

Procedure  
4.01

## Drinking water quality

Directorate	Transport and Utilities Group
Responsible Officer	Director

## Scope

The *NSW Public Health Act 2010* requires Local Water Utilities develop a Quality Assurance Plan (QAP) for drinking water supply. NSW Health, NSW Department of Primary Industries and NSW Office of Water recommend the QAP be based on the Australian Drinking Water Guidelines (ADWG) 2011 12 element Framework for Management of Drinking Water Quality. Element 1 of the framework encourages the development and endorsement of a Drinking Water Quality Policy, to be communicated, understood and implemented by employees and provide the basis on which all water quality management actions can be judged.

## Purpose

The purpose of this policy is to define our commitment to and priorities for the supply of safe, high quality drinking water to our customers.

## Definitions

Term	Definition
ADWG	Australian Drinking Water Guidelines 2011

## Legislative requirements

*NSW Public Health Act 2010*

## Policy Statement

Bega Valley Shire Council is committed to managing its water supply systems effectively to provide safe, high quality drinking water to our customers, which consistently meets ADWG guideline values, other regulatory requirements and customer expectations.

To achieve this, in partnerships with stakeholders and relevant agencies, Council will:

- use a risk-based approach in which potential water quality hazards are identified, hazardous events recognised and preventative measures implemented at all points along the delivery chain from source water to the customer.
- Establish Critical Control Points from among the preventative measures for those hazards that represent a significant risk and where control can be applied to eliminate or reduce the hazard to an acceptable level.
- Establish regular monitoring of the quality of drinking water and effective reporting mechanisms to provide relevant and timely information, and promote confidence in the water supply and its management.
- Integrate the needs and expectations of our customers, stakeholders, regulators and employees into our planning.

- Develop appropriate contingency planning and incident response capability.
- Participate in appropriate research and development activities to ensure continued understanding of drinking water quality issues and performance.
- Continually improve our practices by assessing performance against our Levels of Service and stakeholder expectations.

We will implement and maintain a Drinking Water Quality Management System (DWQMS) based on the ADWG 2011 Framework for Management of Drinking Water Quality to effectively manage the risks to drinking water quality.

All managers and employees in the supply of drinking water quality are responsible for understanding, implementing, maintaining and continuously improving the DWQMS.

## Policy Version Control

Policy title	Drinking water quality
Policy No.:	4.01
Department	Transport and Utilities Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs</li> </ol>
Responsible Officer	Director
Version	2
Adopted	
Next revision	May 2021

## Related Council policies

Policy #	Policy Name
4.07	Water and Sewerage Services
4.08	Drinking Water Supply

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.02 On-site Sewage Management

Directorate	Planning and Environment Group
Responsible Officer	Manager   Health, Building and Compliance

### Scope

This policy prescribes the processes implemented by the Planning and Environment Group (PEG) to manage on-site sewage in the Bega Valley Shire in order to minimise the risk of harm to the environment.

### Purpose

- To promote sustainable on-site sewage management and to guide landholders or developers towards best practice.

### Definitions

Nil

### Legislative requirements

Nil

### Policy Statement

Bega Valley Shire Council will address the matter of 'On-site sewage management' in a systematic manner by:

- Implementing procedures that minimise risks to public and environmental health associated with systems of on-site sewage management.
- Implementing procedures that minimise the impact that on-site sewage management systems have on surface water, groundwater, land and native vegetation.
- Ensuring that water is conserved and that wastewater production is minimised and appropriately reused.
- Ensuring that on-site sewage management systems enhance and protect the local community amenity and are consistent with BVSC's obligations to promote ecologically sustainable development.
- Promoting the improvement of systems of on-site sewage management through incentives to upgrade systems, the opportunity to trial innovative systems of on-site sewage management and the reduction of high-risk sites over time.
- Providing fair and consistent administration for the on-going operation of systems of on-site sewage management.
- Targeting the removal of on-site sewage management systems within areas provided with a reticulated sewer service.
- Facilitating the provision of appropriate "dump points" for boats and vehicles within the shire.

## Policy Version Control

Policy title	On-site Sewage Management
Policy No.:	4.02
Directorate	Planning and Environment Group
Outcome Areas	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Manager   Health, Building and Compliance
Version	3
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
3.01	Development Administration
3.02	Environmental Management

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.03 Public Regulation

Directorate	Planning and Environment Group
Responsible Officer	Manager   Health, Building and Compliance

### Scope

This policy prescribes the processes implemented to facilitate the management and regulation of the use of public land under Council's jurisdiction.

### Purpose

- To ensure community safety and amenity in public areas.

### Definitions

Nil

### Legislative requirements

*Local Government Act 1993*

### Policy Statement

Bega Valley Shire Council will address the matter of 'Public Regulation' in a systematic manner by:

- Ensuring community safety and amenity are maintained by appropriate monitoring and regulation of carparking areas, reserve and beach signage, abandoned articles, straying stock, illegal camping and staying overnight in reserves, and anti-social behaviour associated with alcohol consumption.
- Managing public areas in accordance with to identified procedures and guidelines.

## Policy Version Control

Policy title	Public Regulation
Policy No.:	4.03
Department	Planning and Environment Group
Outcome Area	Liveable Places
Goals(3)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Manager   Health, Building and Compliance
Version	3
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
3.01	Development Administration
3.02	Environment Management
4.04	Companion Animal Management
4.10	Lands under Council jurisdiction

Note: Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.04 Companion Animal management

Directorate	Planning and Environment Management
Responsible Officer	Manager   Health, Building and Compliance

### Scope

This policy prescribes the processes implemented to facilitate the management of companion animals across the Bega Valley Shire.

### Purpose

- To control, regulate and manage companion animals in the Shire in accordance with the *Companion Animals Act 1998* and Regulations and accepted best practice.

### Definitions

Nil

### Legislative requirements

*Companion Animals Act 1998*

### Policy Statement

Bega Valley Shire Council will address the matter of 'Companion Animal Management' in a systematic manner by:

- Managing companion animals for which Council has an identified legislative responsibility in accordance with the companion animal legislation.
- Declaring, promoting and regulating leash free areas, wildlife protection areas and other control areas as required by the legislation.
- Operating a companion animal management facility in accordance with the relevant legislation and best practice.
- Delivering companion animal education programs aimed at promoting responsible ownership through the identification of companion animals, de-sexing and the protection of our local native wildlife.

## Policy Version Control

Policy title	Companion Animal management
Policy No.:	4.04
Directorate	Planning and Environment Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Manager   Health, Building and Compliance
Version	3
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
4.03	Public Regulation

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)



## Policy 4.05 Enforcement and compliance

Directorate	Planning and Environment Group
Responsible Officer	Manager   Health, Building and Compliance

### Scope

This Policy provides the basis for consistency, fairness and transparency in regards Council's compliance and enforcement activities.

### Purpose

The purpose of this policy is to establish direction and guidelines for Council staff in the management of Council's regulatory function. It provides workable guidelines on:

- Responding to reports alleging unlawful activity.
- Assessing whether reports alleging unlawful activity require investigation.
- Deciding on whether enforcement action is warranted.
- Options for dealing with confirmed cases of unlawful activity.
- Taking legal action, and
- Implementing shared enforcement responsibilities.

### Definitions

Term	Definition
Enforcement	Actions taken in response to serious or deliberate contraventions of laws.
Regulation	Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.
Unlawful Activity	Any activity or work that has been or is being carried out contrary to an Act of legislation administered by Council the below listed factors, and/or failure to take required action in order to be compliant with: <ul style="list-style-type: none"> <li>• Terms or conditions of a development consent , approval, permit or licence,</li> <li>• An environmental Planning Instrument that regulates the activities or work that can be carried out on particular land,</li> <li>• A legislative provision requiring a particular activity or work,</li> <li>• A required development consent approval, permission or licence.</li> </ul>

## Legislative requirements

This Policy applies to regulatory issues within Council's area of responsibility including but not limited to:

- Environmental protection
- Public health and safety
- Development and building control
- Environmental health and food safety
- Biodiversity conservation & tree protection
- Biosecurity
- Animal control in public places
- Fire safety
- On Site Sewage Management

## Responsibility

Council receives information about alleged unlawful activity from members of the public, information gathered by staff during proactive inspections, and contact from other government agencies such as NSW EPA. Only staff with the appropriate delegations from the General Manager can undertake investigation or compliance and enforcement action. Council staff delegations for taking action under this Policy are included in Council's Delegations Register.

All staff with responsibility for investigating reports alleging unlawful activity are responsible for implementing this Policy.

Staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection or information received, is brought to the attention of the relevant Council section or government agency.

## Policy Statement

Bega Valley Shire Council will manage Enforcement and Compliance activities in a systematic manner by:

- Ensuring its obligations under Section 8 of the *Local Government Act 1993* are adhered to ensuring regulatory powers are carried out in a consistent manner and without bias.
- All decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised staff or of the Council itself.
- Following the principles of the 'NSW Ombudsman's Enforcement Guidelines for Councils' (2015), the NSW Director of Public Prosecution 'Prosecution Policy and Guidelines', the NSW EPA Enforcement Guidelines and the BVSC 'Enforcement and Compliance' and 'Parking Enforcement' Guidelines in regard to the enforcement and compliance functions that comprise the procedures and guidelines associated with this Policy.
- Ensuring all Council compliance and enforcement actions are underpinned by the following principles.

Principle	Action
Accountability & transparency	<p>Acting fairly and impartially and without bias or unlawful discrimination.</p> <p>Acting in the best interest of public health and safety and in the best interests of the environment.</p> <p>Providing information about compliance and enforcement priorities and reasons for decisions.</p> <p>Acting on any complaints or concerns about the conduct of compliance officers in accordance with Council's complaint management procedures.</p> <p>Advising people and organisations subject to enforcement action of avenues available to seek a review of a decision.</p>
Consistency	<p>Ensuring all compliance and enforcement action is implemented consistently.</p> <p>Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.</p>
Timeliness	<p>Ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely and within statute of limitations and reporting obligations.</p>
Proportional	<p>Ensuring the level of enforcement action is proportional to the level of risk and seriousness of the breach or offence.</p> <p>Making cost effective decisions about enforcement action.</p> <p>Taking action to address harm and deter future unlawful activity.</p>

## Policy Version Control

Policy title	Enforcement and Compliance
Policy No.:	4.05
Directorate	Planning and Environment Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>Our air and water is pristine and our natural environment and rural landscapes are protected.</li> <li>We are leaders in sustainable living and support innovative approaches to resource recovery and the production of renewable energy and food.</li> </ol>
Responsible Officer	Manager   Health, Building and Compliance
Version	3
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
4.03	Public Regulation

## Policy 4.06 Cemeteries & Memorials

Directorate	Community, Relations and Leisure
Responsible Officer	Manager   Community, Culture and Information

### Scope

This policy prescribes the processes implemented to manage and oversee all cemetery and memorial operations and services within the Bega Valley Shire.

### Purpose

- To provide guidance to Councillors, managers and staff in the development, implementation, monitoring and review of effective and efficient cemetery operations and management and placement of memorials in public areas in the Bega Valley Shire.

### Definitions

Nil

### Legislative requirements

*Crown Lands Act 1989*

*Crown Lands (General Reserves) By Law 2006*

*Crown Lands (General Reserves) Amendment (Sustainable Burials) By-law 2011*

*NSW Local Government Act 1993*

*NSW Heritage Act 1977*

*Public Health Act 2010 and Public Health Regulation 2012*

*Work Health and Safety Act 2011*

### Policy Statement

Bega Valley Shire Council will ensure the optimal management, maintenance and planning of cemeteries & memorials in the Shire by:

- Providing and maintaining dignified burial places in various locations within the Bega Valley Shire.
- Managing cemeteries consistent with community standards and legislative requirements.
- Providing clear direction for the optimal management, maintenance and planning of cemeteries in the Shire.
- Providing an expedient and considerate service to the public for the interment of deceased residents.
- Maintaining records of interments and reservations in our cemeteries to be made available to the public.
- Managing cemeteries and overseeing the work undertaken by funeral directors, monumental masons, contractors and volunteers.
- Developing and administering a procedure related to placement of memorials in public parks and reserves; noting the general recreation purpose of these spaces and ongoing asset management.

## Policy Version Control

Policy title	Cemeteries
Policy No.:	4.06
Directorate	Community Relations and Leisure
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and service are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Manager   Community, Culture and Information
Version	3
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
1.01	Community Wellbeing
1.04	Volunteering
5.01	Asset Management
6.05	Work Health and Safety

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.07 Water and Sewerage Services

Directorate	Transport and Utilities Group
Responsible Officer	Director

### Scope

This policy relates to water supply and sewerage service delivery to communities in the Bega Valley Shire. The scope covers the extraction, treatment and supply of drinking water, the collection and treatment of sewage, the disposal of effluent and the use of recycled water. It is a policy of the Water and Sewerage Services section of Bega Valley Shire Council.

### Purpose

The purpose of this policy is to define the principles that guide decisions to achieve appropriate, affordable, cost-effective and sustainable water supply and sewerage services.

### Policy Statement

Our mission is to provide reliable water and sewerage services that meet present and future needs of the community whilst protecting public health and our natural environment. To achieve this, we will meet our defined levels of service and:

#### *Customer service*

- provide the best value for money to our customers
- be transparent and informative
- be responsive to customer requests and complaints

#### *Government and stakeholders*

- comply with NSW Government regulatory requirements
- meet guidelines for best practice management, development servicing, pricing, drinking water quality, recycled water management and liquid trade waste
- be accountable to stakeholders
- work with local media to provide information in a timely, professional, open and honest manner

#### *Environment and sustainable development*

- conserve available water resources whilst meeting water demand needs
- enable water recycling from sewer where it is beneficial and financially feasible to do so
- be efficient with energy use
- support our shire's development

#### *Asset management*

- renew and upgrade assets in a timely manner within a strategic asset management system based on asset condition and life expectancy
- accord with relevant engineering design standards and quality asset provision
- prolong asset life through well planned programmed maintenance

### Workforce

- develop staff committed to professional service, teamwork, quality, safety and continuous improvement

### Finance

- ensure long term business financial sustainability

## Definitions

Term	Definition
Asset management system	A systematic process for maintaining, renewing and upgrading infrastructure in a cost-effective and timely manner, through recording and analysing information and data on asset component condition, value, age and life expectancy.
Drinking water	Water which is safe to drink and aesthetically pleasing.
Effluent	Sewage treated to a quality suitable for disposal to the environment
Guidelines for best practice management	A framework for the management of water supply and sewerage in NSW endorsed by the NSW Government and containing the elements of integrated water cycle management, strategic business planning, regulation and pricing of water supply, sewerage and liquid trade waste, water conservation, drought management and performance monitoring.
Levels of Service	Levels of Service (LOS) define the standards set for the delivery of water supply and sewerage services in relation to customer service, environment, assets, pricing and public health. LOS are defined in our Strategic Business Plan for Water Supply and Sewerage, with targets set for measurable indicators such as minimum water pressure, duration of unplanned interruptions, emergency response times, typical residential bills and water quality compliance.
Sewerage system	Pipe, manhole, vent, pump station and treatment facility infrastructure used to convey and treat sewage, dispose of effluent and supply recycled water.
Sewage	Water borne waste material from domestic, commercial, municipal and industrial premises discharged to sewer.
Sewer	Infrastructure used to collect and transport sewage.
Recycled Water	Sewage treated to a quality suitable for beneficial use by irrigation of playing fields, golf courses, farms, showgrounds and racecourses.

## Legislative requirements

*Local Government Act 1993*

*Public Health Act 2010*

*Protection of the Environment Operations Act 1997*

*Water Management Act 2000*

*Environmental Planning and Assessment Act 1979*

## Policy Version Control

Policy title	Sewerage Services
Policy No.:	4.07
Directorate	Transport and Utilities Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Director
Version	5
Adopted	
Next revision	May 2017

## Related BVSC policies

Policy No.:	Title
4.02	On-site sewage management

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)



## Policy 4.08 Drinking water supply

Directorate	Transport and Utilities Group
Responsible Officer	Director

### Scope

Bega Valley Shire Council is committed to providing our customers with high quality Water and Sewerage services. The Water and Sewer Services section manages the collection, treatment and distribution of water in the Bega Valley Shire. It also collects, treats, reuses and disposes of effluent safely back into the environment.

This policy and associated procedures describe the processes implemented by Council to facilitate delivery of services to residents who are connected to reticulated potable water and trunk water supplies.

### Purpose

- To provide water supply services in accordance with adopted Strategic Business Plan objectives and levels of service
- To provide water supply services in accordance with adopted Development Servicing Plan objectives
- To manage water supply assets in a financially sustainable manner
- To provide water supply services in accordance with NSW Government regulatory requirements relating to environmental health, public health, dam safety and workplace safety
- To implement water restriction procedures based on the scarcity of source water.

### Definitions

Term	Definition
Drinking water or potable water	Water that is safe enough to be consumed by humans or used with low risk of immediate or long-term harm.
Water supply	Council's network of interconnected water mains, storage dams, weirs, reservoirs/tanks, water pumping stations, bores, bulk flow meters, pressure control valves, treatment facilities, hydrants, valves and water connections.

### Legislative requirements

*NSW Local Government Act 1993*

*Water Management Act 2000*

*Public Health Act 1991*

*Protection of the Environment Operations Act 1997*

*Water Act 2007 (Commonwealth)*

*NSW Fluoridation of Public Works Supplies Act 1957*

## Policy Statement

Bega Valley Shire Council will provide Water Supply Services in areas defined in Development Servicing Plans by:

- Providing a water connection once payment of relevant fees and charges is made.
- Ensuring the owners and occupiers of all connected properties conform to backflow prevention requirements to protect the Council's water supply from contamination.
- Permitting rural water connections to the water supply system only in areas defined in Development Servicing Plans.
- Implementing water restrictions to facilitate reduced consumption of reticulated water when it is deemed necessary by the Mayor and General Manager.

## Policy Version Control

Policy title	Drinking water supply
Policy No.:	4.08
Directorate	Transport and Utilities Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Director
Version	3
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
4.07	Water and Sewerage Services

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.09 Families and Children

Directorate	Community, Relations and Leisure
Responsible Officer	Director   Community, Relations and Leisure

### Scope

This policy and its associated procedures encompass all processes implemented to effectively provide information and manage the delivery of family and child services to residents of the Bega Valley Shire using Council-operated services.

### Purpose

- To provide guidance to Councillors, managers and staff in the development, implementation, monitoring and review of effective and efficient family and child services in the Bega Valley Shire.

### Definitions

Nil

### Legislative requirements

*Commonwealth Children (Education and Care Services National Law Application) Act 2012*

*Commonwealth Education and Care Services National Regulations, 2011*

*NSW Children and Young Persons (Care and Protection) Act, 1998 No 157*

*NSW Children and Young Persons (Care and Protection) Regulation, 2012*

*NSW Children Legislation Amendment (Wood Inquiry Recommendations) Act, 2009*

### Policy Statement

Bega Valley Shire Council will address the matter of 'Families and Children' in a systematic manner by:

- Providing information and services to families and children in our community.
- Maintaining accessible and affordable family and child services, particularly for families who are Aboriginal, low income or vulnerable.
- Providing services that meet all government statutory requirements and quality standards.
- Prioritising programs, education and services that enhance the capacity of families and children to live well and contribute to community life.
- Promoting a range of mechanisms that support family and community involvement in family and child services.
- Promoting a range of mechanisms that support family and community involvement in family and child services.
- Building strong inter-agency relationships with other child and family services.

## Policy Version Control

Policy title	Families and Children
Policy No.:	4.09
Directorate	Community, Relations and Leisure
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs</li> </ol>
Responsible Officer	Manager   Children, Families and Ageing
Version	3
Adopted	
Next revision	March 2021

## Related BVSC policies

Policy No.:	Title
1.01	Community Wellbeing
1.02	Inclusive communities
1.07	Cultural diversity
2.01	Community Learning and Education

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.10 Land under Council jurisdiction

Directorate	Planning and Environment Group
Responsible Officer	Manager   Health, Building and Compliance

### Scope

This policy prescribes the leasing and licensing processes implemented to facilitate the effective use and management of land under Council's jurisdiction.

### Purpose

- To ensure that public land is maintained and used safely for the amenity and benefit of the resident community, visitors and the environment.

### Definitions

Nil

### Legislative requirements

*Local Government Act 1993*

*Crown Lands Act 1989*

### Policy Statement

Bega Valley Shire Council will address the matter of 'Lands under Council jurisdiction' in a systematic manner by:

- Implementing guidelines that document the range of activities or uses that are subject to an approval or consent of BVSC.
- Obtaining appropriate rentals for the use of public land.
- Applying the principles of consistency, transparency and accountability to the procedures relating to Council's leases and licences in order to ensure appropriate use and management of Council controlled land.
- Ensuring that Civil Aviation Safety Authority (CASA) requirements are adhered to for persons wishing to land private helicopters on lands under Council's jurisdiction.
- Implementing procedures that prohibit or restrict smoking in certain outdoor public areas.

## Policy Version Control

Policy title	Land under Council jurisdiction
Policy No.:	4.10
Department	Planning and Environment Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Manager   Health, Building and Compliance
Version	5
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
1.05	Film and Video
1.06	Festivals and Events
2.02	Live, Work, Invest
3.01	Development Administration
4.03	Public regulation

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.11 Planning Agreements

Department	Planning and Environment Group (PEG)
Responsible Officer	Director

### Scope

This policy prescribes the processes implemented to facilitate and manage the negotiation of planning agreements to which Council will be a party to.

### Purpose

- To provide a fair, consistent and accountable framework to guide the negotiation of planning agreements to which Council will be a party.
- To ensure Council acts with probity, transparency and in the interests of the wider community in planning agreement negotiations.
- To enable flexible arrangements for the provision of local infrastructure in connection with new developments in the Bega Valley Shire.
- To enable a payment in lieu of the provision of on-site parking for commercial development in accordance with Council's current Development Control Plan.

### Definitions

Term	Definition
Council	Means Bega Valley Shire Council
Development Application	Has the same meaning as in the <i>Environmental Planning and Assessment Act 1979</i>
Instrument change	Means a change to an environmental planning instrument to facilitate a development the subject of a planning agreement
Planning agreement	<p>is a voluntary arrangement between a developer of land and one or more councils and/or other planning authorities whereby the developer is required to:</p> <ul style="list-style-type: none"> <li>• dedicate land free of cost, or</li> <li>• pay a monetary contribution, or</li> <li>• provide any other material public benefit, or</li> <li>• provide any combination of the above,</li> </ul> <p>to be used for or applied towards the provision of a public purpose</p>

### Legislative requirements

*Environmental Planning and Assessment Act 1979 (EP&A Act)*

*Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).*

## Policy statement

Bega Valley Shire Council will address the matter of 'facilitating and negotiating Planning Agreements' in a systematic manner by:

- Guiding the conduct of elected representatives and staff of Council to ensure that:
  - a. Planning decisions are not bought or sold through planning agreements.
  - b. Planning agreements are voluntarily entered into. Under no circumstances will Council officers or representatives create an impression that a favourable planning or development decision is tied to successful negotiation of a planning agreement.
  - c. The interests of individuals or interest groups are not allowed to outweigh the wider public interest when considering a proposed planning agreement.
  - d. Council does not seek benefits under planning agreements that are unrelated to the development the subject of a planning agreement, nor will Council give undue weight to a proposed planning agreement when considering an instrument change or Development Application.
  - e. Council does not improperly rely on its statutory position in order to extract unreasonable public benefits from developers under planning agreements.
  - f. Elected representatives of Council are never involved in negotiating a planning agreement.
  - g. Elected representatives of Council involvement is limited to consideration and determination of the instrument change or Development Application the subject of the planning agreement.
  - h. Council's negotiations will be led by an officer formally given delegated authority by the elected Council. Other Council officers may also be involved in the negotiation process.
  - i. An officer of Council involved in the direct negotiation of a planning agreement will not be an officer involved in the assessment of the instrument change or Development Application the subject of the planning agreement.
- Ensuring the parties to a planning agreement will include Council and the developer and, if the developer is not the owner of the land the subject of the planning agreement, the land owner. The parties may also include another planning authority.
- Ensuring that Council, at its complete discretion, may negotiate a planning agreement with a developer in connection with any application by the developer for an instrument change or for development consent relating to any land in Council's area.
- Leaving the matter as to whether a planning agreement excludes the application of Section 94 or Section 94A of the EP&A Act to development to which the planning agreement relates open. This is a matter for negotiation between Council and a developer having regard to the particular circumstances of the case.
- Ensuring the negotiation of draft planning agreements occurs concurrently with the preparation of a Development Application or instrument change. Council prefers that the planning agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.
- Ensuring that negotiations with a developer and their consultants are appropriately separated and documented.



- Ensuring that where Council has a commercial stake in development the subject of a planning agreement, appropriate steps are taken to avoid a conflict of interest between Councils' roles as a planning authority and as a commercial party. Strategies that may be used to achieve this objective include engaging a third party to assess proposals and avoiding contractual arrangements which purport to guarantee outcomes that are subject to separate regulatory processes.
- Generally requiring that the developer and / or land owner parties meet Council's costs of and incidental to negotiating, preparing, entering into and enforcing the planning agreement. However, where it is demonstrated that the planning agreement will deliver substantial planning benefits to the wider community and not just the users of the development, this requirement may be removed or reduced.
- Ensuring that Council facilitate public participation and allow the community to gain a proper understanding of the benefits of appropriate planning agreements for the provision of public benefits and planning benefits.
- Ensuring that the planning agreement may be subject to further negotiation between the parties to consider any issue arising out of the public exhibition. This may result in the planning agreement being modified. Where the modification is considered by Council to result in a significant reduction in the public benefit to that which was included in the exhibited planning agreement, Council will publicly re-notify and make available for public inspection the modified planning agreement and the application to which it relates.
- Council will consider the planning agreement and the application to which it relates at the same time. Council (or the relevant planning / consent authority) will then issue a determination of the application. Both the planning agreement and public submissions made in relation to that agreement will be matters for consideration in the determination of the instrument change or Development Application.
- Where the application to which a planning agreement relates is a Development Application, and if the application is approved, a condition will be imposed on the development consent requiring the planning agreement to be entered into between the parties. Where the planning agreement relates to an instrument change, Council will resolve that the planning agreement be entered into before the relevant amending local environmental plan is made.
- Where the application to which a planning agreement relates is a Development Application for a commercial development that is deficient in on-site car parking per space rates will be as per Table 1.1. The rates in Table 1.1 are current for the 2014/15 financial year and will be indexed to the date of payment in accordance with annual movements in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

Table 1.1: Car parking rates per space

Location	Rate per space
Bega	\$9,523
Bermagui	\$5,900
Cobargo	\$7,237
Eden	\$9,920
Merimbula	\$15,232
Pambula	\$5,900
Tathra	\$5,900

- Ensuring modifications to approved development the subject of a planning agreement are subject to the same scrutiny as the original Development Application. Where such modification materially affects the terms of the agreement Council will generally require a new or modified planning agreement to be prepared and exhibited concurrently with the application to modify the development consent. A modified planning agreement will be publicly exhibited and considered by Council (or other consent authority) in the same way as a new planning agreement.
  - a. Keeping a register of all planning agreements applying to land within its area, including agreements that Council is not a party to. The register will record the date an agreement was entered into and a short description of the agreement, including any subsequent amendments.

## Policy Version Control

Policy title	Planning Agreements
Policy No.:	4.11
Directorate	Planning and Environment Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Director
Version	2
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
3.01	Development Administration
4.05	Enforcement and compliance

Note: Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.12 Environmental and Public Health

Directorate	Planning and Environment Group
Responsible Officer	Director

### Scope

This policy prescribes the processes implemented by Council to provide effective environmental and public health outcomes to the local community and visitors to our Shire.

### Purpose

The purpose of this Policy is to define Bega Valley Shire Council's role in providing, promoting and maintaining proper standards of environmental and public health for the local community.

### Definitions

As defined in relevant legislation.

### Legislative requirements

*Local Government Act 1993*

*Public Health Act 2010*

*Protection of the Environment (Operations) Act 1997*

*Food Act 2003*

### Policy Statement

Council recognises the health of the community is intrinsically linked to the social and physical environment that exists in the Shire. Therefore, Bega Valley Shire Council will:

- Provide education and information on environmental and public health issues.
- Monitor and enforce legislative standards as appropriate.
- Provide access to all the community to its environmental and public health services, programs and facilities.
- Develop, implement, monitor and review procedures that help maintain, manage and enhance the environmental and public health of the Shire.
- Engage with the community to improve the environmental and public health of the Shire.

## Policy Version Control

Policy title	Environmental and Public Health
Policy No.:	4.12
Directorate	Planning and Environment Group
Outcome area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Director
Version	2
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	3.15
1.01	Community Wellbeing
3.02	Environmental Management
3.08	Asbestos Management
4.02	Onsite Sewage Management
4.05	Enforcement and Compliance
4.08	Drinking water supply
6.10	Communications

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website [www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.13 Heritage works of a minor nature

Directorate	Planning and Environment Group
Responsible Officer	Director

### Scope

This policy and associated procedures outlines the processes to simplify approval of works of a minor nature for an existing or draft heritage item or existing or draft heritage conservation area.

### Purpose

- To conserve the heritage significance of a heritage item or draft heritage item or of a heritage conservation area or draft heritage conservation area, including associated fabric, settings and views.
- To identify works of a minor nature associated with an existing or draft heritage item or existing or draft heritage conservation area that do not require the formal development consent of Council (via a development application).

### Definitions

Term	Definition
Draft heritage conservation area	A heritage conservation area that has been subject to community consultation, but has not been included in Bega Valley Local Environmental Plan 2013.
Draft heritage item	A heritage item that has been subject to community consultation, but has not been included in Bega Valley Local Environmental Plan 2013.
Heritage conservation area	An area of land of heritage significance shown on the Bega Valley Local Environmental Plan 2013 Heritage Map as a heritage conservation area, and the location and nature of which is described in Schedule 5 of Bega Valley Local Environmental Plan 2013, and includes any heritage items situated on or within that area.
Heritage item	A building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5 of Bega Valley Local Environmental Plan 2013.

### Legislative requirements

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*  
*Standard Instrument—Principal Local Environmental Plan*

### Policy Statement

Bega Valley Shire Council will address the matter of 'facilitating approval of works of a minor nature' to a heritage item or draft heritage item, or heritage conservation area or draft heritage conservation area, in a systematic manner. It will do this by providing a streamlined approval process for works that would be permitted as exempt development under the Codes SEPP if the site contains a heritage item or draft heritage item, or a heritage conservation area or draft heritage conservation area.

## Policy Version Control

Policy title	Heritage works of a minor nature
Policy No.:	4.13
Directorate	Planning and Environment Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Director
Version	2
Adopted	
Next revision	May 2021

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)

## Policy 4.14 Character and Amenity

Directorate	Planning and Environment Group
Responsible Officer	Manager   Planning Services

### Scope

This policy encompasses all processes implemented by Council to facilitate and promote future developments within the Bega Valley Shire which are consistent with the Local Environment Plan (LEP) and Development Control Plan (DCP).

### Purpose

- To support the implementation of the Local Environment Plan (LEP) and Development Control Plan (DCP).

### Definitions

Term	Definition
Local Environment Plan	The Local Environment Plan (LEP) provides the legal framework by which Council's development decisions are made. It sets out Council's vision and seeks to implement this by way of objectives, policies, zoning tables and zoning and heritage conservation maps.
Development Control Plan	The Development Control Plan (DCP) supplements the LEP by providing detailed reasoning, guidelines, requirements and general information relation to the decision making process.

### Legislative requirements

*Environmental Planning and Assessment Act 1979 (the EP&A Act).*

### Policy Statement

Bega Valley Shire Council through the LEP and DCP will ensure that future development is consistent with the desired future character and community vision for the Bega Valley Shire's towns, villages, urban settlements and rural areas.

Council promotes the principles of ecologically sustainable development and encourages innovation. Any variation to the guidelines and requirements must demonstrate that an exceptional design and/or a superior environmental outcome will be achieved.



## Policy Version Control

Policy title	Character and Amenity
Policy No.:	4.14
Department	Planning and Environment Group
Outcome Area	Liveable Places
Goal(s)	<ol style="list-style-type: none"> <li>1. Our Shire continues to be a vibrant, enjoyable, safe and affordable place to live.</li> <li>2. Our places retain their character and scale, development is well planned, and a range of goods and services are available within our Shire that meet local needs.</li> </ol>
Responsible Officer	Manager   Planning Services
Version	2
Adopted	
Next revision	May 2021

## Related BVSC policies

Policy No.:	Title
3.01	Development Administration
5.01	Asset Management
6.18	Integrated Planning and Reporting

**Note:** Policy details may change prior to review date due to legislative changes. For the most up-to-date version please refer to Council's website  
[www.begavalley.nsw.gov.au](http://www.begavalley.nsw.gov.au)