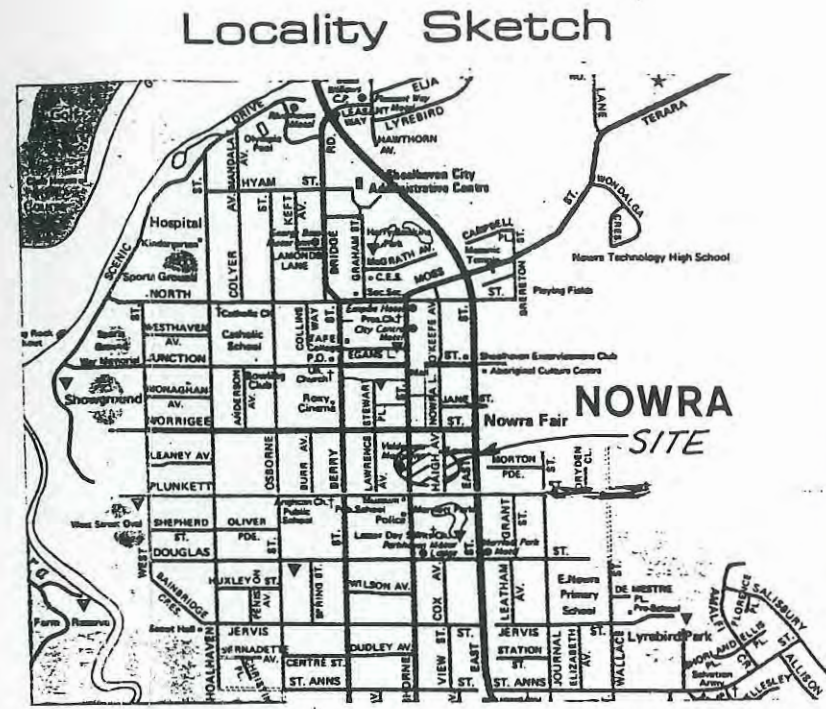
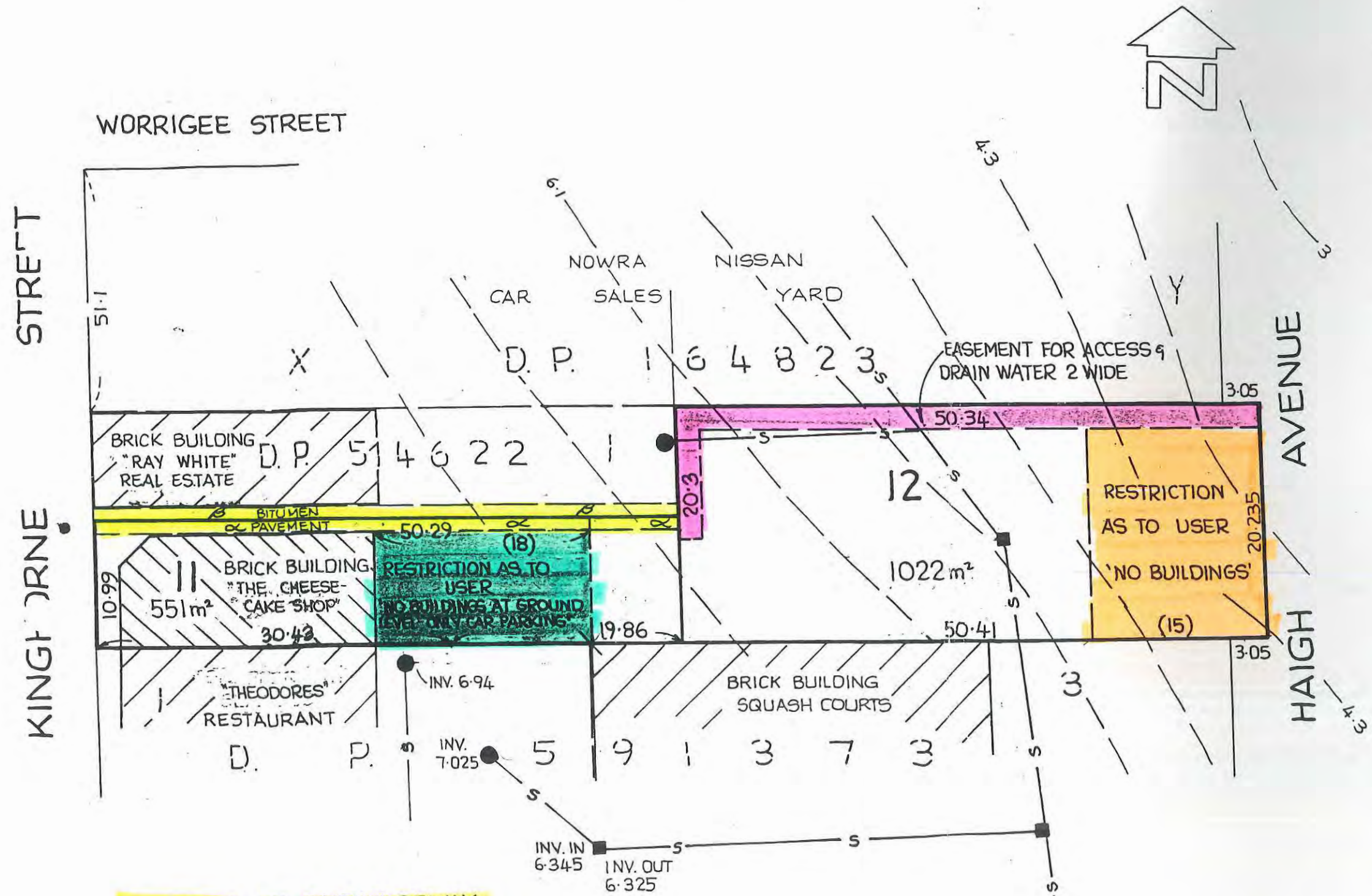


PROPOSED COMMERCIAL SUBDIVISION

Strategy & Assets Committee 19 July 2016
- Item 12



Map drawn and published by JK Craigie

SKETCH PLAN OF PROPOSED SUBDIVISION OVER LOT 1 DP 736413 HAIGH AVE & KINGHORNE ST., NOWRA FOR MESSRS MILER, M^CINTYRE & COOK

NOTES:
1. ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
2. CONTOURS - NOWRA SEWERAGE MAPS.

RATIO 1:400 DATE: MAY 1998 REF: 22249

ALLEN, PRICE & ASSOCIATES
CONSULTING SURVEYORS, ENGINEERS AND PLANNERS
75 PLUNKETT STREET, NOWRA NSW 2541
PHONE (044) 216544 FAX (044) 221821 DX 5310

- α RIGHT OF CARRIAGEWAY 1.372 WIDE BK 2951 No 215
- β RIGHT OF WAY 1.372 WIDE BK 2778 No. 510

- MANHOLE
- LAMP HOLE

REPORT OF GENERAL MANAGER

DEVELOPMENT COMMITTEE

TUESDAY, 5 APRIL 2016

PLANNING AND DEVELOPMENT

ITEMS TO BE DEALT WITH UNDER DELEGATED AUTHORITY

1. **Draft Planning Proposal (PP010) - Council Land Reclassification (Housekeeping)**
File 50767e
-

SECTION MANAGER: Gordon Clark.

PURPOSE:

To detail legal issues preventing the finalisation of Draft Planning Proposal (PP010) – Council Land Reclassification (Housekeeping) and outline a proposed way forward.

RECOMMENDED, in accordance with the Committee’s delegated authority from Council, the Committee

- a) **Reclassify the following parcels of land from “operational” to “community” in accordance with Section 33 of the Local Government Act 1993:**
- Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
 - Lot 12 DP 617101 – Bolong Road, Coolangatta
 - Lot 3 DP 597223 – Bolong Road, Coolangatta
 - Lot 4 DP 550354 – Island Point Road, St Georges Basin
 - Lot 2081 DP 216860 – Lively Street, Vincentia
- b) **Prepare an LEP amendment in accordance with Section 73A of the EP&A Act to reclassify the following parcels of land from “community” to “operational”, with interests removed:**
- Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
 - Lot 12 DP 617101 – Bolong Road, Coolangatta
 - Lot 3 DP 597223 – Bolong Road, Coolangatta
 - Lot 4 DP 550354 – Island Point Road, St Georges Basin
 - Lot 2081 DP 216860 – Lively Street, Vincentia (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street, Vincentia only)
- c) **Write to the NSW Minister for Planning to request the LEP amendment be made in accordance with Section 73A(1)(c) of the EP&A Act for the following reasons:**
1. **An error occurred in the drafting of Shoalhaven Local Environmental Plan 2014 whereby the following parcels of land (subject land) were inadvertently listed in Schedule 4 Part 1 – ‘Part 2 - Land classified, or reclassified, as operational land—no interests changed’ instead of ‘Part 2 - Land classified, or reclassified, as operational land—interests changed’:**
-

- Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
- Lot 12 DP 617101 – Bolong Road, Coolangatta
- Lot 3 DP 597223 – Bolong Road, Coolangatta
- Lot 4 DP 550354 – Island Point Road, St Georges Basin
- Lot 2081 DP 216860 – Lively Street, Vincentia

In addition, only part of Lot 2081 DP 216860 (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street, Vincentia) was meant to be reclassified to operational and the remainder of the lot should have remained as “community”.

2. Council needs to extinguish the interests in the subject land to enable the sale, lease or licensing of the land.
 3. The LEP is proposed to be amended to include Lot 21 DP 252581, Lot 12 DP 617101, Lot 3 DP597223, Lot 4 DP 550354, Lot 2081 DP 216860 (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street only) at Schedule 4 ‘Part 2 - Land classified, or reclassified, as operational land—interests changed’.
 4. The proposed amendment is suitable to be made in accordance with s73A due to it being of a minor nature and not having any adverse impact on the environment or adjoining land.
- d) If the Minister for Planning does not agree to make the LEP amendment under Section 73A, prepare a Planning Proposal to reclassify the following parcels of land to “operational” with interests removed under Section 30 of the Local Government Act:
1. Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads
 2. Lot 12 DP 617101 – Bolong Road, Coolangatta
 3. Lot 3 DP597223 – Bolong Road, Coolangatta
 4. Lot 4 DP 550354 – Island Point Road, St Georges Basin
 5. Lot 2081 DP 216860 – Lively Street, Vincentia (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street only).
- e) Write to the NSW Government and raise Council’s concerns with the land reclassification process, and suggest associated changes to the Local Government Act 1993 which is currently under review.

OPTIONS

1. Adopt the recommendation - this will enable the Local Environmental Plan (LEP) to be amended without having to go through the exhibition and public hearing process again.
2. Not seek to amend the LEP utilising Section 73A of the Environmental Planning & Assessment (EP&A) Act, and resolve to reclassify the land to “community” then prepare a new Planning Proposal (PP) to take the land back to “operational” and extinguish the interests in the land. This is not recommended as undertaking the PP process would require a further public exhibition and public hearing to be held at

Council's cost, and will delay the resolution of this minor issue by around six months. This will delay the sale, lease or licensing of the land.

3. Provide an alternative direction in this regard.

DETAILS

Background

The Council Land Reclassification (Housekeeping) PP received Gateway determination from the NSW Department of Planning and Environment (DP&E) on 10 September 2015. The PP aims to correct an administrative error which occurred in the final drafting of Shoalhaven Local Environmental Plan (LEP) 2014 which resulted in the land being reclassified as "operational", but did not remove the interests, and inadvertently reclassified the whole of Lot 2081 DP 216860 Lively Street, Vincentia as operational.

Accordingly, for sites 1 to 5a below, the PP aims to remove the interests from the "operational" land and in relation to 5b, return its classification to "community":

1. Lot 21 DP 252581 – 50 Shoalhaven Heads Road, Shoalhaven Heads;
2. Lot 12 DP 617101 – Bolong Road, Coolangatta;
3. Lot 3 DP 597223 – Bolong Road, Coolangatta;
4. Lot 4 DP 550354 – Island Point Road, St Georges Basin;
- 5a. Part Lot 2081 DP 216860 – Lively Street, Vincentia (land along the rear of Nos. 83-109 Frederick Street and No. 7 Sutton Street only); and
- 5b. Lot 2081 DP 216860 – Lively Street, Vincentia (remainder of lot).

The PP was exhibited from 30 September to 16 October 2015. The Development Committee considered a report on the exhibition on 3 November 2015 and resolved to submit the PP to the DP&E for finalisation (copy of PP provided as **Attachment "A"**). However, after the PP was sent for finalisation, DP&E advised that the LEP could not be made as the Local Government Act 1993 (LG Act) does not allow removal of interests from land which already has an "operational" classification – this can only be done when land is classified from "community" to "operational".

Advice was subsequently sought and this report recommends a way forward to resolve the issue.

Reclassifications under the Local Government Act 1993

The Local Government (LG) Act contains provisions regarding the classification and reclassification of public land. When Shoalhaven LEP 2014 was drafted, the subject land was reclassified from "community" to "operational". While it was intended that the interests in the land be extinguished at the same time, due to a drafting error this did not occur. In addition, all of Lot 2081 DP 216860 – Lively Street, Vincentia was reclassified to operational, when this should really only have applied to part of the lot.

To correct these administrative errors, Council prepared and exhibited a PP which sought to:

- Remove the interests from sites 1 to 5a; and
- Reclassify site 5b to community.

After the PP was sent to DP&E for finalisation, Council was advised that the LEP could not be made as the LG Act does not allow removal of interests from land which is already “operational”. The can only be done when land is classified from “community” to “operational”.

In discussions with DP&E prior to preparing the PP, this was not raised as an issue. Nor was concern raised at the Gateway determination and Council was subsequently allowed to proceed with the preparation and exhibition of the PP. DP&E had previously advised other Councils (e.g. Moree Plains Planning Proposal PP_2015_MOREE_001_00 which received Gateway determination on 30 March 2015) that they needed to reclassify “operational” land back to “community” in order to remove the interests in the land via the reclassification process. It is unclear why Shoalhaven did not receive the same advice.

DP&E has advised that Council is now essentially required to undertake the following steps if it still wishes to deal in the subject land without risk:

1. Abandon the current PP;
2. Reclassify the land to “community” by Council resolution;
3. Prepare a new PP that classifies the land “operational” and removes the interests in the land;
4. Undertake a public exhibition; and
5. Hold a public hearing.

Following the above process will result in the reclassifications ultimately having been subject to four (4) public exhibitions and three (3) public hearings. It will also significantly delay the sale of 50 Shoalhaven Heads Road, Shoalhaven Heads (site 1) which Council has recently resolved to sell.

Legal Advice

After receiving advice from DP&E, independent legal advice was obtained. Details of the legal advice is provided in a confidential report to this meeting.

As a result of the advice received, it is recommended that Council pursue an expedited amendment to the LEP utilising Section 73A(1)(c) of the EP&A Act. This section of the EP&A Act enables certain types of minor amendments to be made to LEPs without following the usual procedures (such as preparation of a PP and public exhibition) if “they will not have any significant adverse impact on the environment or adjoining land”. The removal of interests and classification of part of the Lively Street land from “operational” to “community” will not have adverse impacts on the environment or adjoining land.

In addition, if the request is successful Council will have saved the time and expense of preparing a new PP, including a public exhibition and public hearing. If the request is unsuccessful, or Council choses to start the PP process again now, it is expected that it would take around six months for a new PP to be finalised.

LOCAL GOVERNMENT ACT REVIEW

This experience (and others) has highlighted issues with the reclassification process in the LG Act and its interaction with the EP&A Act. The main issues with the reclassification process are:

- Inability to remove interests from “operational” land no matter how minor the matter;
- Requirement to hold a public hearing even when no submissions are received during the exhibition of a reclassification planning proposal; and
- Requirement to have public hearings chaired by an independent person (at Council’s cost), even when no submissions are received or no-one registers to attend.

If the NSW Government is intent on cutting red tape, the provisions of the LG Act should be amended to enable the removal of interests from “operational” land in appropriate circumstances. This would allow Councils to more efficiently meet their land management objectives and reduce the pressure on resources. Further, the requirement for an independently chaired public hearing is onerous and costly, particularly when there is no community interest in a reclassification. This could be simplified to allow reclassification PPs that receive no comment during the exhibition period to be exempt from the public hearing process. Alternatively, the requirement to have an independent person chair the public hearing could be relaxed if there is no interest expressed.

As the LG Act is currently under review, it is appropriate and timely that these concerns be raised with the NSW Government.

FINANCIAL IMPLICATIONS

The cost involved in seeking an expedited amendment to Shoalhaven LEP 2014 will essentially be in the staff time to prepare the submission. By comparison the cost of undertaking the PP process again could be in the vicinity of \$5,000 (cost of Independent Chair for the hearing etc).

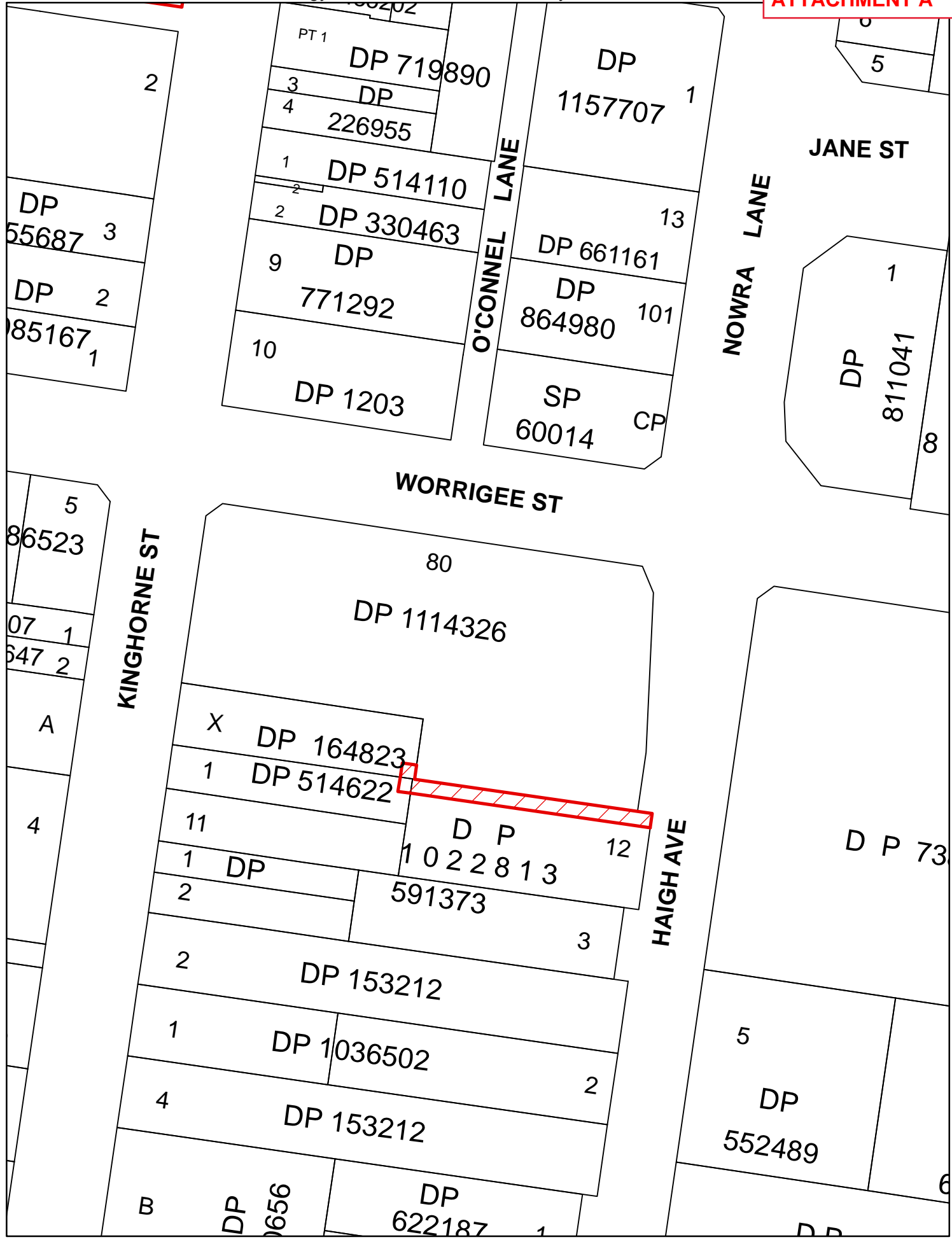
COMMUNITY ENGAGEMENT

The reclassifications have been subject to extensive community consultation across three separate exhibition periods, and two public hearings to date. A further public exhibition and public hearing will be required if Council chooses not to request the Minister for Planning to amend the LEP utilising Section 73A of the EP&A Act.

CONCLUSION:


If the Minister agrees to amend the LEP using Section 73A, Council will avoid having to spend resources and time in going through the PP process again. It is therefore recommended that Council requests the Minister to amend Shoalhaven LEP 2014 to remove the interests from the subject land.

It is also appropriate that a submission is made to the NSW Government outlining Council’s concerns with the LG Act reclassification process.



**Proposed Easement to Drain Water
Benefiting Lot X DP 164823 & Lot 1 DP 514622**



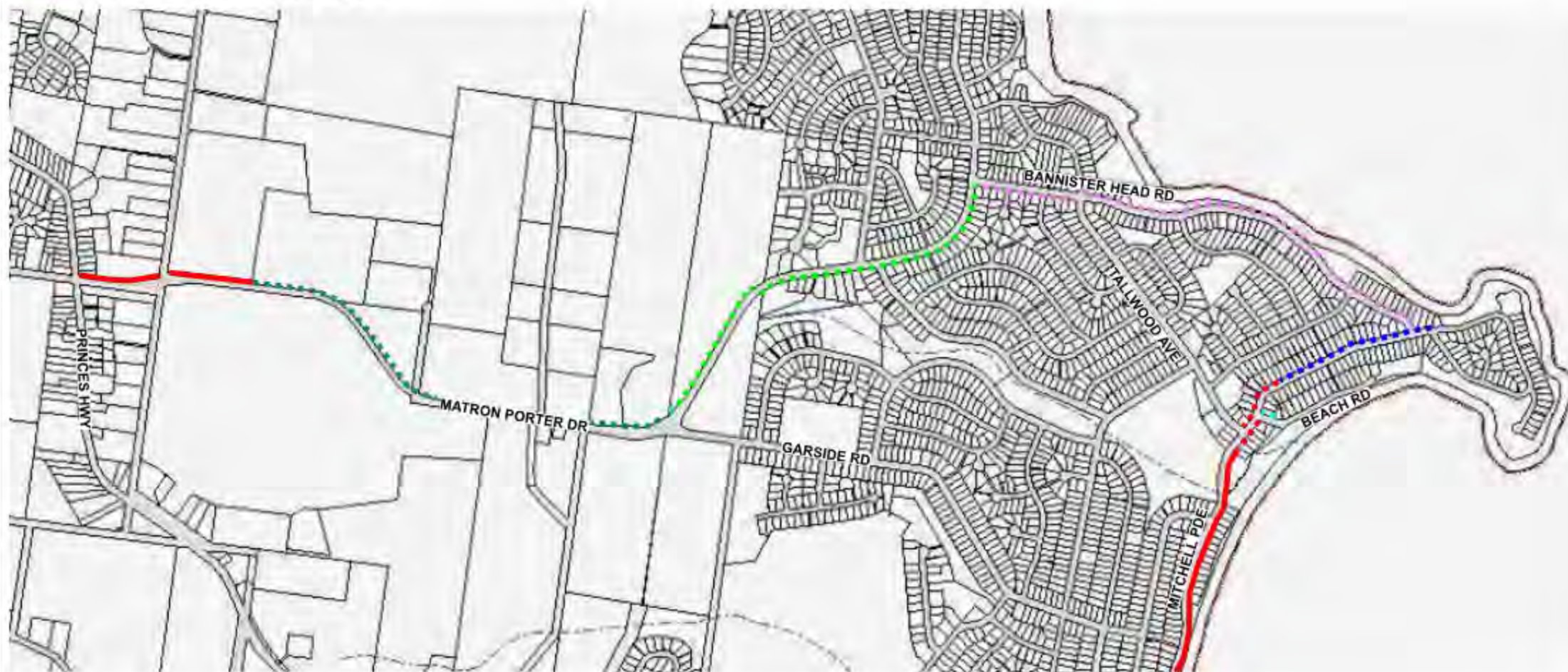
 Proposed Easement to Drain Water





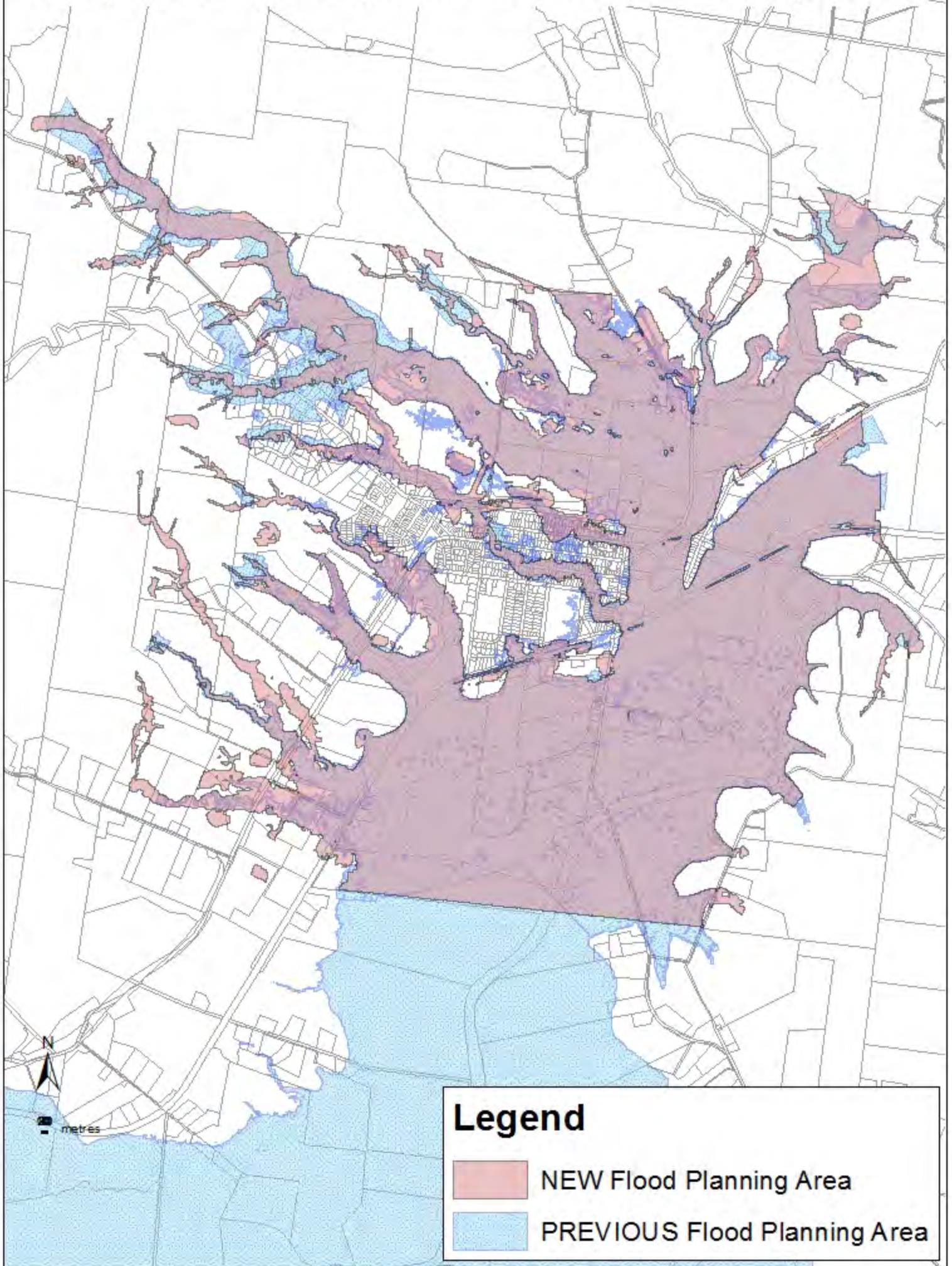


- Existing shared path
- Proposed shared path stage 1
- Proposed shared path stage 2
- Proposed shared path stage 3
- Proposed shared path stage 4
- Proposed footpath
- Proposed Matron Porter Drive path (separate project)



**Extract from PAMP indicating proposed paths
Mitchell Pde, Bannister Head Rd, Matron Porter Dr, Mollymook Beach**

Comparison of Broughton Creek Flood Planning Areas



1. Future of Shoalhaven Council's Immunisation Clinic**File 1869e****SECTION MANAGER: Kelie Lowe****PURPOSE:**

To inform the Council of the declining attendances at Council's childhood immunisation clinics and determine the direction of future clinics.

RECOMMENDED, in accordance with the Committee's delegated authority from Council, that Council

- a) **Close the free childhood immunisation clinics run by Council as of 1st July 2016 due to lack of attendance;**
- b) **Council write to NSW Health thanking them for the financial support provided to Council in delivering the clinics to the community;**
- c) **Advertise the closing the clinic and thank the community for supporting the clinics over the last 50 years; and**
- d) **Write to parents, actively utilising the clinics to immunisation their children, to notify them of the clinic closure.**

OPTIONS

1. As recommended
2. Consult with the community by way of surveying parents who have previously used the clinics to find out why they are not attending and if they object to the closure of the clinics. Report the findings back to Council for further direction on the future of the clinics.
3. Continue the clinics but rationalise the number and locations.
4. Council continue to deliver the clinics with the current arrangement of setting up in seven locations across the City.
5. Other option as determined by the Committee.

DETAILS

The Shoalhaven City Councils free childhood immunisation clinics have been providing free vaccination for children under the age of 5 since the 1960's. This service currently provides vaccination for 13 preventable diseases including: poliomyelitis (polio), diphtheria, haemophilus influenza type b, pertussis (whooping cough), meningococcal C, pneumococcal disease, measles, mumps, rubella (German measles), tetanus, hepatitis B, rotavirus and varicella (chicken pox).

The immunisation clinic runs on the first Tuesday, Wednesday and Thursday of each month at 7 locations: Sussex Inlet, Ulladulla, Sanctuary Point, Bomaderry, Culburra, East Nowra and Nowra. The clinic schedule is shown in **Attachment A**.

Over the last 10 years attendance rates at clinics has steadily declined from an average of 60 children per month to 20 per month. In the last 6 months numbers have dropped as low as 11 children being vaccinated over the 3 days. Figure 1 shows the decline in total annual attendance since 2008.

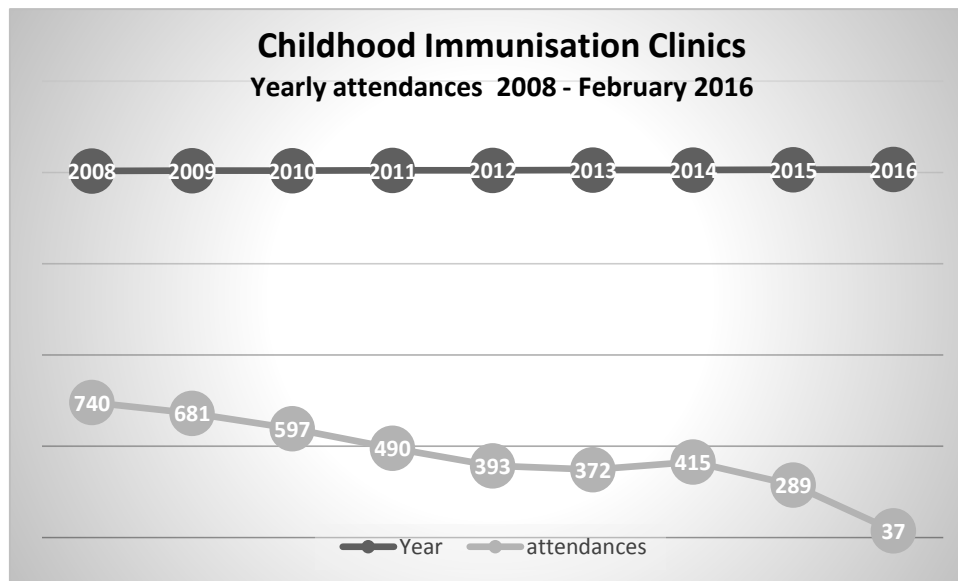


Figure 1: Annual attendance rates

Council has continued to advertise the immunisation clinics using different media targeting newspapers, hospitals and health clinics throughout the Shoalhaven. Council also has begun using social media to advertise the clinic times in an effort to increase numbers.

According to the NSW Annual Immunisation Coverage Report 2013 more than 90% of Children are fully immunised at the age of 5 years of age nationally. The Shoalhaven local government area has the highest percentage of immunised children in all but one age category within the Illawarra Shoalhaven Local Health District. Statistics provided by the Immunisation Coordinator – Illawarra Shoalhaven Public Health Unit show that 94% coverage for the age groups under 5 years of age.

Why have the attendances fallen?

Whilst our region continues to have excellent immunisation coverage it is felt that the declining use of Councils free childhood immunisation clinics is mainly due to the increase in the number of medical centres throughout the Shoalhaven's towns and villages.

Many of these centres have early childhood nurses that perform health checks as well as providing vaccinations. Parents also have the ability to access services for themselves whilst at the medical centre at a time that suits their needs. A majority of medical centres also bulk bill making the medical centres both affordable and convenient.

Where to for the future?

At the end of 2015 the declining attendances at Councils immunisation clinics was raised with the Immunisation Coordinator NSW Public Health Unit. The following issues were discussed:

- Increased marketing of the clinics - as the immunisation rates in the Shoalhaven are already very high it was unlikely to result in an increase in number that would make the clinics more viable.
- Rationalising the number of locations - it is difficult to know the impact of this upon the community. Providing two centralised locations for longer periods of time throughout the day may be an option to allow more flexibility for parents to attend at a convenient time.
- Closure of Councils childhood immunisation clinic – it was agreed that due to the continuing decline in attendances the clinic is not sustainable and consideration needs to be given to closing the Council immunisation clinics.

Therefore, it is recommended that Council not continue delivery of this service.

FINANCIAL IMPLICATIONS:

The immunisation service is mostly funded by NSW Health where the expense incurred by Council for the employment of nurses is refunded on a monthly basis. Immunisation training for nurses is also provided by NSW Health. Council also receives a payment of \$6 per vaccination from Medicare.

The costs to Council associated with providing the service include:

- Administration support (sending reminder letters, record keeping, answering enquires and administrative assistance at clinics);
- Laptop computer;
- Vehicle and fuel to transport nurses to each clinic;
- Equipment such as fridges for vaccine storage, needles, and medical equipment; and
- Hiring of clinic venues.

Council also pays for advertising and brochures supplied to local hospitals and health care clinics.

In recent months the Australian Commonwealth Immunisation Register (ACIR) are now requesting that immunisation providers to enter vaccination data into the ACIR register directly. Currently Council administration officers only had to forward paperwork to ACIR to enter themselves. This will further impact on Council resources in providing this additional service.

COMMUNITY CONSULTATION:

The intention to close the childhood immunisation clinics has been reported to the consultative committee 9th March 2016 for information. The casual staff affected have been consulted and aware of the possible closure. The permanent administration staff will not be affected.

It is recommended that Council continue to operate the free childhood immunisation clinics until the end of the 2015/2016 financial year (30 June 2016) to allow Council to inform the community about the closure of the clinics.

**Health**Illawarra Shoalhaven
Local Health District
Public Health UnitThe General Manager
PO Box 42
Nowra NSW 2541

Shoalhaven City Council

Received

Attention: Shane Pickering - Environmental Health Unit Manager

28 JUN 2016

1869E

File No.

Referred to:

SP

24 June 2016

Shoalhaven Immunisation Clinic: Council Ref. 1869E (D16/84737)

Reference is made to your letter of 23 March 2016 regarding the continued operation of the Shoalhaven City Council Immunisation Clinics.

It is anticipated that the current trend of the community accessing these clinics will continue to decline which will further reduce the cost effectiveness of service provision, due to factors such as increasing use of General Practitioners and the availability of bulk billing services. The operating costs for the clinics have been in excess of the program funding and have been supplemented by other immunisation funding, which is not sustainable.

These factors have contributed to the Public Health Unit being unable to continue to support the Shoalhaven Immunisation clinics as per our original correspondence.

As previously indicated the Public Health Unit will work to ensure that vulnerable populations have appropriate access to vaccinations. The vaccination rate for children 5 years and under across the region remains good at 93.9% and even stronger in the 12 month age bracket at 95.95%

The efforts and commitment of Shoalhaven City Council in promoting and their staff involved in the clinics are appreciated. If you have any further enquires please contact our office on 4221 6700 and request the Acting Immunisation Coordinator.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis Gregory'.

Curtis Gregory

Director

Illawarra and Shoalhaven Public Health Unit



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Planning & Development Services Group

DRAFT Companion Animals - Feral and Infant Cats and Dogs Policy

Policy Number: POL14/5 • **Adopted:** 22/2/2011 • **Reaffirmed:** 21/06/2013 • **Minute Number:** MIN11.149, MIN13.638 • **File:** 32667E • **Produced By:** Planning & Development Services Group • **Review Date:** 1/12/2016

1. PURPOSE

The purpose of this policy is to comply with the Guideline on the Exercise of Functions (the Guideline), under the *Companion Animals Act 1998* (the Act) and the *Companion Animals Regulation 2008* (the Regulation).

It also supports the contractual arrangements for managing the Shoalhaven Animal Shelter and Pound Facility. ~~and provides guidance to Council in relation to the Act.~~

~~Note: The Guideline is issued in accordance with Clause 13(3) of the *Companion Animals Regulation 2008* (the Regulation) and sets out the procedures which must be followed by council officers when exercising their functions under the Act and the Regulation. The Guideline requires council to have a policy in relation to some aspects of Companion Animal Management.~~

2. MANAGEMENT OF FERAL AND INFANT COMPANION ANIMALS

2.1. Definitions *Moved*

Companion animal means each of the following:

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

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

~~**dangerous dog** means a dog for the time being the subject of a declaration by an authorised officer of a Council or a court under the Act that the dog is a dangerous dog.~~

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

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

2.2. Context

The Shoalhaven Animal Shelter receives feral and infant animals, mostly cats, from members of the public in person or via Ranger Services officers. The public may trap feral cats or manage to catch unowned litters without their mother. They may also surrender unwanted litters and keep the mother.

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

As infant animals are totally reliant on their mother, an educated decision must be made by staff as to the viability of the animal. In relation to eating and drinking, the infant could be bottle fed each two hours. However, these infants do not have the capacity to evacuate unless stimulated by their mother.

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

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

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

2.3. Euthanasia of feral and infant companion animals

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

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

The ~~Ranger Services Manager~~ ~~Manager~~, ~~Building and Compliance Services or Unit Manager~~, ~~Ranger Services Manager~~ or in the absence of the Manager, a ~~Ranger Services Team Supervisor~~ ~~Leader~~ may authorise such euthanasia.

~~2.4. — Dangerous Dog Declaration representation evaluation~~

~~The owner of a dangerous dog has a right to object to any proposed declaration in writing within seven days after the date the notice is given.~~

~~A recommendation will be made by the Animal Management Team Leader after discussion with the relevant Animal Management Officer. A determination is then made by the Ranger Services Manager.~~

~~The owner of the subject dog is then informed of the decision in writing. The owner has a right to appeal to the Local Court against any declaration.~~

~~2.5. — Revoking a Dangerous Dog Declaration~~

~~A dangerous dog order can only be revoked by a resolution of council. A report to Council will be submitted by the Ranger Services Manager for each application for revocation. The report is to detail:~~

- ~~• Background to matter~~
- ~~• Summary of investigation and reason for issuing the Declaration~~
- ~~• Recommendation~~

~~2.6. — Assessing applications to revoke a Dangerous Dog Declaration~~

~~Council must consider the circumstances that the dangerous dog declaration was issued. If Council is not the issuing authority, information is to be sought from the issuing Council about the circumstances surrounding the issuing of the declaration.~~

~~The owner must provide evidence of the dog's current circumstances and behaviour in relation to the original declaration, including any behaviour modification training that may have been undertaken by suitably qualified persons.~~

~~The owner must provide any behavioural assessment obtained by the owner from a licensed vet, animal behaviour specialist or other qualified professional.~~

~~2.7. — Receipt of a Change of Restricted Breed Request from dog owner~~

~~If Council receives a change of restricted breed request from a dog owner, an authorised council officer must assess the dog to check the validity of the request. The breed of a dog that has been declared "Restricted" as a result of a notice of intention to declare a restricted breed cannot be changed.~~

~~When such a request is received the owner is to provide a breed assessment. If it contradicts what is contained in the Companion Animals Register (CAR) Council will facilitate the amendment on the CAR.~~

~~Council has a local procedure in place for handling breed change requests for restricted dogs:~~

- ~~• The owner is to provide a breed assessment by a suitably qualified person~~
- ~~• Council officer scans the dog to ascertain microchip number and cross references this with the GAR~~
- ~~• The officer photographs the dog as supporting evidence~~

~~Is the request supported?~~

~~If no, the officer notifies the owner within 7 days and ensures the owner complies with control requirements for dangerous and restricted breed dogs.~~

~~If yes, the officer contacts the Department of Local Government (DLG) requesting the Companion Animals Register (GAR) be updated and notify the owner providing them with a GAR printout.~~

~~2.6. Enclosures for Dangerous Dogs and Restricted Breeds~~

~~The Act requires all owners of dangerous and restricted dogs to have a Certificate of Compliance for the dog enclosure issued by Council.~~

~~Owning and keeping a dangerous or restricted dog without a Certificate of Compliance for the dog's enclosure is an offence under Section 58H(1) of the Act.~~

~~This Policy relates to how the enclosure is approved:~~

- ~~• the specifications are to be in accordance with the DLG requirements~~
- ~~• Comply with Clause 24 of the Regulation – Enclosure requirements for dangerous or~~
- ~~• restricted dogs~~
- ~~• payment of the relevant fee has been made~~
- ~~• a Certificate of Compliance will be issued by Council's Development & Environmental Services (DES) Group if it complies with the requirements.~~

~~Notes:~~

- ~~• **Section 53 of the Act – Inconsistency with agreements**
In the event of an inconsistency between this Division and the provisions of any agreement, covenant or instrument, this Division is to prevail, but to the extent only of the inconsistency.~~
- ~~• **Section 56 (4) of the Act – Owner of restricted dog must comply with control requirements**
In the event of an inconsistency between this section and the provisions of any agreement, covenant or instrument, this section is to prevail, but to the extent only of the inconsistency.~~

~~3. OTHER RELATED LEGISLATION AND COUNCIL POLICIES~~

~~Government Information Public Access (GIPA) Act 2009~~—In relation to access to companion animal records including suppressed records, it is Council's policy to fully comply with the provisions of the ~~GIPA Act 2009~~.

~~This Policy should be read in conjunction with the provisions of:~~

- ~~• Access Areas for Dogs Policy~~
- ~~• Companion Animals (Impacts on Native Fauna) Conditions of Development Consent Policy~~
- ~~• Dealing with Sick or Injured Animals Policy – When Council is required to deal with sick and injured animals it must be in accordance with this Policy.~~
- ~~• Management of Sick or Injured Animals~~
- ~~• Dog Control – Holiday Haven Tourist Parks Policy~~
- ~~• Dog Breeding and Boarding (including catteries) Establishments~~
- ~~• Dogs – Keeping of Dogs in the Calymea Street/ Albatross Road Area (Nowra) and Interim Guidelines for the Assessment of Development Applications throughout the City of Shoalhaven Policy~~

This Policy will be implemented by the ~~Planning & Development Services Group~~ ~~DES Group~~ ~~–Ranger Services.~~

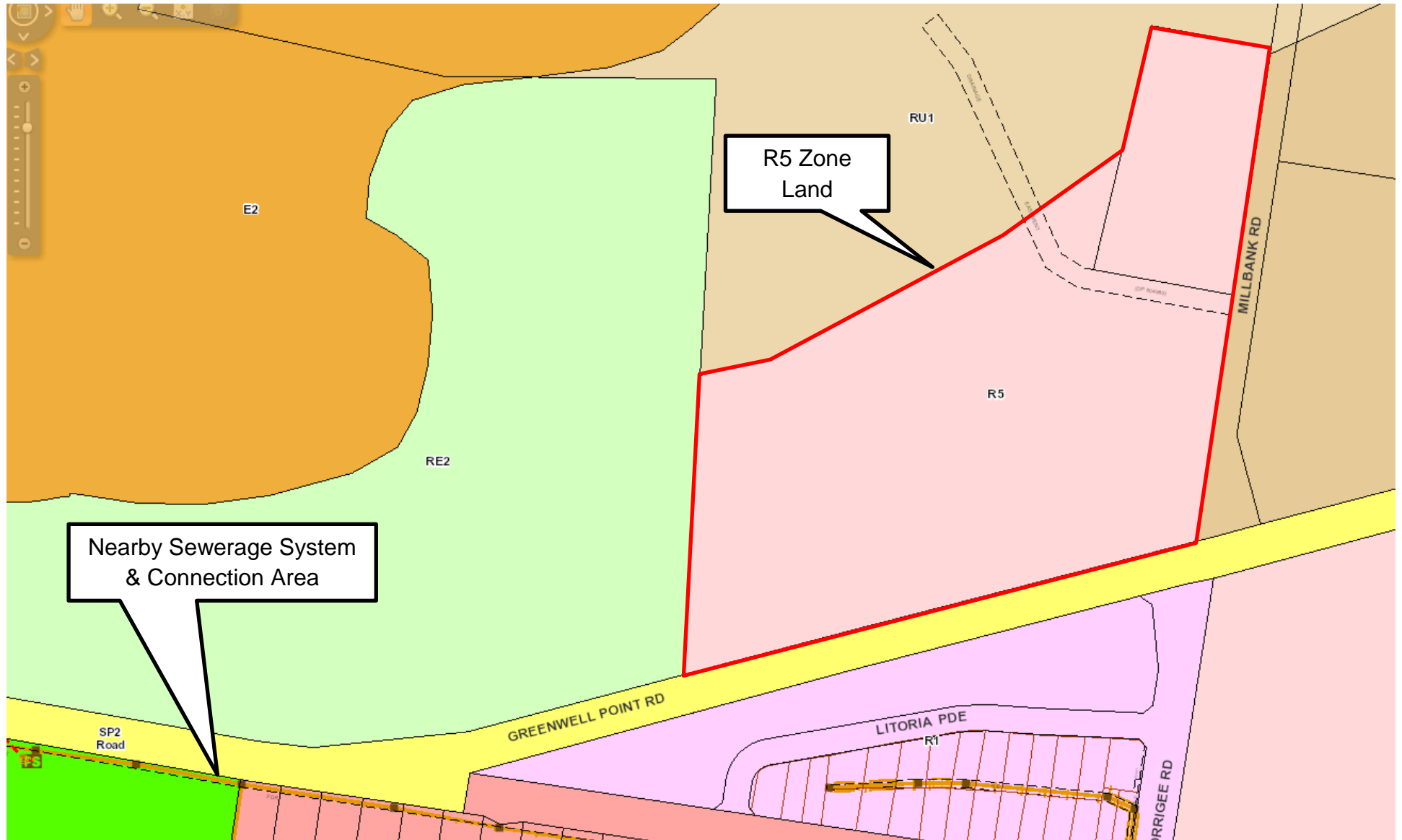
4. REVIEW

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

5. APPLICATION OF ESD PRINCIPLES

This policy supports Councils commitment to ESD principles through social integrity.

Plan of R5 Zone Land and Location of Nearby Sewerage System



Proposed Route of Low Pressure Sewer Main through Proposed Subdivision

