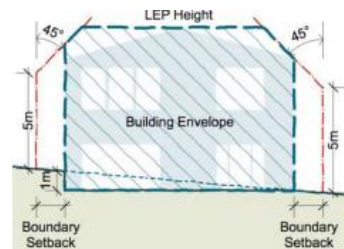
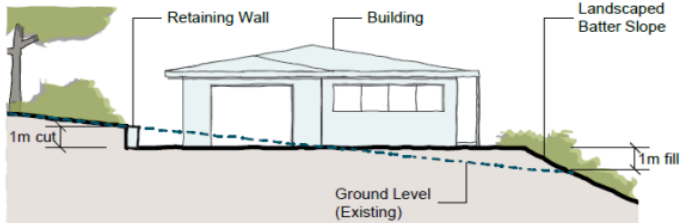


Figure 1: Building envelope

No
The roof top balcony and shade structure exceeds the height limit

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5.2 Orientation and Siting	
Does the proposed development respond to the constraints and opportunities of the site?	No
<p>Are proposed earthworks appropriate?</p> <p>Note: Acceptable Solution A3.1 limits cut and fill to 1m.</p>  <p>Figure 2: Maximum cut and fill</p>	No
Where retaining walls are located on the boundary does the application propose boundary fencing on top of the retaining wall?	Insufficient information provided
Are impacts to neighbouring properties from retaining walls and boundary fencing appropriate?	No
Are retaining walls of an appropriate height and scale?	No
Where retaining walls are located on the boundary is appropriate consent provided from adjoining property owners affected by the retaining wall?	No – Requested that all adjoining owners consent be provided
5.3 Local Character and Context	
Is the proposed development compatible with the existing and desired character of the area?	No

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	The proposed development is inconsistent with the existing character of the area
<i>Is the proposed development sympathetic to nearby and adjoining heritage items/conservation areas?</i>	N/A
5.4 Building Form, Design and Materials	
<i>Is the proposed development appropriately designed and articulated?</i>	No
<i>Has the application been supported by a material and colour schedule appropriate for the locality?</i>	Yes
5.5 Visual and Acoustic Privacy	
<i>Does the proposed development maintain appropriate visual privacy to adjoining properties?</i>	No
<i>Is external plant equipment appropriately located to minimise noise impacts to neighbouring properties?</i>	Yes
5.6 Solar and Daylight Access	
<i>Does the proposed development incorporate appropriate solar, water and energy efficiencies?</i>	Yes
<i>Does the proposed development ensure that at least 3 hours of direct sunlight between 9am and 3pm on June 21st of the following is maintained to adjacent dwellings?</i>	Yes, however the shadow diagrams do not illustrate existing shadows
<ul style="list-style-type: none"> • 10m² of private open space • 50% of windows and glazed doors of north facing living areas • Appropriate area of north facing roof and solar collectors 	
5.7 Vehicle and Pedestrian Access	
<i>Does the development provide appropriate vehicle and pedestrian access?</i>	Insufficient information has been provided demonstrating that the driveway meets

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	design standards for managing stormwater.
5.8 Trees and Vegetation	
<i>Does the proposal preserve existing vegetation where practicable and/or replace vegetation (as appropriate)?</i>	Yes. The proposed development may impact on the tree located on the property to the rear - 8 Lambs Crescent Vincentia
5.9 Servicing	
<i>Are all essential services available to the site?</i>	Yes
5.10 Water Management and Conservation	
<i>Is water and stormwater management for the development appropriate?</i>	No
5.11 Waste Management – Demolition and Construction	
<i>Will waste generated from demolition and construction be appropriately managed and disposed of?</i>	Yes, subject to further information
6 Dwelling Houses, Rural Worker’s Dwellings and Associated Development	
6.1 Principal Controls	
6.1.1 Density	
<i>The proposed development does not exceed a floor space ratio of 0.5:1 in the R1, R2, R5, RU5 or SP3 zones.</i>	The proposed development exceeds the maximum floor space ratio permitted
6.1.2 Height and Setbacks	
Zone	R2 Low Density Residential
Lot size	733.49m ²

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	Acceptable Solution	Proposed								
Building height (peak building height)	8.5m	The development proposed exceeds the 8.5m height limit by as much as 0.6m to the top of the glass balustrade and 2.6m to the top of the removal sails on the roof. The building structure (concrete roof) is below the 8.5m building height limit.								
Front setback	<table border="1"> <tr> <td>Front setback (to verandahs, awnings and patios)</td> <td>5m</td> </tr> <tr> <td>Front setback (to dwellings)</td> <td>6m</td> </tr> </table>	Front setback (to verandahs, awnings and patios)	5m	Front setback (to dwellings)	6m	<table border="1"> <tr> <td>Front setback (to verandahs, awnings and patios)</td> <td>5m</td> </tr> <tr> <td>Front setback (to dwellings)</td> <td>6.030m</td> </tr> </table>	Front setback (to verandahs, awnings and patios)	5m	Front setback (to dwellings)	6.030m
Front setback (to verandahs, awnings and patios)	5m									
Front setback (to dwellings)	6m									
Front setback (to verandahs, awnings and patios)	5m									
Front setback (to dwellings)	6.030m									
Secondary road frontage	3.5m	3.522m to ground floor 2.522m to second floor								
Side setback (s)	0.9m	0.950 to ground floor Basement car parking area located close to side boundaries <100mm								
Rear setback	3m (average)	3.2m – 3.4m ground floor 2.784m first floor								
6.2 Amenity										
6.2.1 Landscaping										

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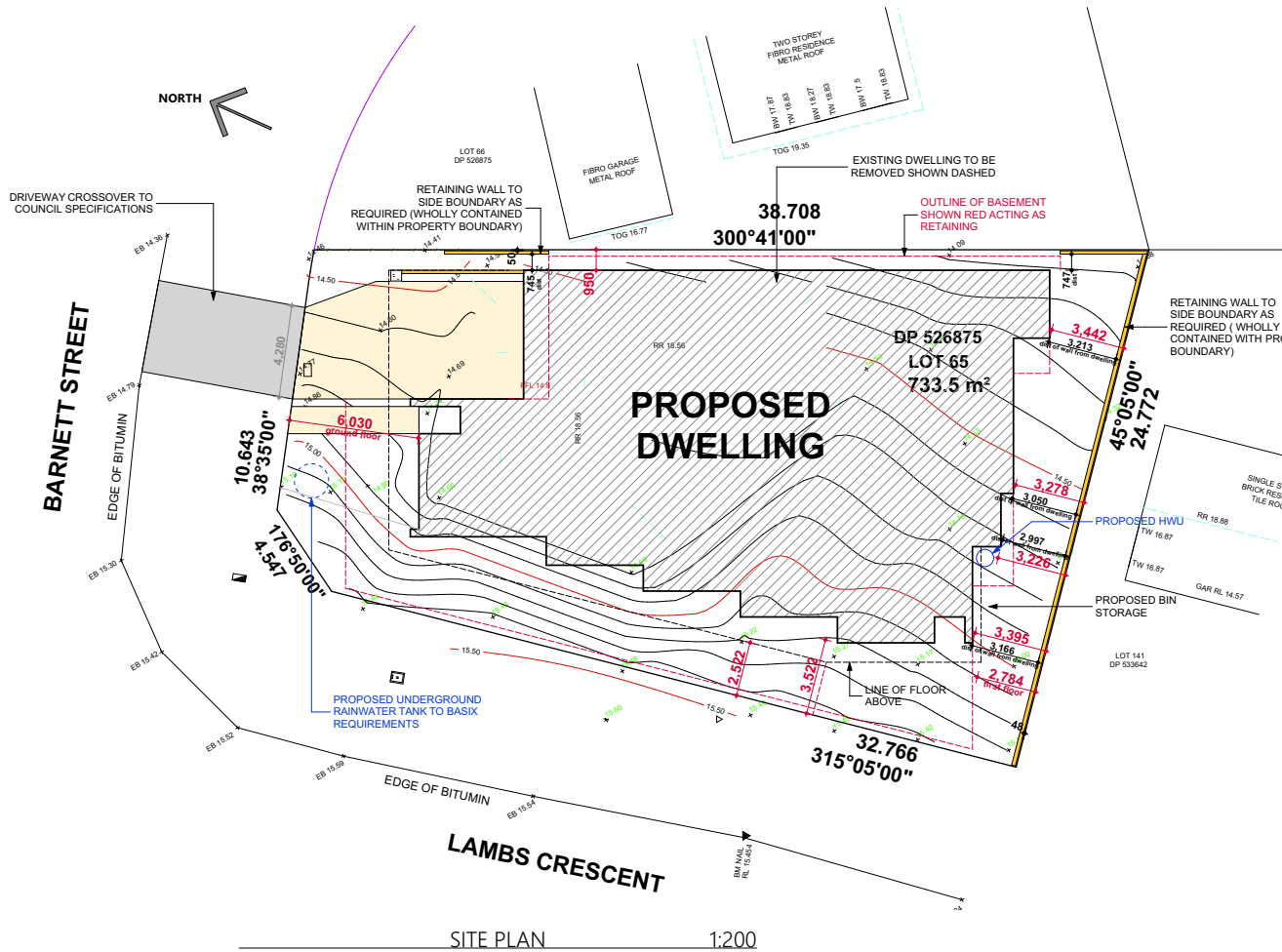
Minimum Landscaped Area	Acceptable Solution	Proposed														
<p>Note: The landscaped area excludes any encroachments (i.e. any part of a building or structure), hardstand areas and any areas used for storage, clothes drying, and water tanks.</p> <p>Table 3: Minimum landscaped area</p> <table border="1"> <thead> <tr> <th>Lot Area</th> <th>Minimum Landscaped Area (of lot area)</th> </tr> </thead> <tbody> <tr> <td>200m²–300m²</td> <td>10%</td> </tr> <tr> <td>>300m²–450m²</td> <td>15%</td> </tr> <tr> <td>>450m²–600m²</td> <td>20%</td> </tr> <tr> <td>>600m²–900m²</td> <td>30%</td> </tr> <tr> <td>>900m²–1,500m²</td> <td>40%</td> </tr> <tr> <td>>1,500m²</td> <td>45%</td> </tr> </tbody> </table>	Lot Area	Minimum Landscaped Area (of lot area)	200m ² –300m ²	10%	>300m ² –450m ²	15%	>450m ² –600m ²	20%	>600m ² –900m ²	30%	>900m ² –1,500m ²	40%	>1,500m ²	45%	<p>>30%</p>	<p>AREA SCHEDULE</p> <p>SITE AREA: 733.5sqm</p> <p>LANDSCAPED AREA</p> <p>REQUIREMENT: 30% (min) = 220.5sqm</p> <p>PROPOSED TOTAL: 240.61sqm / 32.8%</p>
Lot Area	Minimum Landscaped Area (of lot area)															
200m ² –300m ²	10%															
>300m ² –450m ²	15%															
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>600m ² –900m ²	30%															
>900m ² –1,500m ²	40%															
>1,500m ²	45%															
<p>Does the development provide appropriate landscaping?</p>		<p>No</p>														
<p>6.2.2 Private Open Space</p>																
<p>Does the development provide at least 50m² of appropriately dimensioned and sited private open space?</p>		<p>The development provides a large roof patio exceeding minimum private open space requirements. However, the patio is incompatible with the character of the surrounding area and is likely to have an adverse impact on the amenity and privacy of neighbours</p>														
<p>6.2.3 Storage and Laundry Facilities</p>																
<p>Does the development provide suitable laundry and clothes washing/drying facilities?</p>		<p>No</p>														

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	The proposed development has one laundry with washing machine and clothes dryer. The plans do not indicate that there will be any drying facility outdoor
<i>Does the development provide suitable internal storage areas?</i>	Yes
6.2.4 Car Parking	
<i>Does the development provide suitable car parking?</i>	Insufficient information has been provided to ensure compliance with minimum car parking standards
6.3 Configuration and Design	
6.3.1 Building Form, Design and Materials	
<i>Has the building been designed to incorporate appropriate building facades and entrances?</i>	No – the building form and scale is incompatible with the character of the surrounding area
<i>Does the development avoid garage dominated design?</i>	Yes
6.3.4 Fences and Walls	
<i>Is proposed fencing appropriate for the locality and is it compatible with the existing streetscape?</i>	No The proposed side fence 1.8m is proposed on top of a 1m high retaining wall. Insufficient information has been provided to determine the impact of the fence on the character and appearance of the streetscape

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6.3.5 Universal Design	
<i>Is the proposed development consistent with the principles of universal design and the Livable Housing Design Guidelines – Silver Level (where required)?</i>	No
6.3.6 Waste Management – Bin Storage, Presentation and Collection	
<i>Does the proposed development provide suitable bin storage locations screened or concealed from the street?</i>	Yes
<i>Does the site provide suitable kerbside frontage to enable kerbside bin collection? Note: at least 1m should be provided per waste/recycling bin with a 0.5m separation between each bin.</i>	Yes
7 Secondary Dwellings	
N/A – the application does not include the construction of a secondary dwelling.	
8 Ancillary Structures and Non-Habitable Structures on Vacant Land	
N/A – The application is for a new dwelling / alterations and additions to an existing dwelling and does not propose the construction of a any ancillary structures.	



issue:	amendments:	date:
A	Issued to client	15 Jan 23
B	Issued to client	28 Feb 24
C	Issued to client	01 Apr 24
D	Issued to client	20 Apr 24
E	Issued to client	15 Jun 24
F	Issued to client	15 Sep 24
G	Issued to client	06 Oct 24
H	Issued to client	16 Mar 25
I	Issued to client	20 Mar 25
J	Issued to client	13 Apr 25
K	Issued to client	15 Apr 25
L	Issued to client	24 Apr 25
M	Issued to absa	05 May 25
N	Issued for DA approval	20 Jun 25
O	Issued for DA approval	02 Aug 25
P	Issued for DA approval	21 Oct 25
Q	Issued for DA approval	10 Nov 25
R	Issued for DA approval	20 Dec 25

AREA SCHEDULE	
SITE AREA:	733.5sqm
LANDSCAPED AREA	
REQUIREMENT:	30% (min) = 220.5sqm
PROPOSED TOTAL:	240.61sqm / 32.8%

JV
Building Design
PH : 0412 778 634
Email : joevaccari@gmail.com

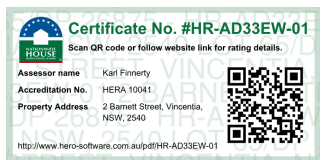
client: **Jeff & Rose Demanuele**

address: **Lot 65 DP 526875 (no.2) Barnett Street
Vincennes NSW**

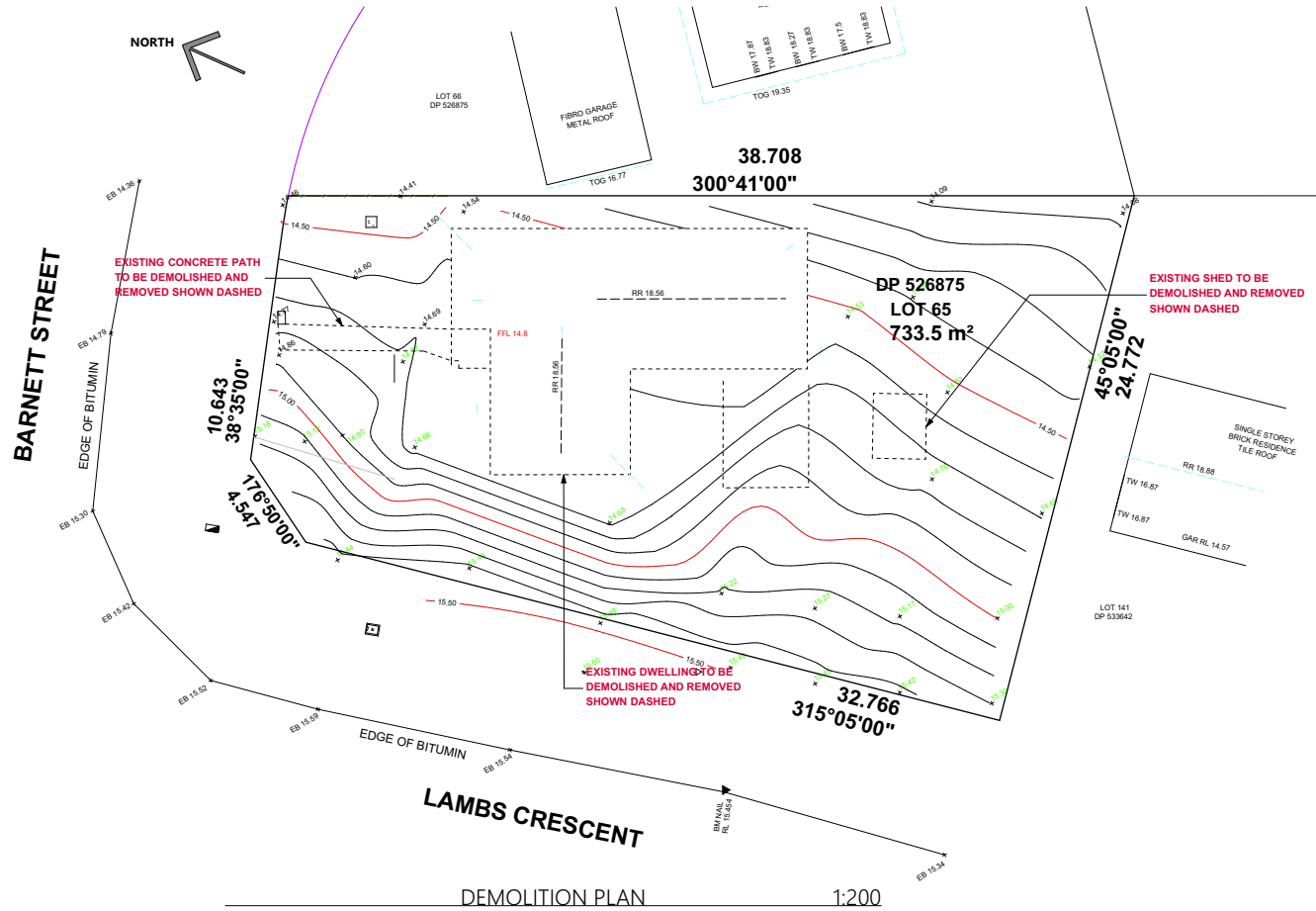
project: **Proposed double storey dwelling**

job number: **0002** note: Copyright: The copyright of this design remains the property of JV Building Design and may not be copied in whole or part without the written permission from JV Building Design.

drawing: **SITE PLAN** date: **24/12/2025** sheet: **1 of 23**

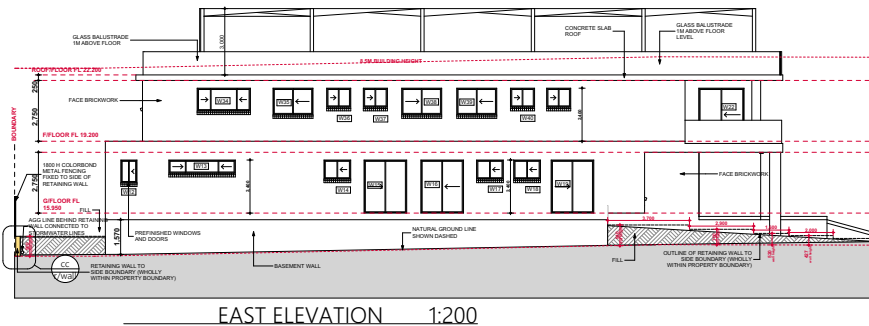
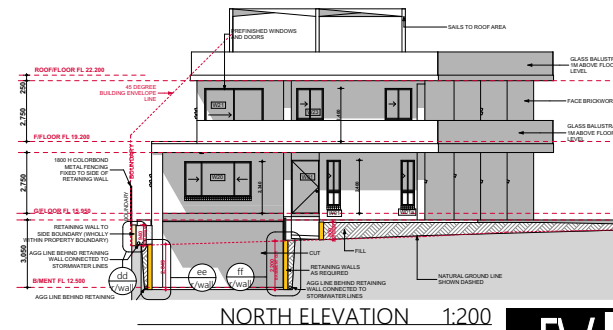
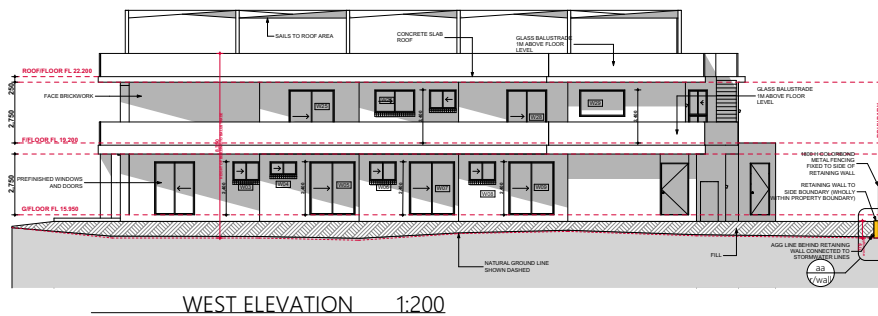
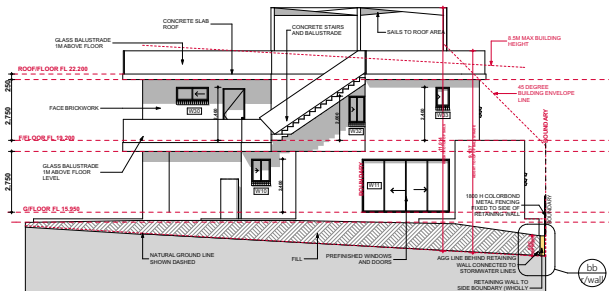
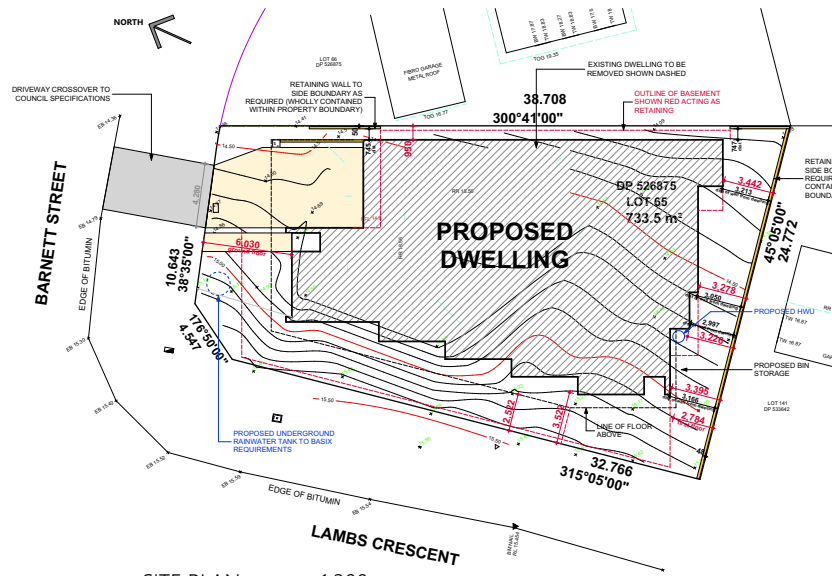


CL26.86 - Attachment 2



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		PH : 0412 778 634 Email : joevaccari@gmail.com	
		client: Jeff & Rose Demanuele	
address: Lot 65 DP 526875 (no.2) Barnett Street Vincentia NSW			
project: Proposed double storey dwelling			
job number: 0002	scale:	Copyright: The copyright of this design remains the property of JV Building Design and may not be copied in whole or part without the written permission from JV Building Design.	
drawing: DEMOLITION PLAN	date: 24/12/2025	20 of 23	



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Building Design
PH : 0412 778 634
Email : joevaccari@gmail.com

client:
Jeff & Rose Demanuele

address:
**Lot 65 DP 526875 (no.2) Barnett Street
Vincentia NSW**

project:
Proposed double storey dwelling

job number:
0002

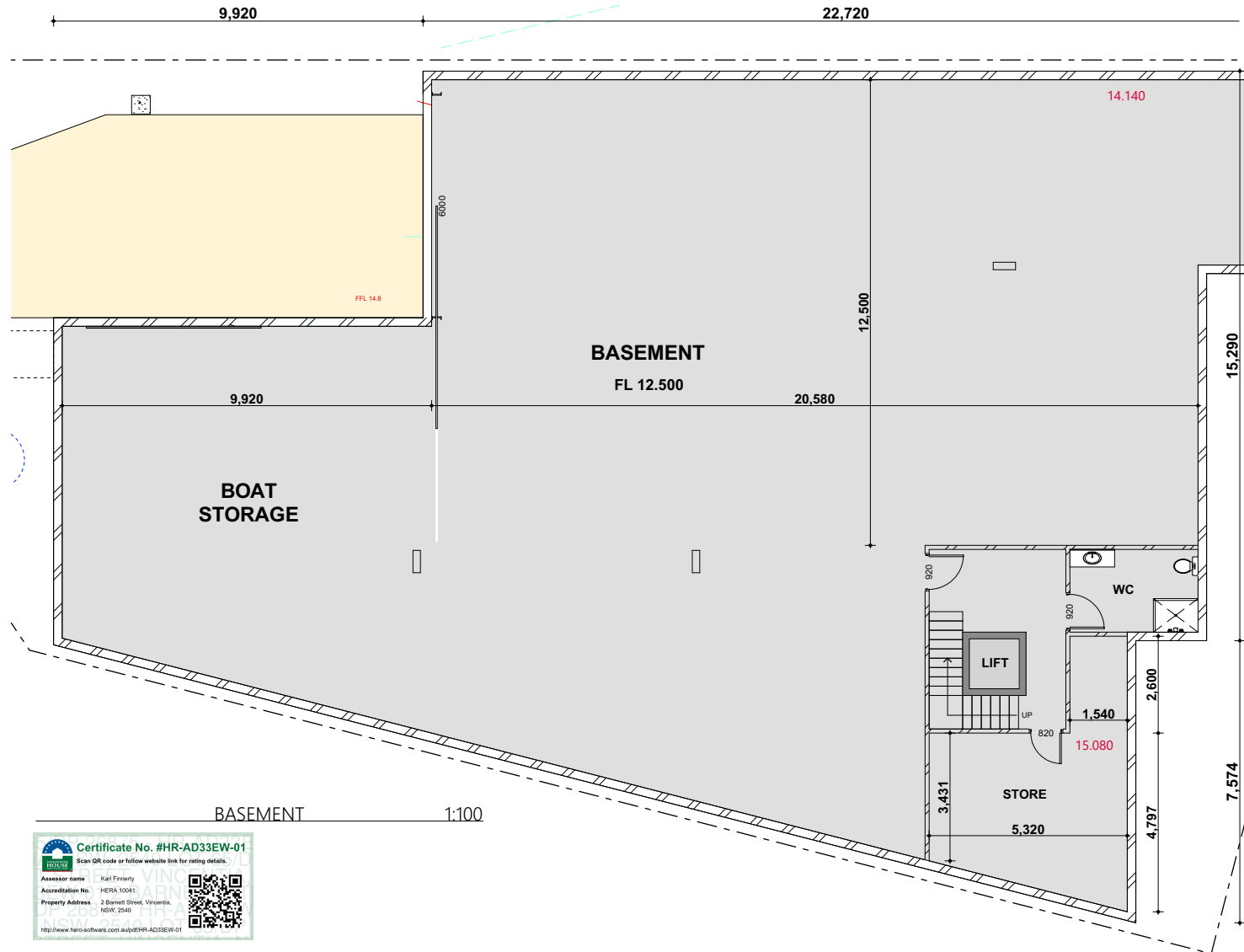
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date:
24/12/2025

sheet:
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Vincentia NSW

project:
Proposed double storey dwelling

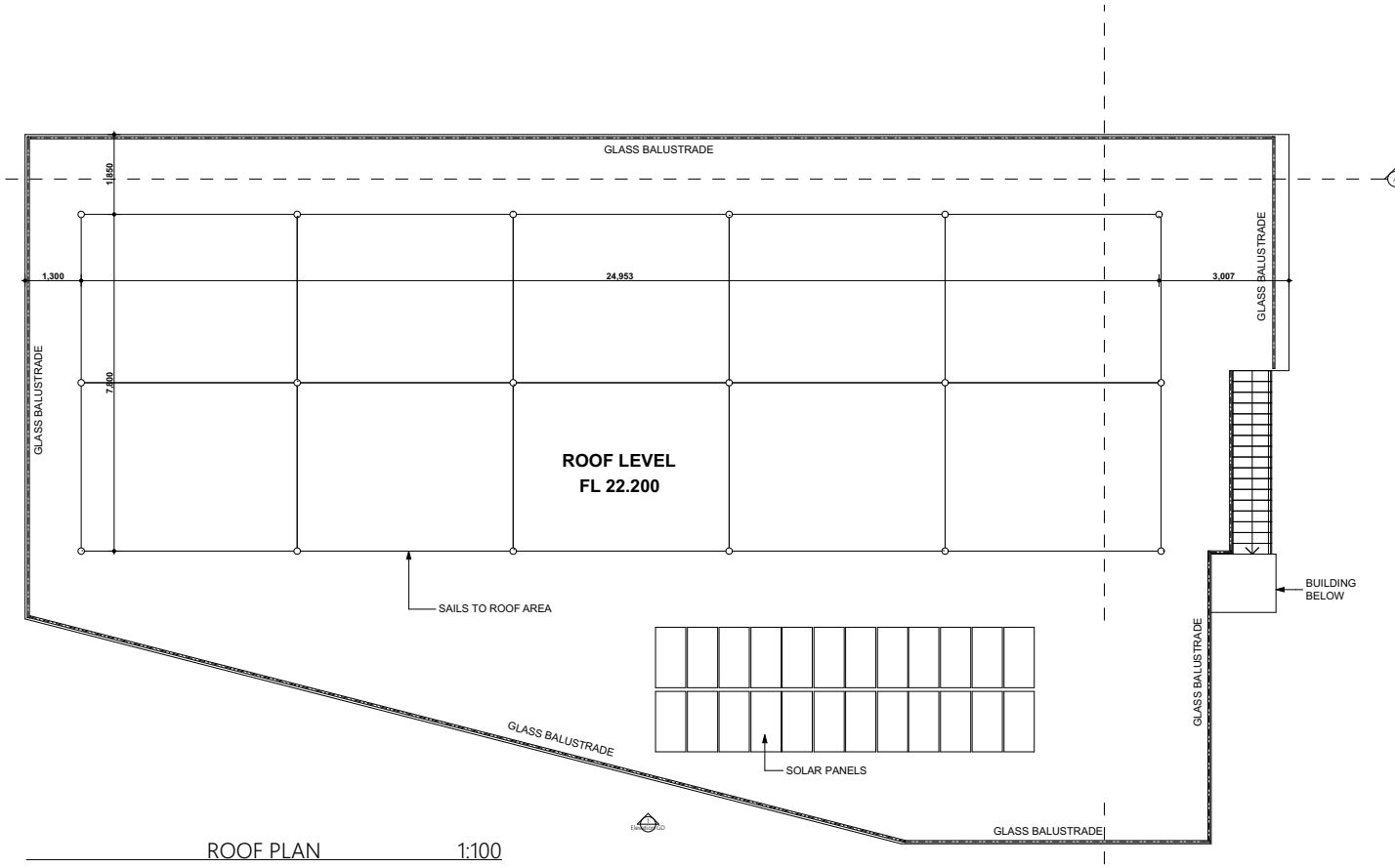
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scale:

date: 24/12/2025

sheet: 2 of 23

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JV
Building Design
PH : 0412 778 634
Email : joevacca@gmail.com

client:
Jeff & Rose Demanuele

address:
Lot 65 DP 526875 (no.2) Barnett Street
Vincentia NSW

project:
Proposed double storey dwelling

job number:
0002

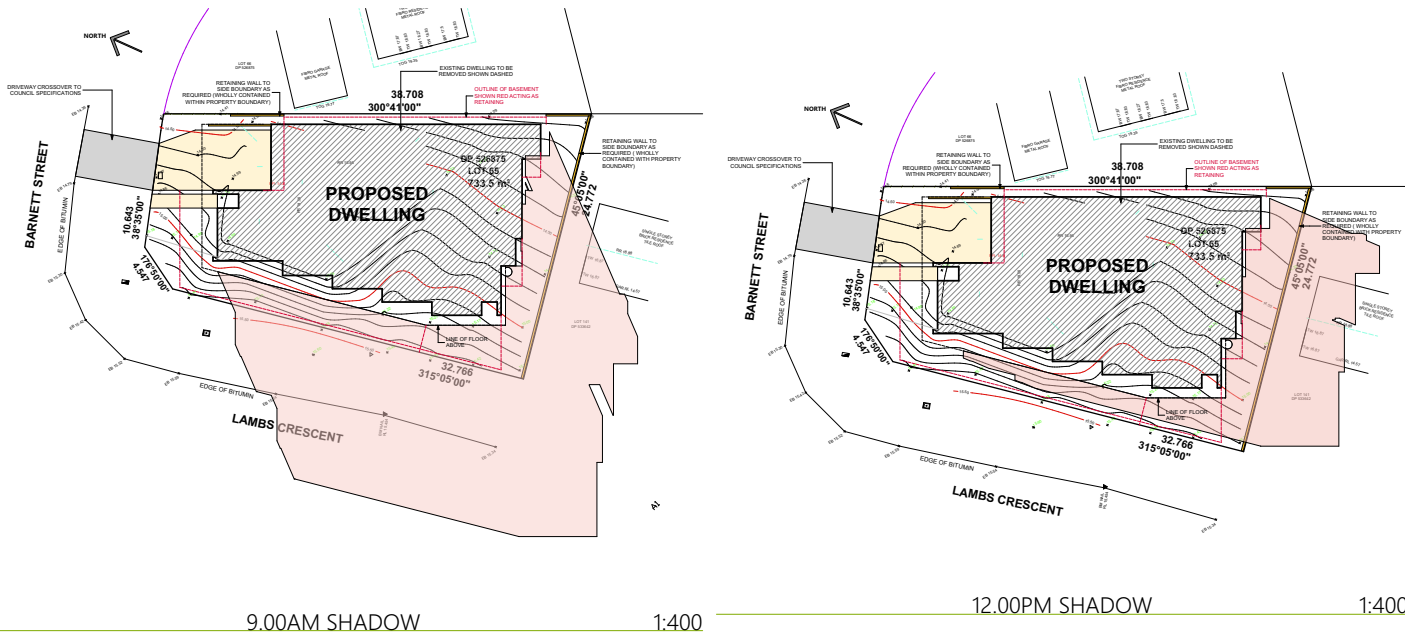
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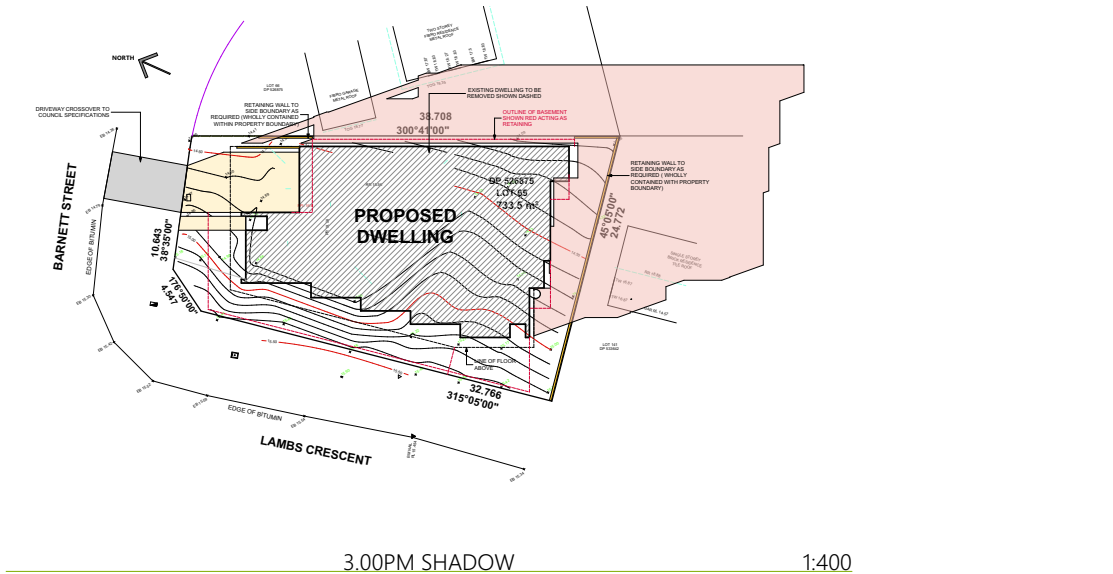
drawing:
ROOF PLAN

date:
24/12/2025

sheet:
5 of **23**



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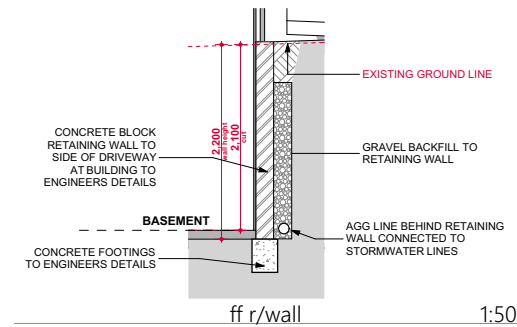
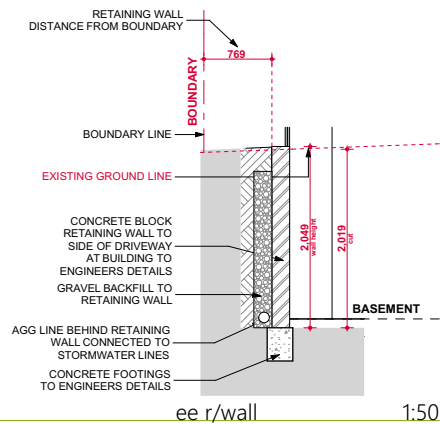
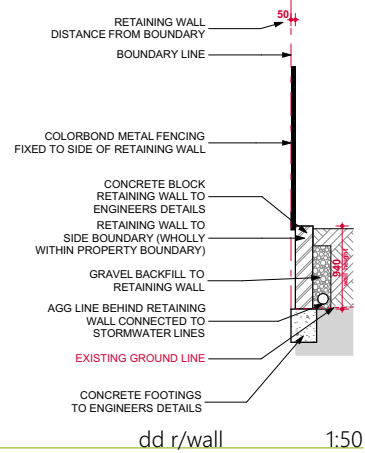
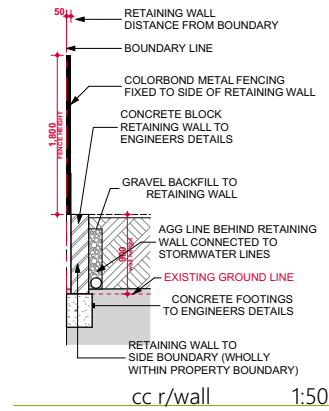
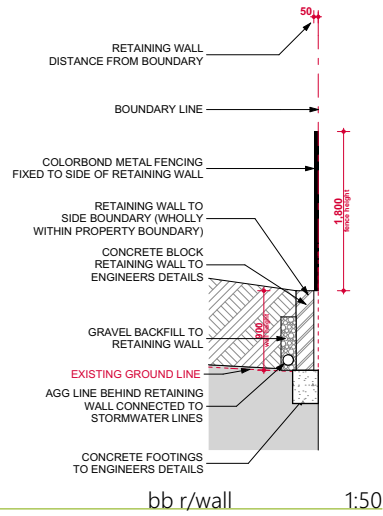
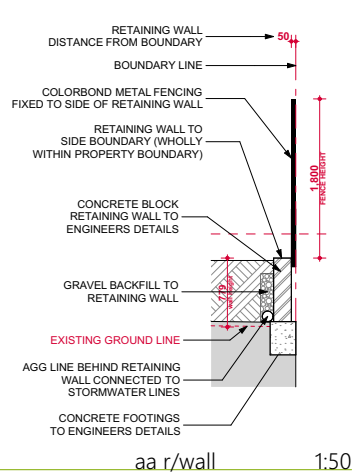
client: **Jeff & Rose Demanuele**

address: **Lot 65 DP 526875 (no.2) Barnett Street
Vincentia NSW**

project: **Proposed double storey dwelling**

job number: **0002** scale: Copyright: The copyright of this design remains the property of JV Building Design and may not be copied in whole or part without the written permission from JV Building Design.

drawing: **NOTIFICATION SHADOW DIAG** date: **24/12/2025** sheet: **22** of **23**



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Building Design
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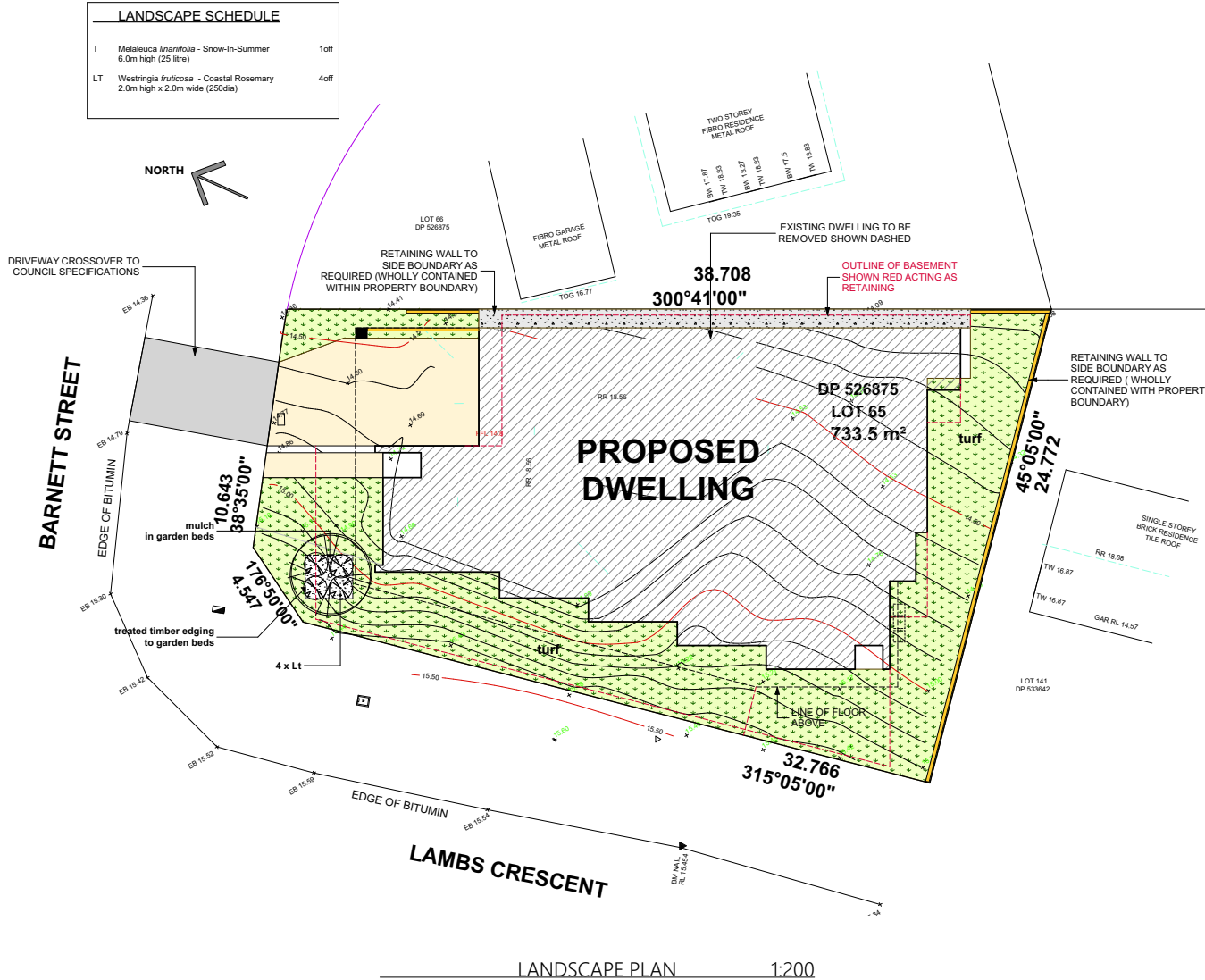
client: **Jeff & Rose Demanuele**

address: **Lot 65 DP 526875 (no.2) Barnett Street Vincentia NSW**

project: **Proposed double storey dwelling**

job number: **0002** scale: Copyright: The copyright of this design remains the property of JV Building Design and may not be copied in whole or part without the written permission from JV Building Design.

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LANDSCAPE SCHEDULE		
T	Melaleuca linearifolia - Snow-In-Summer 6.0m high (25 litre)	1cft
LT	Westringia fruticosa - Coastal Rosemary 2.0m high x 2.0m wide (250dia)	4cft

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LANDSCAPE PLAN 1:200

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Building Design
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Email : joevacca@gmail.com

client: **Jeff & Rose Demanuele**

address: **Lot 65 DP 526875 (no.2) Barnett Street
Vincentia NSW**

project: **Proposed double storey dwelling**

job number: **0002** date: **24/12/2025**

drawing: **LANDSCAPE PLAN** date: **19 Dec 23**

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CL26.86 - Attachment 2

External Finishes Schedule

2 Barnett Street Vincentia

Date: 23 June 25

Face Brick walls



PGH- Urban Blue or similar

Windows & doors



Prefinished – White

Roofs Sails



Powdercoat white

Balustrades



Glass balustrade

Driveway

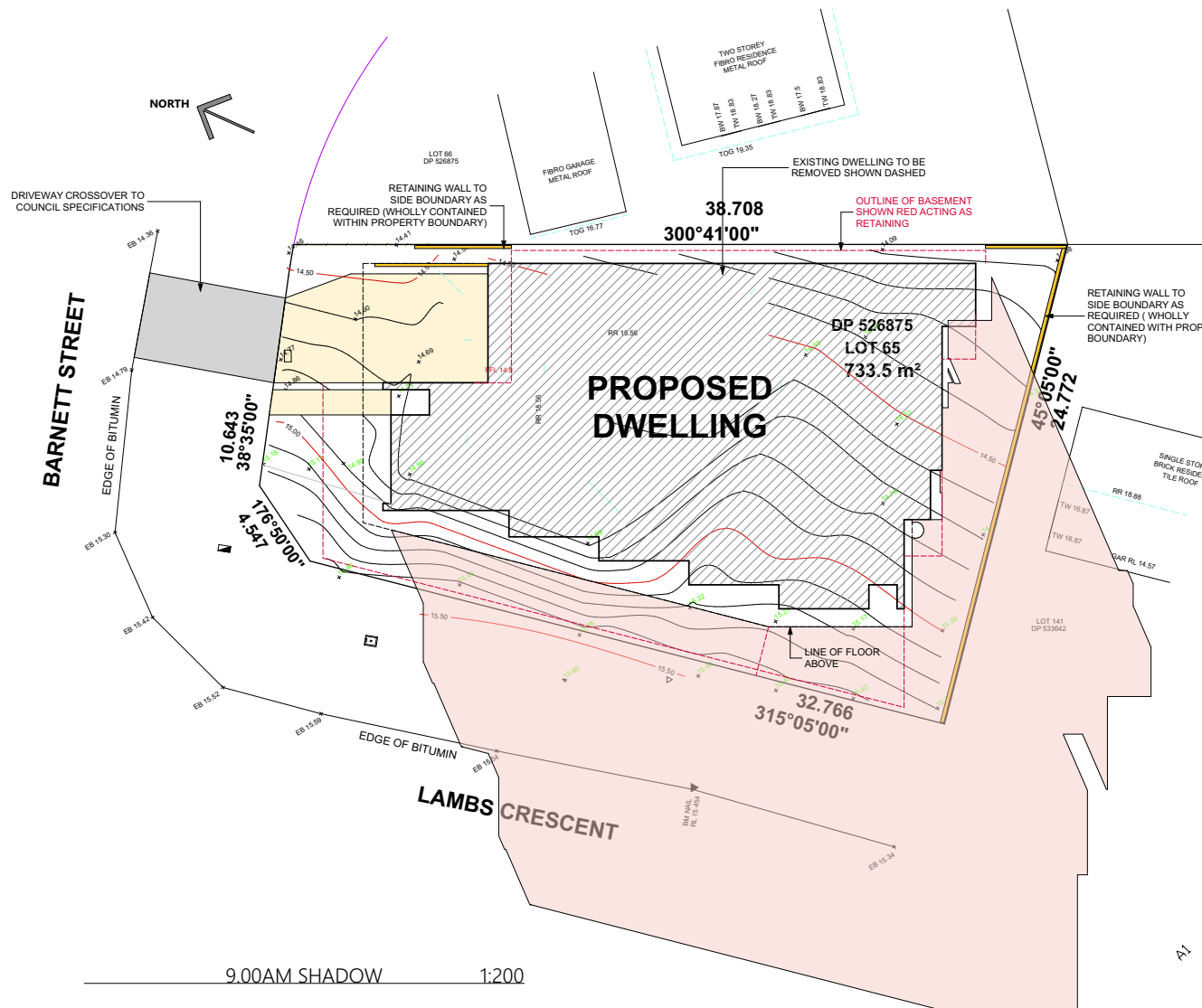


French Grey "Concrete Sealer"

External Tiled Areas



Concrete look tiles



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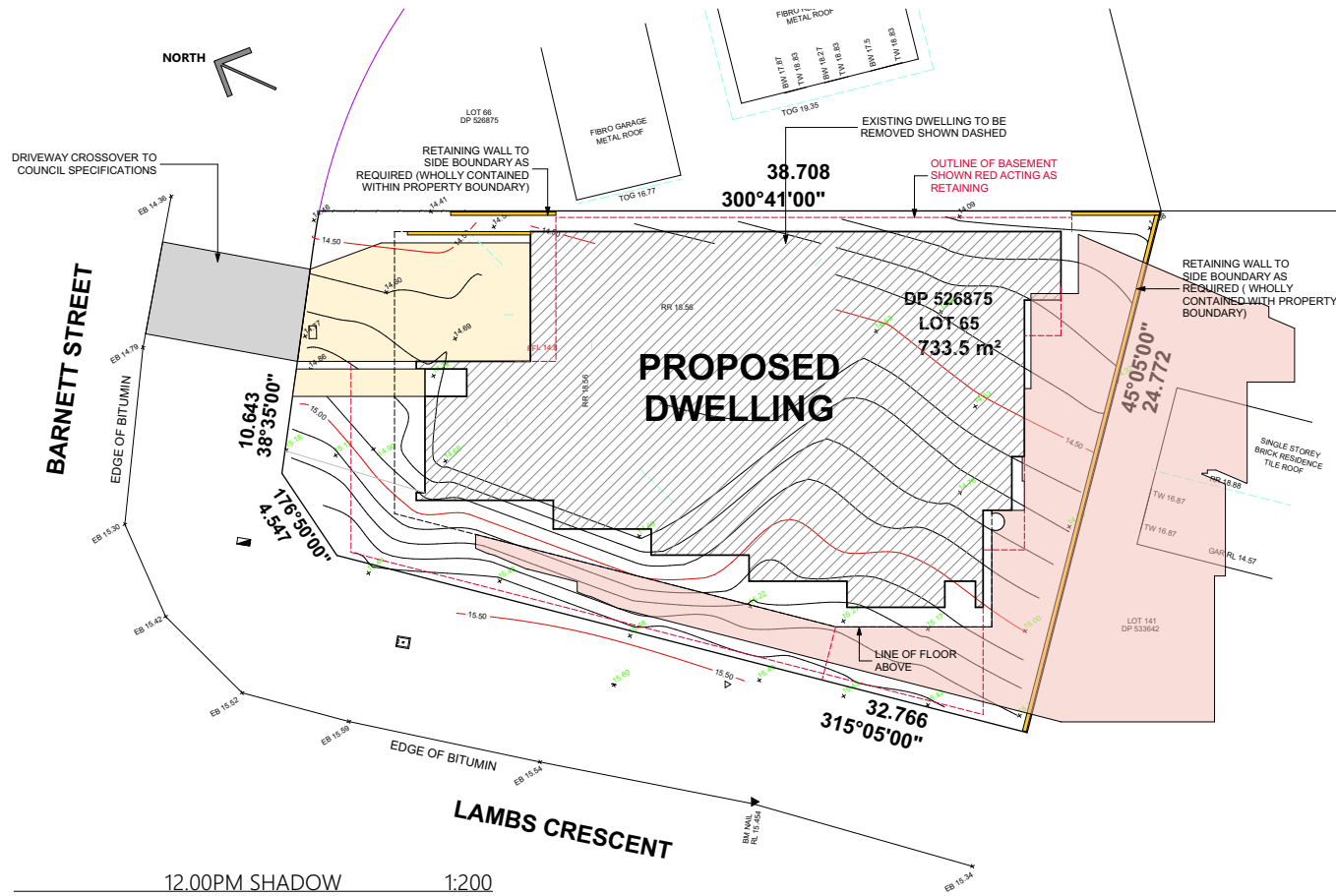
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project: **Proposed double storey dwelling**

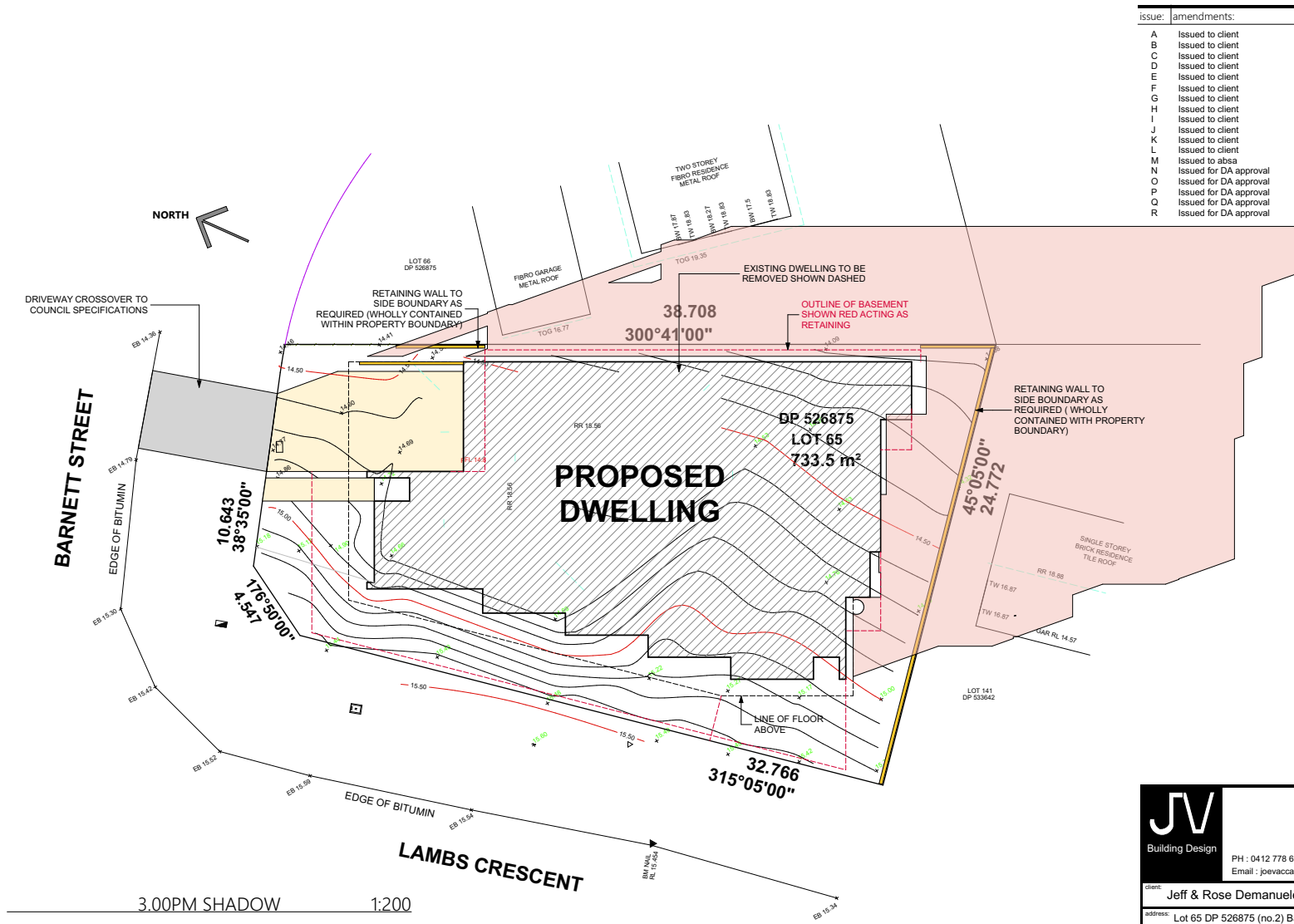
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		PH : 0412 778 634 Email : joevaccari@gmail.com
		client: Jeff & Rose Demanuele
address: Lot 65 DP 526875 (no.2) Barnett Street Vincentia NSW		
project: Proposed double storey dwelling		
job number: 0002	scale:	Copyright: The copyright of this design remains the property of JV Building Design and may not be copied in whole or part without the written permission from JV Building Design.
drawing: SHADOW 12.00PM	date: 24/12/2025	sheet: 17 of 23



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Vincentia NSW**

project: **Proposed double storey dwelling**

job number: **0002**

drawing: **SHADOW 3.00PM**

date: **24/12/2025**

sheet: **18 of 23**

CL26.86 - Attachment 2

Variation 4.6 (Building height Clause 4.3 Max 8.5m)

6.1.2 Height and Setbacks

The specific objectives are to:

- i. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.
- ii. Encourage design that creates desirable living conditions and ensures that the amenity of surrounding properties is properly considered and not adversely impacted.
- iii. i Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.
- iv. iv. Retain the amenity of the public domain.

Extent of the Variation

The development proposed exceeds the 8.5m height limit by as much as 0.6m to the top of the glass balustrade and 2.6m to the top of the removal sails on the roof. The building structure (concrete roof) is below the 8.5m building height limit.

The additional height to the structure is only to the rooftop balustrade and roof sails. The roof top balustrade will be made of frameless glass which does not contribute to the bulk of the building. The sails proposed are also lightweight and will be removal structures this does not contribute to the bulk of building.

The additional height of building will not obstruct any important views to neighbouring properties.

Accordingly, it is considered that the proposal will remain consistent with the objectives of the development standard (Clause 4.3) and the objectives of the R2 zone. Strict compliance with the 8.5m height limit is considered unreasonable and unnecessary in this instance, as the main structure complies with the 8.5m building height limit

The underlying objectives of the development standard will be achieved by the development proposal despite the exceedance of the 8.5m height limit.

Further to this, a series of environmental planning grounds to support the variation have been outlined. The proposal is not inconsistent with planning objectives.

For the reasons outlined in this statement, the variation is recommended for support.

Variation (Cut & Fill)



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia

shoalhaven.nsw.gov.au/contact | 1300 293 111

shoalhaven.nsw.gov.au    

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2026/1007
Applicant	[REDACTED]
Description of development	Demolition of existing dwelling and ancillary structures, construction of a two-storey dwelling, with basement carparking and rooftop balcony
Property	2 Barnett Street VINCENTIA - Lot 65 DP 526875
Determination	Refusal
Date of determination	28 April 2026

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by way of refusal.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority

Manager - City Development

REASONS FOR REFUSAL

1. The application has failed to demonstrate that compliance with the maximum 8.5 metre building height under clause 4.3 – the Height of Buildings development standard – is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention. As such, development consent must not be granted as it is inconsistent with the following planning controls:

Shoalhaven Local Environmental Plan 2014

- Clause 4.3 – Height of Buildings
- Clause 4.6 – Exceptions to development standards

2. The proposed development is incompatible with, and will have an adverse impact on, the existing and desired future character and appearance of the locality and R2 Low Density Residential zone by way of its height, bulk, scale, intensity, gross floor area, siting, cut-and-fill and form. The development is therefore contrary to the following planning controls:

Shoalhaven Local Environmental Plan 2014

- Clause 2.3(2) – Zone objectives and Land Use Table

Shoalhaven Development Control Plan 2014 – Chapter G12

- Clause 5.2 – Orientation and Siting
- Clause 5.3 – Local Character and Context
- Clause 6.1.1 – Density
- Clause 6.1.2 – Height and Setbacks
- Clause 6.3.1 – Building Design & Form

3. The scale, design and elevation of the proposed roof terrace is incompatible with the existing form and character of the surrounding area and will have an adverse visual and acoustic impact on the amenity and privacy of neighbouring properties. The development is therefore contrary to the following planning control:

Shoalhaven Development Control Plan 2014

- Chapter G12 Clause 5.5 Visual & Acoustic Privacy

4. Insufficient information has been provided by way of geotechnical and structural engineers' reports to demonstrate that the proposed basement excavation will not disrupt or have a detrimental effect on drainage patterns and soil stability in the locality of the development, effect the existing and likely amenity of adjoining properties or recommend appropriate measures to avoid, minimise or mitigate impacts. The development is therefore contrary to the following planning controls:

Shoalhaven Local Environmental Plan 2014

- Clause 7.2 – Earthworks
 - Chapter G26 Clause 5.2 Geotechnical – Site Stability
5. Insufficient information by way of arborist and structural engineer reports have been submitted to demonstrate that the proposed development will not adversely impact a mature tree located on an adjoining property. The development is therefore contrary to the following planning controls:
- Shoalhaven Development Control Plan 2014
- Chapter G4 Clause 5.3.3 – Amenity Considerations
6. Insufficient information has been provided to identify the number and layout of car spaces within the proposed basement and that sufficient swept paths are provided for manoeuvrability. The development is therefore contrary to the following planning controls:
- Shoalhaven Development Control Plan 2014
- Chapter G21 Clause 5.3 – Parking, Layout and Dimensions
7. Insufficient information has been provided to demonstrate that the development will be properly serviced by Council's waste collection services. The development is therefore contrary to the following planning controls:
- Shoalhaven Development Control Plan 2014
- Chapter G7 Clause 5 – Controls
8. By way of the cumulative impact of the reasons listed above, the development is likely to have a significant adverse impact on both the natural and built environments in the locality. As such the site is not suitable for the proposed development.
9. For the reasons listed above, the development is not in the public interest.



Address all correspondence to: The Chief Executive Officer,
PO Box 42, Nowra NSW 2541 Australia

shoalhaven.nsw.gov.au/contact | 1300 293 111

shoalhaven.nsw.gov.au    

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA2026/1007
Applicant	[REDACTED]
Description of development	Demolition of existing dwelling and ancillary structures, construction of a two-storey dwelling, with basement carparking and rooftop balcony
Property	2 Barnett Street VINCENTIA - Lot 65 DP 526875
Determination	Deferred Commencement
Date of determination	[#Consent Start Date#]
Date from which the consent operates	The date of satisfaction of deferred commencement conditions.
Date on which the consent lapses	Five (5) years from the date of satisfaction of deferred commencement conditions.

Under s 4.18(1) of the Environmental Planning and Assessment Act (EP&A Act) notice is given that the above development application has been determined by the granting of **deferred commencement consent** using the power in s 4.16(1)(a) and s 4.16(3) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for Grant of Consent

- The development proposal, subject to the recommended conditions is consistent with:
- The likely impacts of the proposed development are considered acceptable.
- The site is suitable for the proposed development.
- Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
- The proposed development does not conflict with the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be lodged and the review assessed and completed by Council within 6 months after the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under s 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

Dictionary

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Person on behalf of the consent authority

Manager - City Development

Terms and Reasons for Conditions

Under s 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under s 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

DEFERRED COMMENCEMENT		
CONDITIONS		REASON
<p>1.</p> <p>Pursuant to s 4.16(3) of the <i>Environmental Planning and Assessment Act 1979</i>, the applicant must satisfy the following deferred commencement matters before this development consent becomes operative:</p> <p>a) Geotechnical Report</p> <p>A Geotechnical Report prepared by a suitably qualified practicing geotechnical engineer is required to ensure the development is compatible with the geotechnical constraints of the site and in accordance with Chapter G26 of the Shoalhaven Development Control Plan 2014.</p> <p>If the Geotechnical Report identifies an impact on the water table, a Controlled Activity Permit must be obtained from NSW Office of Water.</p> <p>b) Structural Engineering Report</p> <p>A report by a structural engineer's is required to demonstrate the construction methodology of basement excavation and construction, and impacts on neighbouring properties.</p> <p>c) Design Modifications</p> <p>Amended plans are to be submitted to Council incorporating the following:</p> <ul style="list-style-type: none"> a) The distance between the basement walls and north and west boundaries on the are to be shown on the plans. b) Retaining walls are to be relocated a minimum of 150mm from the boundary. c) The basement plan is to be amended to outline the car spaces and manoeuvrability in accordance with AS2890. d) The stormwater plans are to be updated to show a minimum retention volume of 3300L. <p>d) Stormwater</p> <p>Amended plans are to be submitted to Council incorporating the following:</p>		<p>To ensure relevant matters are addressed before the development consent becoming operational.</p>

	<p>a) Subsoil drainage for all retaining walls is to be shown on the plans.</p> <p>b) The run Drains model for the 1%, 5% and 20% AEP events is to be provided per DCP Chapter G2 A5.1.</p> <p>c) A long-section of each side of the driveway from the edge of bitumen to the basement complying with Council's Standard Drawing 2026-09.</p> <p>Evidence that will sufficiently enable Council to be satisfied as to the compliance of these deferred commencement matters must be submitted to Council within twelve (12) months of the date of determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to s 4.53(6), of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>This development consent will not become operative until such time that the Council notifies the applicant in writing that the requirements of deferred commencement matters have been satisfied.</p>																															
GENERAL CONDITIONS																																
CONDITIONS		REASON																														
2.	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" data-bbox="411 1205 1021 1630"> <thead> <tr> <th colspan="5" style="text-align: left;">Approved Plans</th> </tr> <tr> <th style="text-align: left;">Plan Number</th> <th style="text-align: left;">Revision Number</th> <th style="text-align: left;">Plan Title</th> <th style="text-align: left;">Drawn by</th> <th style="text-align: left;">Date of Plan</th> </tr> </thead> <tbody> <tr> <td>0002 Page 1</td> <td>-</td> <td>Site Plan</td> <td>J V Building Design</td> <td>24/12/2025</td> </tr> <tr> <td>0002 Page 2</td> <td>-</td> <td>Basement Plan</td> <td>J V Building Design</td> <td>24/12/2025</td> </tr> <tr> <td>0002 Page 3</td> <td>-</td> <td>Ground Floor Plan</td> <td>J V Building Design</td> <td>24/12/2025</td> </tr> <tr> <td>0002 Page 4</td> <td>-</td> <td>First Floor Plan</td> <td>J V Building Design</td> <td>24/12/2025</td> </tr> </tbody> </table>	Approved Plans					Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	0002 Page 1	-	Site Plan	J V Building Design	24/12/2025	0002 Page 2	-	Basement Plan	J V Building Design	24/12/2025	0002 Page 3	-	Ground Floor Plan	J V Building Design	24/12/2025	0002 Page 4	-	First Floor Plan	J V Building Design	24/12/2025	<p>To ensure compliance with the approved plans and documents.</p>
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0002 Page 5	-	Roof Plan	J Building Design	V	24/12/2025
0002 Page 6	-	Elevations Western	J Building Design	V	24/12/2025
0002 Page 7	-	Elevations East	J Building Design	V	24/12/2025
0002 Page 8	-	Elevations South & North	J Building Design	V	24/12/2025
0002 Page 9	-	Section AA	J Building Design	V	24/12/2025
0002 Page 10	-	Section BB	J Building Design	V	24/12/2025
0002 Page 11	-	Retaining Wall Sections	J Building Design	V	24/12/2025
0002 Page 14	-	Site Management Plan	J Building Design	V	24/12/2025
0002 Page 15	-	Site Analysis Plan	J Building Design	V	24/12/2025
0002 Page 19	-	Landscape Plan	J Building Design	V	24/12/2025
0002 Page 20	-	Demolition Plan	J Building Design	V	24/12/2025
-	-	Colour Schedule	J Building Design	V	23/6/2025
NH-25- 220	1	Stormwater Management	New Horizon Group		22/7/2025
Approved Documents					
Document title	Version number	Prepared by	Date of document		
Basix Certificate	1798383_02	Green Rate	8 December 2025		
In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.					

3.	<p>Existing Infrastructure</p> <p>Any required alterations or damage to infrastructure will be at the developer's expense.</p> <p><i>Note: It is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure. This will reduce the potential for unexpected costs and expenses.</i></p>	<p>To ensure existing infrastructure is accounted for and any damage to infrastructure is suitably repaired.</p>
4.	<p>Prescribed Conditions</p> <p>The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>	<p>To ensure compliance with prescribed conditions.</p>
5.	<p>Shoalhaven Water – Compliance with Conditions</p> <p>All conditions listed on the Shoalhaven Water Development Notice at each stage of work must be complied with as relevant to that stage. Written notification must be issued by Shoalhaven Water and evidence provided to the Certifier for each applicable stage.</p>	<p>To ensure compliance with Shoalhaven Water requirements.</p>
<p>DEMOLITION WORK</p> <p>Before Demolition Work Commences</p>		
<p>CONDITIONS</p>		<p>REASON</p>
6.	<p>Demolition - Asbestos Removal</p> <p>Asbestos removal must be carried out in accordance with AS2601-2 SafeWork NSW – Code of Practice, Demolition Work [ISBN 978-0-642-78415-5] and as applicable, by a person holding the relevant licence issued by SafeWork NSW.</p> <p>A licence is not required to remove less than 10m² of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m².</p> <p>Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.</p> <p>Seven days before the commencement of any demolition works involving asbestos, all immediate neighbours must</p>	<p>To ensure demolition works are carried out appropriately.</p>

	<p>be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council</p> <p>Post asbestos removal and before further work on the site, the following must be submitted to the Certifier:</p> <p>a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the Work, Health and Safety Regulation 2017 for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.</p> <p>b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.</p> <p>c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.</p>	
7.	<p>Demolition - Decommissioning of Services</p> <p>Before demolition work commences:</p> <p>a) all existing internal sewer drainage pipework must be flushed, disconnected from the existing sewer junction and the sewer junction must be temporarily capped off.</p> <p>b) internal water lines must be disconnected from the existing water meter currently servicing the property.</p> <p>c) the capped off sewer junction and disconnected water lines must be inspected by Shoalhaven Water. For all inspections contact Shoalhaven Water on 4429 3547.</p> <p>The developer must provide the Certifier with evidence of compliance with the above requirements on completion of works.</p>	<p>To ensure services are appropriately decommissioned and capped off where required.</p>
8.	<p>Erosion and Sediment Controls – Implementation</p> <p>Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any disturbed areas have been restabilised in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and approved plans (as amended from time to time).</p>	<p>To ensure appropriate erosion and sediment control measures are in place.</p>

<p>9.</p>	<p>Shoalhaven Water – Application for Certificate of Compliance</p> <p>Before commencement of any works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.</p> <p>Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a “Water Development Notice” document detailing all requirements which must be met.</p> <p><i>Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.</i></p>	<p>To ensure a Water Development Notice and Certificate of Compliance are obtained.</p>
<p>10.</p>	<p>Waste Management Plan</p> <p>Before the commencement of any site works, a waste management plan for the development must be provided to the Certifier.</p>	<p>To ensure an appropriate waste management plan is provided.</p>
<p>DEMOLITION WORK</p> <p>During Demolition Work</p>		
<p>CONDITIONS</p>		<p>REASON</p>
<p>11.</p>	<p>Demolition - Completion of Works</p> <p>Demolition work, once commenced, must be completed within three (3) months.</p>	<p>To ensure demolition works are completed within an acceptable timeframe.</p>

12.	Demolition - Standards Demolition work must be carried out in accordance with all applicable Australian Standards and SafeWork Code of Practice.	To ensure demolition works are carried out appropriately.
BUILDING WORK Before Issue of a Construction Certificate		
CONDITIONS		REASON
13.	Council Approvals - Evidence A Construction Certificate / Subdivision Works Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required before the commencement of building works.	To ensure all required approvals are obtained.
14.	Erosion and Sediment Controls - Erosion and Sediment Control Plan Before issue of a Construction Certificate / Subdivision Works Certificate, an Erosion and Sediment Control Plan (ESCP) and specifications must be prepared in accordance with Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) by a suitably qualified person, (as defined in the National Construction Code) to the satisfaction of the Certifier. All plans must include: <ul style="list-style-type: none"> a) Site access location and stabilisation details and restrictions; b) Erosion control locations and types; c) Sediment control locations and types; d) Soil, water and drainage management plans; e) Site rehabilitation details; f) Inspection and maintenance details; g) Identification of existing vegetation and site revegetation to have 70% cover established before plan is decommissioned; h) Existing and final contours (clearly distinguished and adequately annotated); i) Standard construction drawings for proposed soil, water and drainage management measures. 	To ensure an appropriate Erosion and Sediment Control Plan has been prepared.

	<p>j) All implemented measures must ensure that a pollution incident must not occur as defined by the Protection of the Environment Operations Act (POEO).</p> <p>All implemented measures must:</p> <p>a) not cause water pollution as defined by the Protection of the Environment Operations Act (POEO).</p> <p>b) be maintained at all times.</p> <p>c) not be decommissioned until at least 70% revegetation cover has been established.</p>	
15.	<p>Long Service Levy</p> <p>Before the issue of the relevant Construction Certificate / Subdivision Works Certificate, the long service levy must be paid to the Long Service Corporation of Council under the Building and Construction industry <i>Long Service Payments Act 1986</i>, s 34, and evidence of the payment is to be provided to the Certifier.</p>	<p>To ensure compliance with long service levy requirements.</p>
16.	<p>Retaining Walls – Design Standards</p> <p>Before the issue of a Construction Certificate for approved retaining walls exceeding 600mm in height above ground level (existing) and/or within 1m of a property boundary, detailed design plans must be prepared and submitted to the Certifier for approval.</p> <p>The retaining walls must satisfy the following:</p> <p>a) Cut/Fill plan.</p> <p>b) Long-sections for all retaining walls showing the bottom and top levels and retained heights.</p> <p>c) Locations of retaining walls shown on Architectural Plans and Stormwater Plans are inconsistent and are to be updated.</p> <p>d) For retaining walls exceeding 600mm in height above natural ground level (existing) a professional engineer has certified the retaining walls as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load; and</p> <p>e) For retaining walls less than 600mm in height above natural ground level (existing) the Certifier must be satisfied that the retaining walls are structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load.</p>	<p>To ensure retaining walls are appropriately designed.</p>

	<p>f) Retaining walls, footings and drainage must be contained wholly within the development site.</p> <p>g) Construction within a registered easement is prohibited.</p> <p>Retaining walls not shown on the approved plan must meet the criteria for Exempt retaining walls and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or be approved by way of Complying Development before construction and comply with the relevant criteria listed in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	
17.	<p>Stormwater Plans</p> <p>Before the issue of a Construction Certificate, revised stormwater plans are required showing:</p> <p>a) Subsoil drainage for all retaining walls is to be shown on the plans, where changes are required to the retaining wall location.</p> <p>b) The run Drains model for the 1%, 5% and 20% AEP events is to be provided per DCP Chapter G2 A5.1.</p> <p>c) Driveway levels showing suitable grade to the pipes from the rainwater tanks to the kerb outlet. In this respect a long-section of each side of the driveway is to be provided from the edge of bitumen to the basement complying with Council's Standard Drawing 2026-09.</p> <p>d) The stormwater plans are to be updated to show a minimum retention volume of 3300L.</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
18.	<p>Section 68 Application – Water Supply, Sewerage and Stormwater Drainage / Sewage Management Facility</p> <p>Before the issue of a Construction Certificate, an application for water supply, sewerage and stormwater drainage and/or sewage management facility must be approved under s 68 of the <i>Local Government Act 1993</i>.</p>	<p>To ensure relevant approvals are obtained.</p>

<p>19.</p>	<p>Stormwater – Internal Charged Lines Design Before the issue of a Construction Certificate, the Certifier must be satisfied that any charged stormwater line on the design plans is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed and prevent blockage.</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<p>20.</p>	<p>Stormwater - New Urban Buildings Design Standards Before the issue of a Construction Certificate stormwater plans must be prepared by a Licensed Plumber or professional engineer (as defined in the National Construction Code) and submitted to the Certifier. a) Drainage must be designed and constructed in accordance with: i) Generally in accordance with the approved plans ii) the National Construction Code iii) Council's Engineering Design Specifications iv) Development Control Plan G2</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<p>21.</p>	<p>Stormwater – On-Site Detention Design Standards Before the issue of a Construction Certificate, details of on-site detention must be provided on the Construction Certificate plans and approved by the Certifier. On-site detention must be provided as: a) 3300 litres of on-site detention for the development with a 50 mm orifice plate to restrict the flow of water, with a 100mm outlet pipe size. Or alternatively, b) Per certified engineering design plans and specifications prepared by a professional engineer, (as defined in the National Construction Code) or surveyor. The on-site stormwater detention (OSD) design must be designed such that stormwater runoff from the site for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.</p>	<p>To ensure stormwater infrastructure is designed appropriately.</p>
<p>22.</p>	<p>Stormwater - Rainwater Facility Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier.</p>	<p>To ensure rainwater tanks are appropriately installed where required.</p>

	<p>Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – Section 16.</p> <p>It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following:</p> <ul style="list-style-type: none"> a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter. b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab. c) Pumps must be located and installed to minimize any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output. d) Overflow from the tank must be directed into the approved storm water system. e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements. f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 Section 16. g) The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked. h) For partially buried or fully buried rainwater tanks the property owner is required to have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – Section 4. 	
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BUILDING WORK	
Before Building Work Commences	
CONDITIONS	REASON
<p>23. Appointment of Principal Certifier Before building/subdivision work commences a Principal Certifier must be appointed.</p>	To ensure a Principal Certifier is appointed where required.
<p>24. Construction Certificate A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.</p>	To ensure an appropriate building and Subdivision Certificates are obtained.
<p>25. Dilapidation Report (Minor) Before the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage. The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 900mm of the shared boundary. Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost. Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work. However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the Principal Certifier and the Principal</p>	To ensure a suitable dilapidation report is prepared and the status of existing infrastructure and adjoining structures is recorded prior to the commencement of work.

	<p>Certifier may waive the requirement in relation to the relevant property.</p> <p><i>Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.</i></p>	
26.	<p>Driveway – Design Standards (Urban)</p> <p>Prior to the commencement of works within the road reserve, engineering design plans for works within the road reserve must be prepared by a suitably qualified person and approved by Council. The layback/footpath crossing design must comply with the following:</p> <ul style="list-style-type: none"> a) Council’s Engineering Design Standard Drawings. b) Constructed using 20 MPa reinforced concrete, reinforced with SL72 mesh, on a 75mm compacted fine crushed rock base with centrally placed slab of minimum 3 metres width and minimum 100mm depth. c) Removal of sufficient width of existing road seal and pavement to allow placing of formwork and laying/compaction of suitable pavement material for the driveway layback with a minimum 300mm offset to the kerb lip line. 	<p>To ensure road and pavement infrastructure is appropriately designed.</p>
27.	<p>Notice of Commencement</p> <p>Notice must be given to Council at least two (2) days before the commencement of building or subdivision work by completing and returning the form ‘Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority’.</p>	<p>To ensure appropriate notice is given to Council.</p>
28.	<p>Plumbing – Sewer Junction</p> <p>The builder must locate the position and depth of the sewer junction before commencing construction, to ensure that the top of the overflow gully is a minimum of 900mm above the soffit of the sewer main. Copies of sewer main diagrams issued by Council must be treated as a guide only when locating the junction position.</p>	<p>To ensure compliance with relevant plumbing controls.</p>
29.	<p>Shoalhaven Water – Application for Certificate of Compliance</p> <p>Before commencement of works, an application for a Certificate of Compliance must be made with Shoalhaven Water and where required a Water Development Notice is to be obtained.</p>	<p>To ensure a Water Development Notice and Certificate of Compliance are obtained.</p>

	<p>Shoalhaven Water will determine if sewerage and/or water infrastructure and/or easements will be affected by any part of your development including what charges/fees apply. Please visit https://shoalwater.nsw.gov.au/planning-building/developers-consultants/water-development-notice to make application for a Certificate of Compliance or call (02) 4429 3214 to learn more about applying.</p> <p>Upon the receipt of the application, Shoalhaven Water will assess the development and if required will issue a "Water Development Notice" document detailing all requirements which must be met.</p> <p><i>Note: As water and/or sewerage infrastructure may impact on part/s or all of the development such as building, provision of services, protection of water and/or sewer assets, etc., it is recommended that this application is made as early as possible during the development process.</i></p> <p>30. Toilet Facilities – Temporary</p> <p>Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:</p> <ul style="list-style-type: none"> a) be a standard flushing toilet connected to a public sewer, or b) have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or c) be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. <p>31. Works within the Road Reserve – Submissions to Council</p> <p>Before undertaking any works within an existing road reserve, the developer must obtain the consent of Council under s 138 of the <i>Roads Act 1993</i>.</p> <p>The following details must be submitted to Council as part of the application:</p> <ul style="list-style-type: none"> a) Any civil works design required by this consent. b) Evidence of the contractor's Public Liability Insurance to an amount of \$20 million. 	<p>To ensure suitable toilet facilities are provided.</p> <p>To ensure relevant approvals are obtained.</p>
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	<p>c) Name and contact information of the person responsible for all relevant works.</p> <p>d) A Traffic Control Plan prepared, signed, and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.</p> <p>e) Where the Traffic Control Plan requires a reduction of the speed limit, a 'Application for Speed Zone Authorisation' must be obtained from the relevant road authority.</p>	
<p>BUILDING WORK During Building Work</p>		
<p>CONDITIONS</p>		<p>REASON</p>
<p>32. Acid Sulfate Soils - Unexpected Finds</p> <p>If acid sulfate soils are encountered during excavation and/or construction works, all work must cease, and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.</p>	<p>To ensure acid sulfate soils are appropriately managed.</p>	
<p>33. Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:</p> <p>a) the work in the area of the discovery must cease immediately.</p> <p>b) the following must be notified for a relic – the Heritage Council; or</p> <p>c) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, s 85.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a) for a relic – the Heritage Council; or for an Aboriginal object – the person who is the authority for the</p>	<p>To ensure the protection of objects of potential significance during works.</p>	

	<p>protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, s 85.</p>	
<p>34. Potentially Contaminated Land - Unexpected Finds</p> <p>If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <p>a) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.</p> <p>b) the contaminated soil and/or groundwater must be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) Guidelines.</p> <p>If unexpected, contaminated soil, or groundwater is treated and/or managed on-site an appropriately qualified environmental consultant must verify that the situation was appropriately managed in accordance with relevant NSW EPA guidelines before recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council before the recommencement of any works.</p> <p>If contaminated soil or groundwater is to be removed from the site, it must be transported to an appropriately licensed waste facility by an NSW EPA licensed waste contractor in accordance with relevant NSW EPA guidelines including the Waste Classification Guidelines (2014).</p> <p><i>Note: An appropriately qualified environmental consultant will have qualifications equivalent to CEnvP "Site Contamination" (SC) Specialist - by Certified Environmental Practitioner or 'Certified Professional Soil Scientist' (CPSS CSAM) by Soil Science Australia (SSA).</i></p>	<p>To ensure any detected contaminants are appropriately managed.</p>	
<p>35. Earthworks - Cut, Fill and Grading</p> <p>The maximum grading of cut or fill must be 2H:1V where there is no retaining wall or no other method of stabilising cut or fill during construction. Earthworks and retaining walls must be constructed as per the approved plans.</p>	<p>To ensure earthworks are appropriately retained.</p>	
<p>36. Site Management - Hours for Construction</p> <p>Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public</p>	<p>To ensure site work occurs within appropriate construction hours.</p>	

	<p>holiday. Proposed changes to hours of construction must be approved by Council in writing.</p> <p>37. Site Management - Maintenance of Site and Surrounds</p> <p>During works, the following maintenance requirements must be complied with:</p> <ul style="list-style-type: none"> a) All materials and equipment must be stored and delivered wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery. d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised. e) During construction: <ul style="list-style-type: none"> i) all vehicles entering or leaving the site must have their loads covered, and ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. f) At the completion of the works, the work site must be left clear of waste and debris. 	<p>To ensure the site is maintained in a safe and secure manner.</p>
<p>38. Site Management - Noise</p>	<p>The noise from all site work, demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LAeq noise level measured over a period of not less than 15 minutes During works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.</p>	<p>To protect the amenity of neighbouring properties.</p>

<p>39.</p>	<p>Stormwater - Overland Flow, Redirecting and/or Concentrating Stormwater</p> <p>All excavation, backfilling and landscaping works must not result in:</p> <p>a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff must be collected and directed to a legal point of discharge.</p> <p>b) the redirection and/or concentration of stormwater flows onto neighbouring properties.</p>	<p>To ensure stormwater is appropriately managed.</p>
<p>40.</p>	<p>Stormwater - Connections in Road Reserve</p> <p>Before the completion of works, the site supervisor must ensure that stormwater connections between the property boundary and the new kerb and gutter are inspected and approved by Council and backfilled as soon as possible. Kerb connections are only to be made using adaptors/convertors approved by Council.</p> <p><i>Note: A section 138 approval under the Roads Act 1993 will be required for any works within the road reserve.</i></p>	<p>To ensure stormwater connections are appropriately installed.</p>
<p>41.</p>	<p>Soil Management</p> <p>While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier</p> <p>b) All fill material imported to the site must be:</p> <p>i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or</p> <p>ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p>	<p>To ensure excavated material is appropriately disposed of and all fill material is appropriate for usage on site.</p>

	<p>iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p>	
<p>42. Surveys by a Registered Surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <p>a) All footings / foundations in relation to the site boundaries and any registered and proposed easements</p> <p>b) At other stages of construction – any marks that are required by the principal certifier.</p>	<p>To ensure buildings are sited and positioned in the approved location.</p>	
<p>43. Surveys by a Registered Surveyor – Height</p> <p>In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum must be prepared by a Registered Surveyor as follows:</p> <p>a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.</p> <p>b) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.</p> <p>c) At completion of the building.</p> <p>Progress certificates in response to points (a) through to (c) must be provided to the Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.</p>	<p>To ensure adherence to the approved plans.</p>	
<p>BUILDING WORK Before Issue of an Occupation Certificate</p>		
<p>CONDITIONS</p>		<p>REASON</p>

<p>44. BASIX Certificate – Evidence of Completion</p> <p>Before the issue of an Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 97A of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p>	<p>To ensure compliance with the approved BASIX Certificate.</p>
<p>45. Completion of Public Utility Services</p> <p>Before the issue of the relevant Occupation Certificate / Subdivision Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.</p>	<p>To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
<p>46. Colours and Materials</p> <p>The development must be constructed in accordance with the approved schedule of colours and building materials and finishes.</p>	<p>To ensure colours and materials are appropriate.</p>
<p>47. Dilapidation Report (Minor) – Evidence of Completion</p> <p>Before the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.</p>	<p>To ensure any damage not previously identified in the Dilapidation Report is suitably repaired.</p>
<p>48. Driveway – Evidence of completion</p> <p>Before the issue of a full Occupation Certificate, all driveway works internal to the site as shown on the approved plans must be completed.</p>	<p>To ensure the completion of the driveway in a timely manner.</p>
<p>49. Retaining Walls – Certification</p> <p>Before the issue of a full Occupation Certificate, certification must be provided to the Certifier prepared by a professional engineer, (as defined in the National Construction Code), certifying that retaining walls within 1m of the property boundary or exceeding 1m in height</p>	<p>To ensure retaining walls have been constructed appropriately.</p>

	<p>above ground level (existing) are constructed in accordance with the approved engineering design plans.</p> <p>The Certifier must be satisfied that all retaining walls have been constructed in accordance with the relevant retaining wall plans and specifications, and in accordance with the requirements of any other conditions of this consent.</p> <p><i>Note: This condition does not prevent a partial Occupation Certificate to be issued for the parts of the development that have been completed.</i></p>	
50.	<p>Section 68 Approvals – Evidence of Completion</p> <p>All the conditions under the approval of s68 of the <i>Local Government Act 1993</i> are to be complied with before the issue of an Occupation Certificate.</p>	To ensure compliance with s68 approval.
51.	<p>Shoalhaven Water – Certificate of Compliance</p> <p>Before the issue of any Occupation Certificate, a Certificate of Compliance under section 307 of the <i>Water Management Act 2000</i> must be obtained from Shoalhaven Water to verify satisfactory compliance with all conditions for the supply of water and sewerage, as listed on the Water Development Notice.</p> <p>If the development is to be completed in approved stages, or application is subsequently made for staging of the development, separate Compliance Certificates must be obtained for each stage of the development.</p>	To ensure compliance with Shoalhaven Water requirements.
52.	<p>Stormwater - Works as Executed</p> <p>Before the issue of an Occupation Certificate / Subdivision Certificate, a Works as Executed Plans and certification must be submitted to the Council by a licenced plumber/ registered surveyor / professional engineer (as defined in the National Construction Code) certifying compliance of all drainage works with the approved design plans and the National Construction Code.</p> <p>The Works as Executed be shown in red on a copy of the approved plans. This plan must verify locations & sizes of all pipelines.</p> <p>Where the system includes an underground tank, a certificate of structural adequacy must be prepared and provided by a professional engineer (as defined in the National Construction Code).</p>	To ensure works as executed plans are prepared and provided.

53.	<p>Works in the Road Reserve - Evidence of Completion</p> <p>Before the issue of a full Occupation Certificate, the developer must provide the Certifier with a construction inspection ticket / completion of works in road reserve letter provided by Council, confirming compliance with the requirements of section 138 of the <i>Roads Act 1993</i>.</p>	To ensure works in the road reserve are completed appropriately.											
<p>BUILDING WORK</p> <p>Occupation and Ongoing use</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 65%;">CONDITIONS</th> <th style="width: 35%;">REASON</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 725 405 1413">54.</td> <td data-bbox="405 725 1038 1413"> <p>Occupation – Satisfaction of Conditions of Consent</p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p> <p>If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).</p> </td> <td data-bbox="1038 725 1289 1413">To ensure conditions of consent are complied with or other satisfactory arrangement made.</td> </tr> <tr> <td data-bbox="304 1010 405 1413">55.</td> <td data-bbox="405 1010 1038 1413"> <p>Landscaping – Noxious and Environmental Weeds</p> <p>The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.</p> </td> <td data-bbox="1038 1010 1289 1413">To protect biodiversity values.</td> </tr> <tr> <td data-bbox="304 1413 405 1697">56.</td> <td data-bbox="405 1413 1038 1697"> <p>Noise - Air-Conditioning Units</p> <p>Any air-conditioning unit must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act (POEO Act)</i>.</p> <p>Air-conditioning units not shown on the approved plan must comply with the relevant criteria listed in <i>State</i></p> </td> <td data-bbox="1038 1413 1289 1697">To protect the amenity of neighbouring properties.</td> </tr> </tbody> </table>			CONDITIONS	REASON	54.	<p>Occupation – Satisfaction of Conditions of Consent</p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier.</p> <p>If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).</p>	To ensure conditions of consent are complied with or other satisfactory arrangement made.	55.	<p>Landscaping – Noxious and Environmental Weeds</p> <p>The planting of plant species listed in the South East Regional Strategic Weed Management Plan 2017 – 2022 is prohibited for the life of the development. No exotic perennial grasses listed on the 'Final Determination of the NSW Scientific Committee for the key threatening process Invasion of native plant communities by exotic perennial grasses' must be sown within the outer protection area or the asset protection zone for the life of the development. Native grasses must be sown in these areas, as this is the interface between disturbed areas and the remaining native vegetation for the life of the development.</p>	To protect biodiversity values.	56.	<p>Noise - Air-Conditioning Units</p> <p>Any air-conditioning unit must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act (POEO Act)</i>.</p> <p>Air-conditioning units not shown on the approved plan must comply with the relevant criteria listed in <i>State</i></p>	To protect the amenity of neighbouring properties.
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	<p><i>Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</i></p> <p>57. Stormwater - Maintenance of Stormwater Infrastructure</p> <p>The approved stormwater design and any associated on-site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.</p>	<p>To ensure stormwater infrastructure is maintained for the life of the development.</p>
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General advisory notes

This consent is for the use of the building as a single dwelling house. No other use, other than what is permitted without development consent, is to be undertaken on the site.

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this consent (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the

requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means Shoalhaven City Council.

Court means the NSW Land and Environment Court.

EPA means the NSW Environment Protection Authority.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2021.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by s 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under s 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater
- the reuse of stormwater
- the detention of stormwater
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the Strata Schemes Development Act 2015 that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Concession for At-Home Dialysis and other Long Term Medical Conditions Policy – Shoalhaven Water and City-Waste Services

Adoption Date:	20/09/2022
Amendment Date:	
Minute Number:	MIN22.651
Next Review Date:	1/12/2024
Related Legislation:	
Associated Policies/Documents:	
Directorate:	Shoalhaven Water /City Services and Waste Services
Responsible Owner:	
Record Number:	POL24/27 POL24/149

Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services

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Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services

1. Policy Purpose

This policy was formulated to ensure the uniform/transparent application of relief from water consumption charges for those patients undergoing home renal dialysis treatment and the provision of an additional waste collection service for individuals that generate large volumes of waste due to an ongoing medical condition. To establish the circumstances under which a concession can be applied to water usage and domestic waste management charges for residents who have medical conditions that require large amounts of water to be used at home and/or generate significant amounts of extra waste to be placed in domestic kerbside bins, especially those who require haemodialysis machines.

2. Objectives

2.1. Policy Statement

Council recognises that water is a vital aspect of kidney dialysis. Dialysis machines use large volumes of water and rely on an uninterrupted supply of quality water for continuous operation. Additionally, it is recognised that certain long term and ongoing medical conditions at home dialysis patients may generate extra volumes of general solid waste in soaking up, wrapping, and disposing of extra bodily fluids. As a result, customers may incur higher than average water consumption charges and/or domestic waste management charges because of the additional water usage and/or extra bin space requirements of their treatment.

In this regard, Council will apply a concessional water usage charge and/or concessional 80L red-lid bin at no additional domestic waste management charge for participating at-home dialysis patients at their principal place of residence, to provide financial relief.

3. Definitions

Term	Meaning
<u>Shoalhaven City Council (Council)</u>	<u>The organisation responsible for the delivery of services in the Shoalhaven City local government area.</u>
<u>Shoalhaven Water</u>	<u>Shoalhaven Wwater is Council's Wwater Utility.</u>
<u>Water usage</u>	<u>The actual consumption of water measured through the property's water meter.</u>
Domestic waste	Waste on domestic premises of a kind and quantity ordinarily generated on domestic premises.

4. Roles and Responsibilities

4.1. Provisions

4.1.1. Concessional Water Usage and Domestic Waste Management Charges

The concessional water usage charge and/or domestic waste management charge is to be applied.

- to the metered and/or serviced property at which the patient resides, OR

Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services

- if the patient is not the owner, on the understanding that the owner will pass the benefit onto the tenant.

The concessional water usage charge and/or domestic waste management charge is in accordance with the amount(s) as contained within the annual Delivery Program and Operational Plan.

The concessional red-lid bin service is not available where there is not currently a kerbside service due to truck accessibility issues (i.e. rural lots) and/or availability of site storage. The wheelie bin needs to be presented kerbside on the usual collection day. The kerbside domestic waste service should not be used for waste that is of a hazardous nature or that has the potential to cause injury or infection.

The following items are prohibited from the domestic kerbside bins:

- syringes.
- sharp objects.
- pharmaceutical medicines.
- cytotoxic.
- and hazardous waste.

4.1.2. Eligibility for Concession

To be eligible, the following must occur:

- An ~~At-Home Dialysis~~ Customer Registration form must be submitted by the applicant.
- The Registration form confirms the details of the hospital where the patient is registered for treatment or is stamped by your medical practitioner.
- The applicant grants Council permission to confirm these details with the nominated hospital or treatment centre.

Applicants and/or property owners must notify the council of any change in circumstances or if the additional service is no longer required at the property address.

Confirmation may be sought from a medical practitioner that the concession is still required at any time.

4.2. Implementation

Shoalhaven Water and Waste Services ~~and City Services~~ are responsible for the implementation of this Policy.

5. Related Legislation, Policies or Procedures

Local Government Act 1993

6. Risk Assessment

<u>Risk Category</u>	<u>Comments and risk mitigation</u>
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Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services

<p><u>Financial</u></p>	<p><u>Not providing suitable guidance for the delivery of undetected leak rebates could lead to support –eligible customers missing out on</u> with valuable assistance. A clear policy provides direction for procedures and guidelines <u>to be developed to properly support customers in need to appropriate levels.</u></p>
<p><u>Operational</u></p>	<p><u>A lack of clear policy can lead to inconsistent service delivery, inefficiencies, and increased administrative burdens. Staff may struggle to interpret vague policies leading to diminished service delivery.</u></p> <p><u>Strong policy statements ensure proper service delivery to the high standards we expect to deliver.</u></p>
<p><u>Reputational</u></p>	<p><u>Shoalhaven Water is widely acknowledged as a leader in our industry. We are not required by an alternate power to provide this financial assistance. A comprehensive policy for undetected leak rebates solidifies our position as a leader in the industry and within our community.</u></p> <p><u>Management of our brand is an important area of our overall business, and a robust policy ensures a uniform approach to our customer base, projecting high level customer service standards.</u></p>
<p><u>Strategic</u></p>	<p><u>Shoalhaven Water is widely acknowledged as a leader in our industry. Our long-term goals are to maintain this leadership position and continue to be recognised for our service standards.</u></p> <p><u>The development and maintenance of service-oriented policies help to meet these goals.</u></p>
<p><u>Social / Economic</u></p>	<p><u>Our customer base is at risk from externalities such as economic downturns, change in interest rates or government policy direction above local government.</u></p> <p><u>A consistent policy position ensures we are able to provide assistance to those in need in our community.</u></p>

7. Data and Reporting

Not applicable

8. Monitoring and Review

Not applicable

9. Ownership and Approval

9.1. Public Policy

Concession for At-Home Dialysis Policy – Shoalhaven Water and City Services

Responsibility	Responsible Owner
Directorate	Shoalhaven Water and Waste Services
Endorsement	Director Shoalhaven Water and Waste Services
Approval/Adoption	Council



Downsize, Disconnect or Nominal Sizing of Water Meter Services

For more information contact
Shoalhaven Water

City Administration Centre

Bridge Road (PO Box 42)
Nowra NSW Australia 2541
P: 1300 293 111

water@shoalhaven.nsw.gov.au
www.shoalwater.nsw.gov.au

Adoption Date: 23/02/2004

Amendment Date: 23/11/2004, 27/06/2006, 27/01/2009, 29/01/2013, 16/05/2017,
20/09/2022

Minute Number: MIN04.231, MIN06.851, MIN09.67, MIN13.35, MIN17.401, MIN22.650

Next Review Date: 1/12/2024

Related Legislation:

Associated Policies/Documents:

Responsible Owner:

Record Number: POL24/150

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CL26.87 - Attachment 2

1 Policy Purpose

The purpose of this Council Policy is to provide guidance to customers on making an application to downsize, upsize, disconnect or nominal sizing of water meter service connections and the process involved.

2 Objectives

2.1 Statement

The introduction of Best Practice Pricing (2003) contains as a key element of the pricing structure for the Water and Wastewater Availability Charge, a cost based on the size of the water meter service connection.

Customers have the option of being able to downsize the water meter service connection in order to reduce the price impact of availability charges. There may also be a future need to upsize connections which have previously been approved for downsize. The downsize of the water meter service connection is not an automatic option and must be considered in light of the need to provide appropriate water supply services to the premises.

2.2 Scope

This policy applies to all service connections.

3 Definitions

Term	Meaning
<i>Engineer</i>	Person with appropriate qualifications in the Engineering field and eligible for membership with the Institute of Engineers Australia.
<i>Certificate of Compliance</i>	Statement from the Water Supply Authority certifying that all Water and Sewerage requirements for a development have been fully satisfied under the Water Management Act.
<i>Nominally Sized Meter</i>	Where a water meter's physical size is not used for billing purposes. E.g., a 25mm water meter is installed at a property, but the owner is charged for a 20mm service. This billing method is used instead of physically replacing a meter with one of a smaller size.
<u>Shoalhaven City Council (Council)</u>	<u>The organisation responsible for the delivery of services in the Shoalhaven City local government area.</u>
<u>Shoalhaven Water</u>	<u>Shoalhaven Water is Council's water utility.</u>
<i>Single Dwelling</i>	<u>A</u> property of not more than 1 building e.g., does not contain dual occupancy, strata or granny flat.

4 Roles and Responsibilities

4.1 Provisions

4.1.1 Application Requirements

Applications must be:

- Submitted using the applicable application form
- Signed by the property owner or Secretary of the Body Corporate if Strata
- Accompanied by a Consulting Engineers [eFor](#) Hydraulic Report and other supporting documentation as required by Council (the costs incurred in providing the supporting documentation will be at the applicant's expense)

4.1.2 Engineer's Report

The submission of an application and any recommendation contained within the accompanying Consulting or Hydraulics Engineers Report does not place any obligation on Council to approve [such an application](#). All applications are subject to assessment by Shoalhaven Water and Councils Planning & Development Group. All applications are subject to final determination and approval by the [Executive Manager/Director](#), Shoalhaven Water or delegate.

4.1.3 Approval Considerations

The determination and approval by Council of an application and the final nomination of the appropriate size of the water meter service connection will be based on but not necessarily limited to;

- The effect a downsize will have on the quality and quantity of water pressure and flow.
- Development Conditions applicable to the premises.
- The effect of downsize on backflow prevention devices,
- The need to provide adequate function of fire support systems e.g., hose reel or hydrant etc, and conform with the relevant Building Code of Australia and NSW Plumbing and drainage codes
- The nature of the premises and likely impact for onsite residents i.e., units, caravan parks etc, and
- [NSW Fire Brigade/Fire and Rescue NSW](#) requirements.

The Engineer's report is to address the issues indicated above.

There is no limit to which an application for downsize of water meter service connection can be rendered for assessment. The determination of an appropriate downsize however will be approved based on the request by the customer but also on the requirements of Shoalhaven Water in providing adequate and appropriate water services together with the requirements of any approved Development Application or meeting various compliance requirements.

All applications for water meter service connections will be effective and adjustments undertaken from the issue date of the next water account following the submission of the application subject to the application being completed in all respects and accepted for determination. Availability charges at the

higher rate will however continue to be levied until approval is granted. Adjustments to availability charges will be undertaken only once approval is given.

Applications involving single dwellings with a metered service of 25mm and where that service is not supporting a fire support system do not require the rendition of a Consulting or Hydraulic Engineer's Report.

4.1.4 Nominally sized meters for billing purposes

Nominal sizing of meters will be conducted in the same fashion as downsizing. It is important that Council ensure compliance with the various building codes and firefighting requirements. Nominal sizing where fire services are involved will be limited to the level of connection needed for the property; ~~were a fire service not installed~~. Nominal sizing of meters for other reasons (exceptional one-off) will require substantiation and will be considered on the merit.

~~Where approval is given for the nominal sizing of a service connection consequent subsequent to fire services being installed and where internal hose reels support that property, the nominal sizing will only remain if the hose reels are protected by lead security seals. Council will reserve the right to levy an availability charge based on the actual size of the connection if those seals are broken. Council will reserve the right to review the status of properties approved for nominal sizing.~~

The approved nominal sizing of meters will be contained and highlighted within Council's water billing system. ~~The approved nominal sizing is subject to review and change by Council.~~

4.1.5 Costs

The responsibility for costs in respect of the policy are as follows:

- Costs to undertake disconnection or nominal sizing of meters will be borne by Council,
- Costs to undertake the downsize or subsequent upsize of meters will at the applicant's expense,
- The costs to supply and undertake the necessary works will be provided as an estimate on application and will be payable before works are commenced. In the estimate of costs Council will allow for a credit based on the difference in the price of the current connected meter size against that of the new meter size. Council will reserve the right to re-use the replaced meter as required, ~~and~~
- Costs to provide Consulting Engineer's ~~en-or~~ Hydraulic reports or other supporting documentation in respect of disconnection, nominal sizing, downsizing or upsizing, will be the responsibility of applicants.

4.2 Implementation

The Water Business Services ~~Section-Department~~ of Shoalhaven Water has responsibility for implementing this policy.

5 Related Legislation, Policies or Procedures

[Local Government Act 1993](#)

6 Risk Assessment

<u>Risk Category</u>	<u>Comments and risk mitigation</u>
<u>Operational</u>	<p><u>A lack of clear policy can lead to inconsistent service delivery, inefficiencies, and increased administrative burdens. Staff may struggle to interpret vague policies leading to diminished service delivery. In particular, the burden of ensuring proper and adequate delivery of water to all connected properties in the local government area lies with Shoalhaven Water.</u></p> <p><u>Strong policy statements ensure proper service delivery to the high standards we expect to deliver.</u></p>
<u>Strategic</u>	<p><u>Shoalhaven Water is widely acknowledged as a leader in our industry. Our long-term goals are to maintain this leadership position and continue to be recognised for our service standards.</u></p> <p><u>The development and maintenance of service-oriented policies help to meet these goals.</u></p>
<u>Reputational</u>	<p><u>As an industry leader, Shoalhaven Water takes its responsibility for the fair delivery of water across the local government area as a prime consideration. A thorough policy for the provision of appropriately sized water meters reinforces our position as a leader in the industry and within our community.</u></p> <p><u>Management of our brand is an important area of our overall business, and a robust policy ensures a uniform approach to our customer base, projecting high level customer service standards.</u></p>
<u>Social / Economic</u>	<p><u>Our customer base is at risk from externalities such as economic downturns, change in interest rates or government policy direction above local government.</u></p> <p><u>A consistent policy position in this area ensures we are able to fairly spread the cost of providing our services to the broader community.</u></p>

7 Monitoring and Review

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

CL26.87 - Attachment 2

8 Ownership and Approval

8.1 Public Policy

Responsibility	Responsible Owner
Directorate	Shoalhaven Water – Water Business Services Department – Water Revenue Unit
Endorsement	Director Shoalhaven Water
Approval/Adoption	Council

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