

## Ordinary Meeting

**Meeting Date:** Monday, 10 October, 2022

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

## Attachments (Under Separate Cover)

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Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSTH-136
<b>DA Number</b>	RA21/1002
<b>LGA</b>	Shoalhaven City Council
<b>Proposed Development</b>	Construction of Materials Recycling Facility as Addition to an Existing Waste or Resource Management Facility.
<b>Street Address</b>	Lot 436 DP 808415 (Flatrock Road, Mundamia)
<b>Applicant/Owner</b>	Applicant: PDC Lawyers & Town Planners Owner: Shoalhaven City Council
<b>Date of DA lodgement</b>	7 December 2021
<b>Total number of Submissions</b> <b>Number of Unique Objections</b>	Nil- No submissions received regarding the proposal.
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 6 of the SEPP (Planning Systems) 2021)</b>	Schedule 6, Section 3(b) – Council related development over \$5 million  The development has a capital investment value (CIV) of more than \$5 million and is for a new recycling facility to be owned and operated by council.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Shoalhaven Local Environmental Plan 2014</li> <li>• Shoalhaven Development Control Plan 2014</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment 1 - Determination Document – Approval subject to conditions Attachment 2 – Plans Attachment 3 – “Clause” 4.6 Statement (Clause 4.3 Building Height) Attachment 4 – EPA General Terms of Approval (issued 14 September 2022).
<b>Section 4.6 requests</b>	N/A
<b>Summary of key submissions</b>	N/A
<b>Report prepared by</b>	<b>Daniel Lidbetter, Senior Environmental Planner (Stantec Australia).</b> <b>Reviewed by Nadine Page, Principal Planner (Stantec Australia)</b>
<b>Report date</b>	8 August 2022

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative sections requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

**Section 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

## Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

Have draft conditions been provided to the applicant for comment?

Yes

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

CL22.527 - Attachment 1

## Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

**Executive Summary**

The subject site is located approximately 3km west of the city of Nowra within the existing West Nowra Waste Facility. The site is located in the North-West corner of the site on land legally identified as Lot 436 DP 808415 at Flatrock Road, Mundamia.

The site contains an existing landfill and recycling facility owned and operated by Shoalhaven City Council with a number of approved developments associated with the ongoing operations of the facility. Key features associated with the site or in proximity to the proposal include:

- Vegetation adjacent to the site (running along the western and northern boundaries).
- A creek running adjacent to the site to the west.
- Category 1 and Category 2 bush fire prone land on the proposed MRF site.

The subject Development Application (DA), Development Application No. RA21/1002, seeks approval for construction and operation of a Materials Recycling Facility (MRF) within the existing West Nowra waste and recycling facility.

The land is zoned SP2 Infrastructure under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which land within the Land Zoning Map including development that is ordinarily incidental or ancillary are permitted with the consent of Council. A request for exceedance of the permitted 11 metre building height pursuant to clause (now section and referred to as such hereafter) 4.6 of SLEP 2014 accompanies the application.

As the development has a capital investment value (CIV) is more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

The development application has been assessed against the following relevant environmental planning instrument and demonstrates compliance with the relevant provisions:

- *Shoalhaven Local Environmental Plan 2014*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*

The application has been assessed against the following chapters of the Shoalhaven Development Control Plan 2014 (SDCP 2014):

- G1: Site Analysis, Site Design and Building Materials
- G2: Sustainable Stormwater Management and Erosion/Sediment Control
- G4: Tree and Vegetation Management
- G5: Biodiversity Impact Assessment
- G7: Waste Minimisation and Management Controls
- G8: Onsite Sewage Management
- G20: Industrial Development
- G21: Car Parking and Traffic

The development demonstrates general compliance with each chapter of SDCP 2014.

The DA was notified in accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 22 December 2021 to 21 January 2022.

Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

No submissions have been received for the proposal. Comments received from agencies and internal council referrals have been assessed as being either acceptable matters on their merits or matters that are capable of being resolved via conditions.

The site is suitable for the proposed development in its present form, taking into consideration the proposal before Council. Furthermore, it is considered that the proposal is in the public interest.

The proposal is considered worthy of support. This report recommends that the application be approved in accordance with the reasons for approval attached to this report.

Planning Report – S4.15 Assessment – Flatrock Road, Mundamia – Lot 436 DP 808415

**1. Detailed Proposal**

The proposal includes the construction and operation of a Materials Recycling Facility (MRF) at the existing West Nowra Recycling and Waste Depot. The MRF includes:

- An enclosed building to house the MRF with the following dimensions:
  - o 121 metres length by 68 metres width by (approximately) 12 metres height (note the building measures 10m to the underside of the eave and a maximum of 12.065m at the highest point being the ridge. Refer to plans – Elevations for detail).
  - o A footprint of 7260 square metres.
- An internal footprint of approximately 5000 square metres (equipment and stockpile areas).
- A receival hall and bunker approximately 1980 square metres in size.
- A community education and viewing platform.
- Equipment capable of processing up to 24,000 tonnes per annum of kerbside recycling, commercial, industrial, construction and demolition waste streams.
- A fire protection and control system.

A layout of the MRF has been included in Figure 1 below:

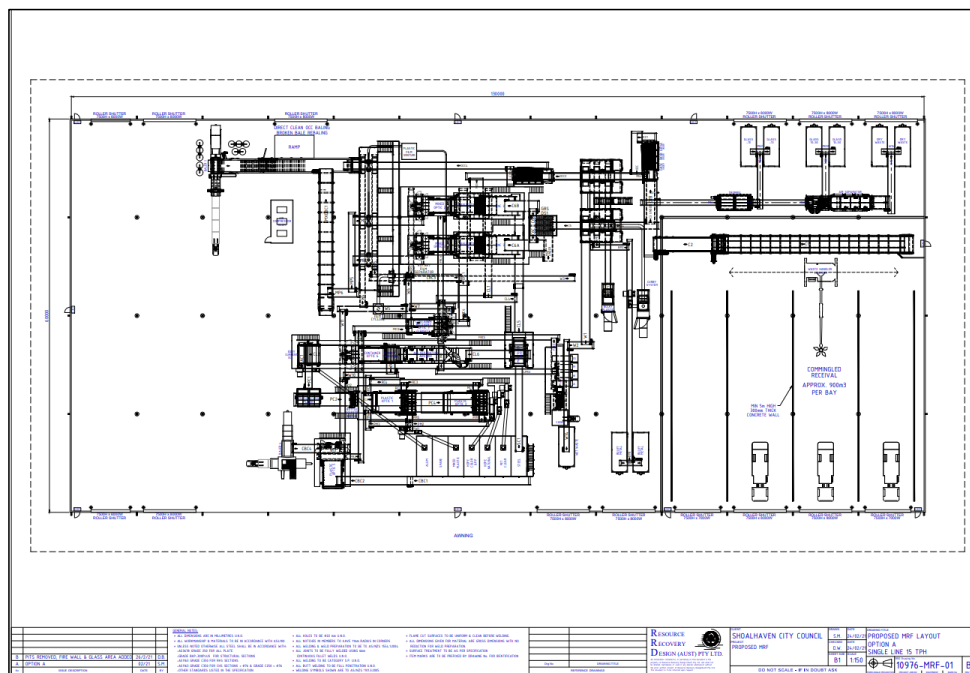


Figure 1: Proposed MRF Layout Option A- Resource Recovery Design (Aust) Pty Ltd (dated 24/02/2021)

The MRF and building are proposed in the north-west corner of the site. This site is already operating as a land fill and waste management facility (owned and operated by Shoalhaven City Council). The proposed MRF will be incorporated into the existing waste management activities onsite which include the existing operating hours (7am-6pm, seven days per week).

The proposal is expected to operate with 17 staff. Operations will be undertaken internally on the existing waste depot facility with no external interface with customers or the general public.

No new waste streams to those already imported to the site (MRF will sort materials into greater purity than current practices allow which will allow sorted materials to be baled, bagged and or bulk hauled to external markets).

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## 2. Limitations of this assessment

It is noted that when assessing this application, Stantec have not considered any activities undertaken to date onsite associated with site preparation works for construction of the MRF. Site preparation works have been undertaken and managed by Shoalhaven City Council separately prior to this assessment being undertaken.

Activities not considered as part of this assessment include removal of vegetation, piling, retaining wall construction and backfill, site levelling, stormwater drainage and placement of road base material.

Documents that were submitted as part of the application that have been excluded from this assessment or where sections of these documents fall outside the scope of this assessment have been summarised in the table below:

Document type	Document Name	Document Status
Plan	D21/526042 Plan - Overall Site - Flatrock Rd MUNDAMIA	Not Assessed
	D21/526024 Plan - Detailed Survey - Flatrock Rd MUNDAMIA	Not Assessed
	D21/526045 Plan - Proposed Layout - Flatrock Rd MUNDAMIA	Assessed
	D22/27181 Plans - Access Road Upgrade - Flatrock Rd MUNDAMIA	Not Assessed
	D21/526023 Plan - Cover - Flatrock Rd MUNDAMIA	Not Assessed
	D21/526026 Plan - Elevation - Sheet 1 - Flatrock Rd MUNDAMIA	Assessed
	D21/526028 Plan - Elevations - Sheet 2 - Flatrock Rd MUNDAMIA	Assessed
	D21/526035 Plan - Finishes & Detail - Flatrock Rd MUNDAMIA	Assessed
	D21/526048 Plan - Roof - Flatrock Rd MUNDAMIA	Assessed
	D21/526060 Plan - Typical Cross Section - Flatrock Rd MUNDAMIA	Assessed
	D22/129966 Plan - Leachate - Flatrock Rd MUNDAMIA	Not Assessed
	D21/526052 Plan - Site - Flatrock Rd MUNDAMIA	Assessed
	D21/526020 Plan - Civil Design - Flatrock Rd MUNDAMIA	Assessed
	D22/27185 Plans - Stormwater Upgrade - Flatrock Rd MUNDAMIA	Assessed
	D22/27168 REVISED Plans - Civil Design - Flatrock Rd MUNDAMIA	Assessed
	D21/526038 Plan - Ground Floor - Flatrock Rd MUNDAMIA	Assessed
	D22/154015 REVISED Plan - Sweep Paths - Flatrock Rd MUNDAMIA	Assessed
	D22/153981 REVISED Plans - Flatrock Rd MUNDAMIA	Assessed
	D22/154033 REVISED Plans - Line marking & Signage - Flatrock Rd MUNDAMIA	Assessed
	D21/526056 Plan - Traffic Flow - Flatrock Rd MUNDAMIA	Assessed
Report	Annual Report – 2017 / 2018 - West Nowra Recycling and Waste Facility, Flatrock Road West Nowra	Information only- not considered as part of this assessment
	Annual Report – 2018 / 2019 - West Nowra Recycling and Waste Facility, Flatrock Road West Nowra	Information only- not considered as part of this assessment
	D22/154063 Report - EPA Annual Report 2019/2020 - Flatrock Rd MUNDAMIA	Information only- not considered as part of this assessment
	Integrated Water Cycle Management Strategy (IWCMS) PROPOSED Shoalhaven Materials Recovery Facility (MRF)	Partially assessed- aspects of the MRF and footprint defined in Plan No. D21/56042 included as part of this assessment.
	D21/526074 Report - Acoustic - Flatrock Rd MUNDAMIA	Assessed
	D21/526082 Report - Cost Estimate - Flatrock Rd MUNDAMIA	Assessed
	D21/526081 Report - Bushfire Assessment - Flatrock Rd MUNDAMIA	Assessed
	D21/526070 Report - Aboriginal Heritage - Flatrock Rd MUNDAMIA	Assessed
	D21/526077 Report - Biodiversity Assessment - Flatrock Rd MUNDAMIA	Assessed
	D21/526067 Plan - Waste Minimisation & Management Plan - Flatrock Rd MUNDAMIA	Assessed
	D21/526094 Report - Statement of Environmental Effects - Flatrock Rd MUNDAMIA	Assessed
	D22/27162 Report - Traffic Impact Statement - Flatrock Rd MUNDAMIA	Assessed

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Document type	Document Name	Document Status
	D22/23547 Report – Clause (now section) 4.6 Written Request - Flatrock Rd MUNDAMIA	Assessed
	D22/96450 Report - Flora and Fauna Assessment - Flatrock Rd MUNDAMIA	Assessed
	D22/129970 Report - Contamination - Flatrock Rd MUNDAMIA	Assessed
	D22/154073 Report - MRF Background - Flatrock Rd MUNDAMIA	Assessed
	D22/129962 Report - Air - Flatrock Rd MUNDAMIA	Assessed
	D22/223116 REVISED Report - Bushfire Assessment - Flatrock rd MUNDAMIA	Assessed
	D22/299805 REVISED Report - Noise - Flatrock Rd MUNDAMIA	Assessed
	D22/129962 Report - Air - Flatrock Rd MUNDAMIA	Assessed
	D22/223116 REVISED Report - Bushfire Assessment - Flatrock rd MUNDAMIA	Assessed

### 3. Subject Site and Surrounds

The subject site:

- Is zoned as SP2 Infrastructure (waste or resource management facility) with the adjoining land zoned C3 Environmental Management to the south.
- Is identified as Category 1 and Category 2 bush fire prone land.
- Is identified Bionet Species Sightings Live Layer.
- Is identified as a Classified Fire Trail.
- Is identified as a Plant Community Type (PCT).
- Is identified as a Scenic Protection Area:
  - Object ID: 537001 PCT ID 3654,
  - Object ID: 536963 PCT ID 3654.
- Is identified as Class 5 (Acid Sulphate Soils).

Activities already undertaken within the same lot and DP as the subject site include the West Nowra Recycling and Waste Depot.

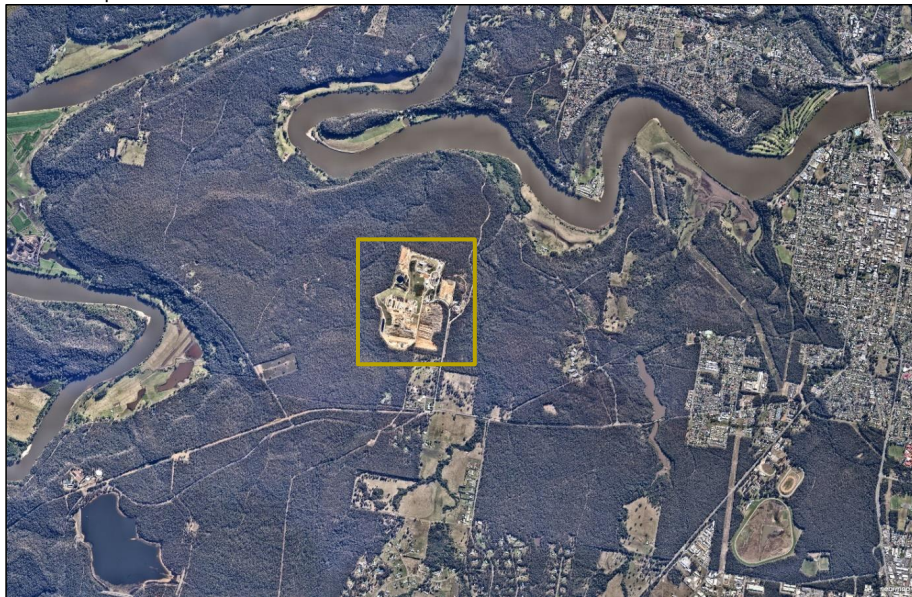


Figure 2: Site Locality (Nearmap 2022).



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Figure 3: Site location and assessment area (Nearmap Dec 2021).

#### 4. Background

##### Post-Lodgement

The application that forms part of this assessment was lodged on 7 December 2021. The description of the application submitted by the proponent included:

*The proposed development is a best-practice Materials Recycling Facility intended to process comingled recycling from Council's kerbside recycling collection, commercial and industrial and construction and demolition waste streams. A council owned and operated MRF will provide greater flexibility in adapting to changing market conditions whilst providing employment opportunities and increasing landfill diversion rates.*

The property description included in the application is Lot 436 DP 808415 (known as Flatrock Road, West Nowra or Mundamia). It is noted that the Statement of Environmental Effects (SEE) and several documents submitted as part of the proposal have used the suburb location as either West Nowra or Mundamia. It is confirmed that these assessments, plans and reports are consistent in the location described (Lot and DP). For consistency, the site location is described in the suburb of Mundamia from this point forward.

It is noted that as Shoalhaven City Council (SCC) being the owner and operator of the land and development subject to this application, the application was submitted by PDC Lawyers and Town Planners (PDC) on Council's behalf.

The Southern Regional Planning Panel (SRPP) was briefed on the proposal by SCC (the applicant) on 9 March 2022. The brief focused on the following aspects of the proposal:

- Proposed operations of the facility.



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- Existing operations.
- Assessment pathway.
- Concurrence and referrals.
- Other matters.
- Timeframes and next steps.

This assessment has considered all of the items addressed in the SRPP memo and subsequent meeting minutes and addressed these items throughout this report.

Internal and external referrals were raised by SCC officers resulting in the following Requests for Information (RFI's) being submitted to PDC to address:

Transmittal	Document Reference	Date	Summary	Status
RFI sent to the proponent	D22/27176 Letter - Works Commenced - Flatrock Rd MUNDAMIA	23/12/21	Request for Information regarding:  Request for Information and Current Works Program at West Nowra Recycling and Waste Facility.	Closed
RFI Response	D22/2807	5/01/22	Summary of the works program for the MRF project including works already undertaken to date external to this assessment.	Closed
RFI sent to the proponent	D21/530071 Additional Information Request - RA21-1002	9/12/21	Request for Information regarding:  Clause (now section) 4.6 written request, given the building height is proposed at approximately 12m, which exceeds the maximum height of building limitation of 11m.	Closed
RFI Response	P20-143 Clause 4.6 Variation Request	01/22	Clause (now section) 4.6 written request to permit the height of the MRF building greater than the permitted height on the site. Proposed height of 12 metres (1 metre higher than permitted).	Closed
RFI sent to the proponent	D21/553773 Additional Information Request - PAN-164756	23/12/21	Request for Information regarding:  1. Matters outlined in request by Transport for NSW (D21/553729, accessible via Council's DA Tracking system). 2. Revised comments regarding development engineer comments 3. Revised biodiversity assessment report that provides map of extent of vegetation 4. Written clarification and revised plans in regard to water use for proposed building	Closed
RFI Response	Response to councils' request for information (dated 19 January 2022)	19/01/22	1. Matters addressed in the TfNSW RFI by Talis Consultants 2. Revised concept plans to address SCC Development Engineers referral comments 3. Update on the status of a BDAR 4. Written clarification and revised plans regarding water (copy of the correspondence attached).	Closed
RFI sent to the proponent	D22/29102 Additional Information Request - PAN-164756	25/01/22	Request for Information regarding:  1. Matters outlined in request by NSW EPA (D22/27228, accessible via Council's DA Tracking system). 2. Revised owners' consent	Closed

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Transmittal	Document Reference	Date	Summary	Status
RFI Response	Response to councils' request for information (dated 1 February 2022)	1/02/22	<ol style="list-style-type: none"> <li>EPA matters addressed (considered separate to this assessment and not considered as part of this assessment).</li> <li>Owners consent being requested from Councils Senior Property Officer.</li> </ol>	Closed
RFI sent to the proponent	D22/81197 Additional Information Request - PAN-164756	25/02/22	<p>Request for Information regarding:</p> <ol style="list-style-type: none"> <li>Matters outlined in the request by NSW Environment Protection Authority (D22/76538, accessible via Council's DA Tracking system).</li> </ol>	Closed
RFI Response	Response to councils' request for information (dated 25 February 2022)	29/03/22	<ol style="list-style-type: none"> <li>Letter attached from Koikas Acoustics with amendments.</li> <li>Letter attached from Talis consultants addressing matters associated with air raised by the EPA.</li> <li>Further information provided on the water management of potential leachate within the MRF and adequacy of the existing site system to treat and retain volumes developed by the MRF.</li> </ol>	Closed
RFI sent to the proponent	D22/101586 Additional Information Request - PAN-164756	11/03/22	<p>Request for Information regarding:</p> <ol style="list-style-type: none"> <li>Clarification is required on what infrastructure and works have already been constructed and what is left to complete</li> <li>Revised concept engineering plans addressing revised plans from MI engineers and proposed MRF intersection</li> <li>Address Part 3, Schedule 3 of EP&amp;A Regulation 2021 for matters associated with the proposal being Designated Development.</li> </ol>	Closed
RFI Response	Response to council's request for information (dated 11 April 2022)	11/04/22	<ol style="list-style-type: none"> <li>Clarification provided to SCC on activities undertaken to date and further works to be undertaken outside of this development (not considered as part of this assessment)</li> <li>Further detail provided on the turning paths between heavy vehicles and passenger vehicles onsite. Components of the drawings which do not form part of the MRF footprint are not considered as part of this application.</li> <li>Additional information provided to address the proposal being "ancillary development" which does not trigger Part 3, Schedule 3- Designated Development of the EP&amp;A Regulations.</li> </ol>	Closed
RFI sent to the proponent	D22/154388 Additional Information Request - PAN-164756	12/04/22	<p>Request for Information regarding:</p> <ol style="list-style-type: none"> <li>Revised bushfire assessment report</li> <li>Revised plans in relation to stormwater</li> <li>Written clarification on clearing of native vegetation.</li> </ol>	Closed
RFI Response	Response to council's request for information (dated 12 April 2022)	27/05/22	<p>Clarification provided on the stormwater discharge scope (not included as part of this application) and submission of the revised Bushfire Assessment and written clarification on vegetation clearing (not included as part of this assessment).</p>	Closed

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Transmittal	Document Reference	Date	Summary	Status
RFI sent to the proponent	D22/245963 Additional Information Request - PAN-164756	14/06/22	Request for Information regarding:  1. Copy of amended acoustic report (Version 2) as referenced in advice by Koikas Acoustics Pty Ltd (Project No. 4482, dated 8 March 2022).	Closed
RFI Response	Acoustical Report: Proposed Materials Recycling Facility (Version 3- Ref 4482R20210127	25/08/22	Version 3 of the Koikas Acoustics report updated to address the comments provided in the RFI (D22/245963 Additional Information Request - PAN-164756).	Closed

**5. Consultation and Referrals**

Internal Referral	Recommendation Summary	Comment
Building Surveyor	Comments received include:  <i>Council has not been nominated for the CC or as the PC. In this regard, NO National Construction Code assessment has been completed for the proposal. The proposal may be subject to performance base solutions provisions of the NCC.</i>	Conditions to be imposed as per the recommended conditions.
Development Engineer	Comments received and additional information requested on 10 December 2021, 9 February 2022 & 13 April 2022.  Concerns raised regarding: <ul style="list-style-type: none"><li>- Earthworks (conditions to be applied)</li><li>- Stormwater drainage (conditions to be applied)</li><li>- Roads/Access (conditions to be applied)</li></ul>	Conditions to be imposed as per the recommended conditions.
Environmental Health Officer	Concerns raised regarding contaminated land (see comment below).  <i>Councils records indicate that this site may have been a Waste Depot site and therefore potentially contaminated land which may have implications for development, the site shall be further assessed prior to any works on the site, in addition any indication of Asbestos at the proposed site location shall have an Asbestos Survey Report and a Hazardous Materials Survey as per the conditions below. An unexpected finds and clearance certificates shall also be provided.</i>	Conditions to be imposed as per the recommended conditions.
Environmental Assessment Officer	Comments received and additional information requested on 8 December 2021.  Concerns raised regarding: <ul style="list-style-type: none"><li>- Bushfire Assessment (conditions to be applied)</li><li>- Stormwater run-off (conditions to be applied)</li><li>- Flora &amp; Fauna (conditions to be applied).</li></ul>	Conditions to be imposed as per the recommended conditions.
Shoalhaven Water: Development Unit	Concerns raised regarding stormwater management (see comment below).	Conditions to be imposed as per the recommended conditions.

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Internal Referral	Recommendation Summary	Comment
	<p><i>Shoalwater cannot assess this development as there is no commentary or plans showing water use in the proposed Material Recovery Facility.</i></p> <p><i>The SoEE states up to 17 people will be employed at the facility therefore amenities and water for cleaning the facility would be required.</i></p> <p><i>There is a 100mm water main terminating at the entrance to the waste facility in Flatrock Rd that services the site but it is not clear whether with the proposed Material Recovery Facility this will be sufficient.</i></p>	
City Services	<p>Concerns raised regarding traffic (see comment below).</p> <p><i>The proposed development overall is reducing the number of heavy vehicles used operationally but is increasing the light vehicle loading by 25 vehicle movements. Relative to the existing traffic flow this volume is considered negligible. Conditions have been provided relating to restricted heavy vehicle movements.</i></p>	Conditions to be imposed as per the recommended conditions.

External Agency	Recommendation	Comment
Transport for NSW	<p>Comment received from TfNSW below:</p> <p><i>TfNSW notes the following: - The proposed works include the construction of a Materials Recycling Facility (MRF) in a portion of the existing waste management facility, as shown in Attachment 1. - Access to the site will be from Flatrock Road, with light and heavy vehicles travelling to the site via Yalwal Road, Albatross Road and Kalandar Street. These are all local/regional roads managed by Council. - The DA has been assessed under Section 104 of State Environmental Planning Policy (Infrastructure) 2007.</i></p>	<p>TfNSW does not believe the proposed development will have a significant impact on the state road network, and entrusts Council to manage the traffic and road safety implications associated with the DA.</p> <p>No conditions proposed or recommended.</p>
Environmental Protection Authority (EPA)	<p>Comments received and additional information requested on 8 February 2022.</p> <p>Comments received and additional information requested on 27 May 2022.</p> <p>Comments received and additional information requested on 9 August 2022.</p>	Conditions to be imposed in accordance with the General Terms of Approval provided by the EPA (dated 14 September 2022).
Department of Planning (OEH)	No response	No response
Local Aboriginal Land Council	No response	No response

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## 6. Other Approvals

Integrated Approvals and Concurrences		
Agency	Recommendation	Comment
EPA	General Terms of Approval issued (dated 04/10/2018).	Conditions to be imposed as per the recommended conditions.

## 7. Statutory Considerations

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 (EP&A Act). The following planning instruments and controls apply to the proposed development:

- Shoalhaven Local Environmental Plan 2014
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Planning Systems) 2021

Additional information on the proposal's compliance with the above planning instruments is detailed below in section 7 (Statement of Compliance/Assessment) of this report.

The assessment of this proposal has also considered whether or not the proposal meets the criteria for Designated Development. In the instance of this proposal, it is considered that the MRF meets the definition of an "Ancillary Facility" as defined in the Statement of Environmental Effects prepared for this proposal.

The consideration of this development as an ancillary facility considered Schedule 3, Part 3, section 48(2) and has been included in the table below:

Section	Sub-section	Comment
(a) the impact of the existing development, including the following—	(i) previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice,	A review of the performance of the existing waste facility and landfill documents provided as part of this application show that the site operates under an Environmental Protection License.  Annual Reports to the EPA provided as part of the application show compliance with this license for general environmental requirements associated with the operation of the facility.
	(ii) rehabilitation or restoration of any disturbed land,	No land is required to be restored or disturbed as part of this application.
	(iii) the number and nature of all past changes and their cumulative effects,	The proposal will provide an automated sorting facility to process the same waste materials already received at the site. The MRF will reduce the volume of waste sent to landfill which will reduce increase the longevity of the site and increase reuse and recycling of materials.

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(b) the likely impact of the proposed alterations or additions, including the following—	(i) the scale, character or nature of the proposal in relation to the development,	The scale and character is consistent with the existing structures operating on the site.
	(ii) the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is, or will be, carried out and the surrounding locality,	The proposal is not expected to adversely impact any of the environmental considerations of this section..
	(iii) the degree to which the potential environmental impacts can be predicted with adequate certainty,	Specialist assessments have been undertaken for Air, Noise, Contamination, Biodiversity and Traffic as part of this assessment.
	(iv) the capacity of the receiving environment to accommodate changes in environmental impacts,	The site is an existing land fill and waste management facility. The proposal is designed to reduce manual handling and process waste for recycling and reuse opportunities and reduce impacts on the environment through the reduction of materials sent to land fill.
(c) proposals to mitigate the environmental impacts and manage residual risk,		Mitigation measures have been incorporated through the specialist assessments and incorporated into the conditions of consent.  Updates to the existing site CEMP have been conditioned as part of the conditions of approval to ensure ongoing controls are in place during construction and operation.
(d) proposals to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.		The proposal must be managed in accordance with the General Terms of Approval from the EPA and the updated EPL that will require variation to incorporate this proposal.

## 8. Statement of Compliance/Assessment

The following provides an assessment of the submitted application against the matters for consideration under section 4.15 of the EP&A Act.

### (a) Any planning instrument, draft instrument, DCP and regulations that apply to the land

#### i) Environmental Planning and Assessment Act 1979

##### Section 1.7 Biodiversity

The EP&A Act is subject to the provisions of *Section 1.7 Application of Part 7 of the Biodiversity Conservation Act 2016* (Biodiversity Assessments and Approvals under the Planning Act), that a Biodiversity Development Assessment Report (BDAR) should be undertaken to accompany a development application. A Biodiversity Assessment has been prepared for the Project by Peter Dalmazzo Environmental Consultant.

No vegetation clearing will be required as part of the works proposed under this assessment. Based on the activities proposed and the test of significance, it is considered that the proposal is not likely to affect threatened species or require biodiversity offsets. As such, a Biodiversity Development Assessment Report (BDAR) has not been prepared for this proposal.

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Section 4.14 Consultation and Development Consent- Certain types of bushfire prone land

Section 4.14 of the EP&A Act manages development proposed within bushfire prone land in the following manner:

**4.14 Consultation and development consent—certain bush fire prone land**

(1) Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (**the relevant specifications and requirements**), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

(1A) If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.

A bushfire assessment report has been undertaken as part of the application addressing the risks associated with the MRF location within a bushfire prone location. The assessment report has been prepared considering section 4.14(1)(a) above. The SCC Environmental Assessment Officer reviewed Bushfire Assessment D21/56081 and the revised assessment prepared by the applicant. The Assessment Officer confirmed that no vegetation clearing was required as part of the development to develop an Asset Protection Zone.

Section 4.46 – Integrated Development

The subject development is considered integrated development as separate approvals are required to undertake the subject development as outlined below.

Act	Provision	Approval	Determination details
<i>Protection of Environment (Operations) Act 1997</i>	Schedule 1 (34)	Environmental Protection License for the operation of a resource recovery facility.	<p>The site Environmental Protection License will require variation to include the operation of the new MRF site.</p> <p>The General Terms of Approval provided by the EPA (dated 14 September 2022) will be included as part of the determination document and has been attached as Attachment Four (4) to this report.</p>

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Division 4.8 Integrated Development

Development is considered Integrated Development (not being State Significant or Complying Development) if it requires one or more of the following approvals to proceed described in section 4.6 of the EP&A Act.

Approvals relevant to the proposal include an Environmental Protection License (EPL) under the *Protection of Environment (operations) Act 1997*. The proposal has been assessed by the EPA with General Terms of Approval granted on 14 September 2022.

Section 7.11 – Developer Contributions: Shoalhaven Contribution Plan 2019

The proposed development is considered to increase the demand for community facilities in accordance with the Shoalhaven Contributions Plan 2019 (the Plan). The development is most aptly characterised as an Industrial development for the purpose of calculating contributions under the Plan.

The Industrial component comprises the gross floor area of the building and the area of proposed car parking and driveway access at approximately 14,919sqm.

Contributions are to be subject to a recommended condition of consent and payment required prior to the issue of a Construction Certificate (should the application be determined by approval).

It is noted that there is no exemption under section 2.5 of the Plan. It is the opinion of Council that this development will increase the demand for the categories of community infrastructure addressed by this Plan (i.e. Fire).

**Non Residential**

Note: enter area in m2 and calculator will convert area to ETs.

	Existing	Proposed
Retail (Gross Floor Area m2)	0	0
Commercial Office (Gross Floor Area m2)	0	0
Hotel / Restaurant (Gross Floor Area m2)	0	0
Bulky Goods (Gross Floor Area m2)	0	0
Industrial (Gross m2, include parking/landscape)	0	14919
<b>Total ET</b>		<b>74.6</b>
<b>Management Project ETs</b>		<b>74.6</b>

Project	Description	Rate	Qty	Total	GST	GST Incl
CWFIRE2001	Citywide Fire & Emergency services	\$145.50	74.6	\$10,854.30	\$0.00	\$10,854.30
CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86	74.6	\$15,879.36	\$0.00	\$15,879.36
CWMGMT3001	Contributions Management & Administration	\$605.06	74.6	\$2,673.37	\$0.00	\$2,673.37

Sub Total: \$29,407.03  
GST Total: \$0.00  
Estimate Total: \$29,407.03



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## ii) Environmental planning instrument

### State Environmental Planning Policy- Planning Systems (SEPP-PS)

The SEPP PS (Chapter 2- State and regional development) contains provisions for the development of regionally significant development. Schedule 6, section 3 identifies the proposal as Regionally significant development as it meets the following criteria:

#### **3 Council related development over \$5 million**

*Development that has a capital investment value of more than \$5 million if—*

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

In accordance with Schedule 6 of the SEPP PS, as the proposal and the site is council owned, the proposal is Regionally significant development and will be determined by the Southern Regional Planning Panel.

*Note: As a result of the SEPPs being repealed and certain provisions transferred into the new consolidated SEPPs and 'chapters', the clauses have been renumbered and are now called 'sections'. Refer to the following: [Factsheet](#).*

### State Environmental Planning Policy- Transport & Infrastructure (SEPP-TI)

In accordance with Chapter 2, section 2.153 of the SEPP TI, a Waste management facility is permissible with consent. The proposal does not meet the description of exempt development detailed in section 2.154 and is required to be assessed as Development under Part 4 of the EP&A Act (this assessment).

### SEPP (Resilience and Hazards) 2021

The requirements of this SEPP apply to the subject site. In accordance with section 4.6(1), the consent authority must consider if the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. The following table outlines the assessment of these requirements:

Question	Yes	No
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X Proceed to Question 3	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	Proceed to Question 3	X Assessment under SEPP and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> <li>Child care facility</li> <li>Educational use</li> <li>Recreational use</li> <li>Health care use</li> <li>Place of public worship</li> <li>Residential use in a commercial or industrial zone</li> </ul>	Proceed to Question 5	X Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	X Proceed to Question 5	Proposal satisfactory under SEPP and DCP.

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Question	Yes	No
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	X Request contaminated site assessment	Proposal satisfactory under SEPP and DCP.

The following is also relevant to consideration of the SEPP provisions:

A Preliminary Site Investigation (PSI) was undertaken by ENRS Consultants (March 2022) that accompanied the application which prepared a Conceptual Site Model, considered the history of the site and surrounding land uses.

The PSI identified that the site is suitable for the proposed development (with the use of an unexpected finds protocol).

The land was not identified as contaminated, and recommendations for works were proposed to ensure that clean materials would be used to fill in the pad (not part of the scope) and that the unexpected finds protocol be implemented should any olfactory or visual contamination be suspected. The PSI recommended that the scope of works should use VENM or materials that meet a resource recovery order for the infill and flattening of the site. (Note: These works are outside of the scope of Council's assessment, earthworks are not proposed as part of this application).

The site is a land fill (identified in Table 1 of the *Contaminated Land Planning Guidelines*). The area where the proposed MRF is located does not appear to have operated as a land fill however:

- The whole Lot/DP for the site is a landfill.
- An historic landfill is directly east and south of the MRF.
- The proposal is a waste management facility (also identified in Table 1).

**Assessment:**

The site was inspected on 13 July 2022, with there being no evidence of obvious contamination on the surface. However, it is apparent that there is potential for contamination present onsite with the overarching use being a council landfill.

Council's Environmental Health Officer has reviewed the submitted Statement of Environmental Effects in relation to assessment for contaminated land. This review identified that the potential for subsurface contamination to be present at the site. As such, given the unknown presence and potential of contamination on the site, an onsite assessment of contamination will be required prior to any works being undertaken (should development consent be granted).

It is noted that the proposal will not alter the activities already approved and being undertaken on the site. The National Environmental Protection Measures (NEPM) criteria as a Commercial/Industrial site will continue under the same criteria should the development be constructed.

Given that the proposal is consistent with the current activities on the land and taking the Council's Environmental Health Officer, it is recommended that a site investigation be undertaken prior to works commencing (given the proximity to historic and current landfill operations and the unknown ground conditions within the assessment footprint). An 'unexpected finds protocol' condition is also recommended to be imposed.

Accordingly, no objections were raised subject to the Environmental Health Officer's recommended conditions of consent as above with amendments to reflect updated standard conditions being imposed with any consent granted to ensure compliance with the Hazards & Resilience SEPP.

**Shoalhaven Local Environment Plan 2014 – (SLEP)**

The subject site is located within the SP2 Infrastructure Zone. The objectives of this zone as well as the exempt, permissible and prohibited development listed in this zone include:

**1 Objectives of zone**

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To provide for key transport corridors.

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**2 Permitted without consent**

Nil

**3 Permitted with consent**

*Aquaculture; Environmental protection works; Flood mitigation works; Roads; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose*

**4 Prohibited**

*Any development not specified in item 2 or 3*

**Characterisation and Permissibility**

The proposal is best characterised as *resource recovery facility* within an existing waste or resource management facility under the SLEP 2014. The proposal is permitted within the SP2- Infrastructure zone with the consent of Council.

**SP2 Zone objectives**

Objective	Comment
<i>To provide for infrastructure and related uses.</i>	The proposal is providing infrastructure to support the existing land use and will aid the existing activities onsite in sorting and managing multiple waste streams.
<i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i>	The proposal does not detract from the provision of infrastructure on the site. The proposal will work within the existing activities onsite.

SLEP 2014 Sections

Sections	Comments	Complies/C onsistent
<b>Part 4 Principal development standards</b>		
4.3 Heights of buildings	A section 4.6 variation request has been provided by the applicant for an extension of height by 1 metre (12.065 metre building height in total). (Refer to plans (elevations) for detail.)  The variation is consistent with the buildings located on the existing waste facility and there is no impact to adjacent neighbours views, bulk character or scale of the building.	No
4.6 Exception to development standards	A section 4.6 variation request has been provided by the applicant (for non-compliance with section 4.3 Heights of Buildings) that addresses the provisions of this section. Refer to applicant's statement and assessment/review at Attachment 3.	Yes
<b>Part 7 Additional local provision</b>		
7.1 Acid sulfate soils	The subject site is identified as Class 5 land and the works proposed to facilitate the development are not likely to lower the water table. Accordingly, an acid sulphate soils management plan not required.	N/A
7.5 Terrestrial biodiversity	A small area of land in the south-east corner of the subject site is mapped on the terrestrial biodiversity map. It should be recognised however that the proposed MRF is located in the	Yes

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	<p>western portion of the lot. No new uses or development is proposed over the land identified on the Terrestrial Biodiversity Map.</p> <p>This section only applies on mapped land and no mapped land is involved in the proposed development. Regardless, the proposed development is not considered likely to affect the significance or value of the mapped land in any way.</p> <p>Following consideration of the provisions of subsection (3), the proposal is unlikely to have any adverse impact, subject to recommended conditions of consent.</p> <p>Accordingly, the proposal is designed, sited and will be managed to avoid any significant adverse environmental impact.</p>	
<b>7.6</b> Riparian land and watercourses	<p>The subject site is not identified as "Riparian Land".</p> <p>The development is to be sited and will be managed to avoid any significant adverse environmental impact on this watercourse.</p>	Yes
<b>7.11</b> Essential services	<p>Services for power, water and communications are located onsite and are considered adequate by Shoalhaven City Council to meet the needs to the MRF.</p>	TBC

**iii) Draft Environmental Planning Instrument**

None relevant.

**iv) Any Development Control Plan**

Shoalhaven DCP 2014

Relevant Chapters
<p><b>G1: Site Analysis, Site Design and Building Materials</b></p> <p>The proposal generally complies with the objectives of Chapter G1 of the DCP. The subject site will not cause any impacts to surrounding landowners or adjacent buildings and is consistent with the existing facilities utilised at the West Nowra waste management centre.</p> <p>Considerations associated with bushfire, noise and biodiversity have been considered by councils' internal team and the EPA with each referral recommending approval be granted subject to the terms of conditions.</p>
<p><b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b></p> <p>The provisions of this chapter have been considered and Council's Engineers have raised no objections in relation to the proposed stormwater management, ongoing and construction erosion and sediment control measures, subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p> <p>It is noted that the application does not include provision for the upgrade of the sedimentation dam required to manage the stormwater flows expected as part of the MRF pavement and shed design. The submitted Water Cycle Management Strategy is acceptable and would be conditioned with any consent granted as well as the construction and upgrade of the sedimentation dam (subject to further approvals as required).</p>
<p><b>G4: Tree and Vegetation Management</b></p>

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The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report) and as shown in the recommended draft conditions of consent.
G5: Biodiversity Impact Assessment
<p>The provisions of this chapter have been considered and Council's Environmental Assessment Officer has raised no objections subject to conditions of consent being imposed (as detailed under the 'Referrals' section of this report).</p> <p>The proposal does not trigger any vegetation removal required as part of the construction of the MRF.</p>
G7: Waste Minimisation and Management Controls
<p>A Waste Management Plan (WMP) was submitted as part of this application.</p> <p>A WMP is to be submitted regarding the waste management of the development and ongoing waste collection and subject to a condition of consent being imposed. The conditions included in the recommended draft consent, require this to be incorporated into the site Waste Management Plan.</p>
G8: Onsite Sewage Management
N/A. The proposal will utilise existing facilities already in place at the waste management facility. No additional amenities are proposed as part of the MRF.
G20: Industrial Development
<p>The proposal is generally consistent with the objectives and performance criteria for an industrial development. A section 4.6 variation request has been submitted for allowance of the building to be constructed to a maximum -12.065 metres (1 metre above the building height in the DCP).</p> <p>A revised bushfire assessment report has also been prepared based on the RFI submitted by the Council Environmental Assessment Officer. The Officer and Council Engineer have recommended that the approval be granted subject to the conditions proposed in their reports.</p>
G21: Car Parking and Traffic
<p>The proposal will not impact on public car parking with all parking onsite for MRF operators and internal staff visiting the facility from the West Nowra waste management site.</p> <p>The council engineer has reviewed the Traffic Assessment undertaken by Koikas Consultants and recommended that approval be granted subject to conditions.</p>
General Chapters Not Applicable to this assessment
<p>G9 Development on Flood Prone Land</p> <p>G10 Caravan Parks</p> <p>G11 Subdivision of Land</p> <p>G12 New Dwelling Houses and Other Low Density Residential Development</p> <p>G13 New Medium Density and Other Residential Development</p> <p>G15 Tourist and Visitor Accommodation</p> <p>G16 New Short Term Rental Accommodation</p> <p>G17 Business, Commercial and Retail Activities</p> <p>G18 Streetscape Design for Town and Village Centres</p> <p>G19 Home Based Business Activities</p> <p>G22 Advertising Signs and Structures</p> <p>G23 Jetties, Wharf and Boating Facilities, Moorings, Mooring Pens and Boat Launching Ramps</p> <p>G24 Restricted and Sex Services Premises</p> <p>G25 Stationary Food Vans/Vehicles on Service Station Sites and Food Stalls</p> <p>G26 Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</p>

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G27 Dog Breeding and Boarding Establishments (Including Catteries)  
G28 Design Guidelines for Permanent Occupation of Caravan Parks

**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**

A search of planning agreements identified two (2) in the Shoalhaven Local Government Area (LGA), these include:

- 2018/9303-169: Hockleys Lane, Cambewarra
- 2018/9304-198: Taylors Lane, Cambewarra.

These planning agreements do not impact the project and do not form part of this assessment.

**v) Environmental Planning and Assessment Regulation 2021**

It is noted per Schedule 6 of the EP&A Regs 2021 that “*the 2000 Regulation continues to apply instead of this Regulation to a development application and an application for a complying development made but not finally determined before 1 March 2022.*”

No specific parts of the EP&A Regulation are specifically applicable to the proposed development. No areas of concern are raised as a result of a review of the Regs.

**vi) Any coastal zone management plan**

Not applicable.

**(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality**

Head of Consideration	Comment
Natural Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the natural environment. The proposal will have a balanced and acceptable impact on the natural environment as outlined in the Aboriginal Heritage, Biodiversity, Bushfire, Stormwater, Noise and Traffic Impact Assessments.
Built Environment	Subject to recommended conditions of consent as detailed in this report, it is considered that there will be no adverse impacts upon the built environment.
Social Impacts	It is considered that there will be minimal social impacts. The proposal delivers additional infrastructure to facilitate recycling and re-use opportunities within the Shoalhaven LGA.
Economic Impacts	It is considered that there will be no adverse economic impacts. The proposal facilitates re-use and recycling opportunities to reduce materials that would have otherwise gone into landfill. The proposal will have positive economic impacts with regard to construction and economic development while also providing an economic return for Shoalhaven LGA through the supply of these materials to external markets.

**(c) Suitability of the site for the development**

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The proposal is for a Materials Recycling Facility (MRF) that is within an existing waste management facility. With regard to site suitability the DA is compliant with the relevant site analysis and location requirements of Shoalhaven DCP 2014. Subject to recommended conditions of consent, it is considered that the site will be suitable for the development.

**(d) Submissions made in accordance with the Act or the regulations**

The DA was notified in accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) and Council's Community Consultation Policy for Development Applications from 22 December 2021 to 21 January 2022.

No submissions were received from the general public during the public consultation period.

Summary of Public Submissions	
Objection Raised	Comment
Nil	Nil

**(e) The Public Interest**

The proposed development generally complies with the provisions of SLEP 2014 and is broadly consistent with the SDCP 2014 (albeit for the variation to the height of the building under Performance Criteria P8 (A8.2). Subject to conditions of consent the development is not expected to have any unacceptable negative impacts on the environment, or the amenity of the locality as detailed in this report warranting refusal of the development.

The proposal will provide improved processes in recycling of materials associated with a number of non-putrescible general waste items which will be removed from landfill and provide opportunities for commercial supply to the external waste market.

**Delegations**

**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.

Given the proposal is regionally significant development as satisfying the criteria of section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application must be determined by the Regional Planning Panel.

**Recommendation**

This application has been assessed having regard for section 4.15 (Matters for consideration) under the *Environmental Planning and Assessment Act 1979*.

This application has been subjected to detailed analysis of the main issues identified in this report. These issues have been resolved during and in assessment of the application including the submission of amended documentation by the applicant.

Stantec (on behalf of Council) are satisfied that the current proposal meets the provisions of relevant State Environmental Planning Policies (SEPPs) and the relevant provisions and objectives under SLEP 2014 and SDCP 2014 applying to the site. Any potential impacts can be adequately addressed via conditions of consent.

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. As such, it is recommended that Development Application No. RA21/1002 be approved subject to appropriate conditions of consent as recommended at Attachment 2.

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**Attachment One: Determination Document**

CL22.527 - Attachment 1



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**Attachment Two: Plans**

CL22.527 - Attachment 1

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**Attachment Three: Applicant's Section 4.6 Statement (Section 4.3 Building Height) and Assessment**

CL22.527 - Attachment 1

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**Attachment Four: EPA General Terms of Approval (issued 14 September 2022)**

CL22.527 - Attachment 1



## Memo

To: Shoalhaven City Council (SCC) From: Stantec Australia  
File: Review of 4.6 Variation Statement Date: 15 September 2022

### **Reference: South Nowra Waste Management Centre (Proposed Material Recycling Facility- MRF)**

This statement has been prepared to assess the proposed clause 4.6 variation request made as part of Development Application No. RA21/1002 by the applicant PDC Town Planners (on behalf of Shoalhaven City Council). The exception under clause 4.6 of the Shoalhaven Local Environment Plan 2014 (SLEP) is associated with the height of the proposed Materials Recycling Facility (MRF) building (approximately 12 metres). This height exceeds clause 4.3 of the SLEP and Chapter G20 (Industrial Development) of the Development Control Plan (DCP) which allows buildings to be constructed to a height of 11 metres.

### **Building Height requirements (Shoalhaven LEP and DCP)**

Clause 4.3 of the SLEP and Chapter G20 of the DCP state the following requirements with reference to the height of a proposed building:

#### **4.3 Height of buildings**

- (1) *The objectives of this clause are as follows—*
  - (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
  - (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
  - (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*
  - (2A) *If the [Height of Buildings Map](#) does not show a maximum height for any land, the height of a building on the land is not to exceed 11 metres.*

Review of the clause 4.6 variation prepared by PDC Town Planners provides sufficient evidence that the proposed height of the MRF building will not impact on the requirements of clause 4.3(1) of the SLEP. Further review against the requirements for a 4.6 variation request has been included below.

Chapter G20- Industrial Development identifies a performance criterion (P8) for an industrial building should have a height and bulk consistent with the streetscape. In the instance of this performance criteria the acceptable solutions identified in the DCP include:

- A8.1 *The building complies with the height limits in the Shoalhaven LEP 2014.*
- A8.2 *If Shoalhaven LEP 2014 does not specify a height limit, the building does not exceed 11m above the natural ground level.*

Given the MRF building height exceeds 11 metres (12 metres proposed) a review against the clause 4.6 variation requirements has been undertaken and included below to confirm that the application prepared by PDC Town Planners meets these requirements and is justified.

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Reference: Clause 4.6 Variation Request Review

<u>Clause</u>	<u>Objectives</u>	<u>Comment</u>
(1) The objectives of this clause are as follows—	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,	<p>The application for clause 4.6 variation provides sufficient justification as to the why flexibility can and should be applied for the proposal.</p> <p>Consideration of the level of impacts associated with the location, scale, character and surrounding vegetation screening with adjacent land users is considered low (in line with the application).</p>
	(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	<p>The application for clause 4.6 variation provides sufficient justification as to the why flexibility can and should be applied for the proposal.</p> <p>Consideration of the level of impacts associated with the location, scale, character and surrounding vegetation screening with adjacent land users is considered low (in line with the application).</p>
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.		<p>As above- consideration of the level of impacts was taken when reviewing the application and considered in line with those outlined in the application.</p> <p>Development consent is recommended in line with the proposal (including the clause 4.6 variation request).</p>

September 20, 2022  
Shoalhaven City Council  
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Reference: Clause 4.6 Variation Request Review

<u>Clause</u>	<u>Objectives</u>	<u>Comment</u>
(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—	(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>As above.</p> <p>The application for clause 4.6 variation provides sufficient justification as to the why flexibility can and should be applied for the proposal.</p> <p>Consideration of the level of impacts associated with the location, scale, character and surrounding vegetation screening with adjacent land users is considered low (in line with the application).</p>
	(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<p>As above.</p> <p>The application for clause 4.6 variation provides sufficient justification as to the why flexibility can and should be applied for the proposal.</p> <p>Consideration of the level of impacts associated with the location, scale, character and surrounding vegetation screening with adjacent land users is considered low (in line with the application).</p>

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Reference: Clause 4.6 Variation Request Review

<u>Clause</u>	<u>Objectives</u>	<u>Comment</u>
(4) Development consent must not be granted for development that contravenes a development standard unless—	(a) the consent authority is satisfied that— (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	As above.  This review is satisfied the requirements of Clause 3 have been met and the proposal is in the public interest.  The proposal meets the objectives of the SP2 - Infrastructure zone and surrounding development currently in operation at the site.
	(b) the concurrence of the Planning Secretary has been obtained.	The draft determination has been provided to the Southern Regional Planning Panel for determination (to fulfill the requirements of this clause).
(5) In deciding whether to grant concurrence, the Planning Secretary must consider—	(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and	No matters identified associated with the exceedance of building height that will impact state or regional planning.
	(b) the public benefit of maintaining the development standard, and	The public benefit in maintaining the standard does not contribute any value to the proposal (see justification assessed in clause 2 above).
	(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.	NA- no further matters identified in the assessment of this application.
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5	(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or	NA- no subdivision proposed.
	(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	NA- no subdivision proposed.

Design with community in mind

CL22.527 - Attachment 2

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Reference: Clause 4.6 Variation Request Review

Clause	Objectives	Comment
Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—	<b>Note—</b> When this Plan was made it did not include all of these zones.	
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).		A copy of this assessment is attached to s4.15 assessment and retained as part of the Determination.
(8) This clause does not allow development consent to be granted for development that would contravene any of the following—	(a) a development standard for complying development,	NA- Complying Development not proposed as part of this application.
	(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,	NA
	(ba) clause 4.1E, to the extent that it applies to land in a rural or environment protection zone,	NA
	(bb) clause 4.2B,	
	(c) clause 5.4,	
	(caa) clause 5.5,	
	(ca) clause 6.1 or 6.2,	
	(cb) clause 7.25,	
	(cc) clause 4.1H.	



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**Reference:** Clause 4.6 Variation Request Review

### **Conclusion**

This statement has reviewed the application prepared by PDC Town Planners (on behalf of Shoalhaven City Council) and considered the justification for a variation to clause 4.3 of the SLEP and Chapter G20 of the DCP.

The review undertaken by Cardno (now Stantec) on behalf of Shoalhaven City Council is satisfied that the justification for a variation to the standard building height outlined in the SLEP and DCP has met the requirements of clause 4.6 of SLEP.

A copy of this statement and the decision to accept this clause 4.6 variation request has been captured in the section 4.15 assessment report prepared for the proposal for determination by the Southern Regional Planning Panel.

#### **Report Author**



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#### **Report Reviewer**



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#### **Attachment:**

C. Clause 4.6 Variation Request (PDC Town Planners- on behalf of Shoalhaven City Council).

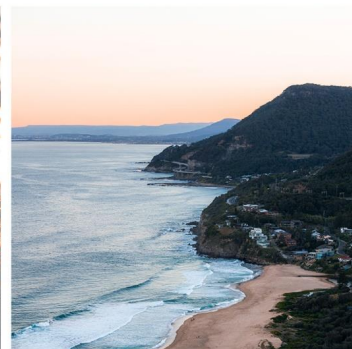
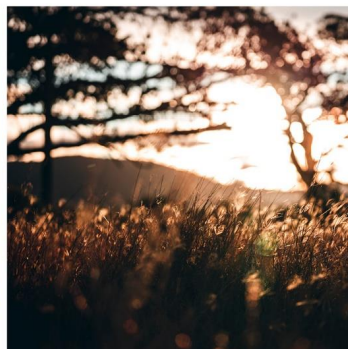
Design with community in mind



## Lawyers & Town Planners



### CLAUSE 4.6 VARIATION REQUEST



PROPOSED MATERIALS RECYCLING FACILITY  
FLATROCK ROAD MUNDAMIA  
PDC REF: P20-143  
DATE: JANUARY 2022

CL22.527 - Attachment 2





CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
Prepared by PDC Lawyers and Town Planners

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CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
Prepared by PDC Lawyers and Town Planners

## INTRODUCTION

A development application has been lodged with Shoalhaven City Council for the construction of a best-practice Materials Recycling Facility located within the bounds of the existing West Nowra Waste Management Facility off Flatrock Road, Mundamia. All works proposed in this application are contained within Lot 436 DP808415.

The facility will temporarily store and sort co-mingled recyclable materials from a variety of sources and is capable of processing up to 24,000 tonnes of waste per annum. The facility will consist of a series of machine technologies for processing waste streams into individual high-purity material stream. The machinery will be housed within a large shed 121m long by 68m wide and approximately 12m high (max). The proposed shed has been designed to accommodate the machinery, sorting processes and storage areas required for the processing quantities and materials expected. The proposal includes construction of a new access road, parking and manoeuvring areas as indicated on the plans.

The development application relies upon this Clause 4.6 variation request as a means of obtaining consent for the construction of the proposed building which exceeds the 11m height limit applicable to the site.

The reasons for proposing a 12m building height are outlined below:

1. The processing equipment utilises gravity to sort heavy from light materials during multiple stages. Materials need to be lifted to a height and then 'dropped' through cavities of different sizes. The building height of approximately 12m accommodates these processes and allows for clearance and maintenance.
2. Loading machinery utilised in the process has a maximum height of 10m. The proposed building height allows for clearance above the maximum operating height of these machines.
3. Vehicles delivering materials to the facility have a maximum tipping height of 8m.
4. Internal roof fixtures; such as lighting, remote cameras, fire-fighting equipment etc; will reduce ceiling height clearance above machinery and equipment.

This report should be read in conjunction with the Statement of Environmental Effects prepared by PDC Lawyers and Town Planners.

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CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
Prepared by PDC Lawyers and Town Planners

Clause 4.6 sets out provisions that enable certain development standards within the SLEP 2014 to be varied.

Clause 4.6 reads as follows:

**4.6 Exceptions to development standards**

- (1) The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).



CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
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(8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*

- (a) *a development standard for complying development,*
- (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
- (ba) *clause 4.1E, to the extent that it applies to land in a rural or environment protection zone,*
- (bb) *clause 4.2B,*
- (c) *clause 5.4,*
- (ca) *clause 6.1 or 6.2,*
- (cb) *clause 7.25.*

The following information is provided to Council in support of the proposal and to justify the request made for this application to be approved pursuant to Clause 4.6 of the SLEP 2014. The written request made below aims to demonstrate that:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

#### STANDARD TO BE VARIED

In this instance, Clause 4.6 is relied upon to vary Clause 4.3 of the SLEP 2014. Clause 4.3 relates to height of buildings.

The SLEP 2014, through Clause 4.3 sets an 11m height limit for the subject land.

Parts of the building proposed exceed the 11m height limit.

The origins of the 11m height limit are such that it is a default height limit applied to sites across the City of the Shoalhaven which have no allocated height limit on the SLEP 2014 *Height of Buildings Map*. The 11m height limit is therefore not in place for this site as a result of any area specific urban design studies or assessments undertaken by the Council. In this regard, there are no documented urban design or planning reasons for the strict imposition of an 11m height limit for the subject land.

#### EXTENT OF THE VARIATION

The elevation plans indicate the maximum building height at the ridge is 12.065m. The development proposed therefore exceeds the 11m height limit by a maximum of 1.065m, or 9.68%.



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### COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY

The way in which compliance with a development standard is established as unreasonable or unnecessary is by demonstrating that the underlying objectives of the development standard are met despite the non-compliance. However, in *Wehbe v Pittwater Council (2007) NSWLEC 827*, Preston J identified to four (4) other ways to establish that compliance with a development standard is unreasonable or unnecessary as follows:

- (1) establish that the “*underlying objective or purpose is not relevant to the development*” and consequently compliance is unnecessary;

**Comment:** The purpose of the development standard (height limit) is relevant to the development in this instance.

- (2) establish that the “*underlying objective or purpose would be defeated or thwarted if compliance was required*”, and therefore compliance is unreasonable;

**Comment:** This is not applicable as the objectives of the Development Standard remain relevant to the proposal.

- (3) establish that the “*development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard*”, therefore compliance is both unreasonable and unnecessary; or

**Comment:** This is not applicable.

- (4) establish that “*‘the zoning of particular land’ was ‘unreasonable or inappropriate’ so that ‘a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land’*”, and therefore compliance with the standard is unreasonable and unnecessary.

**Comment:** This is not applicable.

In this instance it is considered that the best way to demonstrate compliance is both unreasonable and unnecessary is because the underlying objectives of the development standard (Clause 4.3) are achieved.



CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
Prepared by PDC Lawyers and Town Planners

The objectives of Clause 4.3 are to;

- i. *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality,*
- ii. *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- iii. *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

The proposal is consistent with the above objectives for the following reasons:

#### **Height, Bulk and Scale – Compatibility considerations**

The built form of the proposed shed is consistent with the bulk and scale of existing development within the site.

The proposed shed is located on an area of the site that has lower ground elevation than publicly accessible surrounding areas of the facility, such that the roof height, as RL48m, falls below the surrounding landfill level of RL50m.

The existing transfer shed, where co-mingled waste is delivered to the landfill facility, is located approximately 130m east of the proposed shed. The transfer shed has a maximum roof height of approximately RL60m due to the difference in natural/finished ground heights. The existing transfer shed therefore has a roof height approximately 12m higher than the proposed materials recycling facility shed.

With respect to **neighbourhood character**, and in the specific context of the height of the development, the following key points are made:

- The subject site is zoned SP2 Infrastructure (Waste or Resource Management Facility) and is surrounded by similarly zoned SP2 land and C3 zoned Environmental Management Land. The development is associated with an existing waste management facility and involves addition of best practice technology that will improve resource recovery and reduce waste to landfill. The proposed shed is compatible, and consistent, with the scale of development of the area. This is despite the breach to the city wide, standardised 11m 'safety net' height limit.
- Due to the variation of surrounding natural ground levels the proposed building falls well below the maximum height of existing surrounding structures and will not be visually prominent within the site.





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Flatrock Road Mundamia  
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- The surrounding environmental management land further screens the site, and proposed development from public and private vantage points.
- The proposed development is consistent with the existing and desired future use of the site and is an expected addition to the waste management facility.
- The character of the site and surrounding land could be described as a waste management facility surrounded by undeveloped natural bushland. The waste management facility is typified by large industrial scale buildings. Given the land uses and zonings of the area it is considered unlikely the existing character will change over time. The proposed development is entirely consistent with the existing, and likely future character of the area.

#### Visual Impacts, disruption of views, privacy, solar access

The building will not obstruct any important views, nor will it affect privacy or solar access for important private or public spaces, particularly given the surrounding land uses and zones.

#### Heritage Items

The proposal will have no adverse impacts on any heritage items, as outlined in the due diligence Aboriginal Cultural Heritage Report prepared by Apex Archeology.

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For reasons outlined above, is it considered that the proposal meets the objectives of Clause 4.3 of the SLEP 2014.

#### ENVIRONMENTAL PLANNING GROUNDS

##### Objects of the Environmental Planning and Assessment Act 1979 (as amended) are Satisfied

The relevant objects of the Act are addressed as follows:

Object	Comment
to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposed development will improve waste diversion by increasing resource recovery from waste. This will provide an economic advantage to Shoalhaven City Council through the sale of recovered materials that would otherwise have to be landfilled. Additionally, resource recovery protects the natural environment in two ways: 1. Minimising the area of land



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	required for landfilling and 2. Reducing reliance on virgin materials through reuse/recycling.
to promote the orderly and economic use and development of land,	The proposal, with specific reference to its height, facilitates the use of best practice technology for resource recovery.  There is a demonstrated, and legislated, need for improved waste resource recovery and landfill avoidance, not just in the local region, but globally. Given the lack of sensitive site attributes, it is considered that the provision of best practice recycling technology in preference to maintaining an arbitrary height 11m limit is far more representative of an orderly, and economic use and development of the land.
to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposed development accommodates best practice resource recovery sorting technology to support waste avoidance and resource recovery/recycling targets. The facility will assist in protecting the environment in two main ways. 1. Reducing the area of land required for landfill 2. Reducing the land/resources required for production of virgin materials (recycling/reuse)

### Aims of the Shoalhaven Local Environmental Plan 2014 are Satisfied

The proposal is consistent with relevant aims of the Shoalhaven Local Environmental Plan 2014 as demonstrated below.

Aim	Comment
to encourage the proper management, development and conservation of natural and man-made resources,	The proposed development will actively assist in preserving man-made resources for reuse/recycling. The flow on effect, as stated above is protection and conservation of the natural environment by reducing the demand for land and virgin resources.
to facilitate the social and economic wellbeing of the community,	The social and economic wellbeing of the community will be enhanced by the proposal through the protection of the environment and income /resources generated for the Council through the facility.
to ensure that suitable land for beneficial and appropriate uses is made available as required,	The land is clearly suitable for the development proposed with specific reference to its height for reasons outlined within this report and the development application submission at large.
to manage appropriate and essential public services, infrastructure and amenities for Shoalhaven,	The West Nowra waste management facility is an essential public service provided by the Shoalhaven City Council. The proposed waste resource recovery facility will increase the life span of the current landfill, improve compliance with waste avoidance and resource recovery principles and generate additional income/resources for Council.
to minimise the risk of harm to the community through the appropriate management of development and land use.	The proposed development, being contained within the existing waste management facility, and surrounded by environmental conservation land unlikely to be further developed in future, is an appropriate location for the proposed use. The additional height sought does not increase the impact of any development impacts resulting from the proposal.

### The Shoalhaven DCP 2014 is Satisfied

The proposal complies with all relevant provisions of the Shoalhaven DCP 2014 despite the height of the development.



CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
Prepared by PDC Lawyers and Town Planners

### **No Unreasonable Impacts**

Revision of the submitted plans reveal that the extent of the encroachment is minimal, and the nature of the development isn't altered as a result of the height limit breach. In this regard, there are no additional impacts resulting from the additional height on adjoining properties.

The physical form of the building is appropriate and justified despite the encroachment made to the 11m height limit.

The structure will not be visually prominent from any important public places. The height of the structure is compatible with the existing and expected future character of the area despite the exceedance.

The origins of the 11m height limit are such that it is a default height limit applied to sites across the City of the Shoalhaven which have no allocated height limit on the SLEP 2014 height of buildings Map. The 11m height limit is therefore not in place for this site as a result of any area specific urban design studies or assessments undertaken by the Council. In this regard, there are no documented urban design or planning reasons for the strict imposition of an 11m height limit for the subject land.

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### **PUBLIC INTEREST**

When a proposal does not comply with a development standard the consent authority must be satisfied that, despite the non-compliance, the proposal will be in the public interest. The way in which it is considered appropriate to demonstrate this is to prove consistency with the objectives of the development standard and the objectives of the applicable land use zone.

The proposal if approved will not set an undesirable precedence for reasons outlined detailed within this report.

### **Objectives of the development standard**

In relation to the objectives of the development standard, it has been demonstrated earlier in this statement that the proposal is consistent with these.

### **Objectives of the zone**



CLAUSE 4.6 VARIATION REQUEST – Proposed Materials Recycling Facility  
Flatrock Road Mundamia  
Prepared by PDC Lawyers and Town Planners

Pursuant to the provisions of the SLEP 2014, the land is zoned SP2 – Infrastructure (Waste or Resource Management Facility). The objectives of this zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is consistent with these objectives for the following reasons:

- 1) The proposed materials recycling facility is directly related to the waste and resource recovery facility activities undertaken on the wider site.
- 2) The proposal represents additional waste management infrastructure.
- 3) The proposal is entirely compatible with the existing uses of the site.
- 4) The facility will be licenced and managed under the existing environmental protection licence, which requires all ground water and litter to be contained within the site. This ensures that the surrounding environmental management zoned land is protected.

#### **OTHER CONSIDERATIONS**

In deciding whether or not to grant concurrence to a proposal that contravenes a development standard, the Director-General of Planning is to consider whether the contravention of the particular development standard raises any matters of State or regional planning significance. Further to this, the public benefit of maintaining the development standard.

#### ***State and Regional Planning Matters***

The contravention of the 11m height limit as proposed does not trigger any State or Regional planning matters. The proposal is consistent with all relevant State Environmental Planning Policies and regional strategies.

#### ***Public Benefit***

It is considered that, having regard to the circumstances of the case, there is no public benefit to be gained by insisting upon strict compliance with the 11m height limit. The extent of the variation when the specific circumstances



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of the case are considered is reasonable and this statement provides sound justification for the approval of the exceedance to the height limit.

The provision of a state of the art materials recycling facility within the curtilage of the existing waste management facility, will be of immense public benefit. To reject the same would, in the opinion of the writer, be detrimental to the public benefits the proposal aims to provide.

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## CONCLUSION

The variation to the 11m height limit has been carefully reviewed with proper regard to clause 4.6 of SLEP 2014.

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 SP2 zone.

Strict compliance with the 11m height limit is considered to be unreasonable and unnecessary in this instance. The underlying objectives of the development standard will be achieved by the development proposal despite the exceedance of the 11m height limit. Further to this, a series of environmental planning grounds to support the variation have been outlined. The proposal is not inconsistent with State or Regional planning matters and the public interest is being maintained due to the minor nature of the exceedance which is outweighed due to the public benefits of the proposal proceeding including those associated with waste avoidance and resource recovery.

For the reasons outlined in this statement, the variation is recommended for support.

**Kristin Holt**  
**Town Planner**  
**PDC Lawyers and Town Planners**



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**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION  
BY THE SOUTHERN REGIONAL PLANNING PANEL**

**DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979  
RA21/1002

**TO:**

PDC Lawyers & Town Planners  
PO Box 214  
WOLLONGONG NSW 2500

**being the applicant(s) for RA21/1002 relating to:**

Flatrock Road, MUNDAMIA - Lot 436 DP 808415

**APPROVED USE AND OR DEVELOPMENT:**

Integrated development to construct and operate a Materials Recycling Facility (MRF) with a processing capacity of up to 24,000 tonnes per annum of waste materials

**DETERMINATION DATE:**

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

**CONSENT TO OPERATE FROM:**

**CONSENT TO LAPSE ON:**

*This consent is valid for five years from the date hereon.*

*In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.*

**DETAILS OF CONDITIONS:**

The conditions of consent and reasons for such conditions are set out as follows:

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PART A: GENERAL CONDITIONS																																							
1.	<p><b>General</b></p> <p>The consent relates to the construction and operation of a waste management facility known as the Materials Recycling Facility (MRF) as described in the Statement of Environmental Effects by PDC Lawyers &amp; Town Planners (Reference No. P20-143, dated 5 November 2021) and as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.</p> <table> <tr> <th>Stamped plans/documents</th><th>Ref/sheet no.</th><th>Prepared by</th><th>Dated</th></tr> <tr> <td>Site Plan</td><td>Project No. DN200244 Drawing No. A001</td><td>MI Engineers</td><td>07/09/2021 (Revision F)</td></tr> <tr> <td>Civil Design Plans</td><td>Project No. DN200244</td><td>MI Engineers</td><td>07/09/2021 (Revision C)</td></tr> <tr> <td>Stormwater Plan</td><td>Project No. DN200244 Drawing No. C200</td><td>MI Engineers</td><td>04/06/2021 (Revision C)</td></tr> <tr> <td>Civil Design Plans</td><td>Project No. DN200244</td><td>MI Engineers</td><td>04/06/2021 (Revision C)</td></tr> <tr> <td>Ground Floor Plan</td><td>Project No. DN200244 Drawing No. A002</td><td>MI Engineers</td><td>07/09/2021 (Revision F)</td></tr> <tr> <td>Architectural Plans</td><td>Project No. DN200244</td><td>MI Engineers</td><td>08/04/2022 (Revision B)</td></tr> <tr> <td>Linemarking &amp; Signage Plan</td><td>Project No. DN200244 Drawing No. C260</td><td>MI Engineers</td><td>15/03/2022 (Revision A)</td></tr> <tr> <td>Bushfire Risk Assessment Report</td><td>Reference No. S021424</td><td>SET Consultants Pty Ltd</td><td>20/05/2022</td></tr> </table> <p><i>Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.</i></p>	Stamped plans/documents	Ref/sheet no.	Prepared by	Dated	Site Plan	Project No. DN200244 Drawing No. A001	MI Engineers	07/09/2021 (Revision F)	Civil Design Plans	Project No. DN200244	MI Engineers	07/09/2021 (Revision C)	Stormwater Plan	Project No. DN200244 Drawing No. C200	MI Engineers	04/06/2021 (Revision C)	Civil Design Plans	Project No. DN200244	MI Engineers	04/06/2021 (Revision C)	Ground Floor Plan	Project No. DN200244 Drawing No. A002	MI Engineers	07/09/2021 (Revision F)	Architectural Plans	Project No. DN200244	MI Engineers	08/04/2022 (Revision B)	Linemarking & Signage Plan	Project No. DN200244 Drawing No. C260	MI Engineers	15/03/2022 (Revision A)	Bushfire Risk Assessment Report	Reference No. S021424	SET Consultants Pty Ltd	20/05/2022		
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CL22.527 - Attachment 3

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2.	<p><b>Prescribed Conditions</b></p> <p>The development must comply with the <a href="#">Prescribed Conditions of Development Consent</a>, Division 2, Subdivision 1, <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable.</p>
3.	<p><b>Occupation / Use</b></p> <p>The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. 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>
4.	<p><b>Shoalhaven Water – Certificate of Compliance</b></p> <p>A Certificate of Compliance must be obtained to verify that all necessary requirements for matters relating to water supply and sewerage (where applicable) for the development have been made with Shoalhaven Water. A Certificate of Compliance must be obtained from Shoalhaven Water after satisfactory compliance with all conditions as listed on the Notice of Requirements and prior to the issue of an Occupation Certificate, Subdivision Certificate or Caravan Park Approval, as the case may be.</p> <p>An application for a Certificate of Compliance is to be made once the Development Consent has been granted.</p>
5.	<p><b>Stormwater Outlet</b></p> <p>The stormwater outlet shown on the plans in the north-eastern corner of the adjacent Lot 437 DP 808415 is to be removed from the plans or the plans must clearly annotate that the outlet is not part of the approved works.</p>
6.	<p><b>Habitat Modification, Removal and Management</b></p> <p>This consent does not permit removal or disturbance of native vegetation on the property, including but not limited to, canopy trees, understorey and groundcover vegetation.</p>
7.	<p><b>Air Quality Discharges</b></p> <p>The Applicant must ensure the development does not cause or permit the emission of any offensive odour (as defined in the <i>Protection of the Environment Operations Act 1997</i> (POEO Act)).</p> <p>The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the environment protection licence applicable to the site.</p>
8.	<p><b>Bushfire Risk Assessment</b></p> <p>All recommendations outlined in the Bushfire Risk Assessment Report by SET Consultants Pty Ltd (Reference No. S021424, dated 20/05/2022) are to be implemented for the development.</p>



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<b>PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS</b>	
9.	<p><b>NSW Environment Protection Authority</b></p> <p>The conditions of the General Terms of Approval issued by the NSW Environment Protection Authority, Notice No: 1621579, dated 14 September 2022, are included as conditions of this consent (as attached) and must be complied with.</p>
<b>PART C: PRIOR TO THE COMMENCEMENT OF WORKS</b>	
10.	<p><b>Construction Certificate</b></p> <p>A Construction Certificate must be obtained from either Council or an accredited certifier before any building work can commence.</p>
11.	<p><b>Appointment of Principal Certifier</b></p> <p>Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.</p>
12.	<p><b>Notice of Commencement</b></p> <p>Notice must be given to Council at least two (2) days prior to 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>
13.	<p><b>Toilet Facilities - Temporary</b></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"> <li>a) be a standard flushing toilet connected to a public sewer, or</li> <li>b) have an on-site effluent disposal system approved under the Local Government Act 1993, or</li> <li>c) be a temporary chemical closet approved under the Local Government Act 1993.</li> </ul>
14.	<p><b>Run-off and Erosion Controls</b></p> <p>Prior to the commencement of site works, run-off and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:</p> <ul style="list-style-type: none"> <li>a) diverting uncontaminated run-off around cleared or disturbed areas.</li> <li>b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.</li> <li>c) preventing the tracking of sediment by vehicles onto roads.</li> <li>d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.</li> </ul> <p>Note: all implemented measures must not cause water pollution as defined by the <u>Protection of the Environment Operations Act</u> (POEO Act).</p>

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15.	<p><b>Tree and Vegetation Protection</b></p> <p>Prior to the commencement of any clearing works the following requirements must be met to the satisfaction of the Certifier:</p> <ul style="list-style-type: none"> <li>a) The developer must identify the extent of earthworks as shown on the approved plans. Where works occur adjacent to native vegetation or restoration areas, a temporary protective barrier or similar visible material must be installed and retained until all works are complete.</li> <li>b) The dripline of trees to be retained must be clearly identified and protected with temporary barrier fencing in accordance with <i>AS 4970: Protection of trees on development sites</i>.</li> </ul>
16.	<p><b>Contamination – Detailed Site Investigation</b></p> <p>Prior to the commencement of any work that involves the disturbance of unsealed surfaces, a Detailed Site Investigation (DSI) must be undertaken by an appropriately qualified consultant. This assessment and subsequent report must be prepared in accordance with relevant guidelines made or approved by the NSW Environment Protection Authority under section 105 of the <i>Contaminated Land Management Act 1997</i> (NSW).</p> <p>A copy of the Detailed Site Investigation Report must be submitted to Shoalhaven City Council for review and written approval prior to works commencing.</p> <p>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).</p>
17.	<p><b>Meteorological Monitoring</b></p> <p>Prior to the commencement of any works, and for the life of the development, the applicant must ensure that there is a suitable meteorological station operating in close proximity to the site that:</p> <ul style="list-style-type: none"> <li>a) complies with the requirements in the latest version of the NSW Environment Protection Authority’s <i>Approved Methods for Sampling of Air Pollutants in New South Wales</i> (DEC, 2007) (as may be updated or replaced from time to time); and</li> <li>b) is capable of continuous real-time measurement of atmospheric stability category determined by the sigma theta method in accordance with the <i>NSW Industrial Noise Policy</i> (EPA, 2000) (as may be updated or replaced from time to time).</li> </ul> <p>The applicant must maintain the meteorological station to the satisfaction of the NSW Environment Protection Authority for the life of the development.</p>
18.	<p><b>Air Quality Management Plan</b></p> <p>Prior to the commencement of any works, the Applicant must prepare an Air Quality Management Plan (AQMP) with consideration of both particulate emissions and odour impacts. The Plan must:</p> <ul style="list-style-type: none"> <li>a) Be prepared by a suitably qualified and experienced person(s).</li> <li>b) Include contingencies strategies to reduce odour impacts.</li> <li>c) Establish a communications strategy so that affected neighbours are kept informed about the operation of the facility and are consulted about aspects of the operation likely to result in particulate emissions and odour.</li> </ul>

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PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE	
19.	<p><b>Soil and Water Management Plans (SWMP)</b></p> <p>Prior to the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer, (as defined in the National Construction Code) to the satisfaction of the Certifier.</p> <p>All implemented measures must:</p> <ul style="list-style-type: none"> <li>a) not cause water pollution as defined by the <a href="#">Protection of the Environment Operations Act (POEO)</a>,</li> <li>b) be maintained at all times, and</li> <li>c) not be decommissioned until at least 70% revegetation cover has been established.</li> </ul>
20.	<p><b>Car Parking and Access Design Standards</b></p> <p>Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The car parking and access design must comply with the following:</p> <ul style="list-style-type: none"> <li>a) Concept MRF building civil works plans by MI Engineers, as approved under this development consent.</li> <li>b) A minimum number of 25 passenger vehicle parking spaces must be provided onsite, including at least one (1) accessible space, compliant with AS2890.1 and AS2890.6.</li> <li>c) The passenger vehicle parking area is to be constructed in accordance with the following or as per d) below: <ul style="list-style-type: none"> <li>i) for light vehicular loading</li> <li>ii) with a flexible pavement, surfaced with 30mm of AC10 asphaltic concrete or two coat bitumen seal using 14mm and 7mm aggregate.</li> </ul> </li> <li>d) The heavy vehicle access and manoeuvring area is to be constructed in accordance with the following: <ul style="list-style-type: none"> <li>i) with a concrete pavement designed and constructed for a minimum traffic loading of 1 x 10<sup>6</sup> ESA, or</li> <li>ii) with an asphaltic concrete (AC) flexible pavement designed and constructed for a minimum traffic loading of 1 x 10<sup>6</sup> ESA. Where asphaltic concrete surfaced pavements are likely to be subject to bogie-axle vehicles turning tightly, the asphaltic concrete is to include a rubber base to improve durability and manufacturer's product details.</li> </ul> </li> <li>e) Bordered in accordance with Council's Standard Drawings by: <ul style="list-style-type: none"> <li>i) concrete kerbing, except where surface runoff is concentrated, in which case concrete integral kerb and gutter must be constructed, or</li> <li>ii) a concrete edge strip (min. 150mm wide and 300mm deep).</li> </ul> </li> <li>f) Signs and linemarking in accordance with the concept linemarking &amp; signage plan by MI Engineers (Project No. DN200244, Drawing No. C260, Revision A, dated 15/03/2022) and additionally include linemarking to separate the passenger vehicle parking area from the heavy vehicle manoeuvring area.</li> </ul>

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	g) Heavy vehicle turning paths for the largest vehicle to expected enter/exit the site in accordance with AS2890.
21.	<p><b>Stormwater Drainage Design Standards (Urban)</b></p> <p>Prior to the issue of a Construction Certificate, certified engineering design plans, specifications, and DRAINS model (or approved alternative) must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The stormwater drainage design must comply with the following:</p> <ul style="list-style-type: none"> <li>a) Major and minor drainage systems in accordance with Council's Engineering Design Specifications - Section D5 - Stormwater Drainage Design and utilising Australian Rainfall and Runoff (ARR, 2019) Guidelines.</li> <li>b) The minor and major systems must be designed for a 10% AEP and 1% Annual Exceedance Probability (AEP) rainfall events, respectively.</li> <li>c) Generally, in accordance with the concept stormwater drainage plan by MI Engineers (Project No. DN200244, Drawing No. C200, Revision C, dated 04/06/2021).</li> <li>d) The existing stormwater drainage system is to be upgraded or adjusted to suit the new works.</li> <li>e) Design of stormwater drainage is to include piping, swales and easements to facilitate future development of the site.</li> </ul>
22.	<p><b>Water Sensitive Urban Design (WSUD) Devices – Private Property</b></p> <p>Prior to the issue of a Construction Certificate, detailed design of permanent stormwater quality improvement devices must be certified by a professional engineer, (as defined in the National Construction Code) demonstrating the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and approved by the Certifier. Specifications can be found on Council's website.</p>
23.	<p><b>WSUD Measures – Water Quality, Retention and Reuse</b></p> <p>Prior to the issue of a Construction Certificate, a detailed design of permanent water quality, retention and reuse devices must be certified by a professional engineer, (as defined in the National Construction Code) who can demonstrate the appropriateness of the proposed design for the site in accordance with Council's Engineering Design and Construction Specifications and is to be approved by the Certifier. Specifications can be found on Council's website.</p> <p>The stormwater treatment, retention and reuse design must comply with the following:</p> <ul style="list-style-type: none"> <li>a) The concept stormwater drainage plan by MI Engineers (Project No. DN200244, Drawing No. C200, Revision C, dated 04/06/2021) and concept Integrated Water Cycle Management Strategy by MI Engineers (dated 10/03/2021).</li> <li>b) The WSUD strategy must be able to remove 80% of Total Suspended Solids (TSS), 45% of Total Nitrogen (TN) and 45% of Total Phosphorus (TP) for the total site area as demonstrated using MUSIC software. The detailed MUSIC model must be provided to Council for acceptance.</li> <li>c) The WSUD strategy must have appropriate stormwater retention storage that is equal to or greater than 6mm for increases in all impervious surfaces compared to the pre-development condition.</li> </ul>

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24.	<p><b>Water Sensitive Urban Design Operation and Maintenance Manual</b></p> <p>Adopted WSUD Management, Operation, Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to Council's Development Manager prior to issue of the Construction Certificate. The manuals must be prepared by a suitably qualified professional in accordance with the objectives and criteria identified in the approved Integrated Water Cycle Management Plan.</p>
25.	<p><b>Water Sensitive Urban Design Checklists</b></p> <p>Compliance checklists are to be prepared by the WSUD Designers and submitted to Council's Development Manager prior to issue of the relevant Construction Certificate. The checklists must incorporate all checks and certifications that are required to be carried out during the civil construction phase, asset protection phase, landscape practical completion phase and final compliance inspection prior to final handover.</p>
26.	<p><b>On-Site Detention</b></p> <p>Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The on-site stormwater detention (OSD) design must comply with the following:</p> <ol style="list-style-type: none"> <li>Provided wholly above the 18.13% AEP storm event inundation level of any natural watercourse or water body.</li> <li>Designed such that stormwater runoff from the development for design storm events up to and including the 1% AEP does not exceed the pre-developed conditions.</li> <li>All flow discharging from on-site detention is to be via gravity flow to an approved discharge location. Automatic pump out systems from on-site detention will not be permitted.</li> <li>Adequate scour protection at the outlet of the on-site detention basin, in accordance with Council's Engineering Design Specification.</li> </ol>
27.	<p><b>Site Filling Design Standards</b></p> <p>Prior to the issue of a Construction Certificate, certified engineering design plans and specifications must be prepared by a professional engineer, (as defined in the National Construction Code) or surveyor and approved by the Certifier.</p> <p>The site filling design must comply with the following:</p> <ol style="list-style-type: none"> <li>The site must be regraded in accordance with the concept MRF building civil works plans by MI Engineers, as approved under this development consent, graded to have an absolute minimum grade of 0.5%.</li> <li>The filling specification must be approved by the Certifier and require all allotment filling to be placed in accordance with AS 3798 Guidelines on earthworks for commercial and residential developments and compacted at least to the minimum relative compaction listed in the standard applicable to the type of development / subdivision.</li> </ol>

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28.	<p><b>Evidence</b></p> <p>A Construction Certificate must not be issued until the Certifier has received notification from, or evidence of, any Council approval that is required Prior to the Commencement of Works.</p>																				
29.	<p><b>Local Infrastructure Contributions</b></p> <p>This development will generate a need for the additional services and/or facilities described in Shoalhaven Contributions Plan 2019 and itemised in the following table:</p> <table><tr><th>Project</th><th>Description</th><th>Calculation</th><th>Amount</th></tr><tr><td>CWFIRE2001</td><td>Citywide Fire &amp; Emergency services</td><td>\$145.50 * 74.6</td><td>\$10,854.30</td></tr><tr><td>CWFIRE2002</td><td>Shoalhaven Fire Control Centre</td><td>\$212.86 * 74.6</td><td>\$15,879.36</td></tr><tr><td>CWMGMT3001</td><td>Contributions Management &amp; Administration</td><td>\$605.06 * 74.6</td><td>\$2,673.37</td></tr><tr><td colspan="3"></td><td><b>\$29,407.03</b></td></tr></table> <p>The total contribution, identified in the above table or as indexed in future years, must be paid to Council prior to the issue of a Construction Certificate. Evidence of payment must be provided to the Certifying Authority.</p> <p>Contributions Plan 2019 can be accessed on Councils website <a href="http://www.shoalhaven.nsw.gov.au">www.shoalhaven.nsw.gov.au</a> or may be inspected on the public access computers at the libraries and the Council Administrative Offices, Bridge Road, Nowra and Deering Street, Ulladulla.</p>	Project	Description	Calculation	Amount	CWFIRE2001	Citywide Fire & Emergency services	\$145.50 * 74.6	\$10,854.30	CWFIRE2002	Shoalhaven Fire Control Centre	\$212.86 * 74.6	\$15,879.36	CWMGMT3001	Contributions Management & Administration	\$605.06 * 74.6	\$2,673.37				<b>\$29,407.03</b>
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			<b>\$29,407.03</b>																		
30.	<p><b>Long Service Levy</b></p> <p>Prior to the issue of a Construction Certificate any long service levy payable under the <a href="#">Building and Construction Industry Long Service Payments Act 1986</a> and prescribed by the <a href="#">Building and Construction Industry Long Service Payments Regulation 2017</a> must be paid or, where such a levy is payable by instalments, the first instalment of the levy must be paid. Council is authorised to accept payment. Proof of payment must be submitted to the Certifying Authority.</p>																				
31.	<p><b>Hydraulic Engineering Details for Water, Sewer &amp; Drainage</b></p> <p>Prior to the issue of a Construction Certificate, an approval to carry out water supply works, sewerage works, and stormwater drainage works must be obtained from Council under Section 68 of the <i>Local Government Act 1993</i>. The application is to include hydraulic designed by a professional engineer (as defined by the National Construction Code) for water, sewerage and stormwater drainage for the development. The hydraulic detail must reference, without limitation, the following:</p> <ol style="list-style-type: none"><li>The relevant National Construction Code such as - NCC 2019 Volume 1, 2 &amp; 3 (as relevant) Amendment 1.</li><li>Relevant Australian Standard/s and correct standard years.</li><li>Must also reference the relevant AS 1170 suit of standards.</li><li>List Signatory Qualification and Accreditation details.</li><li>Must be National Engineers Register (NER) or NSW Fair Trading Registered Engineer.</li></ol>																				

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	f) The charged line to the above ground rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm discharge pit connected to an approval disposal point to enable the line to be flushed. This is to prevent the line becoming blocked.
32.	<p><b>Vegetation Management Plan</b></p> <p>Prior to the issue of a Construction Certificate, a Vegetation Management Plan (VMP) for the restoration of the disturbed areas on Lot 437 DP 808415 is to be prepared by a suitability qualified ecological consultant. The VMP is to include measures to restore and revegetate the disturbed areas and protect adjacent intact vegetation and threatened plants such as fencing, mulching, planting where appropriate, weeding and sediment and erosion control. The VMP is to include a schedule of works and performance targets. The VMP is to be submitted to Shoalhaven City Council, City Development, for approval prior to issue of the Construction Certificate.</p>
<b>PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE</b>	
NIL	
<b>PART F: DURING WORKS</b>	
33.	<p><b>Maintenance of Site and Surrounds</b></p> <p>During works, the following maintenance requirements must be complied with:</p> <ul style="list-style-type: none"> <li>a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.</li> <li>b) Waste materials (including excavation and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</li> <li>c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.</li> <li>d) The developer must maintain the approved soil water management measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.</li> <li>e) During construction: <ul style="list-style-type: none"> <li>i) all vehicles entering or leaving the site must have their loads covered, and</li> <li>ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</li> </ul> </li> <li>f) At the completion of the works, the work site must be left clear of waste and debris.</li> </ul>
34.	<p><b>Earthworks and Excavation</b></p> <ul style="list-style-type: none"> <li>a) Approved earthworks (including any structural support or other related structure for the purposes of the development): <ul style="list-style-type: none"> <li>i) Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot.</li> <li>ii) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property.</li> </ul> </li> </ul>

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	<p>iii) That is fill brought to the site, must contain only virgin excavated natural material (VENM) or excavated natural material (ENM) as defined in Part 3 of schedule 1 to the <i>Protection of the Environment Operations Act 1997 (POEO Act)</i>.</p> <p>Documentation must be provided to the Certifier certifying that imported fill material is not contaminated and does not contain contaminants such as asbestos, chemicals or building waste.</p> <p>iv) That is excavated soil to be removed from the site, must be disposed of in accordance with any requirements under the <i>Protection of the Environment Operations (Waste) Regulation 2005</i>.</p> <p>b) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-78544-2) published by Safe Work Australia in October 2018</p>
35.	<p><b>Lot Filling</b></p> <p>Prior to completion of works, the developer must ensure that the following requirements are met in relation to lot filling:</p> <p>a) The site supervisor must ensure that all fill is completed in accordance with the approved filling specification.</p> <p>b) Performed under Level 1 supervision by a professional engineer, (as defined in the National Construction Code) (as required).</p> <p>c) A Level 1 Supervision Report is to be approved by Council prior to the release of the Occupation Certificate (where required).</p> <p>d) Any fill must:</p> <ul style="list-style-type: none"> <li>i) have a maximum batter of 25% (1v:4h) at any location.</li> <li>ii) not encroach onto adjoining land.</li> <li>iii) not cause the diversion or concentration of natural overland stormwater runoff onto adjoining property.</li> <li>iv) be protected against erosion, with measures incorporated in the erosion and sediment control plan.</li> </ul>
36.	<p><b>Timing of works</b></p> <p>To protect adjoining bushland and riparian habitats, works involving soil disturbance must not take place during heavy rainfall periods, other than work necessary to stabilise the site.</p>
37.	<p><b>Wildlife Protection-During Works</b></p> <p>a) If any wildlife enters the construction site during works, works must stop until the animal has safely vacated the site.</p> <p>b) If any wildlife is disoriented or is injured during construction works, works must stop immediately, and a consultant ecologist experienced in wildlife handling and rescue is to advise and responsibly rescue and relocate the animal(s).</p> <p>c) All trenches must be inspected for wildlife prior to backfilling.</p> <p>d) All vehicles and mechanical plant must be inspected for wildlife prior to operation.</p>



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38.	<p><b>Noise</b></p> <p>The noise from all construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment &amp; Climate Change Interim Construction Noise Guideline. The LA10 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>
39.	<p><b>Aboriginal Objects Discovered During Excavation</b></p> <p>If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:</p> <ol style="list-style-type: none"> <li>All excavation or disturbance of the area must stop immediately.</li> <li>Additional assessment and approval pursuant to the <i>National Parks and Wildlife Act 1974</i> may be required prior to works continuing the affected area(s) based on the nature of the discovery.</li> <li>Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).</li> <li>The Heritage NSW must be advised of the discovery in accordance with section 89A of the <a href="#">National Parks and Wildlife Act 1974</a></li> </ol>
40.	<p><b>Archaeology Discovered During Excavation</b></p> <p>If any object having interest due to its age or association with the past is uncovered during the course of the work:</p> <ol style="list-style-type: none"> <li>All work must stop immediately in that area.</li> <li>Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).</li> </ol>
41.	<p><b>Asbestos Removal</b></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 SafeWork NSW – Code of Practice, How to Safely Remove Asbestos [ISBN 978-0-642-33317-9] as applicable, by a person holding the relevant licence issued by SafeWork NSW.</p> <p>A licence is not required to remove less than 10m<sup>2</sup> of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m<sup>2</sup>.</p> <p>Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.</p> <p>Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:</p> <ol style="list-style-type: none"> <li>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.</li> </ol>

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	<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>Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.</p>
42.	<p><b>Contamination – Unexpected Finds</b></p> <p>a) If unexpected, contaminated soil and/or groundwater is encountered during any works:</p> <ul style="list-style-type: none"> <li>i) all work must cease, and the situation must be promptly evaluated by an appropriately qualified environmental consultant.</li> <li>ii) 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.</li> </ul> <p>b) 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 prior to recommencement of works. The verification documentation must be provided to the satisfaction of the Certifier and Shoalhaven City Council prior to the recommencement of any works.</p> <p>c) 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>
<b>PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>	
43.	<p><b>Compliance</b></p> <p>The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with Council (i.e. a security).</p> <p>All conditions under Section 68 of the <i>Local Government Act 1993</i> will be required to be complied with.</p>
44.	<p><b>Fire Safety</b></p> <p>Prior to the issue of a partial or whole Occupation Certificate, a final fire safety certificate is to be issued to Council and Fire &amp; Rescue NSW by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates—</p> <ul style="list-style-type: none"> <li>a) has been assessed by a properly qualified person, and</li> <li>b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.</li> </ul>

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45.	<p><b>Works as Executed Plans</b></p> <p>Prior to the issue of an Occupation Certificate, Works as Executed Plans must be prepared by a registered surveyor / professional engineer, (as defined in the National Construction Code) and be submitted to Council and the Certifier demonstrating compliance with the approved design plans.</p> <p>The Works as Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans and comply with the following requirements:</p> <ul style="list-style-type: none"> <li>a) Council's Development Engineering Construction Specification.</li> <li>b) Show compliance with the approved design plans of all road and drainage works</li> <li>c) Certify that all storm water pipes, and other services are wholly within an appropriate easement.</li> <li>d) Show the extent, depth and final levels of filling.</li> <li>e) Show any retaining walls including footings and agricultural drainage lines.</li> <li>f) Show the location of all underground service conduits.</li> <li>g) Include all deviations from the approved Civil Engineering Plans.</li> </ul>
46.	<p><b>Shoalhaven Water – Certificate of Compliance</b></p> <p>Prior to 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 Notice of Requirements.</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>
47.	<p><b>Evidence of Compliance with Bushfire Measures</b></p> <p>Prior to the issue of Occupation Certificate, certification must be provided by a BPAD Level 3 accredited consultant to the satisfaction of the Certifier, that the bushfire measures referenced in the approved Bushfire Report (Condition 1) are satisfied.</p>
<b>PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE</b>	
NIL	
<b>PART I: ONGOING USE OF THE DEVELOPMENT</b>	
48.	<p><b>Overland Stormwater Flow, Redirecting and/or Concentrating Stormwater</b></p> <p>All excavation, backfilling and landscaping works must not result in:</p> <ul style="list-style-type: none"> <li>a) Any change to the overland stormwater flow path on the 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.</li> <li>b) The redirection and/or concentration of stormwater flows onto neighbouring properties.</li> </ul>

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49.	<p><b>Heavy Vehicles</b></p> <p>Heavy vehicle traffic generated by the development is not to use the road network during peak traffic hours as defined by the following:</p> <ul style="list-style-type: none"> <li>a) 8am – 10am, and</li> <li>b) 3:30pm – 5:30pm.</li> </ul>
50.	<p><b>Grasses when adjoining bushland</b></p> <p>In order to maintain the interface between disturbed areas and the remaining native vegetation, the area within the Asset Protection Zone/ development site must be managed for the life of the development as follows:</p> <ul style="list-style-type: none"> <li>a) No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process <i>Invasion of native plant communities by exotic perennial grasses</i>, must be sown.</li> <li>b) Where grass is required to be sown it must be native grasses.</li> </ul>
51.	<p><b>Lighting</b></p> <p>For the life of the development lighting should be designed in accordance with the principles from the National Light Pollution Guidelines for Wildlife (Australian Government 2020) including:</p> <ul style="list-style-type: none"> <li>a) only light the object or area intended,</li> <li>b) be close to the ground where possible,</li> <li>c) be directed downward away from tree canopies and shielded to avoid light spill into vegetation,</li> <li>d) have the lowest intensity lighting appropriate for the task.</li> </ul>
52.	<p><b>Fire Safety – Annual Statement</b></p> <p>A building owner must ensure that an annual fire safety statement prepared by a competent fire safety practitioner is issued each year and that a copy of the statement is provided to the Shoalhaven City Council and the Commissioner of Fire and Rescue NSW. An <a href="#">application form</a> is available on Council's website.</p> <p><i>Note: An annual fire safety statement is a declaration by, or on behalf of a building owner that an accredited practitioner – fire safety (APFS) has:</i></p> <ul style="list-style-type: none"> <li>a) assessed, inspected and verified the performance of each existing essential fire safety measure that applies to the building</li> <li>b) inspected the exit systems serving the building and found that the exit systems within the building do not contravene the provisions of Division 7 of Part 9 of the Environmental Planning and Assessment Regulation 2000</li> </ul> <p><i>Failure to give Council an annual fire safety statement by the due date constitutes a separate offence for each week beyond that date for which the failure continues. Substantial penalties for non-compliance apply under the Environmental Planning and Assessment Act 1979.</i></p>

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53.	<p><b>Pollution Incident Response Management Plan</b></p> <p>The proponent must review the existing Pollution Incident Response Management Plan (PIRMP) for the premises and update it as required, by the NSW Environment Protection Authority and/or Council.</p>
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#### PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

#### PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

##### Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

##### Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2000* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

##### Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

##### Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

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**PART L: RIGHTS OF REVIEW AND APPEAL****Determination under Environmental Planning and Assessment Act, 1979**

Division 8.2 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination a right to request the council to review its determination. The request and determination of the review must be undertaken within the prescribed period.

Division 8.3 of the EP&A Act, 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court which can be exercised within the prescribed period.

**PART M: GENERAL ADVICE**

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

**Scheduled Waste Facility**

The proponent should also be aware that, as this development application seeks to undertake scheduled waste activities other than composting, a waste levy liability and additional responsibilities may be applicable to the premises in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014* (Waste Regulation). Prior to the licence being varied to permit the proposed changes to the facility, the proponent will need to negotiate an authorised amount with the NSW Environment Protection Authority to be included on the licence.

**Disability Discrimination Act 1992**

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *Australian Standard AS1428.1 - "Design for Access and Mobility"*.

**Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land**

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

**DBYD Enquiry - 'Dial Before You Dig'**

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) prior to any excavation works taking place to ascertain

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the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

**SIGNED** on behalf of Shoalhaven City Council:

CL22.527 - Attachment 3



Our Ref: DOC22/794493

Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Attention: Mr Andre Vernez  
By email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

14 September 2022

Dear Mr Dunshea

**Shoalhaven City Council – CNR-32853 - Proposed West Nowra Materials Recycling Facility – Flatrock Road, Mundamia**

I refer to the development application and accompanying information provided for the proposed Materials Recycling Facility (MRF) received by the Environment Protection Authority (EPA) on 10 December 2021 and subsequent information received on 13 April 2022, 18 July 2022 and 29 August 2022.

The EPA has determined that it is able to issue General Terms of Approval (GTAs) for this proposal. These GTAs are provided at Attachment A. The project will need to be carried out in accordance with the conditions of Environment Protection Licence Number 5877 for the West Nowra Recycling and Waste Facility. If the project is approved, Council will need to apply to the EPA to vary this licence to include the operation of the MRF, subject to these GTAs.

In assessing the proposal, the EPA has identified that the revised noise impact assessment titled "Acoustical Report – Proposed Materials Recycling Facility at Lot 435 Flatrock Road, Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 25 August 2022 did not adequately address the issues identified in EPA's previous correspondence dated 9 August 2022. These issues are outlined in Attachment B. To avoid any further delays in assessing and determining the proposal the EPA has included noise limits, monitoring, and reporting requirements in the GTAs.

In addition, the EPA has outlined several issues that will need to be addressed once the proposal is operational. These issues can also be found in Attachment C and include the following:

- Stormwater Management
- Construction and Demolition Waste Standards
- Pollution Incident Response Management Plan (PIRMP)

In providing these GTA's the EPA has been advised that there were no public submissions received in relation to the development application.

Phone 131 555  
Phone 02 9995 5555  
(from outside NSW)

TTY 133 677, then  
ask for 131 155

Locked Bag 5022  
PARRAMATTA  
NSW 2124

4 Parramatta Square  
12 Darcy Street  
PARRAMATTA  
NSW 2150

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)  
ABN 43 692 285 758



If you have any questions about this issue, please contact Tracey McAndrew on (02) 4224 4124.

Yours sincerely



**PETER BLOEM**  
Manager Regulatory Operations

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued

Notice No: 1621579



Shoalhaven City Council  
PO BOX 42  
NOWRA NSW 2541

Attention: Andre Vernez

Notice Number 1621579  
Date 14-Sep-2022

**CNR-32853 - Shoalhaven City Council - Proposed Materials Recycling Facility - Flatrock Road, Mundamia - RA21/1002**

### Issued pursuant to Section 4.46 Environmental Planning and Assessment Act 1979

I refer to the development application and accompanying information provided for the proposed Materials Recycling Facility (MRF) received by the Environment Protection Authority (EPA) on 10 December 2021 and subsequent additional information received on 13 April 2022, 18 July 2022 and 29 August 2022.

EPA has reviewed the development application and has determined that it is able to issue General Terms of Approval for the project. The general terms of approval for this proposal are provided at Attachment A. The project must be carried out in accordance with Environment Protection Licence no. 5877 for the West Nowra Recycling and Waste Facility. If the project is approved, Council will need to apply to the EPA to vary this licence to include the operation of the MRF, subject to these GTAs.

In providing these GTAs the EPA has been advised that there were no public submissions received in relation to the development application.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

If you have any questions, or wish to discuss this matter further please contact Tracey McAndrew on (02) 4224 4124.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Peter Bloem'.

.....  
**Peter Bloem**

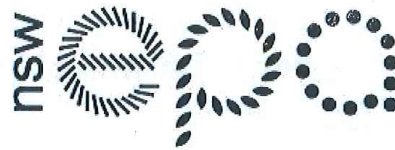
**Manager**

**Environment Protection Authority**

(by Delegation)

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

### Attachment A:

## Administrative conditions

**Note:** Mandatory conditions for all general terms of approval

### **A1. Information supplied to the EPA**

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application RA21/1002 submitted to Shoalhaven City Council on 10 December 2021.
- the statement of environmental effects titled *Statement of Environmental Effects: Proposed Materials Recycling Facility (MRF) at: Flatrock Road, Mundamia - Lot 436 DP 808415, PDC REF: P20-143* prepared by PDC Lawyers and Town Planners and dated 5 November 2021 relating to the development and the associated plans and reports submitted with the application; and
- all additional documents and plans supplied to the EPA in relation to the development, including:
  - The letter titled "RA21/1002 Response to Council's Request for Additional Information Lot 436 DP 808415 - Flatrock Road, Mundamia" prepared by PDC Lawyers and Town Planners and dated 29 March 2022 and associated supporting documentation
  - "Acoustical Report – Proposed Materials Recycling Facility at Lot 436 Flatrock Road Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 12 July 2022.
  - "Acoustical Report - Proposed Materials Recycling Facility at Lot 436 Flatrock Road Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 25 August 2022.

### **A2. Fit and Proper Person**

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

## Discharges to Air and Water and Applications to Land

### **P1. Location of monitoring/discharge points**

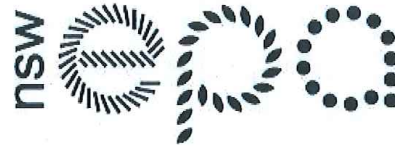
**P1.1** The following points referred to in the table below are identified in this licence for the purposes of noise monitoring of the emission of noise from the premises.

#### **Noise**

EPA Identification Point	Type of Monitoring Point	Location Description
39	Noise monitoring	Lot 1 DP837697 (43 Flatrock Road, Mundamia)
40	Noise monitoring	Lot 87 DP755952 (56 Stonegarth Road, Mundamia)

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

### Limit conditions

#### L1. Pollution of waters

- L.1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in connection with the carrying out of the development.

#### L2. Waste

- L.2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.
- L.2.2** This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

#### L3. Noise Limits

- L.3.1** Noise generated at the premises must not exceed the noise limits at the times and locations in the table below.

Location	Noise Limits in dB(A)
	Day
	L <sub>Aeq</sub> (15 minute)
All residential receivers	40

- L.3.2** For the purposes of condition L3.1:

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays

- L.3.3** Noise enhancing meteorological conditions

- a) The noise limits set out in condition L3.1 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition L3.3(a), the noise limits that apply are the noise limits in condition L3.1 plus 5dB.



Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

### L3.4 For the purposes of condition L3.3:

- a) The meteorological conditions are to be determined from meteorological data obtained from a meteorological weather station nominated by the licensee and approved by the EPA.
- b) Stability category shall be determined using the following method from Fact Sheet D of the *Noise Policy for Industry* (NSW EPA, 2017):
  - i. Use of sigma-theta data (section D1.4).

### L3.5 To assess compliance:

- a) with the  $L_{Aeq}(15 \text{ minutes})$  or the  $L_{Amax}$  noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - (i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
  - (ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
  - (iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve,
  - (iv) at any other location identified in condition L3.1
- b) with the  $L_{Aeq}(15 \text{ minutes})$  or the  $L_{Amax}$  noise limits in condition L3.1 and L3.3, the noise measurement equipment must be located:
  - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
  - (ii) at the reasonably most affected point within an area at a location prescribed by condition L3.5 (a).

### L3.6 A non-compliance of conditions L3.1 and L3.3 will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in condition L3.5 (a) or L3.5 (b).

**NOTE to L3.5 and L3.6:** The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

### L3.7 For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the *Noise Policy for Industry* (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

### L3.8 Subject to any express provision to the contrary in this licence, measurement and analysis of noise required by this licence must be done in accordance with the *Approved Methods for the Measurement and Analysis of Environmental Noise in NSW*.

## L4. Hours of Operation

- L4.1 Activities at the materials recycling facility must only be conducted between 7am and 6pm Monday to Saturday, and between 8am and 6pm on Sundays and public holidays.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

### **L5. Potentially offensive odour**

- L5.1** The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

### **Operating conditions**

#### **01. Dust**

- 01.1** All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- 01.2** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during inspection, loading and unloading.
- 01.3** The licensee must ensure that no material, including sediment or oil is tracked from the premises.

#### **02. Processes and management**

- 02.1** All wastewater collected from the processing building must be captured and directed to the leachate management system.

#### **03. Waste Management**

- 03.1** All incoming waste must be unloaded within a fully enclosed building.
- 03.2** All unprocessed and processed waste must be stored within a fully enclosed building at all times.

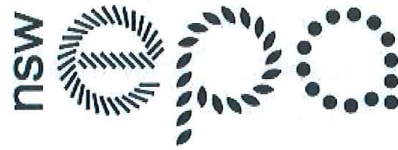
### **Monitoring and Reporting Conditions**

#### **M1. Requirement to Monitor Noise**

- M1.1** Attended noise monitoring must be undertaken in accordance with Condition L3.5 and must:
- occur at each noise monitoring location in Condition P1.1;
  - occur annually in a reporting period;
  - occur during the day period as defined in the *Noise Policy for Industry* for a minimum of 1 hour.

Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

### Reporting conditions

- R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

### R2. Noise Monitoring Report

- R2.1** A noise compliance assessment report must be submitted to the EPA each year with the Annual Return. The assessment must be prepared by a competent person and include:

- a) an assessment of compliance with noise limits presented in Condition L3.1 and L3.3; and
- b) an outline of any management actions taken within the monitoring period to address any exceedences of the limits contained in Condition L3.1 and L3.3.

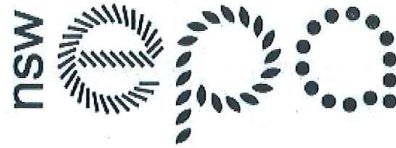
### Additions to Definition of Terms of the licence

- Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the NSW Environment Protection Authority in October 2017.
- Approved Methods for the Measurement and Analysis of Environmental Noise in NSW - the document entitled "Approved Methods for the Measurement and Analysis of Environmental Noise in NSW" published by the NSW Environment Protection Authority in January 2022.
- Noise – 'sound pressure levels' for the purposes of conditions L3.1 to L3.8.
  - L<sub>Aeq</sub> (15 minute) - the value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (Australian Standard AS 1055:2018 *Acoustics: description and measurement of environmental noise*).
  - L<sub>AFmax</sub> – the maximum sound pressure level of an event measured with a sound level meter satisfying Australian Standard AS IEC 61672.1-2013 *Electroacoustics - Sound level meters - Part 1: Specifications* set to 'A' frequency weighting and fast time weighting.



Protection of the Environment Operations Act 1997

## General Terms of Approval - Issued



Notice No: 1621579

### Attachment – Mandatory Conditions for all EPA licences

#### Operating conditions

##### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b) the treatment, storage, processing, reprocessing; transport and disposal of waste generated by the activity.

##### Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:  
must be maintained in a proper and efficient condition; and  
must be operated in a proper and efficient manner.

#### Monitoring and recording conditions

##### Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

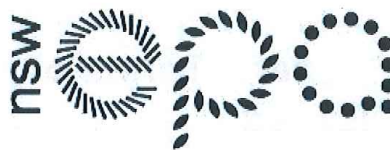
- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

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### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

### Reporting conditions

#### Annual Return documents

##### ***What documents must an Annual Return contain?***

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a) Statement of Compliance; and
- b) Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

##### ***Period covered by Annual Return***

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

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### **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### **Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### **Notification of environmental harm**

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;

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- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

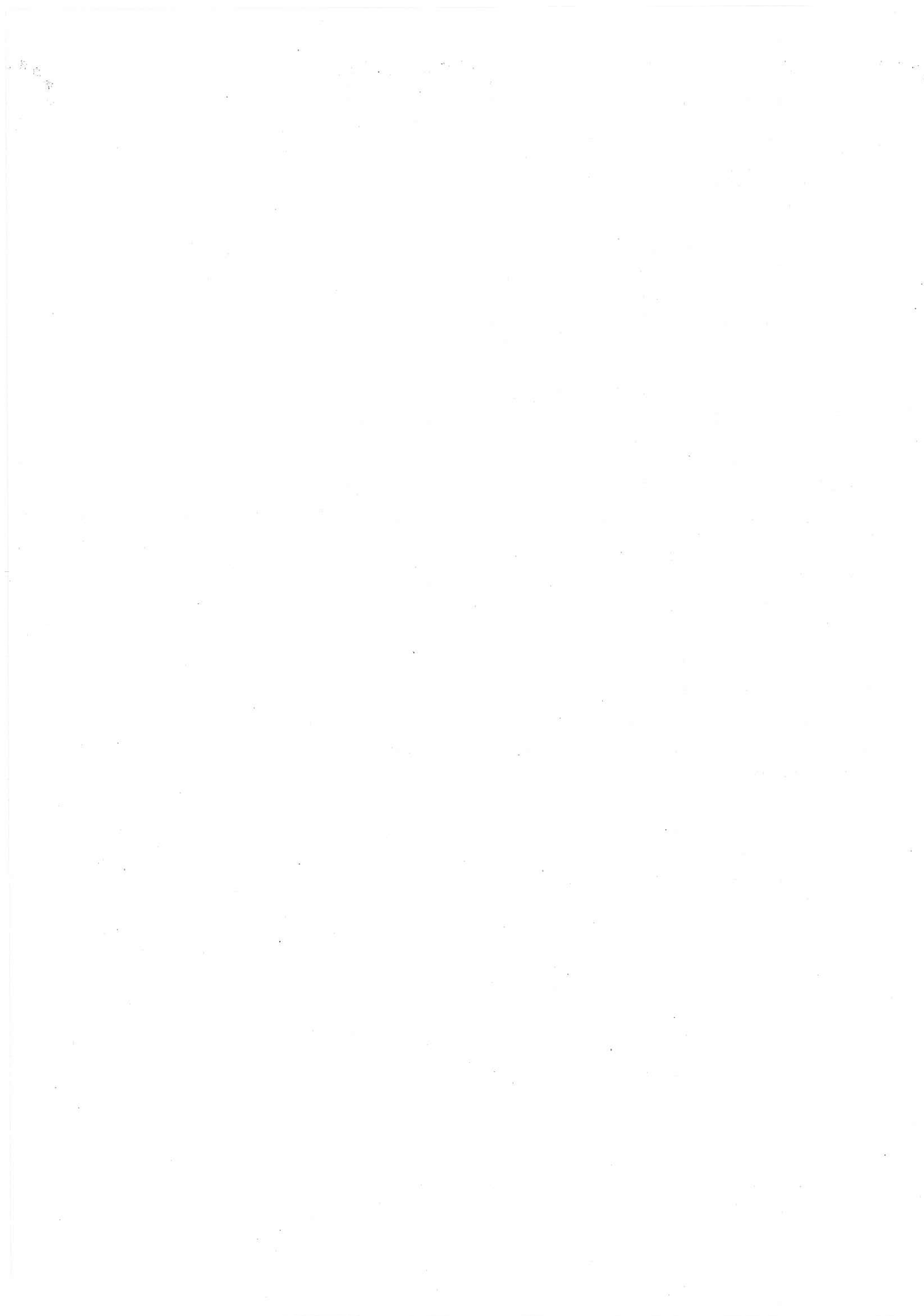
### General conditions

#### Copy of licence kept at the premises

A copy of this licence must be kept at the premises to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.





## Attachment B:

### Noise Impact Assessment

In assessing the proposal, the EPA considered the revised Noise Impact Assessment (NIA) titled "Acoustical Report – Proposed Materials Recycling Facility at Lot 435 Flatrock Road, Mundamia NSW" prepared by Koikas Acoustics Pty Ltd and dated 25 August 2022 did not adequately address the issues identified in EPA's previous correspondence dated 9 August 2022.

Whilst the revised NIA has provided responses to the EPA's previous comments, we consider that they have not satisfactorily responded to the assessment of annoying characteristics required by Noise Policy for Industry (NPfI) Fact Sheet C.

As per the EPA's previous comments, the assessment and application of annoying characteristics in Fact Sheet C is conducted at the receiver on the total noise level from the premises. This is a routine policy requirement however, the three Koikas Acoustics reports appear to have repeatedly not provided this assessment.

Page 28 of the Revised NIA states: "*The LCeq – LAeq for each measured source has been presented in the tables below.*" The EPA identified that Tables 3 and 4 in the Revised NIA contained a comparison of A-weighted and C-weighted source levels and an apparent tonality correction was done on measurements at distances up to 20m away. As stated previously, this is not in accordance with the NPfI and cannot be accepted.

Annoying characteristics are assessed at the receiver as it the outcome at the receiver location which is of interest in an NPfI assessment. Another reason why annoying characteristics are assessed at the receiver on the total noise, instead of for individual source levels is that low frequency noise is a function of distance. The further away from the source you get, the greater the difference between the C-weighted and A-weighted noise levels become. Therefore, it is incorrect for the Revised NIA to assert on page 28 that it is more conservative to assess annoying characteristics at the source.

The highest predicted noise level at receivers is within 1 dB of the Project Noise Trigger Levels (PNTL) so if a correction is applicable from Fact Sheet C, it would mean that the premises would then have a noise level above the PNTL which would require investigation of reasonable and feasible mitigation.

### Off-site Road Traffic Noise

The EPA still has reservations about the appropriateness of the assessment conducted and the response provided in the revised NIA did not fully satisfy the EPA that the potential impacts had been fully assessed and managed where practicable. The response in the Revised NIA did not provide the EPA with confidence that use of RLS 90 is appropriate in this case.

The EPA is aware of many different methods available for calculating road traffic noise, line sources and/or moving point sources which may be to be used to determine noise levels from moving vehicles.

Whilst the EPA does not regulate the off-site traffic noise, we recommend that Council consider conditions of consent commensurate with the risk of impact from road traffic noise on residential receivers on Flatrock Road.

**Attachment C:****Stormwater Management**

The Proposal includes the re-construction of an on-site sediment basin adjacent to the Materials Recycling Facility (MRF). The new basin is designed to overflow via an emergency overflow weir during excess flows. The overflow point will be required to be included on the Environment Protection Licence no. 5877 (the Licence) as a licensed discharge point and the EPA will consider including appropriate monitoring and discharge limits for this point.

On completion of construction of the basin the proponent must provide an as-constructed drawing showing the location of the overflow weir and GPS coordinates for inclusion on the Licence.

**Construction and Demolition Waste Standards**

The proponent has stated that construction and demolition waste will be received at the MRF. There was limited information provided in the documentation on how this waste will be handled, processed and stored at the premises.

The proponent must ensure that they comply with Part 8A of the *Protection of the Environment Operations (Waste) Regulation 2014* (the Waste Regulation) which involves meeting the requirements of the *Standards for managing construction waste in NSW* (the C&D Standards) that can be found on the EPA website at the following address:


<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/19p1542-standards-for-managing-construction-waste-in-nsw.pdf>

The C&D Standards include requirements for the inspection, sorting, mixing, storing and the transportation of construction and demolition waste at licensed waste facilities.

**Pollution Incident Response Management Plan (PIRMP)**

The MRF will be included on the premises that forms part of the Licence which is required to have a PIRMP under Part 4 of the *Protection of the Environment Operations (General) Regulation 2021*. The proponent must review the existing PIRMP for the premises and update as required to include the operation and any potential environmental risks of the MRF.

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	<b>Section 4.15 Assessment Report</b> <i>Environmental Planning &amp; Assessment Act 1979</i>
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**Conflict of interest declaration**

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.

*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.*

Assessing Officer	Elisabeth Bailey	5/09/2022
Peer Review Officer	Peter Woodworth	6/09/2022
Delegation Level Required	Lead	
Variations Proposed	<input type="checkbox"/> Clause 4.6 exception <input checked="" type="checkbox"/> DCP departure	
Councillor Representations	Councillor	Date
		TRIM Reference

Report Recommendation	Approval
DA Number	DA22/1909
PAN	PAN-211450
Property Address	107 Jerry Bailey Rd SHOALHAVEN HEADS - Lot 10 DP 24264
Proposal	Demolition of Existing Garage and Construction of Garage
Applicant(s)	Jenna Backhouse
Owner(s)	Jenna Backhouse & Brendan Cox
Owner's consent provided?	Yes
Date Lodged	05-Aug-2022



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Date of site inspection	31/08/2022
Date clock stopped	N/A
Date clock started	N/A
Related Application in NSW Planning Portal?	<input type="checkbox"/> Concurrence and/or external agency referral <input type="checkbox"/> Section 68 <input type="checkbox"/> Section 138 <input type="checkbox"/> Construction Certificate <i>Note: s138 and CC applications will not be incorporated into the Development Consent and will be determined separately.</i>
Number of submissions	NIL <i>Note: where submissions are received Council must give notice of the determination decision to all submitters.</i>

## 1. Detailed Proposal

The proposal includes:

- Demolition of existing garage
- Construction of a new garage

## 2. Subject Site and Surrounds

### Site Description

Figure 1: Aerial imagery of subject site



Figure 2: Aerial imagery of subject site- surrounding properties

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The subject site has a frontage to Jerry Bailey Road Shoalhaven Heads. The site contains a single storey residential dwelling and detached garage.

The surrounding area is residential in character and the site is adjoined by residential properties to the north/south/east and bushland to the west (rear) of the property.

Summary of Site and Constraints

<b>GIS Map Layer</b>		
	<i>Lot Area</i>	575.41m <sup>2</sup>
	<i>Zone</i>	R2 Low Density Residential
	<i>Does the land have a dwelling entitlement?</i> <small>Note: for rural land refer to <a href="#">clause 4.2D</a> of Shoalhaven LEP 2014.</small>	Yes
<b>Topographic Layer</b>	<i>Fall direction of land</i>	Fall of land away from street
	<i>Slope of land &gt;20%?</i>	No
<b>Site Inspection</b>	<i>Works within proximity to electricity infrastructure?</i>	No
	<i>Is the development adjacent to a <a href="#">classified road</a>?</i>	No
	<i>Is the development <a href="#">adjacent to a rail corridor</a>?</i>	No

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Utility Network	Access to reticulated sewer?	Yes
	Does the proposal require a new connection to a pressure sewer main (i.e. a new dwelling connection)?  <input checked="" type="checkbox"/> Sewer Pressure Mains > <div> <div><div></div></div> Rising Main           <div><div></div></div> Surcharge Main           <div><div></div></div> Low Pressure Sewer Main           <div><div></div></div> Under Construction         </div>	No
	Building over sewer policy applicable? <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>	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)?	No
Environmental Layers	Aboriginal Cultural Heritage	No
	Bush Fire	Yes
	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 <a href="#">Chapter G9</a> of Shoalhaven DCP 2014.</i>  <input checked="" type="checkbox"/> Flood Data <input checked="" type="checkbox"/> Flood Studies	Below Flood Planning Area (2050) – Flood Certificate supplied. Consent to be conditioned with relevant conditions
	Development within 40m of a watercourse?	No

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	<i>SEPP (Resilience and Hazards) 2021</i>	Yes <ul style="list-style-type: none"> <li>Coastal Environment area</li> <li>Coastal use area</li> </ul>
	<i>Sydney Drinking Water Catchment area (e.g. NorBE)</i>	No
<b>Shoalhaven LEP 2014</b>	<i>Acid Sulfate Soils</i>	Site is mapped Part class 2 and Part class 3 acid sulfate soils into report
	<i>Terrestrial Biodiversity</i>	No
	<i>Coastal Risk Planning</i>	No
	<i>Heritage</i>	Site is within vicinity of Heritage Item – Coomaderry swamp drainage channel. Development will not impact on this drainage channel
	<i>Scenic Protection</i>	No
<b><u>BV Map</u></b>	<i>Biodiversity Values Map</i>	No

Site Inspection Observations

Refer to site photos - [D22/367743 - Site Photos - DA22/1909 - 107 Jerry Bailey Rd Shoalhaven Heads - Lot 10 DO 24264](#)

Deposited Plan and 88B Instrument

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

### 3. Background

Pre-Lodgement Information

N/A


Post-Lodgement Information

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Reference number	Milestone	Date
1	Application submitted	21/07/2022
2	Additional Information was requested	25/07/2022
3	Additional Information was requested	01/08/2022
4	Additional Information was provided	01/08/2022
5	Additional Information was provided	01/08/2022
6	Additional Information was requested	02/08/2022
7	Additional Information was provided	03/08/2022
8	Application lodged	05/08/2022

Site History and Previous Approvals

Darts - since 1st July 2005

Application	Appl. Date	Application Type	Proposal	Status	Completed
 <a href="#">DA22/1909</a>	05/08/2022	Development Application	Demolition of Existing Garage & Construction of Garage	Incomplete	

Old Applications prior to 2nd Sept 1996

Application	Proposal	Decision	Owner	Original Lot
BA75/0914	Dwelling Additions	Approved	Hadlow K	
BA77/0538	Fibro Dwelling	Approved	Field RH&RL	
ST77/0210		Approved	Field RH&RL	

BA data prior to the 2nd Sept 1996

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">SD05/0059</a>	16/05/1983			

Building Certificate data prior to 1st January 1998

Application	Appl. Date	Proposal	Status	Status Date
<a href="#">92/0038</a>	24/01/92	DWELLING WHOLE	Printed	31/01/92

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#### 4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Flood Unit	No objection subject to recommended conditions.
External Referrals- N/A	

#### 5. Other Approvals

Integrated Development – N/A
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#### 6. Statutory Considerations

##### Environmental Planning and Assessment Act 1979

##### Section 4.14 Consultation and development consent – certain bush fire prone land

Is the development site mapped as bush fire prone land?	<p>Yes - Complete below table and assessment against Planning for Bush Fire Protection</p> <p>Note: There is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas. No further assessment required</p>
<p>Is there vegetation within 140m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?</p> <p>Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.</p>	<p>Yes</p> <p>Note: There is no bush fire protection requirements for Class 10a buildings located more than 6m from a dwelling in bush fire prone areas. No further assessment required.</p>

##### Biodiversity Conservation Act 1979

Does the application include works or vegetation removal within the <a href="#">Biodiversity Values mapped area</a> ?	No
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<p><i>Does the application involve clearing of native vegetation above the area clearing threshold?</i></p> <div data-bbox="320 398 906 813"> <p><b>Area clearing threshold</b></p> <p>The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).</p> <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th> <th>Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <tr> <td>Less than 1 ha</td> <td>0.25 ha or more</td> </tr> <tr> <td>1 ha to less than 40 ha</td> <td>0.5 ha or more</td> </tr> <tr> <td>40 ha to less than 1000 ha</td> <td>1 ha or more</td> </tr> <tr> <td>1000 ha or more</td> <td>2 ha or more</td> </tr> </tbody> </table> <p>The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.</p> <p>If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.</p> </div>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	No
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
<p><i>Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in <a href="#">section 7.3</a> of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')?</i></p> <p><i>Note: Consideration should be given to the site's proximity to NPWS land (see <a href="#">guidelines</a>) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i></p>	No										
<p><i>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <b>any</b> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</i></p>	No										

**Fisheries Management Act 1994**

The proposed development would not have a significant impact on the matters for consideration under Part 7A of the *Fisheries Management Act 1994*.

**Local Government Act 1993**

<i>Do the proposed works require approval under Section 68 of the Local Government Act 1993?</i>	No
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**7. Statement of Compliance/Assessment**

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

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*Environmental Planning and Assessment Act 1979.* The following planning instruments and controls apply to the proposed development:

Environmental Planning Instrument
<i>Shoalhaven Local Environmental Plan 2014</i>
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>

*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

**Chapter 3 Koala habitat protection 2020**

Question	Yes	No
1. Does the subject site have a site area >1ha or does the site form part of a landholding >1ha in area?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Assessment under SEPP not required.

**Chapter 4 Koala habitat protection 2021**

Question	Yes	No
1. Is there an approved koala plan of management for the subject land?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Proceed to Question 3
2. Is the proposed development consistent with the approved koala plan of management that applies to the land?	<input type="checkbox"/> Proposal satisfactory under SEPP.	<input type="checkbox"/> Application cannot be supported.
3. Has information been provided to Council by a suitably qualified consultant that demonstrates that the land the subject of the development application: <ul style="list-style-type: none"> <li>a) Does not include any trees belonging to the koala use tree species listed in Schedule 2 of the SEPP for the relevant koala management area, or</li> <li>b) Is not core koala habitat, or</li> <li>c) There are no trees with a diameter at breast height over bark of more than 10cm, or</li> <li>d) The land only includes horticultural or agricultural plantations</li> </ul>	<input type="checkbox"/> Proposal satisfactory under SEPP as (a), (b), (c) or (d) is satisfied.	<input checked="" type="checkbox"/> Proceed to Question 4
4. Is the proposed development likely to have an impact on koalas or koala habitat?	<input type="checkbox"/> Proceed to Question 5	<input checked="" type="checkbox"/> Proposal satisfactory under SEPP.



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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.

**Chapter 4 Remediation of land**

Question	Yes	No
1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land?	<input type="checkbox"/> Proceed to Question 2	<input checked="" type="checkbox"/> Assessment under SEPP 55 and DCP not required.

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 detached garage under *Shoalhaven Local Environmental Plan 2014*. The proposal is permitted within the zone with the consent of Council.

**Zone objectives**

Objective	Comment
<p>Objectives of zone</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide an environment primarily for detached housing and to ensure that other development is compatible with that environment.</li> </ul>	<p>The proposal is consistent with the objectives of the zone.</p>

**Applicable Clauses**

Clause	Comments	Complies/Consistent
Part 1 Preliminary		
Part 2 Permitted or prohibited development		
2.7	Demolition is permitted but only with development consent.	Complies

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4.3	<p>The set by the Height of Buildings Map is 8.5m</p> <p>The proposed development has a peak height of 3.5m. and does not exceed the building height limit.</p>	Complies				
5.21	<p>The subject site is mapped as below the flood planning level and Council has considered the development's impact on flood behaviour and the design and use of the development in its current situation, and also with regard to projected and potential climate change and coastal erosion processes.</p> <p>The application was referred to Council's Natural Resources and Floodplain Section and no objection was raised subject to recommended conditions of consent.</p> <p>Council is satisfied that the proposed development is compatible with the flood hazard of the land and will not significantly adversely affect floor behaviour. The proposal will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourse. The proposal will not affect the safe occupation or evacuation of the land. The proposal is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</p> <p>The proposed development is viewed as satisfactory with regard to the considerations set out in clause 5.21.</p>	Complies				
Part 7 Additional local provision						
7.1	<p>The subject land is mapped as acid sulfate soils:</p> <table><tr><th>Class</th><th>Commentary</th></tr><tr><td>Class 3</td><td>The proposal does not involve work more than 1m below the natural ground surface or works by which the water table is likely to be lowered more than 1m below the natural ground surface.</td></tr></table>	Class	Commentary	Class 3	The proposal does not involve work more than 1m below the natural ground surface or works by which the water table is likely to be lowered more than 1m below the natural ground surface.	Complies
Class	Commentary					
Class 3	The proposal does not involve work more than 1m below the natural ground surface or works by which the water table is likely to be lowered more than 1m below the natural ground surface.					
7.7	<p>The proposed works are not located on land with a slope of &gt;20% and are not located on land identified as a "sensitive area".</p>	Complies				
7.11	<p>All relevant services are available to the site.</p>	Complies				
7.20	<p>The proposal is considered satisfactory with regard to the considerations set out in clause 7.20.</p>	Complies				

ii) Draft Environmental Planning Instrument

The proposal is not inconsistent with any [draft environmental planning instruments](#).

Section 4.15 Assessment Report - DA22/1909

iii) Any Development Control Plan

Shoalhaven Development Control Plan 2014

Generic DCP Chapter		Relevant	
<b>G1: Site Analysis, Sustainable Design and Building Materials</b>			
A suitable site analysis plan and schedule of proposed materials has been submitted as part of the application and is deemed acceptable.			
<b>G2: Sustainable Stormwater Management and Erosion/Sediment Control</b>			
Has the application been supported by appropriate erosion and sediment control details?			Yes
<b>Question</b>	<b>Yes</b>	<b>No</b>	
1. Is the application for alterations and additions attached to an existing building?	<input checked="" type="checkbox"/>	Complies - Recommended conditions will require stormwater be directed into the existing stormwater system.	
		<input type="checkbox"/>	Proceed to Question 2
Has the application been supported appropriate stormwater drainage details?			Yes
<b>G3: Landscaping Design Guidelines</b>			
Existing/proposed landscaping is appropriate.			
<b>G4: Tree and Vegetation Management</b>			
Have any trees proposed to be removed been clearly shown on the site plan (where required)?			No
<b>G5: Biodiversity Impact Assessment</b>			
Is the proposal biodiversity compliant development?			No
<b>G6: Coastal Management Areas</b>			
Is the subject site identified as "Coastal Risk Planning Area" on the Coastal Risk Planning Map (Clause 7.4 of LEP)?			No
Is the development site located forward of the coastal hazard lines (see Environmental Layer in GIS mapping)?			No
<b>G7: Waste Minimisation and Management Controls</b>			

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Has the application been supported by an appropriate waste minimisation and management plan?	Yes
<b>G9: Development on Flood Prone Land</b>	
The application has been referred to Council's Natural Resource and Floodplain Section with no objection being raised.	
<b>G11: Subdivision of Land</b>	
<b>G12: Dwelling Houses and Other Low Density Residential Development</b>	
See Appendix A	
<b>G21: Car Parking and Traffic</b>	
The proposed development does not give rise to additional parking requirements. Existing vehicle parking and vehicle manoeuvring areas are maintained on site.	
<b>G26: Acid Sulphate Soils and Geotechnical (Site Stability) Guidelines</b>	
Is the development suitable with regard to acid sulfate soils?	<p>Yes</p> <p>The applicant provided the following advice in the NSW Planning Portal: <i>The excavation works will not be greater than 500mm below natural ground level. As such, I confirm the works will involve the disturbance of less than 1 tonne of soil and the works are not likely to lower the watertable.</i></p>
Does the application involve the erection of any buildings or structures on land with a slope >20% or on land with stability problems?	No

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**

<b>Clause 62</b>	Does the application result in a change of use of an existing building but does not propose any building works?	No
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Section 4.15 Assessment Report - DA22/1909

<b>Clause 64</b> <i>Partial Upgrade</i>	<i>Does the application involve alterations or additions to an existing building?</i>	No
<b>Clause 64</b> <i>Total Upgrade</i>	<i>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?</i>	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 applicable coastal zone management plan(s).

**Other Shoalhaven Council Policies**

Shoalhaven Contribution Plan 2019 & Section 64 Contributions

<i>Is the development site an “<a href="#">old subdivision property</a>” identified in Shoalhaven Contributions Plan 2019?</i>	No
<i>Is the proposed development considered to increase the demand for community facilities in accordance with the <a href="#">Shoalhaven Contributions Plan 2019</a>?</i>	No
<i>Is the proposed development considered to increase the demand for on water and sewer services (i.e. s64 Contributions)</i>	No

**(b) The Likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality**

Head of Consideration	Comment
Natural Environment	The proposed development will not have a significant adverse impact on the natural environment.
Built Environment	The proposed development will not 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 suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.

Section 4.15 Assessment Report - DA22/1909

- The proposal is consistent with the objectives and requirements of the *Shoalhaven Local Environmental Plan 2014*.
- The proposal is consistent with the objectives and requirements of the *Shoalhaven Development Control Plan 2014*.
- The intended use is compatible with surrounding/adjoining land uses

**(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. No submissions were received by Council during the notification period.

**(e) The Public Interest**

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

**Delegations**

Are any clause 4.6 exceptions proposed?	No
Are any DCP performance-based solutions proposed?	No

**Guidelines for use of Delegated Authority**

**POL16/235 - Dealing with Development Applications Lodged by Council Staff**

The part owner of the subject site is a member of the Building and Compliance Section of the City Development Group.

POL16/235 ensures that where a DA is lodged by or on behalf of a Council staff member of Councillor, that:

- the development assessment process is free from any conflicts of interest.
- the development assessment process is undertaken in a transparent and unbiased manner; and
- the assessment of DAs for staff and/ or Councillors is undertaken strictly in accordance with Council's Code of Conduct and is free from any undue influence.

POL16/235 provides guidance to the Assessing Officer and the Applicant/landowner as to how to appropriately deal with the application prior to its determination.

Due process in accordance with POL16/235 and Council's Code of Conduct has been followed during the assessment of DA22/1909.

Section 3.3 of POL16/235 identifies that a DA may either be determined under delegated authority or in some instances may be reported to the elected Council for determination.

Section 4.15 Assessment Report - DA22/1909

**3.3. How to ascertain if the DA is to be reported to Council for determination**

Generally, any DA lodged where the applicant and/ or land owner is a Council staff member or Councillor, the DA should be processed in the normal manner, which may include determination under delegated authority. Nevertheless if one (1) or more of the following matters are triggered, the DA is to be reported to the elected Council for determination:

- 3.3.1. The scale and extent of the DA lodged eg, pergola vs larger commercial proposal;
- 3.3.2. The proposed DA seeks a substantive variation to any performance-based DCP or Council Policy;
- 3.3.3. The proposed DA creates significant public interest and/ or large numbers of submissions;
- 3.3.4. Whether an independent assessment and/ or peer review has been undertaken;
- 3.3.5. The applicant and/ or land owner is a staff member within the development assessment sections of the Planning, Environment and Development (PED) Group; and
- 3.3.6. The extent of any public perception of a possible conflict of interest that may exist between the DA lodged and the applicant's and/ or landowner's relationship with the PED Group (ie, relevant assessment staff).

The proposed development for demolition of existing garage and construction of a new detached garage to the staff member's principal place of residence.

The development application proposes a substantial variation to Acceptable Solution A35.2 (Section 8.1) of Chapter G12 Dwelling Houses and Other Low Density Residential Development, thereby triggering subclause 3.3(2) of POL16/235 which states "The proposed DA seeks a substantive variation to any performance-based DCP or Council Policy."

The application was notified in accordance with Council's Community Consultation Policy for Development Applications and no submissions were received.

The assessment of DA22/1909 has been peer reviewed by the Team Supervisor – Development Assessment. The application will be reported to Council on 10 October 2022 for determination.

**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 approved subject to appropriate conditions of consent.



**Elisabeth Bailey**  
**Development Assessment Officer**  
**City Development**  
**5/09/2022**

**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.



Peter Woodworth

Section 4.15 Assessment Report - DA22/1909

**Team Supervisor - Development Assessment**

**City Development**

**6/09/2022**

The application has been reviewed and the recommendations of the report are concurred with. As Jenna Backhouse works within the Fire Safety Team, please ensure we are complying with the conflict-of-interest provisions.



Garon Irwin

**Lead - Building and Compliance**

**City Development**

**8/09/2022**

CL22.528 - Attachment 1



Section 4.15 Assessment Report - DA22/1909

**Appendix A – Assessment Checklist: Chapter G12: Dwelling Houses and Other Low Density Residential Development**

<b>Objectives of Chapter G12</b>	
<p>The objectives of are to:</p> <ul style="list-style-type: none"> <li>i. Ensure a comprehensive design-oriented approach to housing resulting in high quality urban design, development and residential amenity.</li> <li>ii. Maintain and enhance the amenity of existing and future residential areas.</li> <li>iii. Ensure development is compatible with the bulk, scale and character of the area, including scenic, landscape, pastoral or environmental qualities.</li> <li>iv. Set appropriate environmental criteria for energy efficiency, solar access, privacy, noise, vehicular access, parking, landscaping and open space.</li> <li>v. Ensure that development has due regard and is sympathetic to the physical constraints of the site.</li> <li>vi. Allow for efficient use of existing services and facilities, including utility services transport systems and community facilities.</li> <li>vii. Promote wider and more affordable housing choice in Shoalhaven. Implement agreed strategic directions and respond to demographic needs.</li> </ul>	
<b>5 General Controls</b>	
<b>5.1 Building Envelope</b>	
The proposed development wholly contained within the building envelope.	
<b>5.2 Orientation and Siting</b>	
The proposed development responds to the constraints and opportunities of the site.	
<b>5.3 Local Character and Context</b>	

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The proposed development is compatible with the character of the surrounding area and would not result in any significant loss of views from neighbouring properties or from the public domain.

The proposed development is sympathetic to nearby and adjoining heritage items and would not detract from the heritage significance of the item.

#### 5.4 Building Form, Design and Materials

The proposed building is appropriately design and articulated and is sympathetic to the existing streetscape character.

#### 5.5 Visual and Acoustic Privacy

Appropriate privacy is maintained to adjoining properties.

#### 5.6 Solar and Daylight Access

The proposed development will maintain at least 3 hours of direct sunlight between 9am and 3pm on June 21<sup>st</sup> to at least 10m<sup>2</sup> of private open space and 50% of windows and glazed doors of north facing living areas, and also north facing roofs and existing solar collectors of adjoining dwellings.

#### 5.7 Vehicle and Pedestrian Access

The proposed development does not compromise vehicle or pedestrian access.

#### 5.8 Trees and Vegetation

The proposal does not include any tree removal and existing landscaping is appropriate.

#### 5.9 Servicing

All essential services are available to the site.

#### 5.10 Water Management and Conservation

The proposed development is appropriate with regard to water management and conservation.

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Stormwater from the building roof and hardstand areas, and overflow from rainwater tanks/on-site detention systems will be directed to street drainage. Recommended conditions of consent will ensure stormwater is not directed onto adjoining properties.		
<b>5.11 Waste Management – Demolition and Construction</b>		
The application has been supported by an appropriate waste minimisation and management plan. Where applicable, recommended conditions of consent will require all demolition work be carried out in accordance with relevant standards and requirements.		
<b>6 Dwelling Houses, Rural Worker's Dwellings and Associated Development</b>		
N/A – The application does not propose the construction of a new dwelling or alterations and additions to an existing dwelling.		
<b>7 Secondary Dwellings</b>		
N/A – the application does not include the construction of a secondary dwelling.		
<b>8 Ancillary Structures and Non-Habitable Structures on Vacant Land</b>		
The application includes the construction of: <ul style="list-style-type: none"> <li>A detached garage</li> </ul>		
<b>8.1 Density, Height and Setbacks</b>		
<b>Zone</b>	R2 - Low Density Residential	
<b>Lot size</b>	575.41m <sup>2</sup>	
	<b>Acceptable Solution</b>	<b>Proposed</b>
<b>Building height (peak building height)</b>	8.5m	3.583m
<b>Front setback</b>	5m	New garage is located behind the existing building line

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<b>Side setback (s)</b>	0.9m	0.9m
<b>Rear setback</b>	3m (average)	0.9m
The development proposes a departure from the acceptable solutions; this performance-based solution is further discussed in Appendix B. Council is satisfied that the proposal has been appropriately designed and the bulk and scale of the building is compatible with adjoining development and the surrounding area.		
<b>8.2 Building Form and Design</b>		
The proposed building is appropriately designed and is compatible with the existing dwelling house and adjoining properties.		
<b>8.3 Swimming Pools</b>		
N/A – the application does not include the construction of a swimming pool.		
<b>8.4 Use of Non-Habitable Structures</b>		
N/A – the application does not propose to locate a non-habitable structure on vacant land.		

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## Appendix B – Justification for Performance-Based Solution/s

The proposed development involves a departure from the acceptable solution/s set out in Shoalhaven DCP 2014. Consideration of the performance-based solution is provided below:

Performance-based Solution to Acceptable Solution A135.2- in Section 6.1.2 of Shoalhaven DCP 2014				
<b>Control being “varied”</b> <i>Insert “snip” of acceptable solution being varied and copy and paste development control from DCP.</i>				
<p>A.35.2 Setbacks shall comply with the provisions in Table 2, where the site is located in the following zones:</p> <ul style="list-style-type: none"> <li>• RU1 Primary Production.</li> <li>• RU2 Rural Landscape.</li> <li>• RU4 Primary Production Small Lots.</li> <li>• E2 Environmental Conservation.</li> <li>• E3 Environmental Management.</li> <li>• E4 Environmental Living.</li> <li>• R2 Low Density Residential, where the site area is equal to or greater than 2000m<sup>2</sup></li> <li>• R5 Large Lot Residential.</li> </ul>				
Extent of proposed departure from acceptable solution				
Acceptable Solution	Numerical Standard	Proposed Solution	Numerical Departure	% Departure
A35.2	3m (average)	0.9m	2.1m	75%

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**Unique circumstances as to why a departure from the acceptable solutions is being sought**

A35.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.

- The proposal will have minimal to no effect on the privacy of the adjoining and surrounding properties. There are no windows on any of the walls of the proposed garage.
- The proposed structure is detached and set back from the street, adjacent to the rear boundary and will not be out of character for the neighbouring residences or future streetscapes.
- The proposed rear setback of 900mm will allow for a considerable distance of 6760mm between the existing dwelling and proposed garage.
- The proposal will have minimal to no effect on the privacy of the adjoining and surrounding properties. There are no windows on any of the walls of the proposed garage. The proposal will also not generate additional noise which would affect the adjoining properties or neighbourhood. The land to the rear of the subject site is zone RU2. It is vegetated farmland and there is no 'rear neighbours' as such.
- The proposed garage will be constructed in the rear yard, with a maximum height of 3.58m and gross floor area of 48m<sup>2</sup>. The bulk and scale of the garage is compatible with the existing and future desired character of the area. The context of the subject site is considered to have merit as development within the area with reduced rear setback distances are observed on adjoining and other properties in the immediate vicinity of the subject site.
- The proposed development does not overlook or impact on the privacy of the adjoining properties to the north, west and south, that would be most impacted by the proposal. Also, adequate levels of light, and ventilation to adjoining buildings are protected as the detached garage is appropriately separated from existing buildings within the context of the site. The proposed siting of the detached garage is deemed to achieve the relevant objectives and performance criteria of Shoalhaven DCP 2014.
- There are other structures noted along Jerry Bailey Road that are constructed within 3m of the rear setback.

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**Figure 1**



Section 4.15 Assessment Report - DA22/1909

Demonstrate how the relevant objectives and performance criteria are being met with the performance-based solution		
Objective		Commentary
<p>The specific <b>objectives</b> are to:</p> <ul style="list-style-type: none"> <li>i. Ensure that the bulk and <b>scale</b> of new <b>development</b> is compatible with the existing streetscape amenity and the existing or desired future character of the area.</li> <li>ii. Minimise the visual impacts of elements of the <b>development</b> that exaggerate the built form and impacts negatively on desired future streetscapes.</li> <li>iii. Encourage design that ensures that the amenity of surrounding <b>development</b> is properly considered and not adversely impacted.</li> <li>iv. Allow adequate separation between <b>buildings</b> to promote natural light, <b>solar access</b>, ventilation, landscaping and privacy.</li> <li>v. Minimise the impacts upon the site and surrounding land following construction of non-habitable <b>structures</b> before the construction of a <b>dwelling</b>.</li> <li>vi. Retain the amenity of the public domain.</li> </ul>		<p>The proposed performance-based solution is consistent with the objectives of the development controls.</p>
Performance Criteria		Commentary
P35.1	The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.	Complies, the proposed garage is behind the front building line and does not impact any prevailing building lines on any adjoining properties



Section 4.15 Assessment Report - DA22/1909

P35.2	The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.	The proposed garage. The proposed garage is detached and set back from the street to the rear boundary and will not be out of character for the neighbouring residences or future streetscapes.  The location and siting will not have adverse visual impacts.
P35.3	The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.	The overall height of the carport is only approximately 3.583m from natural ground level to peak. Therefore, the scale of the structure is consistent with surrounding domestic structures on adjoining lots.
P36.4	Setbacks avoid loss of view, undue overshadowing, and provide/maintain privacy (visual and acoustic), traffic safety and maintain adequate daylight and sunlight access.	Complies, the location of the proposed garage is within the northwestern side setback and does not have a substantial bulk and scale to impact privacy, traffic safety and sunlight received to adjoining lots.
P36.5	Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.	Complies, the location of the proposed garage is does will not impact on adjoining properties. The proposed garage is not located near any other structures on adjoining properties.
P37.6	Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.	Complies, the garage is contained within the subject Lot 10 Jerry Bailey Road Shoalhaven Heads Avenue and does not impact or encroach any landscaping, services and infrastructure on the subject and adjoining lots.
P35.7	The proposal maintains adequate provision for on-site car parking.	Not Applicable.
<b>Demonstrate how the development will not have any adverse impacts as a result of the performance-based solution</b>		
<ul style="list-style-type: none"> <li>The departures from the specified rear setback of 3m(average) to 0. 9m will not have adverse impact the surrounding context. The proposed structure is of a domestic scale and is located behind the front building line at the rear of the property. Similar setback can be seen for other structures along Jerry Bailey Road that are constructed within 3m of the rear setback (see figure1 above)</li> </ul>		

## Section 4.15 Assessment Report - DA22/1909

- P35.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.
- P35.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.
- P35.3 The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.
- P35.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic) and traffic safety.
- P35.5 Setbacks are progressively increased to reduce bulk and overshadowing while maintaining adequate daylight and sunlight.
- P35.6 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.
- P35.7 The proposal maintains adequate provision for on-site car parking.

Shoalhaven City Council

Received 30 MAY 2022

File No. \_\_\_\_\_

Referred to: \_\_\_\_\_

27 May 2022

Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council  
PO Box 42,  
Nowra NSW 2541

**Ref: Request DA fee waiver for a Charitable Organisation regarding DA 22/1550 – Jervis Bay and St Georges Basin Anglican Church – lots 11 & 12 DP 1280272 Naval College Road, Worrowing Heights.**

Dear Sir,

In view of Council's Policy "Waiving of Development Application Fees and Other Fees for Charitable Organisations & Community Groups" we request that Council refund the referenced DA Fees of \$8,376.98 paid on the 13/5/2022.

The Anglican Church Property Trust Diocese of Sydney is the registered owner of all church property which is held in trust for individual parishes, it is a not for profit charitable trust that is incorporated under the attached 1917 Act of Parliament. The ACPT is registered with the ACNC (ABN:95690399815). Jervis Bay and St Georges Basin Anglican Church is a registered charity registered with the ACNC (ABN 75 899 327 453).

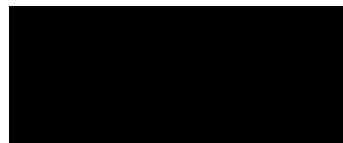
Council's reference No 20842046 and File No Q110409 – DA 22/1550.

Please do not hesitate to contact Campbell Mackay, on the details below, for any further information and/or clarification.

Yours Faithfully



Campbell Mackay  
Senior Minister



Scott Lincoln  
Manager, Anglican Church Property Trust

CL22.529 - Attachment 1

## Jervis Bay and St George's Basin Anglican Parish

✓ Charity is registered.

✓ Charity reporting is up to date.

### Charity details

<b>ABN:</b>	75889327453
<b>Address:</b>	425 Elizabeth Dr Vincentia NSW, 2540, Australia
<b>Email:</b>	jwbapark@gmail.com
<b>Address For Service email:</b>	jwbapark@gmail.com
<b>Website:</b>	huskisson.anglican.asn.au
<b>Charity Size:</b>	Small
<b>Who the charity helps:</b>	Adults - aged 25 to under 65 Adults - aged 65 and over Children - aged 6 to under 15 Early childhood - aged under 6 Youth - 15 to under 25
<b>Date established:</b>	31 December 1929
<b>Last reported:</b>	20 January 2021
<b>Next report due:</b>	30 June 2022
<b>Financial year end:</b>	31/12
<b>Basic Religious Charity:</b>	Yes

### Summary of activities

Church Services

### Charity programs

Pastoral Care  
Anglicanism

### Using the information on the Register

Information on the Charity Register has been provided to the ACNC by charities. If information is not shown, this may be because it has not yet been provided. The ACNC may also approve information be withheld from the Charity Register in certain circumstances. [Read more about information on the Charity Register.](#)

## People

### Responsible people









The role of a 'Responsible Person' is an important one for registered charities. Generally, a charity's Responsible People are its board or committee members, or trustees.

<p><b><u>Campbell Mackay</u></b></p> <p><b>Role:</b> Chairperson</p> <p><a href="#">View profile</a> →</p>	<p><b><u>Daniel Toole</u></b></p> <p><b>Role:</b> Committee Member</p> <p><a href="#">View profile</a> →</p>	<p><b><u>Douglas Horwood</u></b></p> <p><b>Role:</b> Committee Member</p> <p><a href="#">View profile</a> →</p>

<b><u>JEFFREY PARK</u></b> <b>Role:</b> Treasurer <a href="#">View profile</a> →	<b><u>Peter Cotter</u></b> <b>Role:</b> Committee Member <a href="#">View profile</a> →	<b><u>Steven Watling</u></b> <b>Role:</b> Committee Member <a href="#">View profile</a> →
<b><u>Stuart Russell</u></b> <b>Role:</b> Committee Member <a href="#">View profile</a> →	<b><u>Susan Pearson</u></b> <b>Role:</b> Committee Member <a href="#">View profile</a> →	<b><u>Susanne Taylor</u></b> <b>Role:</b> Committee Member <a href="#">View profile</a> →

## Documents

### Annual reporting

Title	Due date	Date received	Download
Annual Information Statement 2022	30 June 2023	Not yet submitted	—
Financial Report 2022	30 June 2023	Pending	—
Annual Information Statement 2021	30 June 2022	Not yet submitted	—
Financial Report 2021	30 June 2022	Pending	—
Annual Information Statement 2020	30 June 2021	20 January 2021	 <a href="#">View AIS</a>
Financial Report 2020	No due date	Not required - BRC	—
Annual Information Statement 2019	31 August 2020	25 June 2020	 <a href="#">View AIS</a>
Financial Report 2019	No due date	Not required - BRC	—
Annual Information Statement 2018	30 June 2019	27 May 2019	 <a href="#">View AIS</a>
Financial Report 2018	No due date	Not required - BRC	—
Annual Information Statement 2017	30 June 2018	5 June 2018	 <a href="#">View AIS</a>
Financial Report 2017	No due date	Not required	—
Annual Information Statement 2016	30 June 2017	18 May 2017	 <a href="#">View AIS</a>
Financial Report 2016	No due date	Not required	—
Annual Information Statement 2015	30 June 2016	11 July 2016	 <a href="#">View AIS</a>
Financial Report 2015	No due date	Not required	—
Annual Information Statement 2014	30 June 2015	23 June 2015	 <a href="#">View AIS</a>
Financial Report 2014	No due date	Not required	—
Annual Information Statement 2013	30 June 2014	23 June 2014	 <a href="#">View AIS</a>
Financial Report 2013	No due date	Not required	—

## Documents

Title	Date	Reporting year	Download
Governing Document	15 December 2021	—	 <a href="#">Download</a>

## History

### The charity's subtype history

Purpose	Start date	End date
Advancing religion	1 January 2014	—
2012 Advancement of religion	3 December 2012	31 December 2013

### Registration status history

Effective date	Status
3 December 2012	Registered

### Enforcement action history

Enforcement action refers to the exercise of powers under the [ACNC Act](#).



## Anglican Church Property Trust Diocese of Sydney

✓ Charity is registered.

✓ Charity reporting is up to date.

### Charity details

ABN:	95690399815
Email:	<a href="mailto:acnc.contacts.acpt@sydney.anglican.asn.au">acnc.contacts.acpt@sydney.anglican.asn.au</a>
Address For Service email:	<a href="mailto:acnc.contacts.acpt@sydney.anglican.asn.au">acnc.contacts.acpt@sydney.anglican.asn.au</a>
Charity Size:	Medium
Who the charity helps:	General community in Australia
Date established:	31 December 1799
Last reported:	22 June 2021
Next report due:	30 June 2022
Financial year end:	31/12

### Summary of activities

By managing, investing and distributing the property of the assets of the trust in accordance with the religious charitable purposes for which they are held.

### Charity programs

Program 1  
Anglicanism

### Where the charity operates

States: New South Wales

#### Using the information on the Register

Information on the Charity Register has been provided to the ACNC by charities. If information is not shown, this may be because it has not yet been provided. The ACNC may also approve information be withheld from the Charity Register in certain circumstances. [Read more about information on the Charity Register.](#)

## People

### Responsible people

The role of a 'Responsible Person' is an important one for registered charities. Generally, a charity's Responsible People are its board or committee members, or trustees.

**Andrew Schmidt**

Role: Board Member

[View profile](#)

**Christopher Allan**

Role: Board Member

[View profile](#)

**David Nelson**

Role: Board Member

[View profile](#)

**David Ould**

Role: Board Member

[View profile](#)

**Ian Pike**

Role: Board Member

[View profile](#)

**Kanishka Raffel**

Role: Chairperson

[View profile](#)

**Margaret Stuart**

Role: Board Member

[View profile](#)

**Melinda West**

Role: Board Member

[View profile](#)

**Peter Rusbourne**

**Richard Neal**

**Wayne Bramley**

Role: Board Member

[View profile](#)



Role: Board Member

[View profile](#)



Role: Board Member

[View profile](#)



## Documents

### Annual reporting

Title	Due date	Date received	Download
Annual Information Statement 2022	30 June 2023	Not yet submitted	—
Financial Report 2022	30 June 2023	Pending	—
Annual Information Statement 2021	30 June 2022	Not yet submitted	—
Financial Report 2021	30 June 2022	Pending	—
Annual Information Statement 2020	30 June 2021	22 June 2021	 <a href="#">View AIS</a>
Financial Report 2020	30 June 2021	22 June 2021	 <a href="#">Download</a>
Annual Information Statement 2019	31 August 2020	17 August 2020	 <a href="#">View AIS</a>
Financial Report 2019	31 August 2020	17 August 2020	 <a href="#">Download</a>
Annual Information Statement 2018	30 June 2019	18 June 2019	 <a href="#">View AIS</a>
Financial Report 2018	No due date	Not required - small	—
Annual Information Statement 2017	30 June 2018	13 June 2018	 <a href="#">View AIS</a>
Financial Report 2017	No due date	Not required	—
Annual Information Statement 2016	30 June 2017	17 May 2017	 <a href="#">View AIS</a>
Financial Report 2016	No due date	Not required	—
Annual Information Statement 2015	30 June 2016	15 June 2016	 <a href="#">View AIS</a>
Financial Report 2015	No due date	Not required	—
Annual Information Statement 2014	30 June 2015	25 May 2015	 <a href="#">View AIS</a>
Financial Report 2014	No due date	Not required	—
Annual Information Statement 2013	30 June 2014	17 June 2014	 <a href="#">View AIS</a>
Financial Report 2013	No due date	Not required	—

## Documents

Title	Date	Reporting year	Download
Governing Document	18 June 2019	—	 <a href="#">Download</a>

## History

### The charity's subtype history

Purpose	Start date	End date
Advancing religion	1 January 2014	—
2012 Advancement of religion	3 December 2012	31 December 2013

### Registration status history

Effective date	Status
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CL22.529 - Attachment 1



Effective date	Status
3 December 2012	Registered

### Enforcement action history

Enforcement action refers to the exercise of powers under the [ACNC Act](#).

## Anglican Church of Australia Trust Property Act 1917

In this Act, a reference to the Church of England or to the Church of England in Australia is to be construed as a reference to the Anglican Church of Australia - see Anglican Church of Australia Act No. 21, 1976.

Act No 21, 1917 as amended by Act No 26, 1923, Act No 28, 1923, Act No 4, 1950, Act No 48, 1972, Act No 21, 1976, Act No 37, 1976, Act No 67, 1981, Act No 126, 1988, Act No 120, 1998 and Act No 31, 1999.

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✦ ✦ ✦ ✦ ✦ ✦ ✦

**Long Title**

An Act to consolidate and amend the Acts relating to property held upon any trust for or for the use, benefit, or purposes of the Church of England in dioceses within New South Wales, and the Acts conferring powers upon the synods of the said dioceses with reference to the said property; and for other purposes.

**Preamble**

Whereas the Acts relating to property held upon any trust for or for the use, benefit, or purposes of the Church of England in dioceses within New South Wales, and the Acts conferring powers upon the synods of the dioceses with reference to the said property are numerous, ambiguous, and discursive, and it is therefore expedient to consolidate and amend the same: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows -

1

**Part 1A - Preliminary**

**Short Title**

2

1. This Act may be cited as the Anglican Church of Australia Trust Property Act 1917 and is divided into Parts as follows -

- Part 1 - Repeal and Amendment - ss 2,3.  
Part 2 - Interpretation - s 4.  
Part 3 - Trustees Constitution and Succession - ss 5-18.  
Part 4 - Vesting Trust Property - ss 19-23.  
Part 5 - Management and Investment of Trust Property - ss 24, 25.  
Part 6 - Sale, Exchange, Mortgage, Lease, etc, of Trust Property - ss 26-31.  
Part 7 - Variation of Trusts - s 32, 32A.  
Part 7A - Joint Use of Church Trust Property - s 32B.  
Part 8 - Evidence - ss 33-36.  
Part 9 - General - ss 37-43.

## Part 1 - Repeal and Amendment

### Repeal

2. (1) The Acts mentioned in the Schedule are hereby repealed, but notwithstanding the said repeal the said Acts shall continue to apply as if unrepealed to the Diocese of Newcastle and to all the trust property matters and things of or pertaining to the said diocese until the synod of the said diocese shall make an ordinance declaring a desire to have the benefit of this Act, and shall in the name and under the hand of the Bishop of the said diocese notify such ordinance in the Gazette, and immediately upon such notification and thenceforth the provisions of this Act shall apply to the said diocese and to all the trust property matters and things of or pertaining to the said diocese.

(2) The said repeal shall not affect ordinances passed, trustees constituted as bodies politic and corporate, persons elected or appointed trustees or members of bodies politic and corporate, property vested, acts and things validated, or certificates given under the said Acts, or any of them.

(3) Except so far as there is anything in this Act inconsistent therewith, this Act shall apply to all matters and things made, done, or commenced under the said repealed Acts, and at the commencement of this Act of any force or effect or capable of acquiring any force or effect by virtue of the said repealed Acts as if this Act had been in force at the time they were made, done, or commenced, and they were made, done, or commenced hereunder.

### Amendment

3. (1) Sections 5 and 7 of the Anglican Church of Australia Constitutions Act 1902 and clauses 3 and 6 of the Schedule to the said Act and all Acts and parts of Acts relating to church trust property shall, so far as may be necessary for the purposes of this Act, be read as amended and supplemented by this Act.

(2) In the case of the Diocese of Sydney the following subsections shall apply -

(a) The present members of the council referred to in Saint James' School Compensation Trust Act, assented to the twenty-seventh day of August, one thousand eight hundred and eighty-six, and such persons as shall from time to time be members of the said council, including the Archbishop of Sydney for the time being as ex officio president, shall be and they are hereby constituted a body politic and corporate by the name of "Sydney Church of England Grammar School Council", and by such name they shall have perpetual succession and a common seal, and shall sue and be sued, or shall otherwise appear and answer and be answered, and may take and hold to them and their successors by grant, will, or otherwise, any real or personal property, and for any estate or interest therein.

(b) All property real and personal which immediately before the passing of this Act was vested in any person or persons other than the Church of England Property Trust Diocese of Sydney upon any trust for the purposes of the school referred to in the said Saint James' School Compensation Trust Act shall by virtue of this Act and without any other instrument vest in the said body constituted by subsection (a) upon the same trusts respectively for the purposes of the said school upon which the said property was held immediately before the passing of this Act, and it shall be lawful for the Church of England Property Trust Diocese of Sydney by deed or deeds under its corporate seal to assign and transfer to the said body constituted by subsection (a) at one time or from time to time all or any part or parts of other real and personal property now or hereafter to be held by the said church property trust upon any trust for the purposes of the said school.

(c) .....

## Part 2 - Interpretation

### Definitions

4. In this Act unless inconsistent with the context or subject matter –  
 "Bishop" includes Archbishop and the Bishop or Archbishop for the time being.  
 "Church of England" means the Church of England in Australia.  
 "Church trust property" includes all or any part of any real and personal property which may for the time being be subject to any trust whether by dedication, consecration, trust instrument, or otherwise, for or for the use, benefit, or purposes of the Church of England



in any diocese, and each such diocese is referred to as the diocese for which the church trust property in question is held.

"Corporate trustees" and "Corporate body of trustees" respectively include corporate bodies of trustees now or hereafter to be constituted for any diocese under the provisions of the Church of England Trust Property Incorporation Act, 1881, hereby repealed or of this Act.

"Diocese" includes any diocese now or hereafter to be formed and situated within New South Wales or partly within and partly outside New South Wales, and the identity of a diocese shall be deemed not to be affected by the formation wholly or partly thereof of a new diocese nor by any other alteration of boundaries or area nor by any change of name.

"Parish" includes any parish or ecclesiastical district now or hereafter to be formed and situated within New South Wales.

"Parish council" means the body of persons, if any, in which the general powers of governing the affairs of a parish are for the time being vested under the provisions of any ordinance of the synod of a diocese.

"Person" includes corporate trustees and a bishop.

"Purposes" includes religious, educational, cemetery, and all other purposes of the Church of England, whether such purposes are within or beyond the diocese or the State.

"Standing committee" includes any general governing council of a diocese created by or under the authority of its synod.

"Synod" includes any synod now or hereafter to be convened or held in pursuance of the provisions of the Anglican Church of Australia Constitutions Act 1902, or any Act amending or taking the place of the same.

"Trust instrument" includes ordinances of synod and Acts of Parliament, though not expressly mentioned herein.

"Trustee", "new trustee", respectively, include corporate trustees and a bishop.

### **Part 3 - Trustees Constitution and Succession**

#### **Existing corporate bodies**

5. The following bodies, that is to say –  
Church of England Property Trust Diocese of Sydney;  
Church of England Property Trust Diocese of Goulburn;  
The Corporate Trustees of the Diocese of Grafton and Armidale;  
Church of England Property Trust Diocese of Bathurst;  
Trustees of the Church Property for the Diocese of Riverina;  
The Corporate Trustees of the Diocese of Grafton,

are hereby declared to have been duly constituted as bodies politic and corporate by the said names respectively, under the provisions of the Church of England Trust Property Incorporation Act 1881, and notwithstanding the repeal of the said Act they shall remain so constituted as aforesaid, and, except so far as there is anything in this Act inconsistent therewith, this Act shall apply to them as if this Act had been in force at the time they were constituted and they were constituted hereunder.

The bishop of a diocese shall ex officio be a member of the corporate body so constituted as aforesaid for such diocese, and the number of members shall be increased by one for the said purpose.

#### **New corporate bodies**

6. The synod of each diocese, other than the dioceses for which the said bodies in the preceding section mentioned were and remain so constituted as aforesaid, may at any time elect such persons as such synod desires, should together with the bishop of the diocese, ex officio, be incorporated as trustees for such diocese, and the bishop of such diocese shall notify such election in the Gazette, and immediately upon such notification and thenceforth the said persons and such persons as may from time to time be members of such body, together with the bishop of the diocese, ex officio, shall be and they are hereby constituted a body politic and corporate, by the name of incorporation mentioned in such notification, and by such name they

shall have perpetual succession and a common seal, and shall sue and be sued, or shall otherwise appear and answer and be answered, and may take and hold to them and their successors by grant, will, or otherwise any real or personal property, and for any estate or interest therein.

**Term of office of member of corporate body of trustees**

6A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) The members of a corporate body of trustees for a diocese to which this section applies (members ex officio excepted) hold office –

- (a) for such term as is specified in respect of all members; or
- (b) for such different terms as are specified in respect of different members or different classes of members,

in an ordinance of the synod of the diocese published in the Gazette under the hand of the Bishop.

(3) A member of a corporate body of trustees whose term of office as such a member expires is eligible for re-election as such a member.

**Common seal and quorum**

7. The members for the time being of each corporate body of trustees shall have the custody of the common seal of such corporate body, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members for the time being of the said corporate body shall constitute a quorum.

**Authority of members of corporate bodies**

8. Any deed or instrument, executed or signed, and any other act, matter, or thing done by any three members of any such corporate body as aforesaid, in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body, shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.

**Variation by synod**

9. It shall be lawful for the synod of a diocese from time to time, by ordinance, to vary the provisions of sections 7 and 8, in so far as the same relate to such diocese, and the said provisions shall, with reference to the said diocese and to all the church trust property matters and things of or held for or pertaining to the said diocese, be read from time to time as so varied by ordinance as aforesaid.

**Change of name**

10. It shall be lawful for the synod of a diocese from time to time, by ordinance, to change the name of the corporate body of trustees constituted for such diocese.

**Alteration of number of members of corporate body**

11. It shall be lawful for the synod of a diocese from time to time, by ordinance, to declare what shall be the number of members of the corporate body of trustees constituted for such diocese, and in case of increase in the number such increase shall be effected by the synod of such diocese electing an additional member, or additional members, and in case of decrease in the number such decrease shall be effected by the synod of such diocese not electing a person, or persons, to fill a vacancy, or vacancies, declared under the provisions of this Act.

**Vacancies in membership of corporate bodies**

12. It shall be lawful for the synod of a diocese from time to time, by resolution, to declare the existence of a vacancy, or vacancies, in the office of member of the corporate body of trustees of such diocese by reason of one or more of the members for the time being of such corporate body having died, resigned office, refused or neglected or having become incapable to act in the said office, or having for the space of six months ceased to reside within the said diocese, or by reason of some other matter to be specified in such resolution, and thereupon or at any time thereafter the synod of the said diocese may elect a person or persons to be, and such person



or persons shall thereupon become a member or members of the said body in the place or places of the member or members referred to in the said resolution.

**Alteration of number of trustees**

13. It shall be lawful for the synod of a diocese for which any church trust property is for the time being held from time to time, by ordinance, to declare what shall be the number of trustees of such property, and in case of increase in the number such increase shall be effected by the synod of such diocese electing a new trustee, or new trustees, by way of addition, and in case of decrease in the number such decrease shall be effected by the synod of such diocese not electing a person, or persons, to fill a vacancy, or vacancies, declared under the provisions of this Act.

**Vacancies in office of trustee**

14. It shall be lawful for the synod of a diocese for which any church trust property is for the time being held from time to time by resolution to declare the existence of a vacancy or vacancies in the office of trustee of such property, by reason of one or more of the trustees having died, resigned office, refused or neglected, or having become incapable to act in the said office, or having for the space of six months ceased to reside within the said diocese, or by reason of some other matter to be specified in such resolution, and thereupon or at any time thereafter the synod of the said diocese may elect or by resolution provide for the election of a person or persons to be, and such person or persons shall upon such election become a trustee or trustees in the place or places of the trustee or trustees referred to in the said resolution.

**New trustees for allocated property**

15. It shall be lawful for the synod of a diocese to elect a new trustee or new trustees respectively for church trust property, which may be allocated under the provisions of this Act for such diocese.

**Separate trustees**

16. It shall be lawful for the synod of a diocese for which any church trust property is for the time being held by ordinance to provide for the election of separate trustees for any part or parts of such property, and to elect such separate trustees.

**Provision cumulative**

17. The provisions contained in section 14 are in addition to any other provision for the time being applicable to any church trust property.

**Bishops**

18. Every person for the time being acting and recognised as being the bishop of a diocese, and having been consecrated according to the manner and form prescribed and used by the Church of England, shall in the construction of all Statutes, acts, grants, deeds, and other instruments be deemed to be and shall be the successor of the bishop of such diocese, notwithstanding that such bishop may not have been appointed under letters patent from the Crown, or may have been consecrated in New South Wales or elsewhere without any mandate or license being issued by the Crown for such consecration, and shall in all respects within such diocese have and enjoy all and singular the same rights, powers, and privileges, whether created by Statute, Act, grant, deed, or other instrument whatsoever as were enjoyed or possessed therein by the bishops his predecessors, and in the case of the diocese of Sydney the Most Reverend John Charles Wright, D.D., the present Archbishop, and all other persons for the time being acting and recognised and consecrated as aforesaid, shall in the construction of such instruments as aforesaid be deemed to be and shall be the successors from time to time of the Bishop of Australia and the Bishop of Sydney.

**Part 4 - Vesting Trust Property**

**In corporate trustees by consent**

19. Any church trust property which may at any time belong to or be vested in any trustee or trustees shall upon the consent of such trustee or trustees, or the majority of them given in writing, or upon the consent of the synod of the diocese for which such property is held, given by or under an ordinance of the synod of such diocese by virtue of such consent and without other assurance in the law, become vested in the corporate trustees of such diocese: Provided that if in consequence of death or disability the consent of any trustee or trustees cannot be obtained it shall be lawful for the bishop of the diocese to consent in the place of any such trustee.

**Property vested in bishops**

20. All church trust property which may at any time belong to or be vested in the bishop of a diocese shall by force of this Act vest from time to time in the person who for the time being is or is deemed to be the successor of the bishop of such diocese as if such property had belonged or had been originally granted or conveyed to the bishop of such diocese and his successors as a body corporate, and notwithstanding that such person may not have been appointed bishop of such diocese under letters patent from the Crown or may have been consecrated in New South Wales or elsewhere without any mandate or license being issued by the Crown for such consecration.

**Property vested in new trustee**

21. Upon the election or appointment of a new trustee or new trustees under the provisions of this Act or of any ordinance in force for the time being in any diocese, all the church trust property in respect of which such election or appointment is made shall by virtue of such election or appointment and without other assurance in the law become vested in such new trustee or trustees, either alone or jointly with the surviving or continuing trustee or trustees as the case may require, and every new trustee so elected or appointed as aforesaid shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally made a trustee on the creation of the trust.

**In case of new dioceses etc**

22. In each case where, by reason of the formation or proposed formation of a new diocese, or the alteration or proposed alteration of the boundaries or area of a diocese or otherwise, it shall seem expedient to the synod of a diocese for which any church trust property is for the time being held, it shall be lawful for the synod of such diocese by ordinance to allocate such church trust property for any other diocese or proposed diocese, and by virtue of such ordinance and without other assurance in the law such church trust property shall, from the times respectively in such ordinance provided, be held for such other diocese or proposed diocese instead of the diocese making such ordinance and be vested in the new trustee or new trustees respectively then or thereafter to be elected for such church trust property under the provisions of this Act, in the place of the trustee or trustees thereof for the time being, and upon the trusts to which the same shall for the time being be subject, but for or for the use, benefit, or purposes of the Church of England in the diocese or proposed diocese for which the same shall have been so allocated as aforesaid in the place of the diocese making such ordinance.

**Property vested in separate trustees**

23. Upon the election of separate trustees under the provisions of any ordinance in force for the time being in a diocese, the church trust property mentioned in such ordinance shall, by virtue of such election and without other assurance in the law become vested in such separate trustees in the place of the trustees thereof for the time being, and the said separate trustees shall, with respect to such church trust property, have the same powers, authorities, and discretions, and shall in all respects act as if they had been originally made trustees on the creation of the trust.

**Part 5 - Management and Investment of Trust Property**

**Management**

24. It shall be lawful for the synod of a diocese for which any church trust property is for the time being held, from time to time by ordinance, to provide and to vary any provision now or hereafter to be made for governing and controlling the management and user of such property for the purposes for which the same is for the time being held in trust, and for all things incidental to such government and control, including constitutions of councils, committees, and other bodies, whether incorporated or not, and such property shall be held, managed, and used under and in accordance with such ordinance accordingly, the provisions of the trust instrument or instruments (if any) to the contrary notwithstanding.

**Investment**

25. It shall be lawful for the synod of a diocese for which any church trust property is for the time being held, from time to time by ordinance, to provide and to vary any provision now or hereafter to be made for the investment of such property, and for the pooling of separate church trust properties for the purpose of investment, and for averaging gains, losses, and interests, and for all other matters and things incidental to such investment and pooling.



**Part 6 - Sale, Exchange, Mortgage, Lease, etc. of  
Trust Property**

**Synod may direct sales or other dealings**

- <sup>7</sup> 26. (1) It shall be lawful for the synod of the diocese for which any church trust property is for the time being held if it shall appear to such synod expedient by reason of circumstances subsequent to the creation of the trusts of such property by ordinance to direct that such property be sold, exchanged, mortgaged, or let on mining, building, occupation, or other leases, or otherwise dealt with in manner provided by such ordinance, and to provide for accepting the surrender of any lease thereof and for laying out and dedicating parts thereof for any purpose or purposes, and to provide for the application of the real and personal property arising from any such sale, exchange, mortgage, letting, or other dealing as aforesaid: Provided that in the cases of the Diocese of Canberra and Goulburn no such ordinance in respect of property held for the sole benefit of some particular parish shall be assented to under the Anglican Church of Australia Constitutions Act 1902, or any Act amending or taking the place of the same, without the consent in writing of a majority of the members of the parish council (if any) for the time being of the parish, and in the case of property gratuitously granted or assured within twenty years preceding the time being by any private donor without the like consent of such donor if living.
- (2) Despite subsection (1), an ordinance in relation to property held for the sole benefit of some particular parish in the Diocese of Sydney may only be assented to under the Anglican Church of Australia Constitutions Act 1902 -
- (a) either -
- (i) with the written consent of a majority of the members of the parish council (if any) for the time being of the parish, or
- (ii) if the ordinance was passed by at least two-thirds of the members of the synod of the Diocese of Sydney present and voting, and
- (b) with the written consent of any living private donor who gratuitously granted or assured the property to the parish within the period of 20 years before the date of assent to the ordinance.

**Certain directions may be given in anticipation**

- <sup>6</sup> 26A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.
- (2) The synod of a diocese to which this section applies may by ordinance -
- (a) direct that, upon specified real property becoming church trust property held for the diocese, it may be mortgaged, let on mining, building, occupation or other leases or otherwise dealt with as specified in the ordinance; and
- (b) provide for the application of the personal property arising from any such mortgage, letting or other dealing.

**Deed of conveyance etc**

27. It shall be lawful for the synod of a diocese by ordinance to direct what person or persons shall execute the deed or deeds or other instrument or instruments, and do all acts, measures, and things necessary for the purpose of carrying into effect the sale, exchange, mortgage, lease, or other dealing directed by ordinance of the synod of such diocese under the provisions of this Act, and the deed or deeds, or other instrument or instruments executed, and the acts, measures, and things done by such person or persons shall take effect as if the trust instrument relating to the church trust property comprised in the said ordinance had contained a power enabling such person or persons to effect such sale, exchange, mortgage, lease, or other dealing, and so as to operate, if necessary, by way of revocation and appointment of the use or otherwise as the said ordinance shall direct.

**Certain directions may be given by resolution**

- <sup>6</sup> 27A. (1) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.

(2) Subject to this section, where the synod of a diocese to which this section applies is authorised by section 26, 26A or 27 to give a direction for or with respect to a mortgage, the direction may be given instead –

- (a) by resolution of its synod or of the standing committee of its synod; and
- (b) in the case of the Diocese of Sydney - also by resolution of the Sydney Church of England Finance and Loans Board,

being, in either case, a resolution that does not contravene or fail to comply with any ordinance referred to in subsection (3) or (4) that is applicable.

- (3) A direction may not be given under subsection (2) where –
  - (a) the same direction, if given by ordinance under section 26, would require a consent referred to in that section before it could be assented to; and
  - (b) that consent has not been given.

(4) The synod of a diocese may, by ordinance, restrict or regulate the right of its members and of the members of its standing committee to move a resolution referred to in subsection (2) and prescribe the form that any such resolution shall take, and the synod of the Diocese of Sydney may similarly restrict, regulate and prescribe in relation to the Sydney Church of England Finance and Loans Board.

- (5) A resolution passed under subsection (2) shall be certified –
  - (a) by the Registrar of the diocese for which is held the church trust property to which the resolution relates or by a person for the time being acting in that office; or
  - (b) by a secretary of the synod of that diocese or by a person for the time being acting in that office.

#### **Power of corporate trustees to let in certain cases**

28. A corporate body of trustees may let the church trust property vested in such body on lease for such term or terms as shall from time to time be approved of by the synod of the diocese for which such corporate body is constituted, or if the synod be not in session then as shall be approved of by the standing committee of such diocese: Provided, however, that until the first session of such synod after this Act comes into force in such diocese such corporate body may let such church trust property for any term of years not exceeding seven.

#### **Protection of purchasers etc**

29. No purchaser, mortgagee, lessee, or other person, or the Registrar-General, upon any sale, exchange, mortgage, lease, or other dealing purporting to be made under the powers granted by or under this Act, shall be concerned to see or inquire into the necessity or propriety thereof, or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised, irregular, or improper, nor be concerned to see to the application or disposition of any purchase, mortgage, or other money or rent paid by him.

#### **Discharge for purchase moneys etc**

30. The moneys (if any) arising from any sale, exchange, mortgage, lease, or other dealing purporting to be made under the powers granted by or under this Act shall be paid to the trustee or trustees in whom the property, the subject matter of such sale, exchange, mortgage, lease, or other dealing immediately theretofore vested, or to such other person or persons as the ordinance (if any) directing such sale, exchange, mortgage, lease, or other dealing may provide. And the receipt of the said trustee or trustees, or other person or persons, as the case may be, shall be an effectual discharge therefor.

#### **Temporary investments**

31. Pending the application of any moneys to arise as aforesaid, the same may, after payment thereof of all proper costs, charges, and expenses, be invested in Government or real securities in New South Wales or in the Commonwealth of Australia, or on fixed deposit in any bank, or otherwise as the ordinance directing such dealing, or any ordinance of the synod of the said diocese in force for the time being and applicable thereto may provide.

### **Part 7 - Variation of Trusts**

#### **Power of Synod to vary trusts etc**

32. In each case where by reason of circumstances subsequent to the creation of the trusts, including trusts declared under this section, to which any church trust property is for the time



being subject, it has in the opinion of the synod of the diocese for which such property is held become impossible or inexpedient to carry out or observe such trusts, it shall be lawful for the synod of such diocese by ordinance to declare such their opinion, and by the same or any subsequent ordinance to declare other trusts for or for the use, benefit, or purposes of the Church of England within the said diocese instead of such first-mentioned trusts, and such first-mentioned trusts shall thereupon by force of the said ordinance cease and determine, and such property shall thereupon be held upon such other trusts accordingly: Provided that such property shall be dealt with and applied for the benefit of the Church of England in the parish or parishes (if any) for the benefit of which such property was immediately before such ordinance held in trust, and for the same purposes as nearly as may be as the purposes for which such property was immediately before such ordinance held unless the synod of such diocese shall by ordinance declare that by reason of circumstances, subsequent to the creation of the first-mentioned trusts, it is, in the opinion of the synod, impossible or inexpedient to deal with or apply such property or some part thereof for the use or benefit of such parish or parishes or for the same or the like purposes, in which case such property or such part thereof may be dealt with and applied for the use and benefit of the Church of England for such other purposes and in such other parish or parishes in the said diocese or otherwise as shall be declared by ordinance of the synod of the said diocese.

**Limited substitution of trust of income**

- <sup>6</sup> 32A. (1) In this section –  
“church trust property” does not include church trust property held for the sole benefit of a particular parish;  
“prescribed period” in relation to an ordinance made under subsection (3) means –
- (a) where the ordinance specifies a particular period of 12 months as the prescribed period for the purposes of this section - that period of 12 months; or
  - (b) in any other case - the period of 12 months that next succeeds assent to the ordinance by the Bishop of the diocese.
- (2) This section applies to the Diocese of Sydney but does not apply to any other diocese until an ordinance of the synod of that other diocese is published in the Gazette under the hand of the Bishop declaring that this section applies to that other diocese.
- (3) The synod of a diocese to which this section applies may by ordinance declare that it is temporarily inexpedient to carry out or observe the trusts to which the income from that property, or a specified part of that income, is subject.
- (4) Where the synod of a diocese makes an ordinance under subsection (3) with respect of any income it may, by the same or a subsequent ordinance, declare that, during the prescribed period for the ordinance, that income is held upon trusts, specified in the ordinance, for or for the use, benefit or purposes (whether within or beyond that diocese or the State) of the Church of England in Australia.
- (5) Income to which a declaration under subsection (4) relates shall, during the prescribed period for the ordinance by which the declaration is made, be held upon the trusts specified in that ordinance to the exclusion of any other trusts to which it was subject and shall, at the expiration of that prescribed period, become again subject to those other trusts.

**Part 7A - Joint Use of Church Trust Property**

**Use of property jointly with other churches**

- <sup>8</sup> 32B. (1) The synod of a diocese may, by ordinance, make provision either generally or for a particular case, for and in relation to –
- (a) the use, by the Anglican Church, of church trust property for a purpose of the Anglican Church and by a church of another denomination for a purpose of that church, jointly or jointly and severally;
  - (b) the acquisition, by the corporate trustees for the diocese, or by other trustees, of property to be so used; and
  - (c) the application of moneys vested in -
    - (i) the corporate trustees for the diocese;
    - (ii) other trustees; or

- (iii) any churchwardens or other persons holding office under an ordinance of the synod,  
upon trust for the use, benefit or purpose of the Anglican Church in the diocese upon, or in connection with, any specified purpose as defined by subsection (2).
- (2) In subsection (1), "specified purpose" means –
- (a) the acquisition of land or other property by –
- (i) the corporate trustees for the diocese;
  - (ii) other trustees on behalf of the Anglican Church; or
  - (iii) trustees on behalf of a church of another denomination,
- to be used by the Anglican Church for a purpose of the Anglican Church and by a church of another denomination for a purpose of that church, jointly, or jointly and severally;
- (b) the erection of a building to be so used; or
- (c) the repair, alteration or maintenance of a building or other property so used, or to be so used.
- (3) Subsection (2) applies to the erection of a building, and to the repair, alteration or maintenance of a building or other property, whether or not the land on which the building is to be erected, or is erected, or whether or not the property, is vested in –
- (a) the corporate trustees for the diocese;
  - (b) other trustees on behalf of the Anglican Church; or
  - (c) trustees on behalf of a church of another denomination.
- (4) The power of the synod of a diocese to make ordinances under subsection (1) includes power to make ordinances authorising the bishop of the diocese to enter into an agreement with the proper authority of a church of another denomination for the use of land or other property (including church trust property) by the Anglican Church for a purpose of the Anglican Church and by the church of that other denomination for a purpose of that church, jointly, or jointly and severally, and, in connection with that use, for the acquisition of land or other property, for the erection of a building on land or for the repair, alteration or maintenance of a building on land, or of other property, whether or not the land or other property is vested in –
- (a) the corporate trustees for the diocese;
  - (b) other trustees on behalf of the Anglican Church; or
  - (c) trustees on behalf of the church of that other denomination.
- (5) The corporate trustees for the diocese, and any other trustees holding office under, or in accordance with, this Act, are, by virtue of this subsection, authorised to hold land that is, for the time being, subject to a trust for the use, benefit or purpose of the Anglican Church and of a church of another denomination.
- (6) The synod of a diocese has, in relation to land or other property that is, for the time being, subject to a trust for the use, benefit or purpose of the Anglican Church and of a church of another denomination, and the corporate trustees for a diocese, or other trustees, in whom any such land or property is vested, have the like powers in relation to that land or property, as they have under this Act in relation to church trust property.
- (7) In the exercise of powers under section 26, by virtue of subsection (6) of this section, the synod of a diocese may make provision for the application of the real and personal property arising from the sale, exchange, letting or other dealing mentioned in section 26 for the use, benefit or purposes of –
- (a) the Anglican Church;
  - (b) a church of another denomination; or
  - (c) the Anglican Church and a church of another denomination, either jointly or severally.
- (8) In the exercise of powers under section 32 by virtue of subsection (6) of this section, the synod of a diocese may declare other trusts, in respect of property, for the use, benefit or purposes of–



- (a) the Anglican Church within the diocese;
- (b) a church of another denomination; or
- (c) the Anglican Church within the diocese and a church of another denomination, either jointly or severally,

instead of the trusts first mentioned in section 32, and the proviso to section 32 shall only apply to and in relation to so much (if any) of the property as is, under the other trusts, to be held for the use, benefit or purposes of the Anglican Church within the diocese.

(9) Subject to subsection (10), the use of the church trust property, and the application of church trust property (including moneys arising from the conversion into money of church trust property), in accordance with an ordinance made under this section, or in accordance with an agreement entered into in accordance with an ordinance made under this section, shall, for all purposes, be deemed to be, and to have been, lawfully used or applied notwithstanding the provisions of any trust upon which the property was or is, or the moneys were or are, held.

(10) Where –

- (a) church trust property, or church trust property from which moneys were derived, was gratuitously granted or assured by a private donor within 20 years before the use or application of the property or moneys in accordance with an ordinance or agreement referred to in subsection (9); and
- (b) the trust instrument (if any) relating to that property expressly forbade the use or application of the property by, or for purposes of, the church of the other denomination concerned, or by, or for such purposes of, a church of a denomination other than the Anglican Church,

subsection (9) does not apply to or in relation to the use or application of the property or moneys in accordance with that ordinance or agreement, unless the donor, if living, has consented to the property or moneys being so used.

(11) In this section, unless the contrary intention appears –

- (a) a reference to the Anglican Church shall be read as a reference to the Anglican Church of Australia;
- (b) a reference to the corporate trustees for a diocese shall be read as including a reference to the bishop of a diocese as trustee of land or other property;
- (c) a reference to the use of property by the Anglican Church shall be read as a reference to the use of property by a diocese, a parish, or a body established by a diocese or parish, including, but without limiting the generality of the foregoing, a body of persons worshipping regularly at a place according to the rites of the Anglican Church;
- (d) a reference to the use of property by a church of another denomination shall be read as a reference to the use of property by any unit of that church, howsoever designated, or by a body established by that church or such a unit, including, but without limiting the generality of the foregoing, a body of persons worshipping regularly at a place according to the rites of that church;
- (e) a reference to a purpose of the Anglican Church shall be read as a reference to a religious, educational or other purpose of a diocese, parish or body referred to in paragraph (c); and
- (f) a reference to a purpose of a church of another denomination shall be read as a reference to a religious, educational or other purpose of a unit or body of that church referred to in paragraph (d).

#### Part 8 - Evidence

##### Membership of corporate bodies

33. A certificate signed by the bishop of a diocese for which there is for the time being a corporate body of trustees shall be prima facie evidence and in favour of all persons purchasing, advancing moneys on, leasing, or otherwise acquiring or possessing any estate or interest in the church trust property therein referred to, and the Registrar-General shall be conclusive evidence that the persons named in such certificate are the duly constituted members of such corporate body of trustees and that they became such members at the date or respective dates mentioned in such certificate.

**Trusteeship**

34. A certificate signed by the bishop of a diocese for which any church trust property in such certificate referred to is for the time being held shall be prima facie evidence and in favour of all persons purchasing, advancing moneys on, leasing, or otherwise acquiring or possessing any estate or interest in such property, and the Registrar-General shall be conclusive evidence that the persons named in such certificate are the duly constituted trustees of such property, and that they became such trustees at the date or respective dates and in the manner mentioned in such certificate, and in the case of lands under the operation of the Real Property Act, 1900, or any Act amending or taking the place of the same shall entitle such trustees to be registered as the proprietors thereof accordingly, and to have a certificate of title issued to them without any formal transfer.

**Making of ordinances and resolutions**

<sup>9</sup> 35. A document purporting to be a copy ordinance or resolution certified and recorded in accordance with this Act or any Act repealed by this Act or a certified or office copy thereof shall be prima facie evidence and in favour of all persons purchasing, advancing moneys on, leasing, or otherwise acquiring or possessing any estate or interest in the property therein referred to shall be conclusive evidence that an ordinance in terms of such copy was duly made and assented to, or that a resolution in those terms was duly passed, and that all necessary consents and directions were duly given, and that all proceedings in connection therewith were regular and in due form, and that such ordinance or resolution was not repealed or amended except, if at all, by such ordinance or resolution or ordinances or resolutions, as the case may be, as shall for the time being be certified and recorded in accordance with this Act or any such repealed Act.

**Notification in Gazette**

36. A copy of the Gazette containing a notification purporting to be published in pursuance of the provisions or any of the provisions of this Act, or any Act repealed by this Act, shall be prima facie evidence of the matters therein notified and the notification of which is authorised by this Act or any such repealed Act.

**Part 9 - General**

**Repeal or amendment of ordinances**

<sup>9</sup> 37. Subject and without prejudice to any past operation of any ordinance made or resolution passed under the provisions of this Act or any Act hereby repealed, and subject and without prejudice to any estate, right, privilege, obligation, or liability vested, acquired, accrued, or incurred under any such ordinance or resolution –

- (a) the synod of a diocese may by ordinance repeal or amend –
  - (i) any ordinance made by that synod;
  - (ii) any resolution passed by that synod or its standing committee; or
  - (iii) where the diocese is the Diocese of Sydney - any resolution of the Sydney Church of England Finance and Loans Board;
- (b) the standing committee of the synod of a diocese may by resolution repeal or amend any resolution of that committee; and
- (c) the Sydney Church of England Finance and Loans Board may by resolution repeal or amend any resolution of the Board.

**Delegation of powers etc by bishop**

38. During the absence from New South Wales of a bishop of a diocese, a commissary appointed by such bishop may exercise all the powers and functions, and do and make all the things referred to in this Act, or such of them as shall be referred to in such appointment, as the case may be, in the place of such bishop.

**Delegation of powers etc of bishop by ordinance**

39. During the absence of a bishop as aforesaid and in cases where no commissary is appointed as aforesaid or some only of such powers, functions, and things are referred to in the appointment of such commissary, or during the incapacity of a bishop of a diocese arising from illness or any cause other than such absence as aforesaid, or during a vacancy in the see, the person or persons appointed for the purpose or purposes by ordinance of the synod of such diocese or in default of such ordinance or so far as the same shall not extend to any of such purposes the person next in ecclesiastical rank or degree in such diocese and resident therein



may exercise all the powers and functions and do and make all the things referred to in this Act or such of them as are not referred to in any such appointment of a commissary as aforesaid, as the case may be, in the place of such bishop.

**Delegation of powers etc of synod**

- <sup>6</sup> 40. During the recess of the synod of a diocese such committee, council, or other body of persons (if any) as shall from time to time be constituted or appointed for the purpose by or under ordinance of the synod of such diocese may, in place of the synod of such diocese, exercise such of the powers and functions, and do and make such of the things referred to in this Act as shall from time to time be determined by ordinance of the synod of such diocese, and the synod of such diocese may, for the purpose aforesaid, from time to time by ordinance regulate the procedure of such committee, council, or other body of persons: Provided that no ordinance passed by any such committee, council, or other body of persons as aforesaid shall take effect or have any validity unless within one month after the passing thereof the same shall be assented to under the Anglican Church of Australia Constitutions Act 1902, or some Act amending or taking the place of the same.

**Validity of acts etc under delegation**

41. The preceding provisions of this Act shall, so far as applicable, apply to all powers, functions, and things so exercised, done, and made in the place of the bishop of the diocese and in the place of the synod of the diocese as in this Part respectively provided for, as if such powers, functions, and things had been validly exercised, done, and made by the bishop of the diocese, or by the synod of the diocese, as the case may be.

**Notification as to trustees**

42. Each ordinance made under this Act under sections 9, 10, 11, 13, or 16, and each resolution and election made under sections 12, 14, 15, or 16, and each consent given under section 19, shall be forthwith notified in the Gazette under the hand of the bishop of the diocese.

**Record of ordinances**

- <sup>10</sup> 43. Each ordinance or resolution made under this Act under sections 22, 24, 25, 26, 26A, 27, 27A, 32, 32A, 32B, 37, 39 or 40 may be recorded as follows –
- (a) In case any lands therein referred to are under the provisions of the Real Property Act 1900, or any Act amending or taking the place of the said Act, a copy of such ordinance, certified by the bishop of the diocese, or of such resolution, certified as provided by section 27A (5), shall be deposited with the Registrar-General for safe custody and reference in accordance with the provisions of the Act.
  - (b) In case any lands therein referred to are not under the provisions of the Real Property Act 1900, or any Act amending or taking the place of the said Act, a copy of such ordinance certified by the bishop of the diocese, or of such resolution certified as provided by section 27A (5), shall be filed in the office of the Registrar-General in accordance with the provisions of the Registration of Deeds Act, 1897, or any Act amending or taking the place of the said Act.

**Existing dioceses**

- <sup>11</sup> 44. (1) Every diocese existing at the commencement of the Church of England Trust Property (Amendment) Act, 1923, shall be deemed to have been validly formed as from the date of its formation.
- (2) Any alteration made before the commencement of that Act in the boundaries of any diocese shall be deemed to have been validly made as from the date of the alteration.

**New dioceses**

- <sup>12</sup> 45. (1) A provincial synod convened or held in pursuance of the provisions of the Anglican Church of Australia Constitutions Act 1902, or any Act amending or taking the place of the same, may make ordinances for and with respect to –
- (a) the formation of new dioceses; and
  - (b) the alteration of boundaries of dioceses.
- (2) A new diocese shall not be formed by separation of any area from a diocese unless the synod of the diocese consents by an ordinance to the separation.

(3) A new diocese shall not be formed by the union of two or more dioceses, or parts of dioceses, unless the synod of each of those dioceses consents by an ordinance to the union.

(4) The boundaries of a diocese shall not be altered unless the synod of the diocese consents by an ordinance to the alteration.

(5) In the case of the Diocese of Sydney the consent shall not be valid unless the ordinance is passed with an absolute majority in each order.

**Validation of conveyances**

- <sup>11</sup> 46. No title to any land granted by the Crown for or for the use, benefit, or purposes of the United Church of England and Ireland or the Church of England shall be held bad either at law or in equity by reason of any breach or non-performance before or after the commencement of the Church of England Trust Property (Amendment) Act, 1923, of any condition, trust, or proviso contained in the Crown grant of the land, and any right of forfeiture or reverter in respect of any such condition, trust, or proviso shall be deemed to have been waived by the Crown as from the date of the Crown grant.

**Exclusion of defeasance clauses from certain conveyances**

- <sup>13</sup> 47. Each of the following deeds of conveyance, namely, deed of conveyance dated the thirteenth day of June, one thousand nine hundred and five, from the Minister for Public Works for the State of New South Wales to the Most Reverend William Saumarez Smith and others Registered Number 166 Book 784, and deed of conveyance dated the thirteenth day of June, one thousand nine hundred and five, from the said Minister to the Church of England Property Trust Diocese of Sydney Registered Number 169 Book 784, shall have and shall be deemed always to have had effect as though the proviso contained therein providing, inter alia, for the forfeiture and reverter to the Crown in certain events of the land thereby conveyed had not been inserted in the deed of conveyance.

**Schedule**

Date of Assent	Title	Title or Short Reference to Act
31st March 1881	Church of England Trust Property Incorporation Act 1881	44th Vic
22nd June 1887	Sydney Bishopric and Church Property Act 1887	51st Vic
21st May 1889	Church of England Property Act of 1889	52nd Vic
28th October 1892	Church of England Property Act of 1889 Amendment Act of 1892	56th Vic
24th July 1896	Church of England Property Act of 1889 Further Amendment Act of 1896	60th Vic
24th November 1892	Church Acts Repealing Act of 1897	61st Vic
11th December 1906	Bathurst Cathedral Validating Act 1906	
15th October 1913	Church of England Trust Property Incorporation Act Amendment Act 1913	

**Endnotes**

1. Inserted by Act No 31, 1999.
2. Amended by Act No 21, 1976 and Act No 126, 1988.



3. Amended by Act No 26, 1923 and Act No 120, 1998.
  4. Amended by Act No 67, 1981 and Act No 120, 1998.
  5. The "Church of England Property Trust Diocese of Sydney" has been the "Anglican Church Property Trust Diocese of Sydney" since 7 October 1982.
  6. Inserted by Act No 37, 1976.
  7. Amended by Act No 120, 1998.
  8. Inserted by Act No 126, 1988.
  9. Amended by Act No 37, 1976.
  10. Amended by Act No 37, 1976 and Act No 126, 1988.
  11. Inserted by Act No 28, 1923.
  12. Inserted by Act No 28, 1923 and amended by Act No 31, 1999.
  13. Amended by Act No 4, 1950.
- By Act No 120, 1998 "Anglican Church of Australia Constitutions 1902" substituted for "Church of England Constitutions Act Amendment Act 1902 wherever occurring.
- No reference is made to certain amendments made by the Reprints Act 1972.

# Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies

<b>Adoption Date:</b>	01/09/1997
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**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

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**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

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## 1. Purpose

The objectives of this policy are to:

- establish a clear comprehensive and consistent process for community consultation **for Development Applications**
- ensure that the community is consulted;
  - during the decision-making process regarding development applications
  - during the formulation of development guidelines and policiesand that submissions received are taken into consideration by Council
- ensure that the consultation process allows the community access to relevant information about the proposal
- ensure that decision-making and policy formulation is undertaken in a wider and more informed context, especially having regard to the environmental, social and economic impacts associated with development
- to articulate Council's policy for notification of applications over and above the mandatory requirements of the *Environmental Planning & Assessment (EP & A) Act 1979* and the *EP & A Regulation 2021, 2021* relating to Designated, Advertised, Integrated Development and Part 5 matters; and
- ensure that feedback is given to the community of decisions made.

## 2. Statement

- This document outlines Council's policy for community consultation in the assessment of development applications (including combined development/construction certificate applications and subdivisions) and the formulation of development guidelines and policies.
- This document also outlines the necessary procedures involved in carrying out such consultation.

## 3. Provisions

### 3.1. Exempt and Complying Development

This document does NOT apply in respect of any development that is Exempt or Complying Development, as listed in:

- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- Shoalhaven Local Environmental Plan 2014.
- Shoalhaven Development Control Plan 2014.

Exempt and Complying Development, or the modification of a Complying Development Certificate (CDC) will not be notified.

### 3.2. Disclosure of Political Donations and Gifts

From 1 October 2008 when lodging:

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- i. A relevant planning application (eg; LEP, Section 94-7.11 Plan, DCP, DA or DA modification) - information about any reportable political donations and gifts (if any) made in the previous two years and up to determination of the planning application, must be disclosed. If a donation or gift was made after lodging a relevant planning application, the disclosure must be made within seven days of making the donation or gift.

Disclosure obligations for a relevant planning application include reportable political donations or gifts made by any person with a financial interest as defined by ~~S147~~ (7)S10.4 of the *EP&A Act 1979*, and referred to in Clause 8 of this Policy.

- ii. A submission on a relevant planning application (eg; LEP, Section 94-7.11 Plan, DCP, DA or DA modification) - information about any reportable political donations and gifts (if any) made in the previous two years and up to determination of the planning application, must be disclosed. If a donation or gift was made after lodging a submission, the disclosure must be made within seven days of making the donation or gift.

Disclosure obligations for submissions made in relation to a relevant planning application relate to:

- a) All reportable political donations made to any local councillor (being donations of \$1,000 or more); and
- b) All gifts made to any local councillor or employee.

The disclosure obligations for submissions include reportable political donations or gifts made by an associate. An associate is defined by section ~~147(8)~~10.4 of the *EP&A Act 1979* and referred to in Clause 8 of this Policy.

Failure to disclose a reportable political donation or gift is an offence.

All disclosures of political donations and gifts will be made available to the public on Council's website in accordance with the Act.

Detailed information on disclosure obligations and a copy of the disclosure form and guide are available at [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations) .

Disclosures lodged by Councillors with the ~~Election Funding Authority~~NSW Electoral Commission can be viewed at the ~~Election Funding Authority~~NSW Electoral Commission website at <https://efadisclosures.elections.nsw.gov.au/www.efa.nsw.gov.au> .

### 3.3.1 Minor development/ activities not requiring Notification

Certain development and/ or activities are considered minor in nature and are unlikely to adversely affect other property owners. These activities are listed in Table 12.

Notwithstanding the table:



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1. Having regard to individual site circumstances, if Council considers a development is minor and persons will not be detrimentally affected by a proposed building or structure after its erection, then at the discretion of the Director, [City Development Development and Environmental Services](#) or his/ her delegate, the notification procedure may not be followed.
2. Any application for development which Council considers may have a significant impact will be notified at the discretion of the Director, [City Development Development and Environmental Services](#) or his/ her delegate.

**Table 2:1 Development Not Requiring Notification**

Development Not Requiring Notification		
Development	Requirement	
Dwelling houses (including additions and ancillary structures)	Zone	Side/Rear Boundary Setback
<ul style="list-style-type: none"> <li>Detached single-storey dwelling house. <i>Does not include second-hand dwellings, additional/secondary dwellings, managers' residences.</i></li> <li>Single storey additions/alterations to detached dwellings approved by Council.</li> <li>Single storey carports, garages and pergolas associated with a detached dwelling house approved by Council.</li> <li>Development ancillary or incidental to a detached dwelling house e.g. an outbuilding with a maximum area or 40m<sup>2</sup> or 5m in height.</li> </ul>	The setback from any side or rear boundary of the external wall of any structure is equal to, or greater than, the following: <i>Refer also to notes 1 and 2</i>	
	RU1 Primary Production	20m
	RU2 Rural Landscape	20m
	RU4 Primary Production Small Lots	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
	RU5 Village	900mm
	R1 General Residential	900mm
	R2 Low Density Residential	Lot size up to 1999m <sup>2</sup> = 900mm Lot size between 2000m <sup>2</sup> -3999m <sup>2</sup> = 5m Lot size 4000m <sup>2</sup> or greater = 7.5m
	R3 Medium Density Residential	900mm
	R5 Large Lot Residential	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
	SP3 Tourist	Lot size up to 1999m <sup>2</sup> = 900mm Lot size between 2000m <sup>2</sup> -3999m <sup>2</sup> = 5m Lot size 4000m <sup>2</sup> or greater = 7.5m
Dual occupancy ancillary structures	CE2 Environmental Conservation	20m
	CE3 Environmental Management	20m

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	CE4 Environmental Living	Lot size up to 1ha = 10m Lot size greater than 1ha = 20m
<b>Swimming Pools and Outdoor Spa Baths</b>	<ul style="list-style-type: none"> <li>On lots over 2000m<sup>2</sup> if the pool or outdoor spa bath (with minimum 10m side and rear boundary setback), will be ordinarily ancillary to a dwelling occupied for private use only.</li> </ul>	
<b>Demolition</b>	<ul style="list-style-type: none"> <li>Garages, carports and outbuildings constructed after 1990.</li> <li>Garages, carports and outbuildings constructed before 1990 provided asbestos is not one of the construction materials.</li> </ul>	
<b>Industrial uses</b> <ul style="list-style-type: none"> <li>Minor additions in keeping with surrounding developments and the local environment</li> <li>Change of use</li> <li>First occupation</li> </ul>	<ul style="list-style-type: none"> <li>Existing approved use.</li> <li>Light Industry to Light Industry.</li> <li>No significant effect on the surrounding owners or the community.</li> </ul>	
<b>Commercial Uses</b> <ul style="list-style-type: none"> <li>Minor additions in keeping with surround developments and the local environment</li> <li>Change of use</li> <li>First occupation</li> </ul>	<ul style="list-style-type: none"> <li>Existing approved use.</li> <li>No significant effect on the surrounding owners or the community.</li> </ul>	
<b>Internal Alterations</b>	<ul style="list-style-type: none"> <li>Internal alterations that will not have any impact beyond the property boundary.</li> </ul>	
<b>TPO Applications</b>	<ul style="list-style-type: none"> <li>All applications other than those for any tree or stand of trees likely to have direct impact on amenity of adjoining residents.</li> </ul>	
<b>Subdivision (unless Integrated Development)</b> <ul style="list-style-type: none"> <li>Minor boundary adjustments</li> <li>Strata subdivisions</li> <li>Community title subdivisions</li> <li>2-lot subdivision for existing dual occupancy developments</li> </ul>	<ul style="list-style-type: none"> <li>Not requiring physical works; and</li> <li>Notification has already been undertaken at the DA stage.</li> </ul>	
<b>Advertising Signs</b>	<ul style="list-style-type: none"> <li>Applications which comply with Chapter G22: Advertising Signs and Structures of Shoalhaven LEP-DCP 2014.</li> </ul>	
<b>Amendments to DA prior to determination</b>	<ul style="list-style-type: none"> <li>Requested by Council following preliminary assessment</li> <li>Requested by State Government Agencies; eg, Rural Fire Service (RFS) following preliminary assessment.</li> <li>Made in response to objections received.</li> <li>Which are the result of conditions imposed on an application previously notified.</li> </ul>	

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<b>Construction Certificate, Occupation Certificate and Compliance Certificate Applications</b>	<ul style="list-style-type: none"> <li>Made under Part <del>4A</del>6 of the <i>EP&amp;A Act 1979</i>.</li> </ul>
<b>Exempt and Complying Developments</b>	<ul style="list-style-type: none"> <li>As prescribed in SEPP (Exempt and Complying Development Codes) 2008, Part 3 and Schedule 2 of Shoalhaven LEP 2014 and as set out in Shoalhaven DCP 2014.</li> </ul>

**Notes on Table ~~12~~**

- In the case of ~~battleaxe~~battle-axe allotments, the building meets the boundary setback requirements in relation to all boundaries (excluding the access handle).*
- An allotment may be affected by a restriction-as-to-user under Section 88B of the Conveyancing Act ~~1919~~ which defines a building envelope.*

**3.4 Development Applications (including combined development/construction certificate applications and subdivisions), and Regional Development Applications**

**3.4.1 Regional Development Applications**

Regional Development Applications (RDAs) are those applications referred to in the *EP&A Act 1979*, the *EP&A Regulation ~~2000-2021~~* and the *State Environmental Planning Policy (Planning Systems~~recinets~~—Eastern Harbour City) 2021*. *State Environmental Planning Policy (SEPP) (Major Development) 2005*. The provisions of RDAs became effective on 1 July 2009. Applications are lodged, notified and assessed by Council. Council's Section ~~79C~~ *4.15* assessment report will be forwarded to the NSW Southern ~~Region Joint~~ Regional Planning Panel (~~JRPP~~) for consideration. A decision on the RDA will be made by the ~~JRPP~~. Council will then issue the consent or refusal and further notify the applicant and those who had made submissions of the ~~JRPP~~'s determination.

**3.4.2 Legal Requirements**

Council has certain obligations under the *EP & A Act 1979*, to notify owners of land whose enjoyment of that land may be affected by proposed development.

Certain categories of development (ie, Designated Development, Advertised Development, Integrated Development, RDAs and other forms of notified development) are required to be exhibited in accordance with the procedures for notification prescribed by the *EP & A Act* and *Regulation*. An Environmental Impact Statement prepared under Part 5 of the *EP & A Act* in respect of an "activity" for which development consent is not required must also be given in accordance with the *Act* and the *Regulation*.

Designated Development, State Significant Development and Nominated Integrated Development must be notified for a minimum of thirty (30) days from the day after a notice is published in the local newspaper. RDAs will be notified for a minimum thirty (30) days except where State legislation requires a longer notification period.

**Note: The above requirements are mandatory and do not form part of this policy.**

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**3.4.3 Who will be Notified?**

All property owners and Council's Community Consultative Bodies (CCBs), who in the opinion of Council, may be affected by a development proposal shall be notified in writing, in accordance with Table 1 – Community Consultation Matrix. In certain circumstances, the Authorised Assessing Officer may use his/ her discretion to notify beyond the nominated buffer zones (refer Clause 3.3.17 of this Policy).

Exempt and Complying Developments and other development/ activities considered minor will not be notified (see Clause 3.3.19 of this policy).

**Note: In establishing buffer zones, Council's GIS system is utilised by Council staff to identify properties to be notified (see examples shown in Diagrams 1a – 3b).**

In accordance with Table 24, property owners to be notified shall include:

- Those with land:
  - within the identified buffer boundary
  - where the identified buffer boundary runs through the land
  - where any part of their land boundary touches the buffer boundary (see examples shown in Diagrams 1a – 3b);
- an association for a community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 2021* or a body corporate for a parcel within the meaning of the *Strata Titles Act 1973* or the *Strata Schemes Development Act 2015 No 51* or *Strata Schemes Management Act 2015 No 50*; ~~*Strata Titles (Leasehold) Act 1986*~~
- where land is accessed by a right-of-carriageway (ROW), all landowners benefiting from the ROW will be notified, if deemed affected by the development;
- where land is owned by a public housing provider such as the NSW Department of Housing; the Commonwealth Department of Defence or the NSW Aboriginal Housing Office, Council will notify the occupants of the land;
- where land is owned by the Crown, the Department of Lands;
- where the land is owned by a State Government Agency, eg National Parks and Wildlife Service but is not occupied for housing purposes, the property/ ownership branch of the relevant State Government Agency;
- where an application involves significant commercial development, the relevant Chamber of Commerce.

RDAs will be notified in accordance with Table 24, and also to relevant State agencies with the reasons for notification being advised. The form of notification will be in accordance with applicable State legislative requirements.

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**Table 24 – Community Consultation Matrix.**

Degree of Community Consultation	Methods of Consultations	Issues to Consider to Determine Levels of Consultation	Examples – Depending on Particular Circumstances some Discretion will be used.
<b>Level 1:</b> Neighbour notification within buffer of 25m radius in urban areas and 100m radius in rural areas.	Notification letters to all property owners affected within identified radius, see diagrams 1a and 1b.	Development: <ul style="list-style-type: none"> <li>is of small to moderate scale</li> <li>may impact on views or amenity of residents in the neighbourhood</li> <li>may impact on the character of the neighbourhood; and</li> <li>raises environmental issues.</li> </ul>	<ul style="list-style-type: none"> <li>ancillary residential development such as garages, carports, additions to existing dwelling-houses and swimming pools</li> <li>additions to existing commercial or industrial premises</li> <li>two-storey dwelling-houses</li> <li>two-lot subdivisions other than the subdivision of existing dual occupancy developments</li> <li>Bed &amp; Breakfast accommodation in an existing dwelling-house</li> <li>dual occupancy development</li> <li>development accessed by a right-of-carriageway</li> <li>new retail, commercial and industrial activities</li> <li>home activities with potential for external impacts; and</li> <li>purpose-built Bed &amp; Breakfast accommodation.</li> </ul>
<b>Level 2:</b> Neighbour notification within buffer of 60m radius in urban areas and	Notification letters to all property owners affected within identified radius, see diagrams 2a and 2b.	Development: <ul style="list-style-type: none"> <li>is of moderate scale and significance</li> </ul>	<ul style="list-style-type: none"> <li>tourist development</li> <li>medium density development up to and including 10 units</li> <li>subdivisions of 3-10 lots</li> </ul>

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Degree of Community Consultation	Methods of Consultations	Issues to Consider to Determine Levels of Consultation	Examples – Depending on Particular Circumstances some Discretion will be used.
200m radius in rural areas.	Relevant CCBs and Chambers of Commerce notified.	<ul style="list-style-type: none"> <li>may impact on views or amenity of residents in the local area</li> <li>may have impacts concerning the local community; and</li> <li>raises significant environmental issues.</li> </ul>	<ul style="list-style-type: none"> <li>child care centres; and</li> <li>commercial and industrial proposals.</li> </ul>
<b>Level 3:</b> Neighbour notification within buffer of 120m radius in urban areas and 500m radius in rural areas.	<p>Notification letters to all property owners affected within identified radius, see diagrams 3a and 3b.</p> <p>Relevant CCBs and Chambers of Commerce notified.</p> <p>Newspaper advertisement.</p>	<p>Development:</p> <ul style="list-style-type: none"> <li>is major</li> <li>raises major environmental issues; and</li> <li>may raise concerns for nearby residents, the wider community and visitors to the area.</li> </ul>	<ul style="list-style-type: none"> <li>shopping centres</li> <li>medium density development in excess of 10 units</li> <li>subdivisions in excess of 10 lots</li> <li>icon sites</li> <li>major industrial developments</li> <li>major community projects, eg cultural centres; public swimming pools, sports facilities/complexes</li> <li>any development of public open space in Council ownership or Crown Land where Council is Trust Manager</li> <li>large retail; and</li> <li>any development involving the sale of liquor or adult goods or services.</li> </ul>

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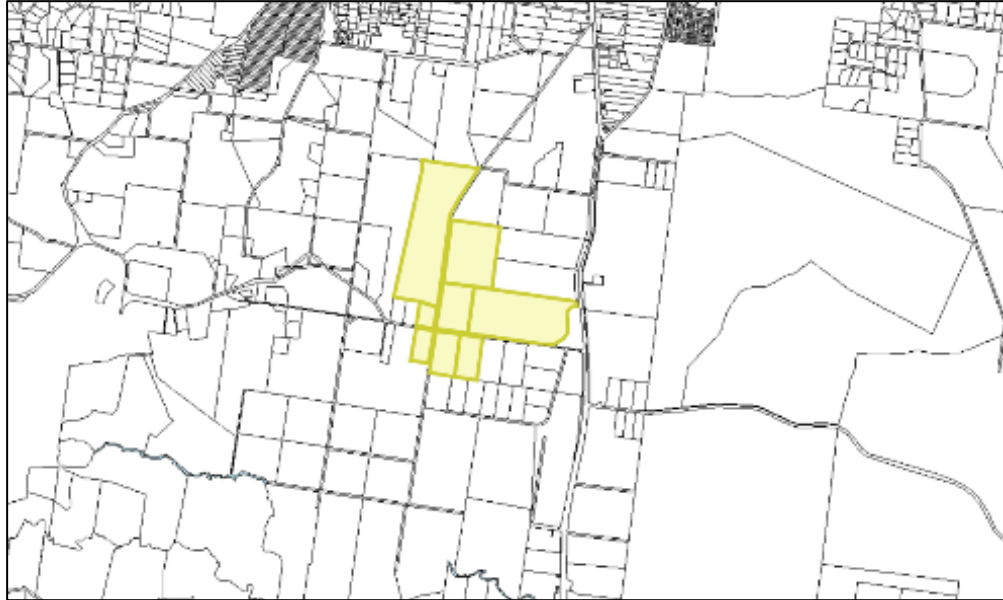
**Diagram 1a**

**Example of Level 1 - Neighbour notification within buffer of 25m radius in urban areas.**



**Diagram 1b**

**Example of Level 1 - Neighbour notification within buffer of 100m radius in rural areas.**





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**Diagram 2a**

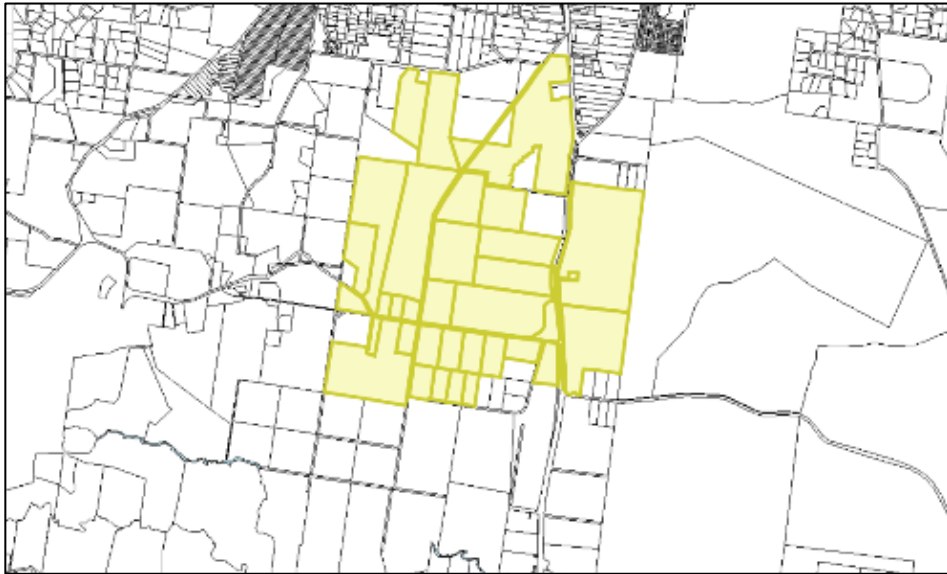
**Example of Level 2 - Neighbour notification within buffer of 60m radius in urban areas.**



**Diagram 2b**

**Example of Level 2 - Neighbour notification within buffer of 200m radius in rural areas.**

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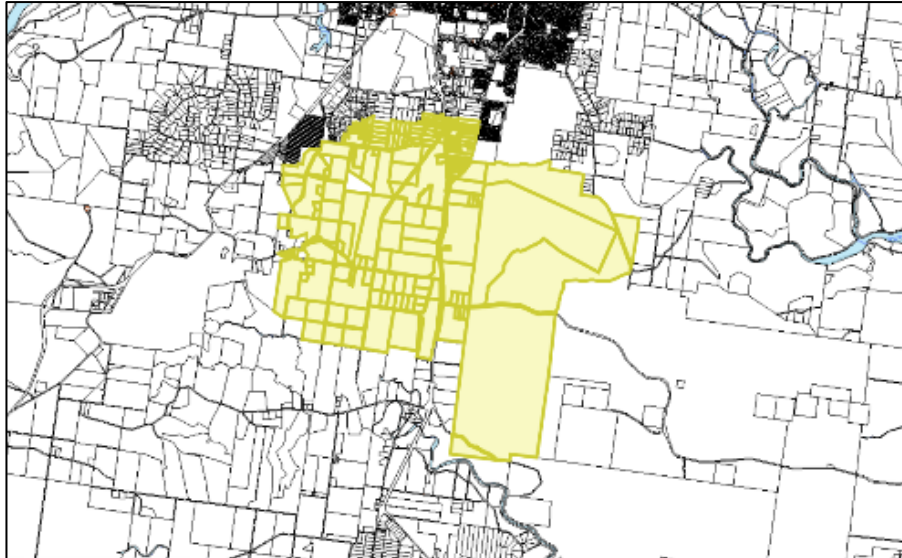
**Diagram 3a**  
**Example of Level 3 - Neighbour notification within buffer of 120m radius in urban areas.**



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Diagram 3b

Example of Level 3 - Neighbour notification within buffer of 500m radius in rural areas.



3.4.4 When will Applications be Notified?

Usually applications will be notified after the registration of the DA. However, if an application is not supported by:

- plans and supporting documentation as set out in Council's Development Application Guidelines (and as required by [Schedule 1 Part 3](#) of the *EP & A Regulation 2021*) relevant to the proposal, or
- any other documentation considered necessary by Council for adequate assessment of the application

notification of the application may be delayed.

If an application is notified and the need for an independent specialist report is identified during the assessment process, the application may be re-notified upon receipt of the relevant report/s. Amended plans received during the assessment of an application may also be re-notified. **Re-notification will be at the expense of the applicant.**

3.4.5 Use of the Internet to display applications

All local DAs (which includes DAs for subdivisions), Complying Development Certificate Applications (CDCs) and RDAs are displayed on Council's website via Council's on-line DA Tracking system. This online information is available to any person at any time of the day by accessing [the DA Tracking facility through](#) Council's website [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au) ~~through the DA Tracking facility~~. Information about applications lodged before the 1 January

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2006, is available by making contact with Council's Development & Environmental Services, during normal business hours.

For RDAs, in addition to details being available via Council's DA Tracking system, the application register is also available on the State Government's website at [www.jrpp.nsw.gov.au](http://www.jrpp.nsw.gov.au)

#### 3.4.6 Details of on-line documents

The documents that will be displayed will include details and plans that will enable anyone to view them on-line. Details of such documents are being made available to the public in accordance with Schedule 1 of the *EP & A Regulation 2021.00* and Council is making that information available under the provisions of Section 12 (1) of the *LG Act 1993* With infor. of and the provisions of the *Government Information (Public Access) Act NSW 2009*.

Note that certain documentation such as the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and external configuration in relation to the site on which it is proposed to be erected; ~~Residential Floor Plans~~, will not be made available due to privacy and copyright issues.

Council permits the downloading of material from Council's website in accordance with the terms and conditions as outlined on the website. Any modification, copying, reproduction, uploading to a third party, transmitting or distributing in any way the content of Council's website, may only be carried out as expressly provided for in the Terms and Conditions of the website or as permitted by the *Copyright Act 1968*.

#### 3.4.7 Submissions

Submissions in respect of an application must be received by Council within fourteen (14) days of the date appearing on the application or, alternatively, within such additional period as may be determined by the Director, ~~City Development, Development and Environmental Services~~ or his/her delegate.

A submission may be made by any person whether or not that person has been, or is entitled to be, given notice under the provisions of this Policy.

All submissions must be addressed to the ~~Chief Executive Officer General Manager~~.

Submissions must be made in writing or electronically. Contents of submissions should be restricted to environmental and planning matters relating to a DA and should NOT contain specific private, defamatory and risk to security information. If the submission is an objection to a DA, the submission must state the reasons for objection. Note that in accordance with Council's resolution of 28 February 2006, in the interest of public transparency, ALL submissions will be made available on Council's internet site, thus all each submission in its entirety will be available to the applicant and/or any interested persons. This includes all submissions made by Members of Parliament (MPs) and/or Councillors on behalf of residents. Note that all submissions that are not electronically made will also be scanned

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and displayed on Council's internet site ~~e.~~ and Council is making that information available under the provisions of the *Government Information (Public Access) Act 2009*. This information is being made available to the public under the provisions of Section 12(1) of the *Local Government Act 1993*.

Persons making submissions to DAs are encouraged to do so via Council's on-line DA Tracking site.

Receipt of most DA submissions will be acknowledged. Receipt of submissions made by MPs and Councillors on behalf of residents will also be acknowledged. Submissions, specifically relating to pre-printed/written form letters and petitions (although if a petition designates a contact person/organisation for the submission of the petition), will not receive formal acknowledgement or written feedback, however will be considered in the assessment of the DA, where the DA is advertised in accordance with this policy.

**3.4.8 Presentation at a JRPP meeting**

Persons (or persons on behalf of bodies) who made a submission on an RDA during the designated public exhibition period, may request to address the JRPP (such requests can be made direct to the JRPP secretariat prior to the meeting), see [Sydney and Regional Planning Panels | Planning Portal - Department of Planning and Environment \(nsw.gov.au/www.jpnp.nsw.gov.au\)](#) for further information.

**3.4.9 Disclosure of Political Donations and Gifts when making a Submission**

From 1 October 2008 when lodging a submission on a relevant planning application (eg; LEP, Section 7.1194 Plan, DCP, DA or DA modification), information about any reportable political donations and gifts (if any) made in the previous two years and up to determination of the planning application, must be disclosed. If a donation or gift was made after lodging a submission, the disclosure must be made within seven days of making the donation or gift.

The disclosure obligations relate to:

- (a) All reportable political donations made to any local councillor (being donations of \$1,000 or more); and
- (b) All gifts made to any local councillor or employee.

The disclosure obligations include reportable political donations or gifts made by an associate. An associate is defined by section 447(810.4) of the *EP&A Act 1979*. Failure to disclose a reportable political donation or gift is an offence.

All disclosures of political donations and gifts will be made available to the public on Council's website in accordance with the Act.

Detailed information on disclosure obligations and a copy of the disclosure form and guide are available at [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

Disclosures lodged by Councillors with the Election Funding Authority can be viewed at the Election Funding Authority website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au)

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**3.4.10 Council Must Consider all Submissions**

In determining applications, Council and/ or delegated officers of Council, must consider all submissions received within the period allowed for making submissions under the provisions of this policy, before the application is determined.

Nothing in this policy prevents Council and/ or its delegated officers from considering submissions which are received after the closing date.

Any submissions received will be considered during the assessment of the application. The online submission facility on Council's DA Tracking site will be available to anyone who wishes to make a submission electronically, generally within 7-10 days of DA lodgement, until the nominated notification period ends.

Note that in accordance with this policy, not all DAs are required to be notified or advertised, however are still public documents and are made available on-line. Any submission received in respect to those DAs not required to be notified will be noted, but will not necessarily receive formal acknowledgement or taken into consideration during the assessment of the application.

**3.4.11 Applications reported to Council**

If an application is listed for consideration by the elected Council, the applicant and all persons who made submissions will be notified of the meeting. As reports to Council are sometimes prepared at short notice, notification may be made by letter, email or telephone according to the circumstances of the case.

**3.4.12 Applications reported to JRPP**

For RDAs, the Section 79C-4.15 assessment report will be forwarded to the JRPP for consideration. The Section 79C-4.15 report will include submissions received during the designated public exhibition period of the RDA.

In addition, the elected Council may consider submissions relating to RDAs in a separate committee process and may wish to separately provide a report to the JRPP (separate from the Section 79C-4.15 assessment reporting).

**3.4.13 Feedback**

Any person who makes a submission in relation to an application will be notified, in writing, of Council's decision within 14 days of the decision having been made. However, due to the volume of submissions received in response to major development proposals, individual replies to specific questions raised in submissions cannot be guaranteed in all circumstances.

In relation to RDAs, after the JRPP has made a decision on an RDA, Council will issue a consent or refusal and further will advise those who made submissions of the JRPP's decision of that RDA. Note that the JRPP's decision may also be viewed on the State



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Government's website at [Sydney and Regional Planning Panels | Planning Portal - Department of Planning and Environment \(nsw.gov.au\).www.irpp.nsw.gov.au](https://www.syrpp.nsw.gov.au).

**3.4.14 Community Groups and Chambers of Commerce and Industry**

Community Consultative Bodies (CCBs) have been identified for various areas throughout the City. On request, Council will provide (on a weekly basis):

- computer printouts of all development and subdivision applications received; and
- details of Council contacts in respect of development and subdivision applications.

Note that Council's DA Tracking facility displays details and plans of all development applications received that will enable anyone to view them on-line. Details of such documents are being made available to the public in accordance with Schedule 1 of the *EP & A Regulation 1979* and Council is making that information available under the provisions of the *Government Information (Public Access) Act 2009, 2000* and Council is making that information available under the provisions of Section 12 (1) of the *LG Act 1993*.

Individual applications will be specifically referred to the relevant CCBs.

- in accordance with Table 1; and
- if considered appropriate by the Director, *City Development Development and Environmental Services* or his/ her delegate.

Development applications for commercial development (including home activities and markets) which are required to be notified in accordance with this Policy will be notified to the relevant Chamber of Commerce and Industry.

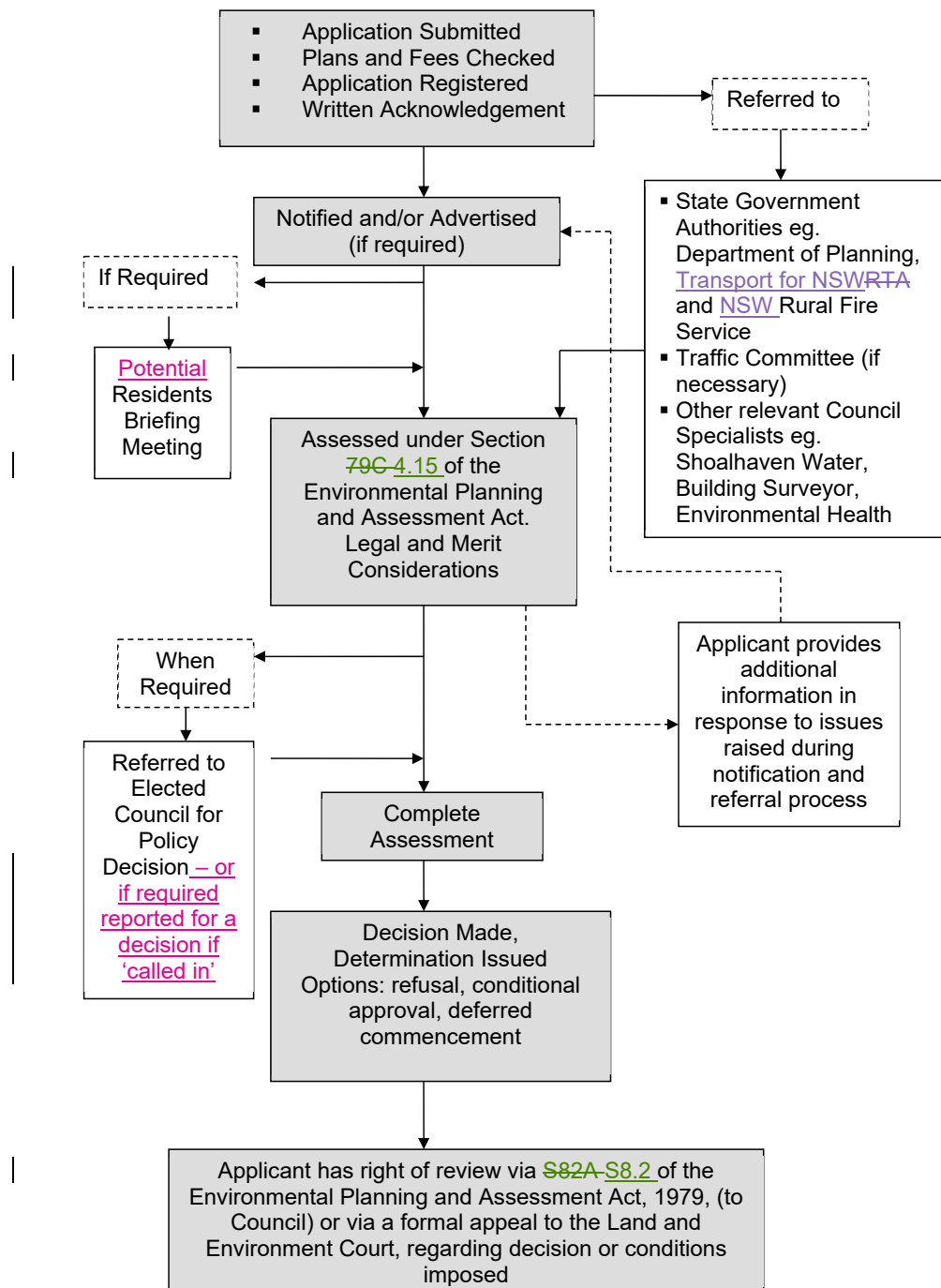
**3.4.15 Development Applications Made Over the Christmas Holiday Period**

Any development application lodged during or after the second full week of December will be advertised for 28 days. Any application received by Council in the fourth week of December up to and including the 31st December will be advertised for 14 days when Council business resumes in the first week of January.

**3.4.16 How does Notification fit into the Assessment process?**

The process of the assessment of a local DA is illustrated in the flow chart on Diagram 4; and the processes involved prior to Council referring an RDA to the *JRPP* for consideration and decision, is shown on Diagram 5. The charts illustrate how those applications are normally notified as soon as they are received by Council. For local DAs, the application may be re-notified when additional information is provided as a result of the assessment and notification processes.

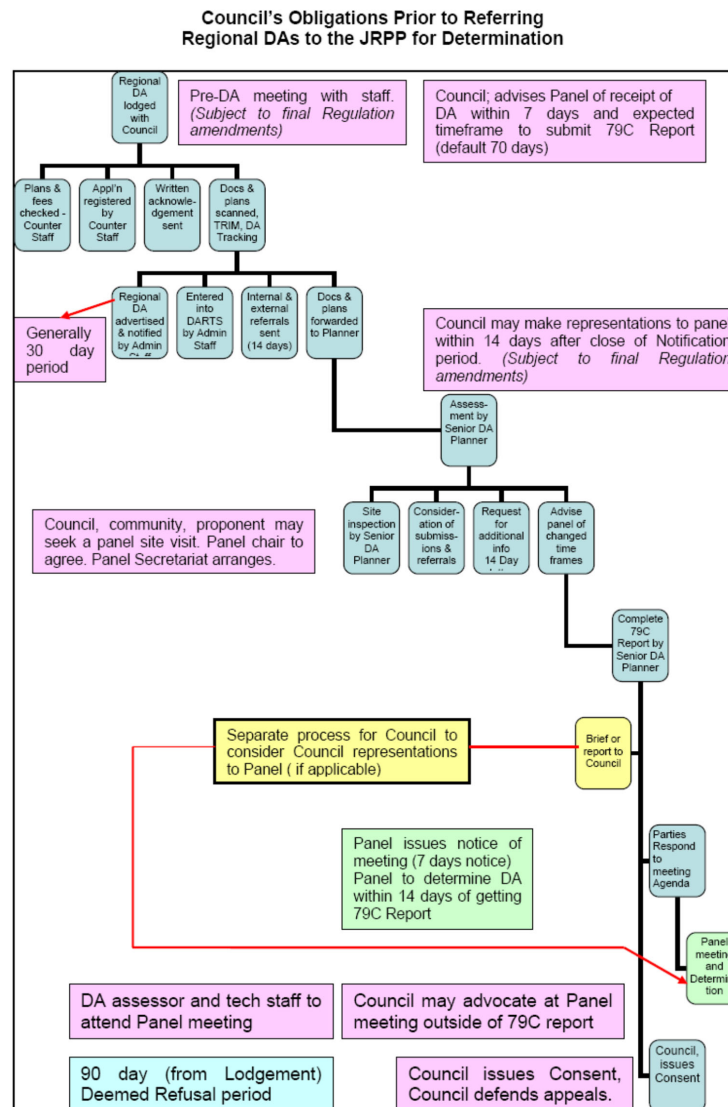
**Diagram 4: Development Assessment Process – Application Flow Chart**



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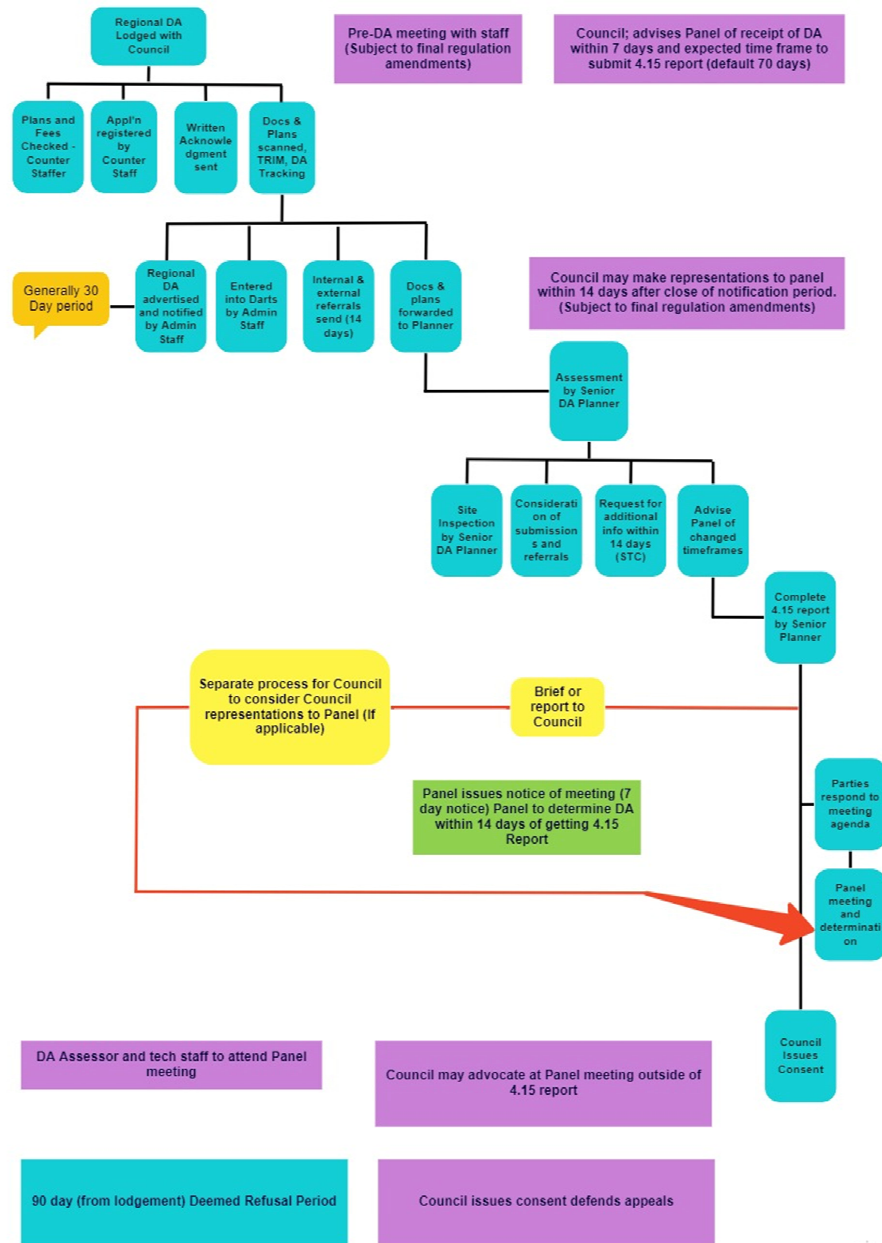
Diagram 5: Regional Development Application Flow Chart

Council Obligations Prior to Referring Regional DA's to RPRP for Determination



CL22.530 - Attachment 1

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CL22.530 - Attachment 1

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**3.4.17 What are the Criteria for Neighbour Notification Beyond the Nominated Buffer Zones?**

The following are examples of the criteria which guide the extent of the notification process in circumstances where a nominated buffer area needs to be extended:

- the siting of the building and its proximity to boundaries
- the design of the building, and in particular its height, bulk and scale and its relationship to the character of existing development in the vicinity and the streetscape
- the use of proposed rooms and the possible effect on adjoining land due to overlooking and loss of privacy
- the views to and from adjoining land, and affecting view corridors
- the extent of any overshadowing of adjoining land
- the potential impact of natural drainage of the site
- the likelihood of the adjoining land being detrimentally affected by noise
- any relevant matter in criteria in a local policy adopted under Part 3 of the *Local Government Act 1993*, by Council
- any relevant matter for consideration under Section [79C 4.15](#) of the *EP & A Act 1979*
- the known level of community interest in a proposed development.

**3.4.18 Development on Crown or Public Land**

Where a Development Application is received on Crown or public land (that would otherwise normally generate public notification), that the notification procedures within this Policy be followed.

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**3.4.19 Form of Notice**

DA notification, other than newspaper advertisement, shall contain:

- an invitation to inspect the application
- the property description or address of the site affected by the application
- a description of the specific development for which approval is being sought
- the application reference number
- the name of the applicant
- details of where the application can be inspected
- a note explaining that some documents relating to the application will be available on-line via Council's DA Tracking facility, and the progress of the application can be checked via this on-line link
- a statement that any person may make a submission in writing
- a statement that any submissions received will be made publicly available on-line
- the time within which written submissions will be received; and
- advice that:
  - pursuant to Section ~~447-10.4~~ of the *EP&A Act 1979*, any person making a public submission (whether opposing or supporting the application) in relation to a relevant planning application, must disclose all reportable political donations and gifts, made by the person making the submission or any associate of that person within the period commencing two (2) years before the submission is made and ending when the application is determined. If the political donations and gifts were made after the application or submission was made, the disclosure must be made within seven (7) days after the donations and gifts were made; and that in accordance with the Act, the disclosure will be made available to the public via Council's website.
  - in the interest of public transparency, all submission in its entirety will be made available on Council's internet site, and accordingly all submissions may be viewed by any person accessing the site
  - submissions may be made on-line via Council's DA Tracking facility
  - the substance of written submissions may be included in a report to Council
  - council is subject to Freedom of Information legislation and that copies of written submissions may be made available to any person entitled to lodge an application under this legislation
  - copies of subdivision plans and floor plans of residential parts of proposed buildings cannot be made available
  - submissions received in pre-printed form letters, which have been individually signed, or petitions will be considered but not formally acknowledged and that a summary of the form letter or petition may be displayed on-line; and

Newspaper advertisements shall generally be made in accordance with the provisions of the *EP&A Regulation 202100*.

**3.4.20 Signs**

A sign may be erected to identify those sites the subject of a development application and/ or a tree removal application, if the Director, ~~City Development~~**Development and Environmental Services**, or his/ her delegate considers such a sign to be appropriate having regard to the



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nature of the application or the location of the site. Such consideration will have regard to Council's obligations under the *EP&A Act 1979* and *Regulations 200210*.

**3.4.21 Building Profiles**

In exceptional circumstances, having regard to the bulk and scale of a proposed development and potential impact on the amenity of adjoining properties, an applicant may be required to erect a building profile.

**3.4.22 Plans and Associated Information to be Submitted with an Application**

All applications must now be lodged through the NSW Planning Portal.

A DA for the erection of a building or structure must be accompanied by plans, showing the height and external configuration of the building/ structure in relation to the site on which it is proposed to be erected.

~~In line with Council's internet DA Tracking system, Council requires applicants to lodge electronic version of documents appropriately scaled for legibility on CD Rom in ISO 9660 standard or DVD in UDF format.~~

In order to preserve the integrity of documentation across multiple platforms, files must be supplied in Portable Document Format (PDF). Ideally, documents should be exported directly from the source software (CAD, word processing, spreadsheet etc) software directly to PDF. This method is most likely to preserve the visual quality of your submission.

Each plan must be supplied as a .pdf file no larger than 2mb in size and optimised for publishing to the web. All accompanying documentation must also be supplied as a PDF (a separate .pdf for each document), formatted to print on either A3 or A4 page and optimised for publishing to the web.

Files are to be supplied using descriptive file names and should include the file type extension (.pdf). ~~One pdf file for each plan sheet should be provided.~~ File names must include, in order:

- Plan Description (eg. elevation, site plan, floor plan)
- Plan Number (including version)
- Date Drawn (preferably in DDMMYYYY format).

For example:

- Elevation South v4 24112005.pdf or
- Site Plan 24112005.pdf

One file for each document/specification should also be provided. The file name must include, in order:

Document Name (eg. Statement of Environmental Effects, Heritage Impact Statement)  
Date of the Document.

For example:

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- Statement of Environmental Effects v12 24112005.pdf
- Noise-Impact-Statement 24112005.pdf

The documents must be exact reproductions of the original source documents, as far as the pdf conversion process will allow.

~~Each document shall be saved and titled separately, which includes:~~

- ~~• site plan (showing all boundaries, location of proposed and existing structures, easements, service lines and site falls and significant natural features (creeks, tree stands, etc))~~
- ~~• front, rear and side elevations~~
- ~~• levels (floors, ceilings and ridges in relation to site levels and accurate ground levels adjacent to elevations)~~
- ~~• section details~~
- ~~• floor layout; and~~
- ~~• where relevant, full details of any existing structures where additions or dual occupancy are proposed. The new work should be shaded on the plan to distinguish between existing structures.~~

The following minimum scales are required for urban development:

- |  |       |
|--|-------|
| • general plans, floor plans, elevations and sections              | 1:100 |
| • site plans   | 1:200 |
| • drainage plans   | 1:250 |
| • detail (unusual construction features, engineering details, etc) | 1:20  |

For subdivision layout plans – scale should be suitable to be clearly demonstrated on A3 sized page.

The following additional information may be required:

- an application for a Construction Certificate must be accompanied by plans prepared in compliance with the relevant requirements of the Building Code of Australia and include a minimum of two (2) sets of specifications
- any other information Council, or its delegated officers, considers necessary to assess the application under Section 4.1579C of the *EP & A Act 1979*.

Where the proposed development does not involve the erection of a building or structure, or the form of the plan and details defined and described are inappropriate to a particular proposal, the applicant should consult with Council staff prior to lodging a development application.

~~Where an application is required to be notified in accordance with this Policy, the applicant shall submit two (2) A3 or A4 copies of the plans in the approved form.~~

~~The applicant shall provide any other copies of plans as may be required in the circumstances of the case.~~

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~~For plans and associated information to be lodged with an RDA, the requirement of this clause applies. It is necessary for RDAs that the information be submitted in electronic format appropriately scaled for legibility as described above (CD-Rom in ISO 9660 standard or DVD in UDF format). The documents shall be in PDF format. A minimum of two (2) disks and seven (7) hard copies in either A3 or A4 size are required to be lodged.~~

**3.4.23 Public Exhibition Period**

A local DA shall be available for inspection from the day after the notice of the application is given for a minimum period of fourteen (14) days or such additional period as determined by the Director, ~~City Development Development and Environmental Services~~ or his/ her delegate.

RDAs will be notified for a minimum thirty (30) days except where State legislation requires a longer notification period.

**Council DAs to be exhibited for a MINIMUM period of 28 days.**

**Note: Council DA's will need to be accompanied by a statement explain how council will manage potential conflicts of interest. Or if there is no management strategy, a statement to that effect.**

**Council DAs must not be determined unless Council as an adopted conflict of interest policy and that council had regard to the policy.**

During the exhibition period, any person may inspect, free of charge, during the ordinary office hours of Council, an application which has been notified whether or not that person has been, or is entitled to be, given notice under the provisions of this policy.

All DAs and modifications are available for public viewing on Council's DA tracking website.

~~For developments which are located at Bandalong and southwards, applications will be made available for inspection at the Ulladulla office. All other applications will be available for inspection at the City Administrative Centre, Bridge Road, Nowra.~~

**3.4.24 Copies of Documents**

Development applications and associated documents may be inspected at any time during Council business hours or via Council's DA Tracking Site. Advertised material displayed on the DA Tracking site ~~will be made available electronically until approximately 2 weeks after the close of the submission period, however, can still be accessed after this period by contacting Council's Customer Service staff.~~ Any person may make extracts from, or copies of these documents provided such copying does not infringe the *Copyright Act, 1968*.

Copyright owners are entitled to take legal action against persons who infringe their copyright. A reproduction of material that is protected by copyright may be a copyright infringement. Certain dealings with copyright will not constitute an infringement, including a reproduction that is "fair dealing" under the *Copyright Act, 1968*. This would include a fair dealing for the purposes of research or study or a reproduction that is authorised by the copyright owner.

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Any modification, copying, reproduction, uploading to a third party, transmitting or distributing in any way the content of Council's website may only be carried out as expressly provided for in the Terms and Conditions of the website or as permitted by the *Copyright Act 1968*.

### 3.5 Demolition

An application for partial or total demolition of a building which is listed as an item of environmental heritage in ~~the SLEP 2014~~ must be advertised in the local press in accordance with the requirements of ~~the SLEP 2014~~, *EP & A Act 1979* and *Regulation 2021.00*.

Where development consent has been issued and the proposed development includes the demolition of buildings, there is no subsequent requirement for demolition approval.

In all other cases, applications for demolition will be notified in accordance with this Policy.

### 3.6 Consultation Meetings

Consultation meetings may be undertaken in various forms appropriate to the circumstances as outlined in this ~~C~~lause.

Meetings may potentially be held via a digital platform. This may be in response to public health requirements (eg in response to COVID) or during / after extreme weather.

The use of a digital platform may also be considered beneficial and appropriate in certain circumstances. For example, a digital platform may potentially provide greater access to those who are unable to drive to a venue due to their home or work arrangements.

Note that for RDAs, the provisions of this Clause may apply depending on the circumstances of the application.

#### 3.6.1 On-Site Meetings

Where Council has received objections to a development proposal, an on-site meeting *may* be organised immediately following the close of the advertising period.

The aim of an on-site meeting is to provide residents with an opportunity to view the site and plans for the proposed development in the company of the applicant and his representatives and Council officers, and to ask direct questions in an informal setting.

There is no meeting agenda and no formal presentations. In the event that issues cannot be resolved through on-site discussions a formal resident briefing meeting may be convened, at the discretion of the Director, ~~City Development Development and Environmental Services~~ or his/ her delegate.

Only residents who have made submissions will be invited to an on-site meeting.

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This provision may also apply to RDAs and in such instances, the period extended for submissions must have regard to Council's obligation to finalise its Section 4.1579.C assessment report ~~within seventy (70) days of lodgement of the application.~~

**3.6.2 Resident Briefing Meetings**

Where Council has received numerous objections to a development proposal or issues have been unable to be resolved at an on-site meeting with Council officers and the applicant, a Resident Briefing Meeting may be organised and the period for the making of submissions may be extended. Such decision is at the discretion of the Director, ~~City Development~~ City Development and Environmental Services.

This provision may also apply to RDAs and in such instances, the period extended for submissions must have regard to Council's obligation to finalise its Section 79C 4.15 assessment report ~~within seventy (70) days of lodgement of the application.~~

The aim of a Resident Briefing Meeting is to provide a forum within which residents who have objected/ raised concerns regarding a proposal, the applicant and his representatives, Councillors and Council staff can meet to review and discuss the proposal. In this regard, an opportunity is made available for the Council and the applicant to deliver a short presentation.

A Resident Briefing Meeting is not a public meeting. In this regard, only those persons who have made submissions, the CCB of the area, the applicant and Councillors will be notified of the meeting.

**3.6.3 Public Meetings**

Where it is considered a development proposal will generate significant community interest, Council may arrange a public meeting so that:

- details of the proposal can be more fully explained
- community concerns can be discussed; and
- conflicts can be identified and possibly resolved.

Public meetings generally are held following a Council resolution. Such meetings are attended by Councillors, Council staff, the applicant and interested parties.

Public Meetings must be publicly notified in a local newspaper at least seven (7) days prior to the meeting. Furthermore any person objecting to the development will be individually invited to attend the public meeting, as well as the applicant. Any local community forum or precinct committee will also be advised in writing of the public meeting.

Where there is no Council resolution to hold a public meeting, the period extended for submissions must have regard to Council's obligation to finalise its Section 79C 4.15 assessment report ~~within seventy (70) days of lodgement of the application.~~

**3.6.4 Mediation**

In exceptional circumstances, mediation may be undertaken at the discretion of the Director, City Development ~~Development & Environmental Services~~.

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**3.6.5 Administrative Requirements for Resident Briefings and Public Meetings**

Resident Briefing and Public Meetings ~~are generally must be~~ organised by ~~City Performance Council's Corporate Services Division~~.

~~Generally, a~~ minimum of three (3) weeks is required for administrative purposes which include:

- diary reviews – the Mayor, Councillors, Directors
- arrange venue and identify requirements for seating, catering, public address, audio visual equipment, etc
- correspondence to Councillors, the ~~Chief Executive Officer~~ ~~General Manager~~, Directors, CCBs, the applicant and objectors
- advertisement in local paper (Public Meetings)
- preparation of agenda, interpretative material, briefing for Chairman; and
- secretarial support (Public Meetings).

The likely need for a public or resident briefing meeting should be identified early in the process during pre-lodgement discussions or during the preliminary stages of assessment. However, it is not always possible to identify the need for such meetings until the exhibition period has closed. Those matters which may influence the decision to convene a meeting are:

- significant local response to the proposal
- the scale of the proposal
- whether or not the proposal is consistent with surrounding development
- the environmental significance attributed to the site and its surrounds
- history of resident concerns regarding development issues in the locality.

Only one (1) resident briefing meeting ~~or~~ one (1) public meeting may be convened per application, if required. The Director, ~~City Development Development and Environmental Services~~ may convene a resident briefing meeting if considered appropriate. Public Meetings may be convened by the Mayor on behalf of Council.

Subject to the availability of the Mayor and Councillors, resident briefing and public meetings will be arranged after office hours at a convenient time and location for the applicant and the community.

**3.7 Deputations to Council**

On ~~24 December 2004~~ ~~27 June- 2022~~, Council revised its Code of Meeting Practice (POL 22/5) which outlines the process for making deputations (presentations) to Council meetings



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Information on the process and online applications to make a deputation at a Council Meeting under the Code can be found on the Council's website at:

<https://www.shoalhaven.nsw.gov.au/Services/Deputations>

Note: The format and process concerning deputations may be reviewed from time to time.

Council revised its policy for Deputations to Council (Min 04.1588) which is summarised below. However, since the Development and Strategy and Assets Committee has been discontinued, the requirements remain in place for Ordinary Meetings of Council as follows:

**3.7.1 Deputations to Committee (now Council) Meetings**

- Deputations are permitted to Regular Council Committees where they relate to business before Council.
- Only one speaker may address Council both for and against each proposal except in extenuating circumstances.
- An individual or representative group may address Council a Committee on only one occasion in respect of an issue unless, on the basis of new material presented to the Council Committee, the Council Committee resolves otherwise and the person or representative group wishes to comment on this new material.
- The Chief Executive Officer General Manager may grant approval for individuals or representatives of organisations to address a Committee meeting of Council where such a request is received prior to the Notice of Meeting being issued.
- Where requests are received for a deputation after the issue of the Notice of Meeting they be dealt with in accordance with this Policy except such requests for deputations may be declined when it is considered time will not permit the matter to be heard.
- Deputations approved by the Chief Executive Officer General Manager will be listed as an item of business on the Notice of Meeting.
- Where more than one request is received to address a Council Committee either for or against a proposal, the individuals and/or groups involved should appoint one representative to present their submission.
- Where more than one person is granted permission to address a committee on the same issue, the information being presented by the different people should cover different aspects of the proposal and unnecessary repetition of the same argument should be avoided.
- Where requests are received from individuals or representative organisations to address a committee on more than one occasion in respect of the same issue, permission will be granted only where new material is being presented and the deputation relates to this new material.
- An individual or organisation is granted permission to address a Council committee shall be informed that:
  - the maximum time permitted is five (5) minutes
  - one main spokesperson is to be nominated to address the Committee
  - comments which may cast reflection on any organisation or individual are to be avoided, as these comments can be regarded as public statements.

**3.7.23.7.1 Deputations to Council on RDA Matters and Addressing the JRP**

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Any deputations to Council with respect to any RDA matter will be a separate process to the processing and preparation of a [S79C 4.15](#) assessment report, under the *EP&A Act 1979*.

Persons (or persons on behalf of bodies) who made a submission on an RDA during the designated public exhibition period, may request to address the JRPP (such requests can be made direct to the JRPP secretariat prior to the meeting, see [Sydney and Regional Planning Panels | Planning Portal - Department of Planning and Environment](#) ([nsw.gov.au](http://nsw.gov.au))/[www.jprrp.nsw.gov.au](http://www.jprrp.nsw.gov.au) for further information.

**3.7.3 Ordinary Meetings of Council**

~~Council may permit a deputation on any item before Council which has not been previously considered by a Committee where for reasons such as delay, it is undesirable to refer the matter back to a Regular Council Committee. And further that:~~

- ~~• these deputations be limited to five (5) minutes duration with one speaker in favour and one against~~
- ~~• requests for deputations be made to the General Manager no later than 12 noon on the day of the Ordinary meeting.~~

**3.8 Notification of Amendments prior to Determination**

An applicant may (with prior consultation with the Director, [City Development Development & Environmental Services](#) or his/ her delegate) amend an application at any time prior to the determination of the application.

For significant amendments submitted prior to determination, the Authorised Assessing Officer will re-notify those amendments, in accordance with this Policy. If the Authorised Assessing Officer determines that in the particular circumstance the amendment may have a lesser or same affect, then, re-notification is not required under this Clause and submissions on the original application will be considered in the Council's assessment.

Where an amendment is made under this Clause, any re-notification of the development will attract an additional notification fee at the expense of the applicant. The fee is payable upon submission of the amended application.

**3.9 Amendments to Development Consent Pursuant to Section 96 of the *EP & A Act 1979* (Post DA Determination)**

Under Section [96-4.55](#) of the *EP & A Act*, Council may modify a development consent. Council must be satisfied that the proposed modification is substantially the same development for which the consent was *originally* granted and before that consent as originally granted was modified (if at all). There are three (3) categories of modification:

1. A minor modification to correct a minor error, misdescription or miscalculation [modification under Section [4.5596](#) (1) of the *EP&A Act*].
2. A modification involving minimal environmental impact [modification under Section [96-4.55](#) (1A) of the *EP&A Act*]; and
3. Any other application for modification of a development consent [modification under Section [4.5596](#) (2) of the *EP&A Act*].

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**Minor modifications** to correct a minor error, misdescription or miscalculation will not be notified.

**Modifications involving minimal environmental impact.** Applications for modification to a development consent involving minimal environmental impact will not be notified (other than Designated Advertised or Integrated Development). Such applications may include the following:

1. Minor modifications that, in Council's opinion, do not materially change the external appearance of the development and will have no adverse impact on the amenity of adjoining properties.
2. Applications for deletion of conditions where the modification relates only to conditions of development consent; the grounds for modification are that the condition is unreasonable and/or inappropriate in the circumstances; the application is the first one made in relation to the development; and the application is received within 12 months of the endorsement date of the development consent.
3. Applications for an extension of time for an Advertising Sign.
4. Applications for an extension of time for a Home Activity, where there is no history of complaints in relation to that activity.
5. Applications for an extension of time for a Market, where there is no history of complaints in relation to that market.

**For all other modification of development proposals**, notice of the proposed modification will be notified in the same manner as the original development application was notified or advertised (other than where the original consent was for Designated Development, State Significant Advertised Development, Integrated Development and any other advertised development where Council is not the consent authority, with the exception of the Land and Environment Court). Any person who made a submission, whether or not that person was notified of the original development application, also will be notified.

**Note:**

1. *Having regard to individual circumstances, if Council considers an application for modification of development consent will involve minimal environmental impact, then at the discretion of the Director, City Development Development and Environmental Services or his/ her delegate, the notification procedure may not be followed.*
2. *Any application for modification of development consent may be notified at the discretion of the Director, City Development Development and Environmental Services or his/ her delegate.*

A period of 14 days shall apply for submissions. A written notice shall be generally in accordance with Clause 3.2.17 – Form of Notice.

Where an application for modification of a development consent involves Designated Advertised or Integrated Development, the modification will be notified in accordance with the EP & A Act 1979 and Regulation 20~~2100~~.

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For RDAs, the modification of such consents under the *EP&A Act 1979* will be assessed in accordance with the legislative requirements and referred to the JRP for consideration and decision.

**3.10 Review of Determination**

Under Section 8.282A of the Act an applicant may request Council to review its determination of an application (other than an application for a complying development certificate, designated ~~or Crown development or integrated development~~). A request for review must be received within 12 months (unless otherwise prescribed) of receipt of the determination. A decision on review may not be further reviewed.

A request for review in respect of an application previously notified will be notified in the same manner as the original development application was notified or advertised and in accordance with this Policy.

Note: For may also be the subject of a review. RDAs the provisions of Section 8.282A of the Act do not apply.

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## 4—The Formulation of Development Guidelines (Development Control Plans and Council Policies)

### 4.1—Community Engagement Policy

The preparation of Development Control Plan (DCPs) and Council Policies shall be in accordance with Council's Community Engagement Policy.

### 4.2—Development Control Plans

DCPs are prepared under Part 3, Division 3.6, Section 3.4374 of the *EP & A Act 1979* and Part 23 of the *EP&A Regulation 2021-00*.

#### 4.2.1 Consultation Provisions for the Preparation of draft DCPs

The following consultation provisions apply in relation to the preparation of a draft DCP. Council or the relevant planning authority shall comply with the requirements of Clauses 18 and 19 of the *EP & A Regulation 2000*.

Council must:

- give public notice in a local newspaper of the places, dates and times for inspection of the draft plan
- publicly exhibit at the places, on the dates and during the times set out in the notice;
  - a copy of the draft plan, and
  - a copy of any relevant local environmental plan or deemed environmental planning instrument, and
- specify in the notice the period during which submissions about the draft plan may be made to the council (which must include the period during which the plan is being publicly exhibited).

A draft development control plan must be publicly exhibited for at least 28 days.

Copies of the draft development control plan, and of any relevant local environmental plan or deemed environmental planning instrument, are to be made available to interested persons, either free of charge or on payment of reasonable copying charges.

Any person may make a written submission about the draft development control plan during the public exhibition period. Note that, pursuant to Section 10.447 of the *EP&A Act 1979*, any person making a public submission (whether opposing or supporting the plan) in relation to a relevant planning application, must disclose all reportable political donations and gifts, made by the person making the submission or any associate of that person within the period commencing two (2) years before the submission is made and ending when the application is determined. If the political donations and gifts were made after the plan or submission was made, the disclosure must be made within seven (7) days after the donations and gifts were made. Failure to do so is an offence under the Act. In accordance with the Act, the disclosures will be made available to the public via Council's website.

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In addition to the legislative requirements for public exhibition and notification, the following consultation procedures are also required to be undertaken:

- where the draft DCP refers to development guidelines (eg: Car Parking Guidelines), a copy of the draft DCP will made available to those who may have an interest in the particular development guidelines including:
  - development industry representatives such as architects, designers, builders, surveyors, real estate agents, planning consultants and engineers
  - CCBs and other Reference Groups
  - chambers of commerce and industry; and
  - tourist associations
- where a draft DCP relates to a specific geographical area, owners of land within, and immediately adjoining, the area affected by the draft DCP will be notified.

**4.2.2 Approval of Development Control Plans**

After considering any submissions about the draft development control plan that have been duly made, Council:

- may approve the plan in the form in which it was publicly exhibited, or
- may approve the plan with such alterations as the council thinks fit, or
- may decide not to proceed with the plan.

Council will give public notice of its decision in a local newspaper within 28 days after the decision is made.

Notice of a decision not to proceed with a development control plan will include the council's reasons for the decision.

A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

**4.3 Council Policies (Development Guidelines)**

Where Council has resolved to prepare Development Guidelines or Policies, these must be exhibited for a minimum period of twenty-eight (28) days. Public Notice must be given in a local newspaper/ s. The notice must:

- detail the places, dates and times for inspection of the draft guidelines/ policy
- specify the period during which submissions may be made.



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**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

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**4.4 — Workshops**

If substantial interest is generated from the public exhibition of a draft development control plan, or draft policy, Council may hold a workshop at the discretion of the Director, City Futures Development and Environmental Services.

The objectives for workshops are to:

- facilitate community input into policy development
- provide an opportunity to explain draft guidelines
- discuss community concerns; and
- identify conflicts and possible solutions.

The following procedure will be followed when organising a workshop:

- usually workshops are attended by Councillors, Council staff and interested parties
- workshops are required to be publicly notified in a local newspaper at least seven (7) days prior to the meeting. Persons who make submissions in regard to a policy will be individually invited by letter to attend the workshop; and
- workshops are generally organised by the Corporate Services Division. The procedures outlined in Clause 3.4.5 of this policy must be followed.

The need for a workshop must be identified early in the process. The following matters should be considered:

- interest in Guidelines (Are guidelines used extensively by wider community)
- history of concerns by community over issues addressed in guidelines; and
- level of interest shown during exhibition process.

**4.5 — Results of Workshops and Exhibition**

The results of the exhibition and workshops must be reported to Council. The nature of submissions received and proposed actions will be outlined in the report.

Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies

## 54 Implementation

This policy will be implemented by the ~~City Development Directorate Planning & Development Services (PDS) Group~~ in the assessment and determination of development applications. ~~The City Futures Directorate is primarily responsible for the~~ The City Futures Directorate is primarily responsible for the ~~and the~~ formulation of development guidelines and policies.

## 65 Review

This policy will be reviewed within one year of the election of every new Council, or earlier should circumstances arise to warrant revision.

## 76 Application of ESD Principles

This Policy supports Council's commitment to ESD principles through:

### Social Integrity

- establishment of clear written guidelines on community consultation for Development Applications (including subdivision) and the formulation of development guidelines and policies
- dissemination of information to the community
- equal access to information
- fostering community involvement in the decision-making process; and
- developing strong partnerships with the community.

## 87 Definitions

**Authorised Assessing Officer** means the Council officer who is responsible for the processing, assessment and determination of an application (for applications that are not referred to full Council meeting for consideration).

**Community** has the same meaning as defined in Council's Community Consultation Strategy.

**Designated development** is development listed in Schedule 3 of the *EP & A Regulation 2021* for which an environmental impact statement is required.

**Gift** means a gift within the meaning of Part 26 of the *Electoral Funding Act 2018* ~~Election Funding and Disclosures Act 1984~~. Note: A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section ~~84(1)~~4 of the *Election Funding and Disclosures Act 1984* *Electoral Funding Act 2018* gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service for no consideration or for inadequate consideration, other than—

**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

*(a) the provision of voluntary labour, and*

*(b) the provision of voluntary professional services to a party by an officer or an elected member of the party.*

*gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.*

**Integrated Development** is development that is described under Section 4.4694 of the EP & A Act 1979

**Local councillor** means a councillor (including the mayor) of the council of a local government area.

**Other advertised development** is any development that is identified as advertised development in a local environmental plan or DCP.

**Person with a financial interest** in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

**Persons are associated with each other** if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- d) they have any other relationship prescribed by the regulations.

**Relevant planning application** means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or

**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- f) an application for (or for the modification of) a complying development certificate, or
- g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- h) any other application or request that is excluded from this definition by the regulations.

**Relevant period** is the period commencing 2 years before the application or submission is made and ending when the application is determined.

**Relevant public submission** means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

**Reportable political donation** means a reportable political donation within the meaning of Part 62 of the *Electoral Funding Act 2018* ~~*Election-Funding-and-Disclosures-Act-1984*~~ that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

Note: Under section 686 of the *Electoral Funding Act 2018* ~~*Election-Funding-and-Disclosures-Act-1984*~~ reportable political donation is defined as follows:

**86 Meaning of “reportable political donation”**

(1) For the purposes of this Act, a reportable political donation is—

(a) in the case of disclosures under this Act by a party, elected member, group, candidate, associated entity or third-party campaigner—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group, candidate, associated entity or third-party campaigner, or

(b) in the case of disclosures under this Act by a major political donor—a political donation of or exceeding \$1,000 made by the major political donor to or for the benefit of a party, elected member, group, candidate, associated entity or third-party campaigner.

(2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other earlier, separate political donations made by that entity or other person to the same party, elected member, group, candidate, associated entity, third-party campaigner or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1)

~~(1) For the purposes of this Act, a reportable political donation is:~~

~~(a) in the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or~~

~~(b) in the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:~~

~~(i) made by the major political donor to or for the benefit of a party, elected member, group or candidate, or~~

~~(ii) made to the major political donor.~~

~~(2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person~~

**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

*within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).*

- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.*
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.*

**State Significant development** is development that is declared to be State significant development by a State Environmental Planning Policy, Regional Environmental Plan, Local Environmental Plan or the Minister as the case may be in a range of particular circumstances.

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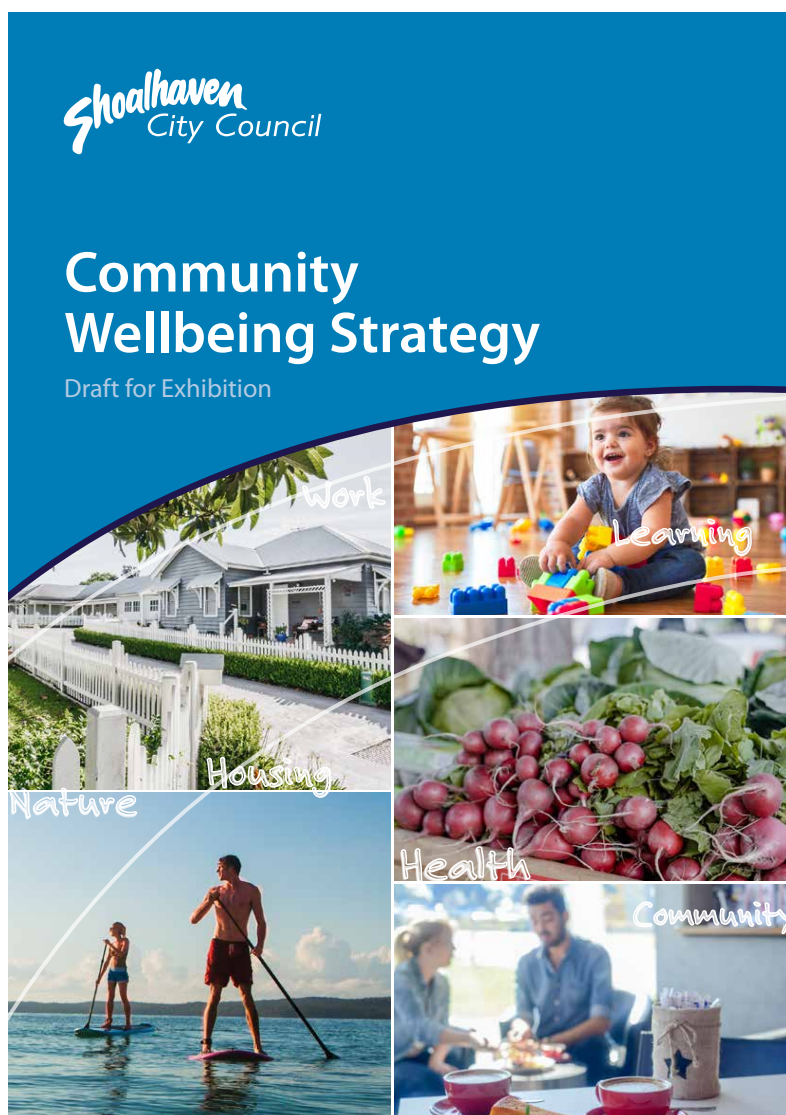
**Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies**

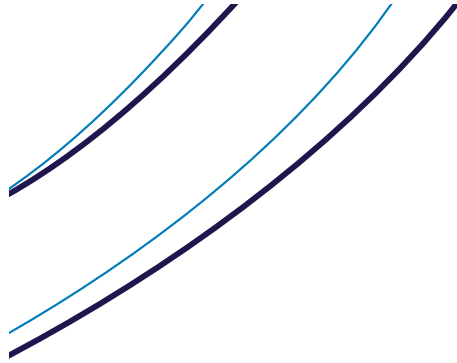
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**98 Abbreviations Used In This Policy**

<b>CCB</b>	Community Consultative Body
<b>CCP</b>	Community Consultation Policy
<b>DA</b>	Development Application
<b>DCP</b>	Development Control Plan
<b>EP &amp; A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP &amp; A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>ESD</b>	Ecologically Sustainable Development
<b>JRPP</b>	<del>Joint</del> Regional Planning Panel
<b>LG Act</b>	<i>Local Government Act 1993</i>
<b>SEPP</b>	State Environmental Planning Policy
<b>SLEP</b>	<i>Shoalhaven Local Environmental Plan 2014</i>
<b>RDA</b>	Regional Development Application







## Acknowledgement of Country



We acknowledge the traditional owners and custodians of this country and their continuing connection to the land through culture and community. We pay our respects to Elders past, present and future.

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## Executive Summary

**The Shoalhaven Community Wellbeing Plan is a framework to guide Shoalhaven City Council in making business-planning decisions to improve community wellbeing.**

The Shoalhaven Community Wellbeing Plan will comprise:

- This document, the **Shoalhaven Community Wellbeing Strategy**, which identifies the strategic priorities for Council to improve community wellbeing. It will provide the strategic direction to guide development of the Action Plan and Evaluation Framework.
- The **Action Plan** will identify specific actions that will be used to achieve the outcomes identified for each strategic priority in the Strategy.
- The **Evaluation Framework** will allow Council to assess the effectiveness and efficiency of our work in terms of impact on wellbeing indicators.

The Plan will provide a tool that will support Council to evaluate the importance and effectiveness of our investments, programs and assets in achieving wellbeing outcomes and to plan evidence-informed work in response.

### Approach

Wellbeing is the ability to thrive, to which all should have equitable access. Community wellbeing is a shared responsibility that requires all community stakeholders to work collaboratively to achieve shared goals and aspirations for wellbeing.

This Strategy identifies the foundations needed to create community wellbeing – the broad range of key things that the community needs to thrive, including both the places and the people that make up communities that support wellbeing.

### Methodology

To develop the Strategy, a comprehensive literature review was undertaken to consider current research and ensure a contemporary understanding of community wellbeing. In addition, we heard from over 460 people in the Shoalhaven community, using surveys and community and stakeholder workshops and interviews. The Strategy is also informed by the perspectives of a broad range of experienced Council teams.

### Council's role

Council is a key player in creating the conditions for wellbeing but cannot achieve community wellbeing alone. Recognising this, the Strategy supports Council to work more strategically and collaboratively to improve community wellbeing, considering how our efforts work alongside those of other stakeholders and valuing the important contribution that people in our community make to community wellbeing.

To create the conditions for individuals and communities to thrive, eight Foundations have been identified as integral for wellbeing. The key aspects of each Foundation form the Wellbeing Domains, which are summarised over the page.

The Strategy outlines Council's existing work contributing to each Domain, as well as opportunities for future work and the key partners who make each Domain happen in the Shoalhaven.

# Foundations for Wellbeing

## Foundation 1

### Vibrant communities where everyone can participate and connect

Access to opportunities to participate and connect in the community and with culture

#### Domains:

##### 1.1 Community life

People do things in their community and feel connected, included, community pride and belonging

##### 1.2 Civic engagement and community agency

People actively participate in shaping their community and have a sense of shared responsibility

##### 1.3 Creativity and culture

People value and celebrate creative and cultural expression (Participation in the arts, engagement with cultural events/activities that represent and reflect the community's stories, heritage and character)

## Foundation 2

### Lifelong learning and helping each other

Access to opportunities throughout life to learn, help others and be supported

#### Domains:

##### 2.1 Training for employment

People have access to education to improve their employment opportunities

##### 2.2 Learning opportunities for all ages

People have access to learning opportunities to build skills for enjoyment and to build capacity; Children and their families/carers have support for early childhood development

##### 2.3 Local community supports

People have access to well-resourced local support services; People volunteer to help others in the community

## Foundation 3

### Safe and prepared communities

Safety in relationships, in the community and during emergencies

#### Domains:

##### 3.1 Safe built environment

People experience safety in community spaces; People are safe using buildings and development that meets safety standards

##### 3.2 Safe behaviour and healthy relationships

People feel safe with others and are supported by healthy, respectful relationships

##### 3.3 Prepared for disasters and emergencies

People are prepared for disasters; Emergency Managers are ready to keep people safe during disasters and emergencies

## Foundation 4

### Healthy and active communities

Access to opportunities to live healthy and active lifestyles

#### Domains:

##### 4.1 Health services and support

People have good access to health services and supports

##### 4.2 Places and programs for active lifestyles

People have access to green space and facilities for active recreation, play and walking; People have access to sports and active recreational activities

##### 4.3 Healthy and equitable food systems

People have equitable access to healthy food

## Foundation 5

### Transport connections to access our community's opportunities

Access to transport infrastructure and services so we can participate in life

#### Domains:

##### 5.1 Active transport

People access places and services in their community by walking or cycling; People with additional access needs can get around

##### 5.2 Transport facilities and services

People can get around with public transport and other transport services; People have good facilities when using public transport

##### 5.3 Road access

People can get around by road

## Foundation 6

### Sustainable natural and built environments

Sustainable access to natural resources by managing our impact on them

#### Domains:

##### 6.1 Sustainable management of natural resources

People can access our natural resources in a way that supports the long-term sustainability of them.

##### 6.2 Sustainable access to natural environments

People can enjoy our natural environment in a way that is sustainable for future generations (Natural environments are sustainably managed so people will have access in the future)

##### 6.3 Sustainable built environment

People are supported to understand sustainable building and to build sustainably

## Foundation 7

### Housing that meets the community's needs

Access to secure and affordable housing that meets our households' needs

#### Domains:

##### 7.1 Housing security for people of all income levels and tenure types

People can live without housing stress; People can access social and Affordable dwellings

##### 7.2 Housing for people with access and support needs

People can access adaptable and accessible dwellings; People can live in supported accommodation

##### 7.3 Housing for residents

People can live where resident communities live (the majority of housing is available for residents)

## Foundation 8

### Resilient local economies and inclusive economic opportunities

Access to secure employment opportunities and income to provide for our households

#### Domains:

##### 8.1 Economic opportunity

People have secure employment; People have income to meet their household's needs; People have equitable access to material and social resources

##### 8.2 Economic diversity

People have local employment opportunities in diverse and resilient industries



## Message from the Mayor

This is the first Shoalhaven Community Wellbeing Strategy, an important step that helps us all focus on what people here need to flourish, be healthy and improve overall wellbeing.

Thank you to those individuals, services and community groups who spoke with us about what people in the Shoalhaven need to thrive and to those that gave up their time to complete surveys, attend community workshops or provide feedback on the draft Strategy. I hope you all can recognise your valued contributions within this strategy.

We all have a role to play in making our community one that values wellbeing and fosters the approach that wellbeing isn't just about physical health, but includes the simple things that bring us joy and happiness, connect us to one another, and give us the opportunity to participate.

The Strategy recognises that everyone has a role in creating community wellbeing. People in the community, service providers and organisations, businesses, all levels of government – every day, each of us as stakeholders play a part in ensuring that people in the Shoalhaven can thrive. Thank you for making the time to contribute, large or small your time has been valued.

We are on this journey together and I look forward to using this Strategy to improve our lives and thrive together in this place we call home- the beautiful Shoalhaven.

**Amanda Findley**  
Mayor



## Message from the CEO

### Title

Content

**Stephen Dunshea**  
Chief Executive Officer



“Everything we value in life  
(such as health, fairness, freedom, the economy, the  
environment or anything else)  
matters because it contributes to the wellbeing  
of current and future generations”  
- Action for Happiness

“The purpose of  
public policy and community action  
is to improve people’s lives.”  
– What Works Centre for Wellbeing

# Introduction

## Purpose of document

The purpose of the Shoalhaven Community Wellbeing Plan is to create a framework to guide Shoalhaven City Council in making business-planning decisions to improve community wellbeing. The Plan will provide a tool that will support Council to evaluate the importance and effectiveness of our investments, programs and assets in achieving wellbeing outcomes and to plan evidence-informed work in response. The Shoalhaven Community Wellbeing Plan has three components:

- This document, the **Shoalhaven Community Wellbeing Strategy**, identifies the strategic priorities for Council to improve community wellbeing. Guided by the strategic direction of this document, the two components below will be developed.
- The **Action Plan** will identify specific actions that will be used to achieve the outcomes identified for each strategic priority in the Strategy.
- The **Evaluation Framework** will allow Council to assess the effectiveness and efficiency of our work in terms of impact on wellbeing indicators.

The Shoalhaven Community Wellbeing Strategy is informed by international, national, state and regional strategies and legislation, as well as by *Shoalhaven 2032 – Community Strategic Plan*. As a strategic document created to guide decision-making, the Strategy will inform the development of future plans and policies used by Council to implement work-planning decisions.



## Defining Wellbeing

The Shoalhaven Community Wellbeing Plan uses the following definition of wellbeing, which is based on the literature review and community engagement described in the 'Methodology for Understanding Wellbeing' section.

*Wellbeing is not the absence of problems but the ability to thrive, to which all should have equitable access. To thrive is to flourish and do well, to develop or grow vigorously, be healthy and strong.*

*The wellbeing of individuals and communities is shaped by where and how we live. Since the foundations for wellbeing are largely social in nature, creating the conditions for wellbeing requires a whole-of-community focus.*

## Approach to Community Wellbeing

The Shoalhaven Community Wellbeing Strategy has been developed based on the principle that community wellbeing is a shared responsibility that requires all community stakeholders to work collaboratively to achieve shared goals and aspirations for wellbeing.

In response, this Strategy identifies the foundations needed to create community wellbeing – the broad

range of key things that the community needs to thrive. Wellbeing requires both healthy built environments and healthy social environments: the places AND the people that make up communities that support wellbeing.

This approach recognises that Council is a key player in creating the conditions for wellbeing but cannot achieve community wellbeing alone. The approach supports Council to work more strategically and collaboratively to improve community wellbeing, considering how our efforts work alongside those of other stakeholders and valuing the important contribution that people in our community make to community wellbeing.

## Vision for Community Wellbeing

The Shoalhaven is a place where everyone can thrive. It is a place where people and communities have equitable access to the foundations for wellbeing, which are the conditions and opportunities they need to improve their quality of life and to thrive.

Shoalhaven City Council works together with the community to facilitate wellbeing in the Shoalhaven. Since community wellbeing is a shared responsibility that requires all community stakeholders to work collaboratively, we work strategically to align our work with the work that residents, community groups, government and the private sector do to improve community wellbeing.



## Methodology for understanding wellbeing

To develop the Foundations and Domains that underpin the Strategy, a comprehensive literature review was undertaken to consider current research and ensure a contemporary understanding of community wellbeing. In addition, we asked the Shoalhaven community about their experiences and ideas, hearing from over 460 people using surveys, community and stakeholder workshops and interviews. The Strategy is also informed by the perspectives of a broad range of experienced Council teams.

### Literature and statistics review

Research covered a literature and data review from academic and practice-levels, at the international level, Australian federal and state levels and local government publications and policies. Population and health statistics for the Shoalhaven and its sub-regions were drawn from a range of sources (details of the demographic and health studies consulted are provided at Appendix 2). Literature and data sources included:

- World Health Organisation and the international health sector
- Australian federal and state health, planning and infrastructure sectors
- Australian university sector and non-government organisations
- Local government in NSW and other Australian states
- Australian Bureau of Statistics' Census of Population and Housing
- NSW agencies including Illawarra Shoalhaven Local Health District and Illawarra Shoalhaven Regional Plan
- Council surveys including Community Satisfaction Survey and Housing Affordability Strategy

When considering the factors that contribute to individual health and wellbeing, the literature identifies that the nature and scope of individual action is influenced by our individual makeup, life circumstances such as where you have spent your time, family circumstances, education and employment opportunities. One significant model building on the WHO definition is the 'Social

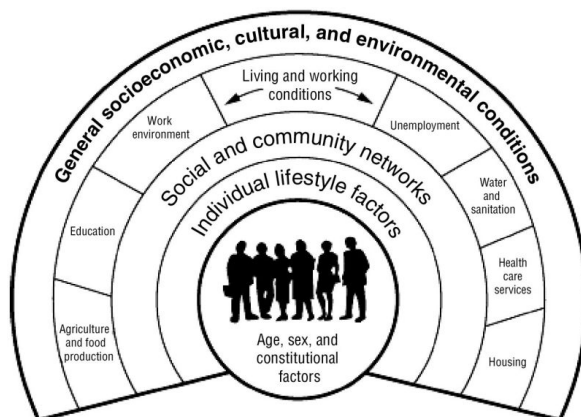


Figure 1. Social Determinants of Health

SOURCE: Dahlgren and Whitehead (1991) Dahlgren G, Whitehead M. 1991. Policies and Strategies to Promote Social Equity in Health. Stockholm, Sweden: Institute for Futures Studies.

Determinants of Health', summarised in Figure 1. This model recognises the breadth of factors influencing individual health and wellbeing, ranging from individual genetics to broader society-based determinants such as lifestyle and social networks and, more broadly, to social and cultural context. A detailed discussion of the concept of individual and community wellbeing, and references consulted, is provided at Appendix 1.

Local and international literature emphasises the role of all levels of government in contributing to wellbeing. Local government, including in the Shoalhaven, has a long-standing involvement in supporting individual and community wellbeing, particularly through activities like providing parks and recreational facilities. In Victoria, all councils must have a Social Plan addressing wellbeing, with resources available to guide the process and content. The literature review also considered similar documents for other Australian states, New Zealand and further afield internationally. Aspects of wellbeing highlighted in the literature included active living and 'liveability', with numerous research papers, advice and initiatives focused on local government.

The Shoalhaven is a unique series of places with a diverse population. It covers over 4,500km<sup>2</sup> of beautiful coastline and forest, with 49 settlements ranging from tight-knit villages to small regional towns. With 74% of the land area designated as National Park, there are 275 threatened species and 16 threatened ecological communities. The estimated population in 2021 was 108,892, of which 6.5% identify as Aboriginal or Torres Strait Islander (compared to 3.4% for NSW). Census 2021 data also shows we have an ageing population, with 69.7% over 30 years old (63.1% for NSW) and 28.0% over 65 years old (17.6% for NSW). Of the LGA's 38,909-strong labour force, 77.5% (30,153) also work in the area and are part of producing an \$11.4 billion in annual economic output (2016 Census). More information on population characteristics is provided at Appendix 2.

At the time this Strategy was developed, data from the 2021 Census was available for some population characteristics but was not yet available for all characteristics. As the Strategy was researched and drafted, statistics and trends resulting from the COVID-19 pandemic were emerging, including impacts on health, housing prices and the local economy. Monitoring of trends will continue and will be addressed as future versions of the Strategy are produced.

## Community engagement

In developing the Shoalhaven Community Wellbeing Strategy, we heard from over 460 people in the community using surveys, workshops and interviews with residents, service providers, community organisations and Council teams. This approach allowed us to hear from people across the Shoalhaven, including engagement targeted to hear from young people and seniors, and to also learn from the insights of experienced Council staff.

The research was used to inform community engagement, and the results of the community surveys, workshops and interviews refined the Strategy's priority areas and objectives. Initial interviews with key Council staff crystallised the information from literature and initial engagement into four focus areas that were the basis of the detailed survey work. The results of the survey informed further development and identification of the Foundations and Domains.

Insights from the community and stakeholder engagement specific to each Foundation are presented throughout this Strategy. A summary of the outcomes of community and stakeholder engagement is detailed in Engagement Outcomes report accompanying the Strategy. Feedback on the draft Strategy will also be sought from the community through public exhibition and a follow-up workshop with external stakeholders.

The Community and Stakeholder Engagement Strategy conducted for this Strategy consisted of the following elements:

- Community surveys. A preliminary online survey asked initial questions and sought community interest in participating in the community workshops. The preliminary survey and workshops informed the development and delivery of the detailed community survey.
- Community workshops. This consisted of two online workshops open to the whole community (with participants drawn from the preliminary survey) and targeted workshops with seniors and young people. A proposed workshop with the Aboriginal community was replaced by three targeted interviews. Community engagement undertaken as part of the Disability Inclusion Action Plan review was also used to inform the Strategy.
- Detailed interviews with service providers, Councillors and Council teams

#### D. Workshops with service providers and Council teams

The engagement showed that residents are feeling the impacts of a rapidly changing world, and that some groups are particularly hard-hit. The community place high importance on neighbourhood connections and local public places, as well as access to the natural environment and support services as sources of wellbeing. The challenges of climate change and natural disasters, the ongoing COVID-19 pandemic, growing financial stress, and increased risks of mental illness and social isolation are being felt by everyone in Shoalhaven (indeed the world), but may be affecting people in different ways.

While the community rated their overall wellbeing as slightly better than neutral, significant, and longer-term challenges are mounting and have a direct impact on wellbeing. Growing financial stress and the pressures of maintaining a roof over their family's head was nominated as the number one factor that was impacting on the community's health. This stress was also identified as the cause of several other key health concerns, with participants nominating cost as the number one barrier to improving health, and work-life balance being another major stress in people's lives.

Assets identified in the Shoalhaven were the natural environment, strong neighbourhoods and a community-mindedness, expressed through concern for looking after people affected by the current pressures of living. The key priorities identified by the community were access to health services, greater transport connectivity, improved access to open space, resilient and connected neighbourhoods, and addressing financial stress. Other key issues raised were physical activity, healthy and safe built environments, access to healthy food, housing, employment and education.

Interviews with the Aboriginal community highlighted the need to raise awareness of Aboriginal culture and its importance to Aboriginal people, the significance of contact with the land and ensuring a voice in Council decisions, including appropriate engagement and awareness of cultural protocol.

#### Staff guidance

From commencement, the project was managed by Council staff, including continued input throughout from a Project Control Group. Initial interviews with key Council staff crystallised the information from

literature, interviews, workshops and surveys into four focus areas that were the basis of the detailed survey work. The staff workshops added detail to the Strategy on current activities and future directions. Feedback on the draft Strategy was received from a broad section of Council staff, acknowledging the cross-sectional relevance of Council activities and wellbeing outcomes.

#### Council's role

Community wellbeing is a shared responsibility to which everyone needs to contribute. Community wellbeing requires all levels of community stakeholders to work collaboratively to achieve shared goals and aspirations for wellbeing. Key partners in achieving community wellbeing include:

- Government organisations at all levels
- Non-profit organisations and institutions
- Local businesses and other private sector entities
- Community groups and local residents

Local government is a key player in creating the conditions for community wellbeing. As well as working in partnership with other stakeholders, Council directly delivers services and activities that influence community wellbeing. A wide range of facilities and activities are provided by Shoalhaven City Council with the purpose of improving wellbeing – creating the conditions in the Shoalhaven that allow people here to thrive.

Local government is uniquely placed to have strategic oversight and give strategic guidance to the way the local community changes and develops over time. This unique position can be used to encourage changes that improve community wellbeing. Local government can influence change in the community through the provision of diverse services including infrastructure planning and management, provision of activities and programs, strategic planning of land-use development, delivery of a range of regulatory functions, as well as advocacy and working in partnership.

Recognising the need for a collaborative approach to community wellbeing, this Strategy supports Council to work more strategically by considering how our efforts work alongside those of other stakeholders and valuing the important contribution that people in our community make to community wellbeing. As well as working in partnership with residents, community groups, other levels of government and

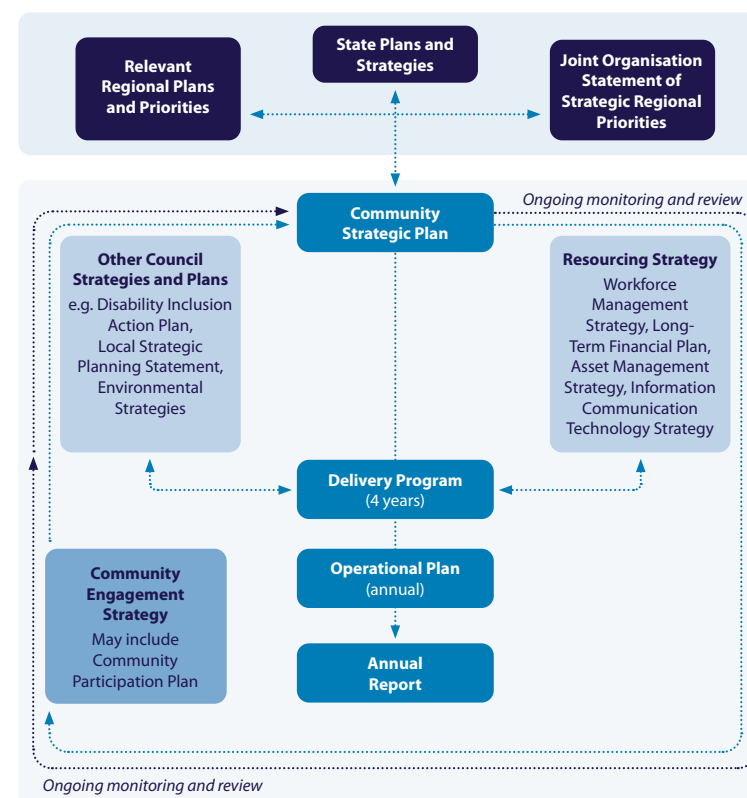
the private sector, Council can perform a connective function in co-ordinating and facilitating networks that improve local collaboration.

The work of local government is resourced through the collection of rates, funding from other levels of government and grant-making entities, and by charging fees for the services they provide. This Strategy identifies the priorities for improving community wellbeing, but specific actions to address the priorities and resourcing to be used will be

identified in the Action Plan.

#### Legislation, planning framework and policy context

The Shoalhaven Community Wellbeing Strategy is informed by the themes and priorities of *Shoalhaven 2032 – Community Strategic Plan* as well as Council's Core Values of **Collaboration, Adaptability, Integrity and Respect**. It is informed by international, national, state and regional strategies and legislation. As a strategic document created to guide decision-



(Figure 2): Integrated Planning and Reporting Framework

making, the Strategy will inform the development of future plans and policies used by Council to implement work-planning decisions.

The activities of councils in NSW are primarily guided by the Local Government Act 1993, which sets out the responsibilities and powers of councils. The Act sets out principles that provide guidance to enable councils to carry out their functions in a way that facilitates local communities that are strong, healthy and prosperous. These principles include that councils should:

- Provide strong and effective representation, leadership, planning and decision-making.
- Plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Work with others to secure appropriate services for local community needs.
- Work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- Make decisions in a way that is transparent and accountable, recognising diverse local needs and considering social justice principles

The Local Government Act 1993 requires all NSW councils to use an Integrated Planning and Reporting (IP&R) Framework that begins with talking with the community to identify the community's aspirations for the next 10 or more years. Using a suite of integrated plans, councils are required to set out the community's vision, as well as goals and strategic actions to achieve them. The documents that make up the IP&R Framework are outlined in Figure 2. The primary strategic document for Shoalhaven City Council is Shoalhaven 2032 – Community Strategic Plan (CSP), the long-term plan guiding Council's action over the next 10 years. Alignment between the CSP Priorities and the Foundations for Wellbeing from the Shoalhaven Community Wellbeing Strategy is addressed in the following section on 'Council's Strategic Outcomes'.

This Strategy has been created to guide decision-making. It will inform the development of future plans and policies that Council uses to implement work-planning decisions. As the Shoalhaven Community Wellbeing Strategy is used, it will influence decisions about the work included in future Delivery Programs and Operational Plans – the documents detailing Council's strategies and actions that will be undertaken.

Another key piece of legislation influencing Council's work is the Environmental Planning & Assessment Act 1979, which requires local government to carry out land-use planning roles in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources.

Council performs a broad range of functions, and this diverse work is guided by state and federal legislation requirements, regional plans, as well as Council's own policies and strategies. In addition to having a range of responsibilities and powers under both state and federal laws, local governments can also use local laws to respond to issues and community needs within a municipality. The legislative responsibilities and guiding strategic documents relevant to each Domain are listed throughout the Strategy, including those related to the Local Government Act 1993 and Environmental Planning & Assessment Act 1979. Beyond the minimum legislative requirements, there are a range of initiatives councils can consider to improve amenity and wellbeing within their communities. All work needs to be carried out in a way that meets the requirements of any relevant legislation, though this is not within the scope of this document.

### Council's strategic outcomes

*Shoalhaven 2032 – Community Strategic Plan (CSP)* is Shoalhaven City Council's long-term plan that outlines the key priorities and aspirations identified by the Shoalhaven community for the future. It guides Council's action over the next 10 years. Below is a table identifying the alignment between the CSP Priorities and the Foundations for Wellbeing from the Shoalhaven Community Wellbeing Strategy. The priorities listed are from the exhibited draft CSP 2032 and will be updated following adoption of the final CSP 2032 by Council.

Shoalhaven Community Wellbeing Foundation	Shoalhaven 2032 – Community Strategic Plan Priority
<b>1. Vibrant communities where everyone can participate and connect</b>	1.1 Support inclusive, safe and connected communities 1.2 Preserve, support and develop cultural and creative vitality across our communities 3.2 Deliver safe, vibrant & attractive public spaces 4.3 Inform and engage with the community about the decisions that affect their lives
<b>2. Lifelong learning and helping each other</b>	1.1 Support inclusive, safe and connected communities 1.3 Support community wellbeing through fostering active and healthy communities 2.1 Manage our infrastructure and assets for long term sustainability to meet community need
<b>3. Safe and prepared communities</b>	1.1 Support inclusive, safe and connected communities 2.1 Manage our infrastructure and assets for long term sustainability to meet community need 3.2 Deliver safe, vibrant & attractive public spaces
<b>4. Healthy and active communities</b>	1.1 Support inclusive, safe and connected communities 1.3 Support community wellbeing through fostering active and healthy communities 2.1 Manage our infrastructure and assets for long term sustainability to meet community need
<b>5. Transport connections to access our community's opportunities</b>	1.1 Support inclusive, safe and connected communities 2.1 Manage our infrastructure and assets for long term sustainability to meet community need 2.2 Manage growth and development with respect for environmental & community values
<b>6. Sustainable natural and built environments</b>	2.2 Manage growth and development with respect for environmental & community values 2.3 Protect the natural environment and enhance sustainability 4.1 Deliver reliable, high-quality services
<b>7. Housing that meets the community's needs</b>	1.1 Support inclusive, safe and connected communities 1.3 Support community wellbeing through fostering active and healthy communities 2.2 Manage growth and development with respect for environmental & community values
<b>8. Resilient local economies and inclusive economic opportunities</b>	2.2 Manage growth and development with respect for environmental & community values 3.1 Strengthen and diversify the economy 3.2 Deliver safe, vibrant & attractive public spaces





## Foundations for Wellbeing

**To create the conditions for individuals and communities to thrive, eight Foundations have been identified as integral for wellbeing. The key aspects of each Foundation have been identified and form the Domains of the Shoalhaven Community Wellbeing Strategy**

Council's existing work contributing to each Domain has been outlined. This includes work carried out as part of legislative responsibilities, in addition to initiatives beyond legislative requirements. It should be noted that this is not a comprehensive listing of Council's work for each Domain. Also outlined are opportunities for future work that could be considered, and the key partners in community wellbeing who make each Domain happen in the Shoalhaven.

Each individual Foundation and Domain is needed for community wellbeing in the Shoalhaven. Due to the inter-related nature of the aspects of wellbeing, it should be noted that one action can contribute to multiple Foundations and Domains. Impact across multiple Foundations can be an indicator of integrated, socially sustainable and well-designed actions.



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## Vibrant communities where everyone can participate and connect

*Access to opportunities to participate and connect in  
the community and with culture*



## 1.1

# Community Life

*People do things in their community and feel connected, included, community pride and belonging.*

Participation in local activities is vital for forming social connections that develop a sense of belonging and connection to the community. When people come together as a community, they feel community pride and develop community identity. This contributes to a vibrant community life that supports individual wellbeing and resilience. Public health and epidemiology literature shows that social connectedness protects and promotes mental health, 2018 research found that social connectedness can act as a 'social cure' for psychological ill-health<sup>1</sup>. Research in 2021 found that the influence of social relationships extends beyond emotional well-being to influence long-term physical-health outcomes, including mortality risk<sup>2</sup>.

For the community to come together, they need inclusive community gathering spaces. Traditional community halls are used for diverse range of group gathering, including resident meetings and family celebrations. Church buildings can provide multipurpose community gathering spaces, or people can gather for spiritual activities and practices by making use of community halls. Outdoor community spaces allow organised community events and informal gatherings and, when these spaces are in local centres, contribute to more vibrant places. Contemporary practice for community facilities is moving towards providing spaces that can support a range of community uses, such as outdoor "community loungerooms" which can be used for a full range of community activities, from regular group meetings to informal gatherings and community events. Libraries are increasingly multi-purpose, used for community gatherings ranging from informal

knitting groups and parents' groups to community events like talks by local guest speakers.

Streets are important community spaces, most physical activity occurs in streets, at the neighbourhood level and in towns and villages, supporting incidental interactions with neighbours and people from our broader community. Council can design and manage streets to promote community activity and amenity level, including through public domain works like traffic calming measures, maintenance of roadside parks and tree planting programs. 2002 research in Perth suggests that perceived quality of public open space and shops is strongly associated with sense of community, irrespective of whether those spaces were used frequently. Considering this research, policies and plans to support high quality public spaces, particularly shops and open space, could be focused on vibrant town centres<sup>3</sup>.

Activities and programs can't happen without a suitable space, but facilitators of programs and activities are also needed for community spaces to be filled with community life. Whilst Council delivers activities and programs, the diverse range of community groups across the Shoalhaven are essential partners in providing people with access to opportunities for local participation in community events and activities. The capacity of community partners can be improved through supports such as community grant programs and opportunities to build and share skills, which may be targeted to disadvantaged or diverse groups to improve inclusion.



## What the community told us

A lack of places to come together in the Shoalhaven, as reported by Community Wellbeing Survey participants, highlights a desire for social infrastructure (sporting facilities, libraries, community centres, etc) that leverages the region's natural landscape and embrace residents' desire to come together in an outdoor setting. However, the *Community Infrastructure Strategic Plan 2017-2036* identifies a surplus of community infrastructure for the needs of the current and future populations, highlighting the challenges of meeting community expectations with available resources.

Young people emphasised their need for recreational spaces, highlighting that across the entire LGA there were not many spaces where they felt welcome and safe. More recreational/social facilities and more festivals and events were the most popular ways for Council to better support young people, as named by Youth Workshop participants.

Participants from both the workshops and community survey acknowledged the importance of organised events to foster community spirit and create a broader sense of connection across the entire Shoalhaven. Opportunities identified by the community ranged from revitalising town centres and multipurpose community centres to smaller-scale meeting points linked to environmental attractions.

*"Empower villages - communities to lead their own inclusion and diversity events and programs to build cohesion and breakdown racial barriers" – Online survey participant*

*"Town centres are the heart of any community and as such need to be thriving and vibrant to provide a secure sense of community." – Online survey participant*

*"People living in Nowra (like in the beach suburbs...) want to feel proud of their surroundings" – Online survey participant*



### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Plan, design and manage public space and community spaces that facilitate community connection and community gathering, including community facilities, outdoor community spaces, streets and roadside verges. Community facilities providing low-cost community space include halls, recreation centres and libraries.
- Facilitate community activities, by providing activities (for example, at Shoalhaven Libraries) and supporting community partners with grant programs, training opportunities and networks. Council also provides financial support for events through the Council Donations Policy, Fee Waivers for community groups and the Shoalhaven Tourism Event Support Program.

### Future directions

Opportunities for future work require further investigation of resourcing requirements to assess feasibility. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Create more vibrant town and village centres with a strong sense of place and community, with community, business and other stakeholders delivering activation strategies that foster community connections and enhance spaces providing informal opportunities for people to interact. Also listed under 8.2 Economic diversity.
  - Create a co-ordinated program of diverse community events across the Shoalhaven for all residents (including younger and older people) and visitors, and considering how transport connections can be improved.
  - Build capacity of community partners to collaborate and be well-informed, to provide outreach services (including via transport), to recognise and celebrate volunteers, and to build local neighbourhood connections. Also listed under 2.3 Local community supports, 4.1 Health services and support.
  - Develop the role of Shoalhaven Libraries as the curator of a program of opportunities for local participation, facilitated by community partners such as parents' groups, knitting groups and community event organisers.
  - Accommodate service providers and community groups in Council buildings in exchange for provision of programs that meet community needs and activate community spaces. Also listed under 2.3 Local community supports.
  - Better understand the needs and challenges of young people in relation to participating in community life.

- Explore opportunities to adapt processes and policies to better support:

- Implementation of the provision strategy for open space, recreational equipment, community facilities and youth spaces to equitably meet the needs of community members of all ages across the Shoalhaven, identifying resourcing needed for delivery and informed by engagement on contemporary community use of community infrastructure. This could consider ways to support activation of town and village centres, climate resilience and adaption, flexible and multipurpose infrastructure, the needs of young people and older people, and small interventions to provide meeting points in key environmental sites. Also listed under 4.2 Places and programs for active lifestyles.

- Easy booking of facilities, parks and civic spaces by community partners that deliver events and programs that activate community places.

- Good practice examples that could inform Council's future work:

- Wollongong Library's Comic Gong is an annual pop culture festival that celebrates comics, graphic novels, gaming and cosplay. It demonstrates fun, inclusive and effective engagement of people of all ages, attracting more than 10,000 people each year.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community: local community groups including youth groups, seniors' groups, parents' groups, spiritual groups, Community Consultative Bodies and more – everyone who lives, works and studies in the Shoalhaven.
- Non-profit organisations and service providers delivering local activities and programs. For example, Shoalhaven Neighbourhood Services provides social support activities in neighbourhood centres to help people participate more in their community.
- Local businesses providing social gathering spaces, managing privately-owned public space and interfacing with public space.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government grant providers.

1.2

## Civic engagement and community agency

*People actively participate in shaping their community and have a sense of shared responsibility.*

People thrive when they feel empowered to create change and they actively participate in community action to shape their community as a place where they want to live. Research in 2018 found promising quantitative and qualitative evidence that wellbeing was improved by community development projects that meaningfully involved community members in decisions that could change the material and/or social conditions they live in<sup>4</sup>.

This domain is about empowering communities to work together on local initiatives independently and in partnership with other stakeholders. Civic engagement and community agency require people to have the capacity to contribute, empowered with the knowledge, skills and confidence to participate

in community-shaping processes. It also requires access to inclusive opportunities to get involved and influence decisions affecting their lives. Council can support meaningful participation in local decisions and resident-led initiatives through improving capacity and inclusive opportunities to participate.



### What the community told us

Survey participants identified the impact of “community led programs – for community by community” in creating local change, recognising that this empowers villages and improves inclusion at a grassroots level. Community-led programs also reflect the unique characteristics and needs of the diverse local communities they are led by.

Interviews with Aboriginal community members raised the need to improve engagement with Aboriginal communities, to improve their ability to participate in Council decisions. This requires an awareness of cultural protocols and how they impact on engagement and implementation of programs.

*“Empower more community led projects, enable communities to lead decision making that improves communities for community.” – Online survey participant*

*“An external agency can’t do much for the community. Got to come from the community. We need to foster ‘champions’, with technical assistance from staff and state agencies” – Councillor interview*

*“The community associations are a great forum for improving the local area but it is difficult to get young people there (i.e. under 55) to give their opinions” – Online survey participant*

*“After the year that was, I feel that our community are very keen to reconnect - socialise and support improvements to our park assets, natural areas and footpaths to improve our infrastructure whilst protecting our beautiful natural environment. Maybe consider a “make it happen” in your village campaign to educate community on how easy it could be to mobilise communities to work together and improve our villages... just a thought following the success of our committee.” – Online survey participant*

#### Future directions

Legislative responsibilities include:

- Actively engage with local communities and collaborate with others to maximise achievement of strategic goals. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Produce and implement a Community Engagement Strategy (*Local Government Act 1993*) and a Community Participation Plan (*Environmental Planning and Assessment Act 1979*) setting out how community members can participate in Council's strategic planning and development assessment processes.
- Produce and implement a Disability Inclusion Action Plan (*NSW Disability Inclusion Act 2014*) setting out the actions Council will undertake to improve the access to participation for people with disability. The actions identified in this plan impact delivery of services related to all domains of the Shoalhaven Community Wellbeing Plan.

Other current and planned work includes:

- Provide inclusive community engagement opportunities for a diverse range of Council projects across the Shoalhaven, using both face-to-face activities and online platforms.
- Facilitate advisory committees covering a diverse range of perspectives and groups in the community
- Work with community and resident groups to support communities across the Shoalhaven to be informed and participate in local decisions.

#### Future directions

Opportunities for future work require further investigation of resourcing requirements to assess feasibility. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Help the community understand and participate in local decision-making processes.
  - Improve the way engagement opportunities consider the cultural needs and barriers of Aboriginal people, working with the local Aboriginal community.
  - Improve the way community-led strategic plans are developed and used to support community wellbeing.
- Explore opportunities to adapt processes and policies to better support:
  - Participation in processes and decisions by disengaged and vulnerable people in the community who experience barriers to participation.

#### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community: local community groups including youth groups, seniors' groups, parent groups, Community Consultative Bodies, advisory committee members and more – everyone who lives, works and studies in the Shoalhaven.
- Service providers and non-profit organisations delivering local programs to improve participation in community leadership and local decision-making. For example, Southern Cross Community Housing facilitates a Tenant Advisory Group for their tenants to be involved with planning and decisions related to their homes.
- Office of Local Government providing advice on implementing the IP&R process (including the CSP process).
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment and Government Architect NSW.
- Federal and State Government grant-providers.

1.3

## Creativity and culture

*People value and celebrate creative and cultural expression (Participation in the arts, engagement with cultural events/activities that represent and reflect the community's stories, heritage and character).*

Create NSW defines 'culture' as the production, distribution and participation in creativity and the reflection and expression of the community's customs, traditions, heritage and social character. It includes visual arts and crafts, media and digital arts, film, performing arts, literature and archival preservation<sup>5</sup>.

Cultural vitality is developed through participation in the arts, access to opportunities for creative expression, and engagement with cultural events that represent and reflect the distinctive characteristics of the community. When we value and celebrate creative and cultural expression as a community, we share and reflect on our experiences and build understanding and connection in the community, improving tolerance, inclusion and resilience. Visitor surveys conducted by the Shoalhaven Regional Gallery in 2021 showed that 91% of respondents agreed that their visit helped them enjoy a greater quality of life, with 85% agreeing that their visit helped them feel like part of the community.

Cultural facilities are places provided to facilitate cultural expression, including arts centres, galleries,

and heritage facilities such as museums and heritage walks. Public art creates places of cultural expression that are publicly-accessible and make for more vibrant community places. Whilst Council delivers cultural activities and programs, access to opportunities for celebration of culture across the Shoalhaven relies on community partners including cultural groups, arts groups, historical societies and owners of items of heritage significance. The capacity of community partners can be improved through supports such as grant programs and training or networking opportunities.

Shoalhaven Council recognises Aboriginal people as the first people of Australia and is committed to building mutually respectful and collaborative relationships with Aboriginal communities of the Shoalhaven. Recognising the unique connection Aboriginal people have with Country, it is important that local Aboriginal communities have control and ownership of initiatives to celebrate local Aboriginal culture and foster understanding in the broader community.



### What the community told us

Survey participants were asked to identify priorities for strengthening community connections, with arts and cultural events named by 71 of 192 people, just after community events. Recognising the diverse impacts of arts and cultural programs, they were also named by 40 people as being a priority area for improving individual health. Survey participants highlighted the impact of COVID-19 on arts and cultural activities, and the importance of revitalising these activities to rebuild social connections.

Interviews with Aboriginal community members highlighted the need to raise awareness of Aboriginal culture and its importance to Aboriginal people. These interviews emphasised that collaboration with the Aboriginal community was vital to find ways to appropriately recognise Aboriginal culture and ensure community places and activities were inclusive and welcoming. The need for greater consultation with the Aboriginal community was identified as a top priority for members of the Aboriginal community, who highlighted that understanding of cultural protocols was needed to overcome challenges to implementing actions.

*"We need more arts and culturally engaging spaces, these include cultural places, infrastructure and community events to maintain connectiveness, particularly Aboriginal connections" – Online survey participant*

*"Events and arts/cultural activities foster a sense of place, and encourage community connection" – Online survey participant*

*"Opportunities for connection (arts and cultural activities) have a significant impact on general wellbeing" – Online survey participant*

*"Connecting with our diverse Aboriginal culture through programs or tours is also huge in a feeling of well-being and connectedness" – Online survey participant*

### Council's work

Legislative responsibilities include:

- Protect, manage and conserve heritage, both in land-use planning roles (*Environmental Planning and Assessment Act 1979*) and as a property owner and developer (*Heritage Act 1977*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Plan, design and manage cultural facilities and cultural activities including:
  - Provide Shoalhaven Entertainment Centre and programming, guided by -- Shoalhaven Entertainment Centre Business Plan.
  - Provide Shoalhaven Regional Gallery and programming, guided by Arts Centre Strategic Plan.
  - Provide Shoalhaven Libraries facilities and activities, guided by Shoalhaven Libraries Strategic Management Plan and the Heritage Shoalhaven – Local Heritage Strategic Plan. This includes helping people connect with heritage through access to onsite historical resources, digital resources, local history groups, volunteer talks on the local area, and recording and transcribing oral histories.
  - Encourage, provide and maintain public art, supported by the Public Art Policy. This includes street art initiatives in Nowra in partnership with the Nowra Revitalization Committee.
- Provide and maintain heritage facilities including heritage walks.
- Support cultural activity providers and partners:
  - Provide community facilities that are used by cultural activity providers.
  - Provide small heritage grants to owners of heritage items .
  - Provide ongoing mentoring and support for Aboriginal cultural businesses providing services like cultural talks and tours.
- Provide signage at town entrances with known Aboriginal language translations to town names across the Shoalhaven (e.g. Nowra – Black Cockatoo).
- Formally acknowledge Aboriginal Culture through corporate internal protocols.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require further investigation of resourcing requirements to assess feasibility. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Develop the role of Shoalhaven Libraries as the curator of a program of opportunities for local expression, facilitated by community partners such as writers' festivals, poetry slams and Aboriginal cultural activities throughout the year. This could include expanding the collaboration between Shoalhaven Libraries and Millhouse Art Gallery that is generating positive community response and increased reach.
  - Improve understanding of Aboriginal cultural meaning of Shoalhaven places (both natural and developed areas), which could include activities, talks, tours or signage.
- Explore opportunities to adapt processes and policies to better support:
  - Cultural expression through community buildings and spaces, including with public art, building naming and architectural designs that improve inclusion and promote connection with local culture and heritage. Celebration of Aboriginal culture in public buildings and spaces could be used to improve understanding in the community and improve the feeling of welcome for Aboriginal people.
  - Celebration of and connection to heritage in ways that reflect contemporary cultural expression and emerging media.
  - Delivery of public art initiatives that celebrate local culture and build community identity and pride.

### Key partners

Stakeholders who play a role in creating this Domain:

- Community partners (both non-profit groups and businesses) delivering local cultural activities and programs, including arts groups, historical societies and owners of items of heritage significance.
- Local Aboriginal communities, as it is important they have control and ownership of any initiatives improving understanding of local Aboriginal culture.
- Library network, including South Coast Cooperative Libraries partners and NSW Libraries.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government grant-providers, including Create NSW, Destination NSW, Regional NSW.





Foundation  
2

## Lifelong learning and helping each other

*Access to opportunities throughout life to learn, help  
others and be supported*



## 2.1

# Training for employment

*People have access to education to improve their employment opportunities*

Access to education and training is recognised as an important factor in improving future employment opportunities. Research in the UK in 2016 found that higher levels of education are associated with a wide range of positive outcomes - including better health and wellbeing, higher social trust, greater political interest, lower political cynicism, and less hostile attitudes towards immigrants<sup>5</sup>.

Primary and secondary education is provided by the NSW Government Department of Education, though small, isolated communities sometimes experiencing challenges related to low student numbers and travel distances to the nearest school. Non-government schools (independently provided but subsidised by NSW Government) also play a role in meeting community needs for primary and secondary education, mostly located in larger urban centres. Further employment-related training includes formal tertiary education, as well as work-based training programs like apprenticeships/traineeships and volunteering programs. Access to these training opportunities relies on providers including universities, colleges and technical institutes, businesses, community groups and service providers. University of Wollongong provides a campus in Nowra, and the recent opening of a

Country University Centre in Ulladulla is working to improve access for south of the region. Businesses provide consistent feedback that access to relevant trades education for the wide range of skills and jobs in the region is critical, with many students needing to travel to Sydney or Newcastle to access apprenticeship education. Provision of training opportunities can be improved by developing the capacity of providers, such as helping community groups develop volunteering roles or helping small businesses offer traineeship programs. Ongoing collaboration between education providers and businesses is critical for access in this regional area.

Whilst increased online provision can improve access to digital-suitable training, face-to-face training opportunities are often available only in the larger urban centres, meaning that access for communities across the Shoalhaven is limited by lack of affordable transport connections, with public transport being a key challenge throughout the region (see 5.2 Transport facilities and services). Access to training depends on people having the knowledge, skills and confidence to access opportunities for themselves or their dependent children. In addition, notably for tertiary study, students need to be in a financial position to devote time to studying.



## What the community told us

Across all engagement methods, participants perceived that there were limited work and training opportunities within the Shoalhaven, particularly for young people looking to start their careers. Participants felt that retaining and nurturing young people was more important than ever, with the region's aging population, and they perceived that there were limited career prospects for young people, despite the wide range of employment sectors in the Shoalhaven with job opportunities. Participants of the Youth Workshop acknowledged the impact this has on their wellbeing, with 37 of the 38 participants indicating that school and work prospects are something they care and worry about. Overall, there is a gap in understanding about the broad economic value of the region and large range of sector opportunities for young people from the community.

*"In these ever changing times people need to access educational opportunities to up-skill or re-skill in an area where there are employment opportunities"* – Online survey participant

*"Having access to more educational opportunities is always a must however again I'm unsure how to meet this objective other than more promotion of online learning and ways to access that (in terms of tools and equipment and financial support)"* – Online survey participant

*"With regard to educational opportunities, we have a wonderful TAFE here in Bomaderry who often offer great stage 1 courses but follow up courses are often not available unless you want to travel to Shellharbour and beyond"* – Online survey participant

*"Daughter goes to a large public high school with over 1200 students. We need another secondary school to service the area as there is no room left for expansion. We also need more tertiary education and apprenticeship options in the southern Shoalhaven"* – Online survey participant

### Council's work

Legislative responsibilities include:

- Plan actions to meet identified local community needs and priorities, and collaborate with others to maximise achievement of strategic goals. Councils should make decisions in a way that recognises diverse local needs and considers social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide Shoalhaven Libraries facilities in 4 locations across the Shoalhaven (and a mobile library), including use of computers, meeting rooms, printing, copying, scanning and tech help. Resources that can be borrowed include books, magazines, DVDs, CDs and audiobooks, including many reference materials to support studying.
- Provide student placement, cadetship, traineeship and work experience opportunities, in a way that provides pathways to permanent employment. High school students can also gain skills through involvement with Council's Youth Advisory Committee.
- Support school and employment collaboration through formal and informal school career advisor networks and partnerships with business sectors.
- Provide strategic guidance to economic development across the region, with education identified as a key sector in the Shoalhaven Employment, Advocacy and Growth Advisory Group (SEGA) in recognition of the critical role education plays in employment.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require further investigation of resourcing requirements to assess feasibility. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Provide employment support for individuals or groups, such as industry training or job-ready courses on resume-writing and interview skills. This could make use of recreation facilities or library spaces and resources.
  - Provide volunteer programs that improve employment skills, for example through swim squad coaching or other local sporting groups.
  - Improve access to tertiary education with tertiary institution outposts or using co-working spaces for distance education.
  - Improve awareness of existing tertiary education and opportunities and providers including UOW and Country Universities to ensure our community know what is available in our region and how they can access education.
  - Increase community awareness of the broad opportunities available in our diverse local economy including jobs in manufacturing, health care, defence industries, government, farming, tourism and more.
  - Advocate for a greater range of trade education available in our region.
  - Advocate for greater access to public transport to support student access to education.
- Explore opportunities to demonstrate leadership as a large employer that:
  - Provides employment development opportunities through traineeship and work experience programs that the community has good awareness of, that offers opportunities across a broad range of professional skill areas (particularly for hard to-fill skill shortages) and that has good consistency and performance evaluation across the organisation.
  - Supports employees to access professional development opportunities through good awareness of study leave entitlements and supportive working conditions.

### Key partners

Stakeholders who play a role in creating this Domain:

- People of all ages participating in training to improve their employment opportunities.
- NSW Government Department of Education providing and subsidising primary and secondary schools
- Independent schools providing primary and secondary schools.
- Tertiary education providers – universities, colleges and technical institutes. For example, UOW's Industry 4.0 Hub in the Shoalhaven supports learning and innovation focused on automation and data exchange in manufacturing technologies.
- Businesses, community groups and service organisations – providing apprenticeships, traineeships and volunteering programs.
- The Flagstaff Group provides the Life Choices Hub to support people living disability to access vocational and skills development training and improve opportunities for employment.
- Managers of spaces that are suitable for outreach training, such as community halls hosting outreach TAFE courses, training spaces hosting face-to-face courses, or digital-ready spaces hosting hybrid (online and face-to-face) training courses.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment.

## 2.2

# Learning opportunities for all ages

*People have access to learning opportunities to build skills for enjoyment and to build capacity; Children and their families/carers have support for early childhood development.*

People of all ages can enjoy the sense of achievement and growth that comes with learning something new, whether it comes from learning how to do a new craft, how to budget, how to cook something delicious and healthy, how to find inner calm, or how to use new technology.

Learning opportunities mean that we can improve our life skills or just learn how to do something we enjoy. There is clear evidence that learning impacts positively on wellbeing, with health benefits including reduction in mental health issues, loneliness and dementia<sup>7</sup>.

Whilst Council delivers lifelong learning activities, community groups, service providers and businesses across the Shoalhaven are essential partners in providing people with access to opportunities for learning for all ages. The capacity of community partners can be improved through supports such as community grant programs and skills development opportunities for providers, which may be targeted to improve inclusion of disadvantaged or diverse groups. Access to learning opportunities can also be improved by building the awareness and confidence

of people of all ages, abilities and backgrounds to participate. With the move towards online provision of learning opportunities, digital inclusion (skills and resources) is increasingly impacting on access to learning opportunities.

Early childhood is a crucial time for children to develop social competence, emotional maturity, communication and cognitive skills. Supporting children and their families/carers during the first five years gives children's brains the best foundations for the years ahead. Whilst Council's family day care services and library activities for children provide early childhood development support for children and their families/carers, service providers, local businesses and community groups play an important role in supporting early childhood development across the Shoalhaven. Small and isolated communities with few young families may find limited opportunities for children to socialise with others of a similar age (and for parent/carer networks to form). Education and outreach initiatives can be used to improve community awareness of the available supports and capacity to access them.



## What the community told us

Survey responses revealed the many community clubs and groups that people of all ages in the community learn and share skills through, often strengthening social connections at the same time. Men's sheds, community craft groups, book clubs, robotics clubs, seniors computers clubs, the University of the Third Age, writers groups, scout groups, citizen science programs and more – all these community activities support lifelong learning.

Participants of the Seniors Workshop nominated low digital literacy as a key barrier to improving their wellbeing. While this was a challenge not highlighted by other demographic groups in the engagement, the older people participating in the session acknowledged the transition to online health education resources as a key risk to their individual health and wellbeing.

*"Educational opportunities such as clubs for arts/ robotics etc can be limited in the area for kids and only available in Wollongong. This limits children's exposure to cultural activities and educational opportunities" – Online survey participant*

### Council's work

Legislative responsibilities include:

- Plan actions to meet identified local community needs and priorities, and collaborate with others to maximise achievement of strategic goals. Councils should make decisions in a way that recognises diverse local needs and considers social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Providing free and low-cost learning opportunities for all ages through Library Services, including:
  - Storytime and Rhymetime for pre-school kids, school holiday and coding club for school kids.
  - Sessions and support to help the community improve their tech skills.
  - Author talks, book launches, book clubs, and adult craft sessions.
- Provide care and education for over 240 children annually through a network of Family Day Care educators. Our educators offer babies, toddlers, pre-schoolers and school aged children a loving, fun, safe and educational small group environment, based in educators' homes across the Shoalhaven.
- Provide Shoalhaven Libraries facilities in 4 locations across the Shoalhaven (and a mobile library), including use of computers, meeting rooms, printing, copying, scanning and tech help.
- Resources that can be borrowed include books, magazines, DVDs, CDs and audiobooks, including many reference materials to support learning for all ages.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Develop the role of Shoalhaven Libraries as the curator of a program of diverse lifelong learning opportunities facilitated by community partners, such as workshops by mens' sheds or knitting groups.
  - Deliver intergenerational learning opportunities that bring people of different ages together to shares skills like community gardening or digital literacy.
  - Work with the Aboriginal community to reflect the cultural needs of Aboriginal people and their connection to Country in Council's Family Day Care facilities and services, with the aim of improving the sense of welcome for Aboriginal people and the utilisation of facilities.
  - Education workshops on sustainability and growing food in community gardens.
- Explore resourcing opportunities to:
  - Provide robotics clubs at Shoalhaven Libraries, which could make use of the new library makerspace.
  - Provide Shoalhaven Libraries' learning activities like craft, cooking and robotics groups in community outreach settings.

Good practice examples that could inform Council's future work:

- Inner West Council's Cyber Seniors facilitates intergenerational learning with volunteer students providing one-on-one tuition for seniors

### Key partners

Stakeholders who play a role in creating this Domain:

- People of all ages participating in learning opportunities to build skills for enjoyment and to build capacity.
- Businesses, community groups and service organisations providing learning opportunities to build skills. Aboriginal community organisations are key partners providing opportunities to learn about local Aboriginal culture and heritage.
- Managers of spaces that are used for learning opportunities, such as community halls, training spaces hosting face-to-face courses, or digital-ready spaces hosting hybrid (online and face-to-face) training courses.
- Parents and carers of young children being committed to and accessing support for healthy early childhood development Businesses, community groups and service organisations providing early childhood development supports including playgroups, storytime activities and early learning child care.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.

2.3

## Local community supports

*People have access to well-resourced local support services;  
People volunteer to help others in the community.*

When people in our community are struggling, local support services make a huge difference helping people through the difficulties they are experiencing and ensuring they have access to the essentials for living. Crisis accommodation, emergency food relief, support for people experiencing domestic violence, disaster recovery supports and more – local services providing vital supports like these are part of the social support network. Access to this help in the Shoalhaven depends on the activities of local services providers and community groups.

The capacity of service providers can be built by improving access to resources like information, funding opportunities and skills training. Local support networks are more effective when providers work together to meet community needs. Council plays a role in facilitating the capacity-building of service providers, and facilitating providers to work

more collaboratively in the local area. Improving community awareness of available supports means local people are better able to access help, and Council can also help facilitate community access to this information. Awareness-raising initiatives can also be used by services to improve community understanding and access to supports, such as improved awareness of mental health impacts and needs during disaster recovery.

Volunteers are a vital part of support services in the Shoalhaven. Whether it is volunteers helping community service organisations or resident-led groups in each village, it is about local people helping local people. Whilst Council co-ordinates some volunteering opportunities, service providers and community groups ranging from Red Cross to Meals on Wheels are important partners in offering local volunteering opportunities.



### What the community told us

Survey participants talked about the importance of local community supports, from the perspective of both giving and receiving support. Community and service provider networks were considered a priority for strengthening community connection by 69 survey participants, and 20 participants identified that they volunteer in the community. As well as crisis support from domestic violence and homelessness services, the range of service providers and volunteer groups identified by survey participants was diverse, such as Blaze Aid, Red Cross, Legacy, UOW Medical School volunteers, an Aboriginal education advisory group, Shoalhaven Suicide Prevention & Awareness Network, and Police Citizens Youth Club.

In May 2022, Council facilitated a Community Workshop for Homelessness, bringing together service providers and community members, including people with lived experience of homelessness. Participants highlighted the need for ongoing, co-ordinated, holistic and easy to find supports for people at risk of homelessness.

*"Service providers are a wonderful help but their resources are at times stretched" – Online survey participant*

*"Community and service provider networks are essential for ensuring that people are connected and don't fall through the cracks" – Online survey participant*

*"(There is a) lack of referrals or programs to specialised support services encompassing a holistic approach to housing and general health and wellbeing within the Shoalhaven, specifically for those with complex needs or disabilities." – Participant at the Community Workshop For Homelessness, May 2022*

*"Community & service provider networks are very important for our aging community" – Online survey participant*



### Council's work

Legislative responsibilities include:

- Plan actions to meet identified local community needs and priorities, and collaborate with others to maximise achievement of strategic goals. Councils should make decisions in a way that recognises diverse local needs and considers social justice principles of equity, access, participation and rights (*Local Government Act 1993*).

Other current and planned work includes:

- Co-ordinate regular meetings between Council staff and local specialised homelessness services, to support vulnerable people who present at Council facilities to link with local support services.
- Build the capacity of local support services and volunteer organisations, including through improving their skills, improving access to resources/information and facilitating collaboration. For example:
  - Provide Community Wellbeing Grants to support community groups to provide services for vulnerable community members.
  - Provide subsidised facility hire and community buildings to accommodate services.
- Oversight of monitoring and review of the Homelessness Community Strategic Plan, which aims to address homelessness through a range of collaborative actions that will be implemented by the homelessness and housing sector.
- Facilitate the community to access supports:
  - Partner with Escabags to provide overnight essentials packs at all Council facilities for people escaping domestic violence.
  - Provide an up-to-date online directory of local community services and printed information at Council library facilities.
  - Responding to community enquiries about local supports.
- Convene the Homelessness Taskforce, a strategic advisory committee to advocate for and inform Council decisions. It is made up of all levels of government, community organisations and service providers, and community members including people with lived experience of homelessness.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Work with or support community partners to:
  - Build capacity of community partners to collaborate and be well-informed, to provide outreach services (including via transport), to recognise and celebrate volunteers, and to build local neighbourhood connections for informal support. Also listed under 1.1 Community life, 4.1 Health services and support.
  - Accommodate service providers and community groups in Council buildings in exchange for provision of programs that meet community needs and activate community spaces. Also listed under 1.1 Community life.
- Explore opportunities to adapt processes and policies to better support:
  - Frontline Council staff to identify resident needs and refer to support services.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community seeking information on supports and accessing them when needed, and supporting others to do the same.
- People in the community volunteering their time to help others in their local community.
- Community groups and service organisations providing local support services and volunteering opportunities. For example, Salt Care provides a meal program with transport support, co-ordinates 150 volunteers and provides volunteer training. Supported Accommodation and Homelessness Services Shoalhaven Illawarra (SAHSSI) provide support services to women (and their children) affected by homelessness or domestic and family violence.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government grant-providers, including Department of Communities and Justice.





## Safe and prepared communities

*Safety in relationships, in the community and during emergencies*

### 3.1

## Safe built environment

*People experience safety in community spaces; People are safe using buildings and development that meets legislative standards.*

People are more likely to use public spaces they feel safe in, and more likely to linger and spend time there. When people feel safe in community spaces, they can use them to live active lifestyles, make social connections, get around the local area and participate in the community. Spending time in community spaces creates opportunities for incidental interactions and encourages people's sense of community and connection to place. Visible community activity in public spaces makes our communities attractive and thriving places where we want to live, visit and spend time.

The cyclical relationship between sense of safety and use of public spaces means that increased use is seen as an indicator to others that people feel safe enough to use a place<sup>8</sup>, and this generates further increases of use. This role of place activation as an indicator of safety is particularly important in places like the Shoalhaven, where significant economic activity is generated by visitors who may assess a place at first glance – this is particularly relevant in the Shoalhaven's main centres and gathering places.

The way we design, manage and use public spaces influences the level of safety that people experience there.

Crime Prevention Through Environmental Design (CPTED) principles, also called Safer by Design, are design and management principles that can be applied to improve the safety of the built environment by reducing the fear and incidence of crime. Other benefits of using CPTED principles include: improved perception of public places; reduced opportunities for anti-social behaviour; increased usage of public places in the daytime and evening; more liveable and sustainable environments;

improved quality of life. The four key CPTED strategies are territorial re-enforcement, surveillance, access control and space/activity management. All CPTED strategies aim to create the perception or reality of capable guardianship.

March 2022 data from BOCSAR shows that the majority of crime in Shoalhaven is happening in a residential setting rather than public places<sup>9</sup>. However, improving the sense of safety and activation of our residential streets improves surveillance and guardianship of our communities to benefit all residents. The Shoalhaven experienced rates of crime that were higher than the NSW average but 2 and 5 year trend data shows that many types of crime are happening less often. This includes break and enter of homes, theft from motor vehicles, arson, possession or use of amphetamines, offensive language, liquor offences and trespass<sup>10</sup>.

Police play an important role in law enforcement and implementing crime prevention and reduction strategies across the Shoalhaven. As the largest manager of public space in the Shoalhaven, Council can design and manage Council-owned public spaces using CPTED principles to promote community safety. Safety in privately-owned public spaces like shopping centres depends on effective management by the space owner, but use of CPTED principles can be encouraged through land-use controls. Users of community spaces also have an important role to play – people using public places are the most effective surveillance system. Community ownership of public space sends positive signals to the community, and effective guardians of places are often ordinary people who are spatially 'connected' to a place and feel an association with, or responsibility for it.

In addition to crime risk, safety of people in the community depends on the built environment being designed, constructed and used in a way that considers the environment, safety risks to people using it, managing safety risks according to accepted standards. Council plays an important role in community safety through inspecting and ensuring land-use, building and development complies with legislative requirements. Council Ranger Services contributes to community safety by providing a community service in relation to environmental protection, animal management (including the animal shelter and nuisance animals) and vehicle parking to create a safer community. Responsible for investigating complaints and enforcing legislation throughout the Shoalhaven, Council's Rangers work to provide consistent law enforcement to protect

the environment and preserve public amenities and assets.

Council's Building & Compliance Unit contributes to community safety by providing a community service to create a safer community. The Building & Compliance Unit consists of the Fire Safety Team, Development Assessment Team, Compliance Team & the Certification Team and as a unit are responsible for assessing development, complying development & construction certificate applications, investigating complaints and enforcing legislation throughout the Shoalhaven. Council's Building & Compliance Unit work to provide consistent application of the legislation to ensuring community members can continue to enjoy the local area and lifestyle.

### What the community told us

The results of the community survey showed that 31.6% of respondents ranked "personal safety and security" as one of the top three priorities they feel impact on their individual health. In addition, there was very low incidental interaction in the community, with 62% of respondents speaking to people they don't know very well once a week or less. This would include bumping into a neighbour or speaking to strangers at the shops. Only 16% of respondents spoke to people they don't know very well at least daily. When survey comments on walkability were examined, the most-raised issue was safe walking facilities such as pathways and crossings. The equal second most-raised issue was safety in the community related to feeling safe and crime prevention.

In January 2021, Place Score conducted a site visit to Nowra that showed that "safe, well-maintained public spaces" was ranked as the second most valued place characteristic by people in Nowra. Five areas of the Nowra CBD were scored and "sense of safety" was highlighted as an Improvement Priority for four of those five areas. The Revitalising Nowra Action Plan 2020-23 identifies "poor perception of safety" and "unsafe pedestrian experience" as key challenges for the Nowra CBD.

*"With regards to walkable suburbs - it's more of a safety issue. I don't feel safe walking alone and usually stick to the couple of houses around my home."* – Online survey participant

*"Safety and security is clearly an issue in the community that needs to be addressed"* – Online survey participant

*"Personal safety and security - currently don't feel safe exercising or going out at night"* – Online survey participant

### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Act as the roads authority in the Shoalhaven, performing functions including opening and closing roads, approving use of roads for footpath dining and permitting road events, regulating traffic and giving consent for any work (including pedestrian facilities and public transport facilities) in the road reserve, as outlined in the Roads Act 1993 which recognises the rights of members of the public to pass along public roads (whether on foot, in a vehicle or otherwise).
- Act as the local authority in carrying out the provisions of the *Companion Animals Act 1998* which provides for the effective and responsible management of companion animals, including to protect native birds and animals. In addition, this requires Council to promote awareness of the responsibilities of dog and cat owners, including penalties for not complying.
- Act as the local authority in carrying out the provisions of the *Environmental Planning & Assessment Act 1979*, *Protection of the Environment Operations Act*, *Local Government Act*, *Swimming Pools Act*, to name a few, in the interest of ensuring community members can continue to enjoy the local area and lifestyle.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Work in partnership with South Coast Police and community safety initiatives in public places, including convening the Safety Liaison Committee.
- Plan, design and manage public space and community spaces (including streets) to facilitate the community to experience safety by applying principles of Crime Prevention Through Environmental Design to new and existing spaces. As Council is appointed as Crown lands manager, this also includes managing Crown lands.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Have accessible safe rooms in shopping centre developments to support people escaping from domestic violence or sexual assault, learning from the Macquarie Centre example.
- Explore resourcing opportunities to:
  - Have a Council officer with a dedicated community safety function.
- Explore opportunities to adapt processes and policies to better support:
  - Prioritisation of CPTED principles in Council-led developments from the design stage.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community, including businesses, who use public spaces in a way that encourages others to experience safety – being present to provide surveillance and create a sense of welcome and activation, lingering and spending time at community events or informal social gatherings, feeling a sense of ownership and speaking up as a community guardian of the space.
- Community groups and businesses that activate community spaces through their activities.
- Providers of public spaces managing their spaces effectively, including Transport for NSW, Health NSW and ISLHD, NSW Department of Education.
- Providers of privately-owned public spaces managing their spaces effectively.
- Developers of land that interfaces with public space, ensuring that their development contributes positively to the interface.
- South Coast Police enforce the law and implement crime reduction strategies across the Shoalhaven. They also deliver community engagement activities like 'Coffee with a cop' to help people feel comfortable seeking support.
- Australian Building Codes Board maintains the National Construction Code of Australia (previously called the Building Code of Australia), a national set of technical requirements for the design, construction and performance of buildings and other structures throughout Australia.

### 3.2

## Safe behaviour and healthy relationships

*People experience safety with others and are supported by healthy, respectful relationships.*

Experiencing safety in our community is more than being safe in public spaces. The interactions we have in our homes and in our relationships are an important part of feeling safety and security. Respectful relationships are important for our wellbeing because they help us feel safe, encouraged, valued, understood and accepted.

Experiencing bullying or violence in our interactions and relationships with others is one indication of a lack of safety. March 2022 data from BOC SAR shows that the majority of crime in Shoalhaven is happening in a residential setting rather than public places. This data shows that the Shoalhaven experienced rates of crime that were higher than the NSW average for assault (61% in residential settings), sexual offences (75% in residential settings) and intimidation, talking and harassment (70% in residential settings)<sup>11</sup>.

Safety from violence is only one aspect of healthy and respectful relationships. In a healthy relationship, both people experience and give respect, trust, good communication, honesty and support. People of all ages can benefit from learning more effective and healthy interpersonal and relationship skills. Learning opportunities are provided by community service providers and local businesses, such as anti-bullying

initiatives in schools, marriage and relationship counselling and courses to learn parenting skills. Local community supports (see 2.3 Local community supports) are available for people experiencing a crisis or needing immediate help.

When we understand what healthy, respectful relationships look like and what support is available, we are most able to take advantage of learning opportunities to improve our interpersonal and relationships skills. Awareness-raising initiatives and easy-to-find information resources can help with this. The capacity of service providers can be built by improving access to resources like information, funding opportunities and skills training. Council plays a role in facilitating the capacity-building of service providers, and facilitating providers to work more collaboratively in the local area. Improving community awareness of available supports means local people are better able to access help, and Council can also help facilitate community access to this information. Police play an important role in law enforcement and implementing crime reduction strategies across the Shoalhaven.



### What the community told us

Results from the online Community Wellbeing survey paint a picture of a well-connected and open community in the Shoalhaven, with loneliness recorded at a very low level. Nearly 80% of the 192 survey participants recorded feeling lonely once a month or less (with 64% saying they hardly ever or never feel lonely). This picture is supported by the results of the Customer Satisfaction Survey conducted by Council in 2020 - personal relationships were the highest scoring attribute of the Personal Wellbeing Index score for the Shoalhaven community, and the Index score was above the national standard and increased between 2018 and 2020. This attribute scored 4.4 out of 5, with 91% of residents reporting they were satisfied with their personal relationships, followed by 85% of residents reporting being satisfied with how safe they feel. The same survey showed that 84% of residents speak to a neighbour or someone in their street weekly.

When people are not experiencing safety and respect in relationships, they may be reluctant to report or discuss this with others, making information on these experiences challenging to gather. While crime data can give insight into the number of people in relationships with an extreme lack of respect and safety, less information is available on relationships that are less-extreme but still unhealthy and disrespectful.





#### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Work in partnership with South Coast Police and community safety initiatives in public places, including convening the Safety Liaison Committee.

#### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Expand provision of safe relationships training in high schools.
  - Update the Crime Prevention Plan using a collaborative approach to improve community understanding and civic engagement with building community safety, empowering local residents and businesses to play a positive role in contributing to community safety in partnership with other stakeholders.
- Explore resourcing opportunities to:
  - Have a Council officer with a dedicated community safety function.

#### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community who have relationships and interact with people in a healthy and respectful way. This includes being committed to learning effective and healthy interpersonal and relationship skills.
- Providers of learning opportunities including schools providing anti-bullying initiatives, businesses providing relationship counselling, and community organisations providing parenting skills training. For example, South Coast Medical Service Aboriginal Corporation provides men's and women's groups to build relationship skills as well as mentoring programs in primary and high schools. National Association for Prevention of Child Abuse and Neglect train facilitators to provide the Love Bites respectful relationships education program from young people aged 15-17 years.
- South Coast Police enforce the law and implement crime reduction strategies across the Shoalhaven. They also deliver community engagement activities like 'Coffee with a cop' to help people feel comfortable seeking support.
- Department of Communities and Justice fund community services including Specialist Homelessness Services and domestic violence services, as well as overseeing the justice system

3.3

## Prepared for disasters and emergencies

*People are prepared for disasters; Emergency Managers are ready to keep people safe during disasters and emergencies.*

Every year, communities are devastated by disasters like bushfires, floods and storms. The Shoalhaven is no stranger to the impacts of disasters – in 2019-20, the Currowan Fire resulted in three deaths and destroyed 312 homes, damaged a further 173 homes and burnt nearly half a million hectares in the southern Shoalhaven. By their nature, emergencies have the potential to damage our homes and community infrastructure, to impact our health and wellbeing, or even cause loss of life. The impacts of emergencies cannot be eliminated, but can be managed by taking action to reduce risks and manage hazards, and preparing plans for both immediate/short-term responses and longer-term recovery.

Preparedness and disaster risk reduction is a shared responsibility in which everyone in the community needs to be involved. This involves all levels of government, non-government organisations (NGOs) and businesses. Individuals, families and communities all play a role in determining how well they are prepared for and safeguarded from emergencies and their ability to recover from them.

Emergency Management Australia leads the Australian Government disaster and emergency management response. They work to build a disaster resilient Australia that prepares and responds to disasters and emergencies. Australia's emergency management arrangements bring together the efforts of all governments, and private and volunteer agencies to deliver coordinated emergency management across all hazards.

In NSW, Resilience NSW leads whole-of-government disaster and emergency efforts from prevention through to recovery. NSW has 11 emergency management regions made up of local government areas. The Illawarra South Coast Regional Emergency Management Plan provides a coordinated and comprehensive approach to emergency management in the Illawarra, including the Shoalhaven. It names the Combat Agency responsible for managing emergencies arising from different types of hazards.

Everyone in the community can be part of emergency preparedness by ensuring their own household has an emergency plan and understands important emergency information – knowing about local hazards, where to get emergency information and support, who to contact and how to manage stress in an emergency. Community members can also contribute by helping their friends and family be prepared, helping their neighbours during an emergency, and by joining community volunteering organisations that are part of preparing and implementing emergency response and recovery activities, such as NSW State Emergency Service and NSW Rural Fire Service.



### What the community told us

In 2021, a survey was completed as part of the Council's Recovery into Resilience Project. Of the 260 community members that completed the survey, 93% had experienced extreme weather events in the last five years in the Shoalhaven, and 76% felt threatened by extreme weather events. The impacts they were most worried about included environmental damage, impacts to infrastructure, damage to property and loss of life. Most respondents (84%) thought that the Shoalhaven should have an adaptation and resilience strategy and that the community should be involved in the preparation of such a strategy.

*"Our street floods so there is always the stress of possible flooding especially when the opening to the ocean is not open" – Online survey participant*

*"It's been hard the past year after the fires and through COVID-19 to feel connected to the local community" – Online survey participant*



### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Act as the roads authority in the Shoalhaven, performing functions including opening and closing roads, regulating traffic and giving consent for any work in the road reserve, as outlined in the *Roads Act 1993*.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Provide a Local Emergency Management Officer who co-ordinates and participates as a member of Shoalhaven Local Emergency Management Committee.
- Recovery into Resilience Project to improve community resilience, including community involvement and installation of equipment to create 23 Local Information Hubs across the Shoalhaven.
- Through the FORTIS House project, help residents save time and money by providing free buildings designs for highly resilient, sustainable, affordable and adaptable homes. This project is delivered in partnership with the Bushfire Building Council of Australia and NRMA Insurance.
- Implementing programs to make water infrastructure more resilient to disasters and climate change impacts.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Support people in the community to be part of resilience planning for their communities and households.
- Explore resourcing opportunities to:
  - Expand programs to make water infrastructure more resilient to disasters and climate change impacts, considering learning from bushfires and other natural disasters.
  - Have a Council officer with a dedicated community safety function.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community being committed to emergency preparedness for their household and helping friends, family and neighbours to be prepared or during an emergency. Volunteering as part of emergency response and recovery services.
- The Flagstaff Group have developed the EMBER app to improve preparedness of people living with disability and understanding of emergency services.
- Community Connect Southern Shoalhaven maintains a list community groups and works to co-ordinate volunteer efforts in disaster recovery.
- Australian Red Cross supports communities interested in community-led resilience planning.
- National Recovery and Resilience Agency (NRRA) supports communities impacted by disaster, with a strong on-the-ground presence and a guiding principle of locally-led recovery. They deliver initiatives to reduce risk and lessen the impacts of future shocks. Emergency Management Australia (EMA) leads the Australian Government disaster and emergency management response. The NRRA and EMA will soon merge to form the National Emergency Management, Resilience and Recovery Agency.
- Resilience NSW leads whole-of-government disaster and emergency efforts from prevention through to recovery.
- Shoalhaven Local Emergency Management Committee provides a coordinated and comprehensive approach to emergency management in Shoalhaven. Combat agencies responsible for managing emergencies arising from different types of hazards include Police, NSW Rural Fire Service, Fire and Rescue NSW, NSW State Emergency Services, Surf Life Saving NSW and Marine Rescue.



## Healthy and active communities

*Access to opportunities to live healthy and active lifestyles*

## 4.1

# Health services and support

*People have good access to health services and supports.*

Throughout our lives, we maintain, improve or manage our physical and mental health by using services provided by health workers, including allied health and complementary therapy providers. Doctors, nurses, dentists, chiropractors, optometrists, pharmacists, paramedics, physiotherapists, speech therapists, radiographers, psychologists, counsellors, herbalists, aromatherapists and more – we expect to have ready access to services and support to meet our health needs.

Availability of health services is impacted by the complex provision framework. NSW Health has service agreements with Local Health Districts (LHDs), assigning to them the responsibility of managing public hospitals and healthcare clinics in defined geographical areas, supported by the Australian Government's Medicare which covers public hospital services costs. Illawarra Shoalhaven Local Health District (ISLHD) is the LHD for the Shoalhaven and provides 3 hospitals, with Shoalhaven District Memorial Hospital being the main acute care hospital that is currently being redeveloped for expansion. Supporting the public hospital system are Nowra Private Hospital and private same-day hospital services at Ulladulla Endoscopy and Medical Centre. ISLHD collaborates with health and social service providers including General Practitioners (GPs), private health providers, Department of Communities and Justice, non-government organisations and Coordinare. As the Primary Health Network (PHN) covering the Shoalhaven, Coordinare is funded by the Australian Government to identify health needs in the region and support health service providers to improve patient care and improve coordination between providers. PHNs can commission external healthcare providers to meet the needs in the region, such as providing health promotion programs, mental health services or support for GPs.

Whilst many essential health services are subsidised

by Medicare, the market provides most health services – this means that the government does not direct the location of health service providers like general practitioners or specialists (other than in public hospitals and clinics). The market-provision model means that regional areas like the Shoalhaven can struggle to attract health professionals into the region, particularly where living costs are high. Strategic land-use planning measures to support access to health services include the development of controls that encourage medical centres in village centres and health precincts in larger urban centres. Aged care facilities, carers and service providers are also important providers of support for people needing daily health support.

Where health services are available, having access to those services can present other challenges. The long distances and poor public transport connections between the dispersed villages of the Shoalhaven are significant barriers to our community accessing health services. Specialist services are generally located in the main urban centre of Nowra near Shoalhaven District Memorial Hospital, making access more difficult for people at the southern end of the Shoalhaven. Increasing use of telehealth programs offers opportunities for improving access for isolated communities, and eHealth is a key strategy in NSW State Health Plan Towards 2021. Telehealth and eHealth services are not suitable to replace all face-to-face health services, both for digital inclusion reasons and the need for physical examination or use of specialist equipment. Outreach services in under-served locations and transport services from these areas are other ways to address barriers related to travel.

Access to health services can also be improved by improving the provision of culturally appropriate health services and support, including alternative and complimentary health care. This should consider

all cultures, but due to the significant differences in health outcomes experienced by Aboriginal and Torres Strait Islander people, there is a need to undertake action to close this gap. Examples include building the capacity of Aboriginal Health Services, improving cultural understanding across the provider network and facilitating access to cultural practices like birthing on Country.

Community awareness programs and information resources can be used to improve health literacy, which is people understanding the health impacts of their choices, what their health needs are, what services are available to support their health and

having the skills to navigate the system and access support. Health promotion initiatives can also be used to encourage people to choose behaviours that support better health, such as to increase vegetable intake or to quit smoking. Using the Social Determinants of Health framework, we also understand that the conditions of our life – where we live, work, grow and age – shape our individual and community health<sup>12</sup>. The Foundations for Community Wellbeing identified in this Plan aim to consider and address the full range of the Social Determinants of Health.

## What the community told us

The community survey showed that people rated their mental health as poorer than their physical health – 11.4% of participants rating their physical health as 'poor' or 'not so good', compared with 17.1% for mental health. Only 67.8% of survey participants living in the Shoalhaven felt they could easily access the health services they need from where they live, with 27.3% saying they couldn't.

The following points about health outcomes and health services were noted in the community surveys:

- Difficulties accessing GPs in smaller settlements
- Need to address service gaps and barriers in access to hospital services
- Disability carers and local support services play a significant role
- The significance of companion animals, especially for older residents

Survey participants and community service providers both recognised the rise of mental illness in the Shoalhaven. Participants highlighted the growing pressures that were having a noticeable impact on their health, commonly identifying financial stress and the need to maintain job security as the number one factor impacting their mental health.

Seniors Workshop participants nominated low digital literacy as a key barrier to improving their wellbeing. While this was a challenge not highlighted by other demographic groups in the engagement, Seniors acknowledge the transition to online health education resources as a key risk to their individual health and wellbeing.

*"Access to dental, GP and basic hospital services are fine but the higher level of medical care can be a bit hit and miss. Access to mental health care appears to be problematic." – Online survey participant*

*"There need to be more doctors and medical services in Nowra. We don't have enough specialists and the ones that are here have a waiting list of many months and even years. We also desperately need more Medicare funded services... I needed a colonoscopy and the waiting list at Nowra hospital on Medicare was 2 years... Many medical services are unavailable here and often one has to travel to Sydney for specialist services." – Online survey participant*

*"Access to health/mental health services in the area is limited, wait times can be long, costs are very high" – Online survey participant*

### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Ensure compliance with *Public Health Act 2010* requirements for public health safety in settings including skin penetration establishments (tattooists and body piercers), cooling towers (legionella control) and public swimming pools.

Other current and planned work includes:

- Co-ordinate regular meetings between Council staff and local specialised homelessness services, to support vulnerable people who present at Council facilities to link with health and support services.
- The Local Emergency Management Officer co-ordinates identification of sites for health disaster responses (eg. testing locations).
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Work with community partners to deliver health promotion campaigns and initiatives to promote healthy lifestyles, such as the Get in Step program with the Heart Foundation and the Health and Wellbeing Expo<sup>13</sup>.
- Provide Community Wellbeing Grants to support community services which can be used to improve access to health and support services.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Build capacity of community partners to collaborate and be well-informed, to provide outreach services (including via transport), to recognise and celebrate volunteers, and to build local neighbourhood connections. Also listed under 1.1 Community life, 2.3 Local community supports.
  - Expand work with community partners to deliver health promotion campaigns and initiatives to promote healthy lifestyles. This could include initiatives to improve community awareness of local services or to collate health data on local need for services.
  - Address health service gaps including access to GPs, hospital services, and specialists, particularly for identified vulnerable groups such as older people. This could make use of advocacy, outreach and pilot programs, grant funding, research projects and needs identification / collection of evidence.

Good practice examples that could inform Council's future work:

- NSW Rural Doctors Network Bush Bursary attracts health professionals to regional areas by providing sponsored health student placements.

### Key partners

Stakeholders who play a role in creating this Domain:

- People across the Shoalhaven being committed to health literacy for their household, seeking support and using available supports to meet their health needs. This also applies to people providing voluntary or unpaid care to family or other community members.
- Community service organisations providing free or low-cost mental health services, physical (including sexual) health services, and alcohol and other drug services. For example, Grand Pacific Health, Headspace, Flourish Australia, Lives Lived Well, Lifeline, One Door, Anglicare, Shoalhaven Women's Health Centre and Crossroads Youth Health Service. Local Area Coordination providers help NDIS recipients to access NDIS supports.
- South Coast Medical Service Aboriginal Corporation are an Aboriginal Community Controlled Health Organisation providing health and health related services at 8 sites and working to improve the equity of access to mainstream services for the Aboriginal communities in the Shoalhaven.
- Community groups providing affordable transport services for people needing to attend medical appointments.
- Local businesses providing health and complimentary therapy services – medical centres, dentists, chiropractors, optometrists, pharmacists, physiotherapists, radiography and imaging centres, psychologists, counsellors, herbalists, aromatherapists and more. Private hospital services are also available at Nowra Private Hospital and private same-day hospital services at Ulladulla Endoscopy and Medical Centre. Aged and disability care-providers (aged care facilities, in-home care supports, etc) support people in their care to access health services.





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- Healthy Cities Illawarra help design the infrastructure of a healthy community by developing, implementing and evaluating evidence-based and sustainable programs that address the underlying social, economic and environmental causes of health inequity. There has been limited expansion of activity into the Shoalhaven due to funding limitations.
- Illawarra Shoalhaven Local Health District has a service agreement with NSW Health and is responsible for managing 3 public hospitals, healthcare clinics and institutions in the Shoalhaven. They are also responsible for providing health services in the Shoalhaven and promoting, protecting and managing the community's health, including through the work of their Health Promotion Officers and by providing the Illawarra Shoalhaven Health Education Centre in Wollongong. They also provide Community Health Nurses to deliver nursing care to community health centres and at home.
- Coordinare is funded by the Australian Government as the southern Eastern NSW PHN to:
  - conduct assessments of the health needs of the region and identify groups who need more resources, programs and services
  - support GP's, nurses and allied health practitioners to improve patient care
  - improve coordination between different parts of the health system (eg. between hospital and GP when a patient is discharged)
  - PHNs can commission external healthcare providers to meet the needs in the region, such as funding or provide: health promotion programs, mental health services, support for primary care (GPs)
- Service NSW supports access to programs across NSW Government bodies, including online health resources, the organ donor registry, and rebates and assistance like EnableNSW. EnableNSW provides assistive technology and related services to help people live safely at home, which can include mobility aids and respiratory equipment.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Medicare (Australian Government) pays some or all of the costs of necessary health care, including the costs of seeing a doctor, getting medicines and accessing mental health care, as well as covering public hospital services costs.

## 4.2

# Places and programs for active lifestyles

*People have access to green space and facilities for active recreation, play and walking; People have access to sports and active recreational activities.*

People have active lifestyles when they are physically active in their life. Physical activity includes sports, unstructured outdoor play, exercise/fitness activities (dance, cross-fit, yoga, mountain-biking, swimming, etc), and many other forms of active recreation like bush-walking and kayaking. It also includes incidental physical activity, which is unstructured activity as part of daily living, such as walking to school and doing housework/gardening<sup>14</sup>.

Regular physical activity that raises the heart rate has significant health benefits and can reduce the risk of cardiovascular disease, diabetes, colon and breast cancer, and depression. Adequate levels of physical activity, including through low intensity activity like walking, helps manage weight and also decreases the risk of falls and fractures in older age. Being physically active outdoors can provide additional physical and mental health benefits. Regularly visiting green spaces is linked to higher levels of physical activity and spending 30 minutes per day at a park can reduce the incidence of high blood pressure and depression. Physically active children tend to have better academic achievement, better attendance and fewer disciplinary problems.<sup>15</sup> Communities that participate in sport and recreation develop strong social bonds and are safer places, and the people who live in them are generally healthier and happier than places where physical activity isn't a priority<sup>16</sup>.

Active living is supported by the places we live in – through the built environment such as pedestrian and cycle paths, sport and recreation facilities, public open space, parks and reserves<sup>17</sup>. Places that support active lifestyles are often places with walkable neighbourhoods (see 5.1 Active transport) and have good access to natural areas (see 6.2 Sustainable

access to natural environments). Places that support active lifestyles also have sport and active recreation facilities, which are indoor and outdoor spaces assigned for sports, leisure and recreation purposes. These may include sports grounds, leisure parks, golf courses and spaces with recreational equipment for play and exercise. People in the community also make use of community places like halls, parks, beaches and streets to exercise. Virtual spaces are increasingly being used to meet online, including for exercise and active recreation. While Council provides many places in the community that are used for active lifestyles, local businesses also provide places like dance studios and gyms. The Office of Sport has identified that many young people in the Shoalhaven are more likely to undertake informal active recreation than formal 'group sports' programs, emphasising the need for infrastructure for informal active recreation like bushwalking, mountain bike riding and skateboarding.

As well as having places that support active lifestyles, we also need programs and activities happening in those places. 2002 research in Perth suggests that while a supportive physical environment is necessary for increasing community recreational activity levels, it was secondary to the influence of individual and social environmental factors such as being in the habit of exercising or having social support like clubs or exercise partners. This high level of influence of individual and social environmental factors indicates that education campaigns and organised activities could have more impact than additional facilities, where the physical environment is already supportive of recreational activities. The research also indicated that the most frequently used facilities were informal,

particularly the streets and public open space, and recommended greater emphasis on creating streetscapes that enhance walking for recreation and transport<sup>18</sup>. Active lifestyles are also supported by cultural and social factors and programs such as healthy lifestyle and travel behaviour change programs, campaigns, information, education, clubs, cost to participant, technology and a broad range of initiatives that encourage participation in active lifestyles.

While Council provides activities and programs to support people to live active lifestyles, access to opportunities to meet the community's needs relies on the work of community partners including both non-profit groups and businesses. Sporting clubs and teams, active recreation groups like bushwalking

clubs, dance academies, martial arts schools, personal trainers, Pilates and yoga instructors, weights classes, cross-fit groups, swim schools – the range of active recreation activities is as diverse as people's interests.

Access to both places and programs that support active lifestyles can be improved by ensuring that opportunities are inclusive for all ages, cultures, locations and financial situations. We all have a right to live an active life, so supports to build the capacity of non-profit providers of low-cost activities like gentle exercise should focus on improving inclusion. Access can also be improved by initiatives that improve community awareness of available places and activities, as well as the health benefits of participation.

## What the community told us

Survey participants acknowledged that the Shoalhaven region is well resourced to enable many residents to exercise and improve their physical and mental health for limited or no cost. Neighbourhood open space plays an important role with residents who frequently utilise local parks, facilities, and sidewalks to get active, foster connections, and seek respite from day-to-day stresses. When asked for ideas that would improve community wellbeing, survey participants suggested that better paths, more outdoor exercise equipment, expansion community-run exercise classes and more off-leash dog areas. Dog parks and off-leash areas are highly-valued recreational facilities in the Shoalhaven.

From the online survey, those who felt they were unable to easily access open space recorded a significantly lower health score. Nearly 80% of survey participants reported being able to easily walk to a park or natural surroundings. The 14% of participants who said they could not easily access open space recorded a significantly lower mental health rating of 2.7/5 and health rating of 3/5 (compared to the community average of 3.5 for mental health and 3.6 for physical health). All of this particular group also recorded being dissatisfied with the transport connections in their area.

*"Sporting and community events bring people together. To have those two things you need social infrastructure - sporting fields, halls, parks and other spaces to have events in."* – Online survey participant

*"I enjoy bushwalking and swimming as leisure activities so access to the natural environment and quality open spaces and recreational facilities are important to me"* – Online survey participant

*"My favourite activity is walking my dogs on the beach where I can chat to other dog owners."* – Online survey participant

*"We are rapidly developing and currently kids have very little access to sporting facilities. We should have adequate and accessible basketball and netball courts. Not to mention a skate park or pump track. Things like a golf driving range or a PCYC would be hugely beneficial for our rapidly expanding community."* – Online survey participant



## Council's work

### Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Prepare and implement Coastal Management Programs (to replace the previous Shoalhaven Coastal Zone Management Plan) to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales (*Coastal Management Act 2016*).
- Plan for and manage public land as the appointed Crown land manager under the *Crown Lands Management Act 2016*, including having a Plan of Management for land classified as 'natural area' or 'reserve'.
- Act as the roads authority in the Shoalhaven, performing functions including regulating traffic and giving consent for any work (including pedestrian facilities) in the road reserve, as outlined in the *Roads Act 1993* which recognises the rights of members of the public to pass along public roads (whether on foot, in a vehicle or otherwise).
- Ensure compliance with *Public Health Act 2010* requirements for public swimming pools and spa pools.
- Act as the local authority in carrying out the provisions of the Companion Animals Act 1998 which provides for the effective and responsible management of companion animals, including to protect native birds and animals. In addition, this requires Council to promote awareness of the responsibilities of dog and cat owners, including penalties for not complying.
- Ensure compliance with *Public Health Act 2010* requirements for public health safety in public swimming pools.

### Other current and planned work includes:

- Plan, design and manage open space, recreational facilities and other public space to facilitate active lifestyles (recreation and play), including:
  - Plan, provide and maintain recreational infrastructure (sportsgrounds, recreation centres, pools, play equipment, exercise equipment, walking and cycling facilities), guided by the documents including the Community Infrastructure Strategic Plan, PAMP, Bike Plan and site masterplans. This includes providing learn-to-ride facilities to build cycling skills and confidence.
  - Provide active recreational activities, including Shoalhaven Indoor Sports Centres holiday programs, Swim Sport & Fitness leisure centre programs and bike safety events in parks
  - Manage Crown lands, beaches and coastal zone, guided by plans including Plans of Management, Strategic Direction for Nowra Riverfront Precinct, and using thirteen Coastal Management Programs and the Shoalhaven Development Control Plan

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Work with community partners to provide programs and activities to support people to live active lifestyles:
  - Hiring sportsground and facilities to local sporting clubs.
  - Convening the Sports Board advisory committee.
  - Working with NSW Office of Sport alongside community partners to deliver the Shoalhaven Active Youth Program.
  - Provide Community Wellbeing Grants to support community groups and sports clubs to increase participation and improve resources.

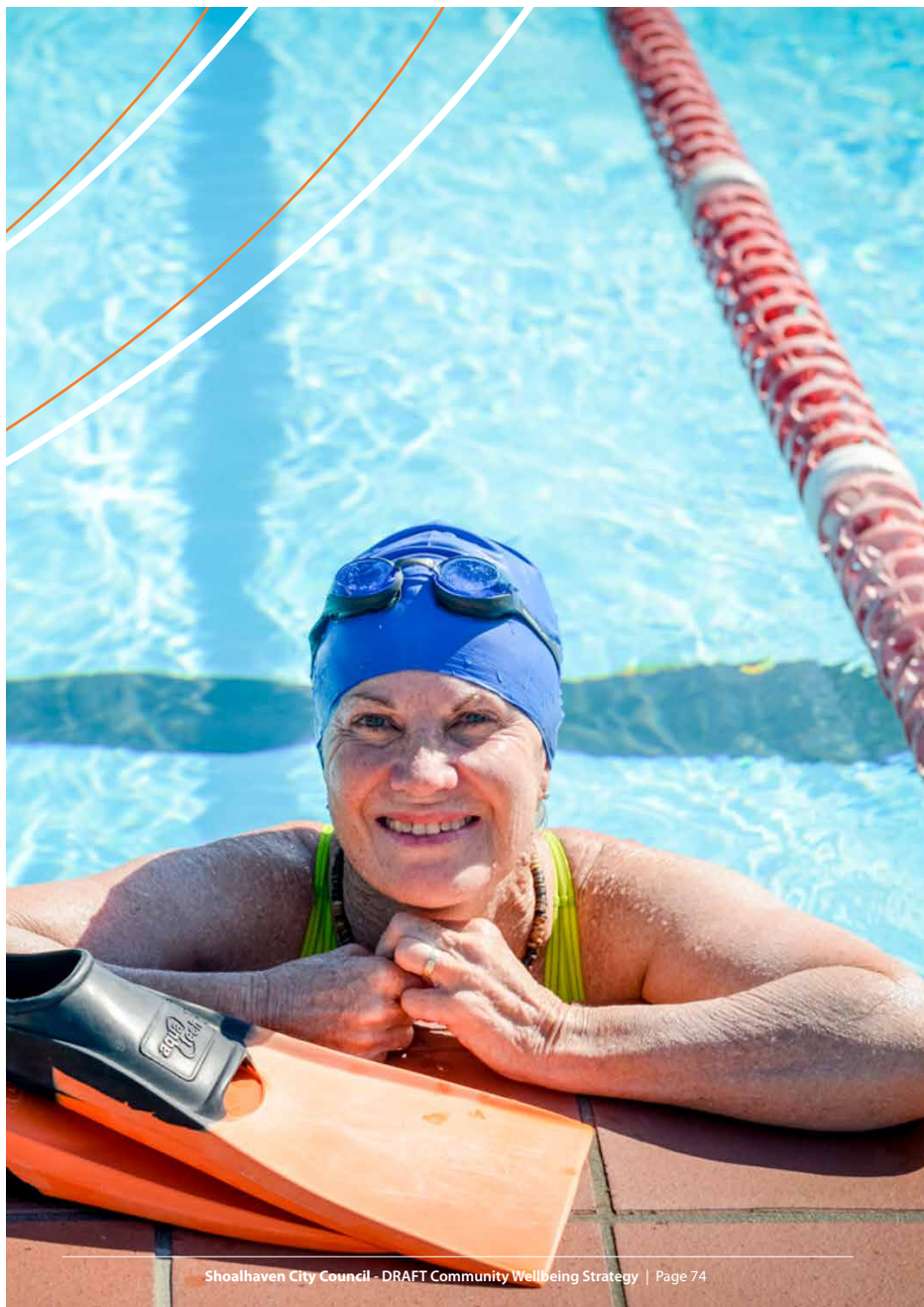
## Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Improve access to inclusive sport and physical activity programs, including programs for people with disability and programs that increase the participation of young women. For example, providing 'come and try' days, social sport and recreational activities, and adaptive sport activities like Shoalhaven Walking Basketball.
  - Provide programs that respond to emerging health issues and develop an evidence base for program impact.
- Explore opportunities to adapt processes and policies to better support:
  - Provision of open space, recreational equipment, community facilities and youth spaces to equitably meet the needs of community members of all ages across the Shoalhaven, guided by a provision strategy that identifies resourcing needed for delivery and is informed by engagement on contemporary community use of community infrastructure. This could consider ways to support activation of town and village centres, climate resilience and adaption, flexible and multipurpose infrastructure, the needs of young people and older people, and small interventions to provide meeting points in key environmental sites. Also listed under 1.1 Community life.

Good practice examples that could inform Council's future work:

- The Draft Wilton Growth Area Development Control Plan 2019 identifies wellbeing as a purpose of the plan, by saying that one of the plan's purposes is to "Support the health and wellbeing of local residents and workers by promoting physical activity, transport choice and accessibility, access to employment and education opportunities, social infrastructure, housing diversity and affordability, access to healthy food, a desirable and safe public domain, opportunities for recreation and entertainment, access to the natural environment, and a sense of place and community identity".
- The network of Jordan Springs Lake, Lakeside Parade and Melaleuca Lake is an example of drainage infrastructure that is also designed to perform a recreational function for community.



#### Key partners

Stakeholders who play a role in creating this Domain:

- People across the Shoalhaven being committed to active lifestyles for their household, using available places to be active and supporting others to be active.
- Non-profit and business facilitators of diverse 'active recreation' activities across the Shoalhaven – sporting clubs and coaches, Pilates instructors, dance teaches, walking groups, personal trainers, park-run groups, cross-fit boxes, gym operators, etc.
- Property developers provide contributions towards meeting the needs of new population, including towards the provision of open space and recreational infrastructure identified in any relevant development contributions plans. Community service organisations improving equitable access to healthy food, including providers of programs including food relief for vulnerable community members, Kitchen Garden programs, and FoodREDi or other healthy eating learning programs.
- South Coast Medical Service Aboriginal Corporation are an Aboriginal Community Controlled Health Organisation providing health and health related services at 8 sites.
- Healthy Cities Illawarra help design the infrastructure of a healthy community by developing, implementing and evaluating evidence-based and sustainable programs that address the underlying social, economic and environmental causes of health inequity.
- Illawarra Shoalhaven Local Health District has a service agreement with NSW Health and is responsible for promoting, protecting and managing the community's health, including through the work of their Health Promotion Officers and by providing the Illawarra Shoalhaven Health Education Centre in Wollongong.
- Coordinare is funded by the Australian Government as the southern Eastern NSW PHN to:
  - conduct assessments of the health needs of the region and identify groups who need more resources, programs and services.
  - PHNs can commission external healthcare providers to meet the needs in the region, such as funding or providing health promotion programs.
- Office of Sport NSW provides programs, funding and infrastructure to enable higher rates of participation in sport and active recreation, including grants for facilities and local programs, as well as Active Kids and First Lap vouchers through Service NSW.
- Heart Foundation provides advice and resources to support councils to create healthy built environments. For example, Good for Busine\$\$ - The benefits of making streets more walking and cycling friendly and Healthy Active by Design.
- Infrastructure NSW and NSW Sport invest in public transport infrastructure and regional/ subregional sporting and recreation facilities.
- Other managers of public lands used for active recreation: NSW DPE holds Crown land and appoints Council as the Crown Land Manager, Forestry Corporation of NSW manage State forests in NSW, NSW National Parks and Wildlife Service manages national parks.
- Roads and Maritime Services plan and maintain state and regional roads, including pedestrian infrastructure in the road reserve.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, Government Architect NSW and Marine Estate Management Authority.

4.3

## Healthy and equitable food systems

*People have equitable access to healthy food.*

Everyone in the Shoalhaven should have fair, secure and affordable access to healthy food. For this to occur, we need a healthy, equitable, sustainable and resilient food system that supports connected communities and good food for all. An equitable system supports fair outcomes for people throughout the food supply chain, from farmers, food processors, transport and logistics providers, retailers and consumers<sup>19</sup>. An equitable food system provides and prioritises nutritious and culturally appropriate food for all, and is resilient to issues like the impacts of disaster or international supply chain logistics. An equitable food system also manages food waste. Access to safe, nutritious and sufficient food is a basic need and should be treated as a human right, with priority given to the most vulnerable.

What we consume is critical for individual health and wellbeing. On Maslow's hierarchy of needs, food and water are essential foundations for a healthy human, more important for our survival than safety or a sense of community. Eating a wide variety of healthy foods helps to keep you in good health and to protect against chronic disease. Eating a well-balanced diet means eating a variety of foods from each of the 5 food groups daily, in the recommended amounts<sup>20</sup>. The main reason for food insecurity is material hardship and inadequate financial resources. People can also experience food insecurity due to financial or geographic difficulties accessing affordable healthy food, or because they have limited understanding about how to purchase and prepare ingredients to make a healthy meal<sup>21</sup>.

Equitable access to healthy food is also important for building social connections because social activities are often focused on food – in the home, on picnics or in restaurants. Food also has a cultural meaning, as shown by the range of food-related festivals and events and the emergence of community and verge gardens. This highlights the need for the community

to have access to culturally appropriate food as across cultures food plays an important role in building social and community connections.

Achieving an equitable and sustainable food system depends on the co-operation of stakeholders throughout the food supply chain, from primary producers to transport industry and consumers. Land-use controls, regulated by state and local government, need to facilitate local food production and processing, as well as retail locations that provide access for all in the community. The activities of businesses including producers, processors, transporters and retailers are also needed to meet the community's needs. Community groups and service providers can also contribute, such as providers of low-cost food programs for vulnerable community members. Other examples are breastfeeding promotion and support groups, and community garden groups who support people to grow and access fresh food locally. Access to healthy food can be improved through initiatives to improve health and nutrition literacy, so people better understand the impacts of food choices and have the skills and confidence needed to make better nutrition choices<sup>22</sup>. Council also plays a role in implementing food safety regulations.

Many Victorian local councils have dedicated food system policies that articulate the interconnection between the environmental, social, health, and economic elements of the food system. A project to comprehensively map local government's role in creating healthy and equitable food systems was completed in 2021.<sup>23</sup> This is a good resource to support councils to understand the variety of ways they can influence food systems, from having community garden policies or strategies to support local food production.



### What the community told us

While 91.8% of survey participants living in the Shoalhaven felt they could easily access healthy and fresh from where they live, there were 6.5% that said they couldn't. It was commonly acknowledged that the most affordable and freshest food was concentrated at farmers markets, and that they were difficult to access for most of the population with cost, transport, and lack of inclusion being the three main barriers. The community suggested that this could be improved by expanding the farmer's market network and providing a more accessible co-op for local growers and producers in the Shoalhaven.

*"Markets, like the Berry farmers market with fresh produce at reasonable prices would be a great improvement for the community living in Nowra" – Online survey participant*

*"Community gardens are wonderful" – Online survey participant*

*"While I can access fresh food it is very expensive so it's one meal a day" – Online survey participant*

*"(My ideas for improving community wellbeing are) Information boards with healthy eating suggestions. Cheap meal information days at local community centres. Information boards with dangers of obesity. A community weight loss programme. Obesity seems to be a huge (pardon the pun) problem in Shoalhaven." – Online survey participant*

*"If our access to fresh food was limited because of a natural disaster, conflict or transport problems due to fuel shortages, our ability to live well would be affected. The fires that impacted the south coast during the summer of 2019 / 20 are an example of how quickly our access to fresh food and water, which are staples for life, became limited or temporarily unavailable. The impact of this event created panic, stress and uncertainty, all factors that do not support wellbeing" – Online survey participant*



### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Ensure compliance with *Public Health Act 2010* requirements for private water suppliers and water carters, including ensuring businesses use approved quality assurance programs for potable water.
- By appointment by NSW Food Authority, act an enforcement agency to ensure retail food businesses comply with *Food Act 2003* requirements to ensure that food for sale is safe and suitable for human consumption, including annual inspection of all retail food businesses.

Other current and planned work includes:

- Provide Community Wellbeing Grants to support community groups to:
  - Create and maintain community gardens, guided by the Community Garden Policy.
  - Provide food for vulnerable community members.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Provide water and wastewater services including:
  - Manage collection, treatment and distribution of water.
  - Manage the collection, treatment and disposal of wastewater safely back into the environment, including managing a water recycling scheme that provides irrigation for dairy farmers Provide community spaces for food markets.
- Provide waste management services.
- Provide education programs to residents to learn about growing food at home.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to improve access to healthy food by:
  - Improving local producers' access to networks and information, such as farmer's markets, co-operatives for local growers and producers, and awareness of planning permissibility for roadside stalls and farmers markets.
  - Improving community use of school facilities for community gardens and produce markets.
  - Providing healthy eating education programs to improve health literacy and programs to improve access for people with food insecurity. For example, offering FoodREDi train-the-trainer program to local service providers and school canteen staff would allow food literacy programs to be run at locations across the Shoalhaven.
  - Support a regional approach to agricultural production, with updated mapping of productive resource land.
- Explore opportunities to demonstrate leadership as a provider of community facilities and activities:
  - That provides healthy food options and encourages healthy food choices.
- Explore opportunities to adapt processes and policies to better support:
  - Provision of community gardens that are managed by community groups.

Good practice examples that could inform Council's future work:

- Several local governments in Victoria have introduced food systems policies to enhance the capacity of local food systems to sustainably meet current and future community needs. Examples include Cardinia Shire's Community Food Strategy and City of Ballarat's Good Food For All Food Strategy 2019-22.
- Northern Rivers Food Project was a federally funded project in 2016 that explored the role of councils in providing for and promoting access to healthy food. The project produced a full kit of advice for councils, ranging from model clauses and policy documents, through to standard development application forms and lodgement advice.



#### Key partners

Stakeholders who play a role in creating this Domain:

- People being committed to healthy and equitable food systems: growing food at home for themselves or to share with friends, family and neighbours; buying locally grown produce, locally processed food and supporting local retailers.
- Local producers including community gardens and farmers/growers (and co-operatives) of diverse products like honey and oysters.
- Local businesses providing food transport, storage, processing and retail services, including farmers market organisers. Some businesses use food waste reduction programs to provide food relief, such as the Second Bite, OzHarvest programs and other small-scale local programs.
- Community garden organisers sharing learnings and resources to help communities establish new community gardens.
- Community service organisations improving equitable access to healthy food, including providers of programs including food relief for vulnerable community members, food co-operatives, Kitchen Garden programs, and FoodREDi or other healthy eating learning programs. To establish a community garden on Council land, communities need the support of a local incorporated community group (including Community Consultative Bodies).
- South Coast Medical Service Aboriginal Corporation are an Aboriginal Community Controlled Health Organisation providing health and health related services at 8 sites.
- Healthy Cities Illawarra help design the infrastructure of a healthy community by developing, implementing and evaluating evidence-based and sustainable programs that address the underlying social, economic and environmental causes of health inequity.
- Illawarra Shoalhaven Local Health District has a service agreement with NSW Health and is responsible for providing health services in the Shoalhaven and promoting, protecting and managing the community's health, including through the work of their Health Promotion Officers and by providing the Illawarra Shoalhaven Health Education Centre in Wollongong.
- Coordinare is funded by the Australian Government as the southern Eastern NSW PHN to:
  - Conduct assessments of the health needs of the region and identify groups who need more resources, programs and services.
  - PHNs can commission external healthcare providers to meet the needs in the region, such as funding or providing health promotion programs.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, Government Architect NSW and Marine Estate Management Authority. 2018 - 2028 which outlines how to protect and enhance our waterways, coastline and estuaries over the next ten years.





Foundation  
**5**

## Transport connections to access our community's opportunities

*Access to transport infrastructure and services so we can participate in life*



## 5.1

# Active transport

*People access places and services in their community by walking or cycling; People with additional access needs can get around.*

When we walk or cycle to access places and services in the community, we are undertaking physical activity as a means of transport. Active transport is possible when destinations are close to home, workplaces, or transport connections. Places that support use of active transport provide an affordable and healthy way to get around, visit our family and friends, and access local services and opportunities.

There is strong evidence that walking improves health<sup>24</sup> and that well-designed pedestrian networks promote walking. Designing our built environment to encourage active transport is a foundational step in which Council plays an important role, particularly in new housing developments. Australian research in 2016 found that two key factors encourage walking for transport: the connectivity of streets (more intersections, fewer big blocks) and a high number of local living destinations, such as supermarkets, shops, parks and public transport, within 1600m.<sup>25</sup> At a walking pace, the potential for incidental interaction is improved, compared to being in a car or cycling, encouraging the local community connections highlighted in 1.1 Community Life.

Even within the existing built environment, walking and cycling can be encouraged by improving the pedestrian experience with facilities such as shared paths, shading and pedestrian-friendly intersections. By addressing the barriers experienced by people with additional access needs, active transport becomes more accessible for everyone in the community. With our ageing population, and for

those with limited mobility, the use of 'mobility scooters' is increasing, and work is needed to adapt the built environment to cater for this mode of transport, particularly in localities with seniors and aged accommodation.

'Pedestrian Access and Management Plans' (PAMPs) can outline the principles and actions necessary for a safe, accessible, well-located and well-designed pedestrian network. Bike Plans or Cycling Strategies can address the same matters to encourage bicycle use, also covering 'end-of-trip facilities' such as bike racks, showers and change rooms (for larger commercial premises and at other key destinations)<sup>26</sup>. As one of the largest landowners of public space, councils play an important role in providing active transport infrastructure, but there is a significant funding gap between community expectations and what can be provided, even when grant funding is available. Community education and the promotion of local activities like walking groups and events like Walk to School Day can also encourage the use of active transport.

'Active transport' is also relevant for bus and train travel because public transport (addressed within 5.2 Transport facilities and services) is often used in combination with walking. This makes active transport connections particularly important to those relying on public transport, including children, young people and those unable to drive (or walk long distances).



## What the community told us

Walkable suburbs were seen as one of the top 3 priorities for creating more supportive natural and built environments, identified through the community consultation. When asked to nominate a big idea that would improve community wellbeing, the second most common response nominated by survey participants was "Increased active transport", noting a need for action around people feeling unsafe using the road or verge to get around in locations across the Shoalhaven.

Residents living in neighbourhoods they reported as being pleasant and walkable recorded the highest level of personal wellbeing from survey participants. However, across all engagement methods, the community reported that moving within suburbs and town centres was difficult in the majority of towns in the Shoalhaven. The topography of the land and the prioritisation of vehicular traffic were the two most common causes captured during the engagement.

*"We need to improve active transport connections to the beautiful destinations in our LGA, since having a kid recently I've noticed a lot of the natural areas, open spaces or recreation facilities I want to go to aren't accessible in a pram" – Online survey participant*

*"The streets have no footpaths and makes it difficult to access medical and shops or social. In the rain or wet the middle of the road is your only option and it's not safe so it isolates me" – Online survey participant*

### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Plan, design and manage public space to facilitate active transport, including:
  - Plan, provide and maintain active transport facilities (footpaths, cycleways, kerb ramps, pedestrian crossings, shading and roadside verges), guided by the PAMP and Bike Plan.
  - Provide learn-to-ride facilities to build cycling skills and confidence.
  - Develop strategies and project plans to get projects 'shovel ready' to help secure grant funding.
  - Ongoing advocacy for increase in funding at all government levels.
- Provide strategic guidance for land use development across the region, guided by Shoalhaven 2040 – Our Strategic Land-use Planning Statement.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to adapt processes and policies to better support:
  - Use of active transport.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community: local walking and cycling groups, pedestrians creating a welcoming environment for other pedestrians, motorists creating a welcoming environment for people walking and cycling.
- Non-profit organisations and service providers promoting active transport locally, including the Heart Foundation providing 'Healthy Active by Design' resource.
- Property developers provide paths to contribute to meeting the needs of new population.
- Healthy Cities Illawarra help design the infrastructure of a healthy community by developing, implementing and evaluating evidence-based and sustainable programs that address the underlying social, economic and environmental causes of health inequity. There has been limited expansion of activity into the Shoalhaven due to funding limitations. Healthy Cities Illawarra will also facilitate the Illawarra Shoalhaven Active Transport Taskforce.
- Local businesses providing equipment and services to support active transport, such as bicycle retailers and servicing, as well as end of trip facilities.
- Transport for NSW provide advice and partner to connect active transport facilities with public transport services, and extend these networks to improve service, accessibility and connectivity in and between communities. The Illawarra Shoalhaven Regional Transport Plan provides a blueprint for how Transport for NSW will proactively respond to the transport needs of the region, as well as address the key trends that will necessitate a transport related response into the future.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government funding providers.

## 5.2

# Transport facilities and services

*People can get around with public transport and other transport services; People have good facilities when using public transport.*

Transport facilities and services support people to get around when active transport is not available or is unsuitable. In addition, some community members are unable to drive or access a private vehicle, including aged persons, those with a disability, school children, young people and unemployed people trying to enter the workforce. For these people, public or community transport services are essential for them to access services and places in the community. Public transport provision is an NSW Government responsibility. The challenge of a smaller population spread over a large geographical area means that public transport opportunities are limited in the Shoalhaven. Transport for NSW provides a train line linking Bomaderry and Berry through Gerringong to Wollongong and beyond via the South Coast line. Transport for NSW also contracts a range of private bus companies to provide public bus services across

the large Shoalhaven region. As an NSW Government responsibility, public transport services in the Shoalhaven are dependent on the planning and funding priorities of Transport for NSW.

Public and community-based transport services provide opportunities for socialising and incidental interactions when compared to private car transport. For people without car access, a reliable publicly accessible system provides a means of getting to and from essential services, open space, shopping and community facilities.



## What the community told us

Transport infrastructure in the Shoalhaven was identified in the community engagement as the second highest priority for strengthening community connections. Survey and workshop participants agreed that some residents are unable to participate in community events, work, study or join clubs due to poor public transport and active transport options. Stakeholders and community members alike acknowledged the increased health risks of residents being unable to access essential services and professional health advice. The Shoalhaven's reliance on private vehicles, due to lack of transport alternatives, was viewed as the most common barrier to creating a sense of local community and connection. Participants highlighted the need to create better connectivity between townships through an improved regional transport plan, including the potential benefits of a unified Opal card system.

*"Transport is a major issue. Providing transport opportunities to all is an imperative to improving community wellbeing. Access to employment and education opportunities improve quality of life. People cannot better themselves if they cannot get to work or school. Their situation cannot change, and they are powerless to change it. Increasing the diversity of routes and decreasing commute times is essential to improving community wellbeing."* – Online survey participant

*"It is near impossible to travel by public transport if you are time poor... You need a car to get anywhere within a reasonable amount of time therefore creating congestion on the roads"* – Online survey participant

### Council's work

Legislative responsibilities include:

- Plan actions to meet identified local community needs and priorities, and collaborate with others to maximise achievement of strategic goals. Councils should make decisions in a way that recognises diverse local needs and considers social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Act as the roads authority in the Shoalhaven, performing functions including opening and closing roads, regulating traffic and giving consent for any work (including public transport facilities) in the road reserve, as outlined in the *Roads Act 1993*.

Other current and planned work includes:

- Plan and provide transport facilities:
  - Provide transport facilities such as bus interchange and bus-stop facilities, park and ride facilities, and transport hubs.
  - Advocate for increased funding, expanded public transport services and expanded active transport infrastructure to connect with public transport nodes.
  - Develop strategies and project plans to get projects 'shovel ready' to help secure grant funding
- Provide Comerong Ferry services.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Extend the Jobs and Skills Bus trial.
  - Embrace new technologies to enhance our travel options and lessen our footprint.
- Explore opportunities to adapt processes and policies to better support:
  - Consideration of mobility scooter use in planning and providing transport facilities and services.
- Continue to advocate for the public transport actions identified in the Illawarra Shoalhaven Regional Transport Plan to be brought forward, and include an expansion of the 16 Cities program to extend more broadly across the Shoalhaven.

Good practice examples that could inform Council's future work:

- Community Transport provision by Eurobodalla Shire Council is co-ordinated by the council and the eligibility criteria make it available to a broad range of community members.

### Key partners

Stakeholders who play a role in creating this Domain:

- Shoalhaven Community Transport Service provide the Shoalhaven Transport Guide website, a comprehensive guide to public transport services in the Shoalhaven.
- Service providers and non-profit organisations (including Shoalhaven Community Transport Service) delivering local community transport programs for isolated community members.
- Property developers provide road infrastructure that cater for bus networks, that contribute to meeting the needs of new population.
- South East Australian Transport Strategy has developed the South East Transport Strategy which identifies priority projects to benefit the entire region and beyond. Their goal is to advocate for an effective integrated transport network that stimulates economic growth that is sustainable and sensitive to the environment and enhances communities.
- Transport for NSW provide rail services and engage local bus providers, including delivering the 16 Cities Program. The Illawarra Shoalhaven Regional Transport Plan provides a blueprint for how Transport for NSW will proactively respond to the transport needs of the region, as well as address the key trends that will necessitate a transport related response into the future.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government funding providers for community transport programs.

### 5.3

## Road access

*People can get around by road.*

The network of local, regional and state roads is an essential link providing people with access to services and places in their community. The road network is used by private vehicles, as well as public bus services and community transport providers. Effective road networks also require provision of appropriate car parking facilities. Road assets represent significant infrastructure, with planning and maintenance requiring services including traffic engineering, civil engineering, drainage and bridge infrastructure, as well as liaison between local and state government where road assets intersect.

The challenge of a smaller population spread over a large geographical area means that there is a high rate of road asset per household, with 42.8m of road per household in the Shoalhaven, nearly triple the rate for similar regional areas. As local and regional road maintenance is carried out by Council using rates collections with limited grant funding assistance provided by other levels of government, these road assets represent a significant cost for ratepayers. Provision of state roads is primarily a NSW

Government responsibility. In the Shoalhaven, only the Princes Highway and Moss Vale Road form part of the State Road network, but Council has some limited maintenance responsibilities where these roads pass through towns and villages. State road provision plays a significant role in transport access as the Princes Highway acts as the main transport spine running north-south through the Shoalhaven.

Physical access to essential services and other key destinations via a well-designed and maintained road system is essential for individual and community wellbeing and requires ongoing direct action by the Council. Extensive damage caused by weather events between 2019 and 2022 (including more than 9 floods) impacted the community's ability to get around using the road network, highlighting the rising costs of road maintenance through an increase in extreme weather and disaster events. The Black Summer bushfires of 2019-20 emphasised the role Shoalhaven roads play during emergency events, acting as a critical evacuation route for many of the 'one road in' villages along our coastline.



### What the community told us

As the dominant mode of transport in the Shoalhaven is the private car, provision of roads consistently shows as a high priority for people in the Shoalhaven. Shoalhaven City Council's 2020 Customer Satisfaction Survey recorded that the Council service with the lowest resident satisfaction was the maintenance of sealed local roads, with 49% of respondents dissatisfied. The main reasons for dissatisfaction were the condition of the roads and the quality of the maintenance carried out. The primary issue identified was potholes, with 23% of respondents mentioning potholes. Some references were also made to 'patchwork' maintenance, stating that roads should be repaired properly rather than temporarily maintained.

*"The roads and intersections of our villages are getting busier as our population both permanent and temporary has increased over the last 12 to 24 months" – Online survey participant*

*"Roads are not safe due to the poor condition they are in" – Online survey participant*

### Council's work

Legislative responsibilities include:

- Plan actions to meet identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Act as the roads authority in the Shoalhaven, performing functions including opening and closing roads, regulating traffic, giving consent for any work in the road reserve, approving use of roads for footpath dining and permitting road events, as outlined in the *Roads Act 1993*.

Other current and planned work includes:

- Planning, providing and maintaining road infrastructure:
  - Construction and maintenance of local and regional roads and bridges.
  - Planning for local road networks in new subdivisions and upgrades of existing local road assets to respond to changing needs.
  - Liaising with Transport for NSW regarding the intersection of state road assets with local and regional assets.
  - Advocacy for responsibility for regional roads to be handed back to the NSW Government.
  - Develop strategies and project plans to get projects 'shovel ready' to help secure grant funding.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Building on existing advocacy for responsibility for regional roads to be handed back to the NSW Government, deliver a program to raise awareness of the high rate of road assets (metres) per household in the Shoalhaven and impacts related to condition of roads.
- Continue to advocate to other levels of government to "Keep Nowra Moving" and continue to develop Nowra Key Roads Strategic Direction projects and advocate for their funding.

### Key partners

Stakeholders who play a role in creating this Domain:

- Local businesses providing services to support road transport, such as road maintenance services and learner driver schools.
- Property developers provide contributions towards meeting the needs of new population, including towards the provision of road infrastructure identified in any relevant development contributions plans, in addition to other road and intersection improvements identified as part of development assessment determinations.
- South East Australian Transport Strategy has developed the South East Transport Strategy which identifies priority projects to benefit the entire region and beyond. Their goal is to advocate for an effective integrated transport network that stimulates economic growth that is sustainable and sensitive to the environment and enhances communities.
- Transport for NSW provide state roads, including delivering the 16 Cities Program actions related to road upgrades. TfNSW are key partners in delivering any approved congestion-busting projects in Nowra including State Road upgrades and Local Nowra Key Roads projects. The Illawarra Shoalhaven Regional Transport Plan provides a blueprint for how Transport for NSW will proactively respond to the transport needs of the region, as well as address the key trends that will necessitate a transport related response into the future.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government funding providers, including Infrastructure Australia and Infrastructure NSW.





## Sustainable natural and built environments

*Sustainable access to natural resources by managing  
our impact on them*

## 6.1

# Sustainable management of natural resources

*People can access our natural resources in a way that supports the long-term sustainability of them.*

Our natural resources include the air we breathe, the water we drink, the soil we use to grow food and the wood we use to build our homes, as well as energy resources like gas and solar power that provide comfort and enjoyment in our homes. These natural resources are central to our quality of life because they provide us with safety, shelter, nourishment and comfort that is needed for wellbeing.

With a deep understanding and respect for the environment in which they lived, Aboriginal people lived for tens of thousands of years without depleting these resources, using only what was needed and ensuring that these resources would continue to be available for generations to come. As Aboriginal people have done for so long, environmental sustainability requires us to find ways of meeting our own needs without compromising those of future generations. As people sharing the beautiful and rich resources of the south coast of NSW, we have a shared responsibility to continue to manage our resources sustainably.

Managing our natural resources sustainably requires everyone in the community to make thoughtful and conscious choices about how we live our lives. People can use active or public transport to get around,

where these are available, instead of travelling by car. Homeowners can choose to build their home with sustainable materials and using thermally-efficient designs, or can install solar panels and retrofit measures to improve thermal and energy efficiency. Businesses can supply their local community and use more sustainable inputs, like renewable products, local employees and local suppliers. When we choose to buy food that is grown locally or made in Australia, we are making sustainable choices because less energy was used for transport. Recycling, reusing and repurposing our waste can reduce landfill and mean we need to buy fewer things. Reducing our material consumption means that there will be more for future generations, whilst composting our food waste reduces pressure on landfill and minimise fuel consumption associated with transporting waste. People are more able to live sustainably when they understand the value of natural resources, the choices available to them and the impacts of their choices on current and future generations. Awareness-raising initiatives can help individuals, business and whole communities to make more sustainable choices – for example, 'place of origin' product labels and advertising campaigns like 'Go Local First' to support

local businesses. Solar rebates and the 'return and earn' program are examples of incentive programs that can be used by all levels of government to encourage more sustainable behaviour. At a local government level, volunteer programs such as Landcare, Coastcare and Bushcare, as well as participation in Council managed environmental awareness programs, can play a critical role in guiding best practice in sustainable management of our natural resources in a way that encourages community education, participation and ownership. Government, particularly at state and national levels, also play a legislative and regulatory role to ensure that individuals, businesses and industry comply with requirements to manage our natural resources sustainably. For example, the Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth) and Biodiversity Conservation

Act 2016 (NSW) provide a strong framework for protection of the environment and the conservation of biodiversity.

Our natural resources are increasingly impacted by global issues, including population growth, climate change and natural disasters, and supply chain issues such as fuel shortages. Our local agricultural industry, which is key to ensuring local supply, can use sustainable practices to help manage the food bowl for the future by maintaining soil quality, reducing erosion, and protecting water catchments and water quality. In the Shoalhaven, Council helps the community to sustainably access clean drinking water and helps ensure wastewater can be safely returned into the environment (with wastewater treatment and liquid trade waste regulation).

## What the community told us

*"I am lucky to have land where we can grow our own food and satisfy our needs to maintain the quality natural environment (keep weeds at bay etc). I enjoy living in a community where values of sustainable food growing and maintenance of the environment are paramount."* – Online survey participant

*"I take pride in the Shoalhaven it's such a beautiful place. Having grown up in the Hunter I saw the massive growth the highway upgrade to Sydney had on our region. The Shoalhaven is coming to this point. It would be great to see it happen in the region but it needs to be closely controlled to make sure people aren't left behind and our natural resources are ruined."* – Online survey participant

*"Community gardens in every town and village to promote sustainable living"* – Online survey participant

*"Managing our natural resources sustainably is central to our wellbeing because we cannot live without access to clean air, the plants we eat, the water we drink, resources to heat our homes and provide us with shelter... Maintaining soil quality, reducing erosion, protecting water catchments and water quality are all examples of what is required to manage our resources sustainably, and thus, positively impact our wellbeing."* – Online survey participant

### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Prepare and implement Coastal Management Programs (to replace the previous Shoalhaven Coastal Zone Management Plan) to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales (*Coastal Management Act 2016*).
- Develop and implement floodplain risk management plans in accordance with NSW Government's Flood Prone Land Policy and Floodplain Development Manual, including preparation of flood studies.
- Plan for and manage public land as the appointed Crown land manager under the *Crown Land Management Act 2016*, including having a Plan of Management for land classified as 'natural area' or 'reserve'.
- Ensure compliance with *Local Government Act 1993* requirements for onsite sewage management systems, including operational approval and inspections.
- Monitor environmental pollution and ensure compliance with *Protection of the Environment Operations Act 1997* including water quality, air quality, noise pollution and waste management.

Other current and planned work includes:

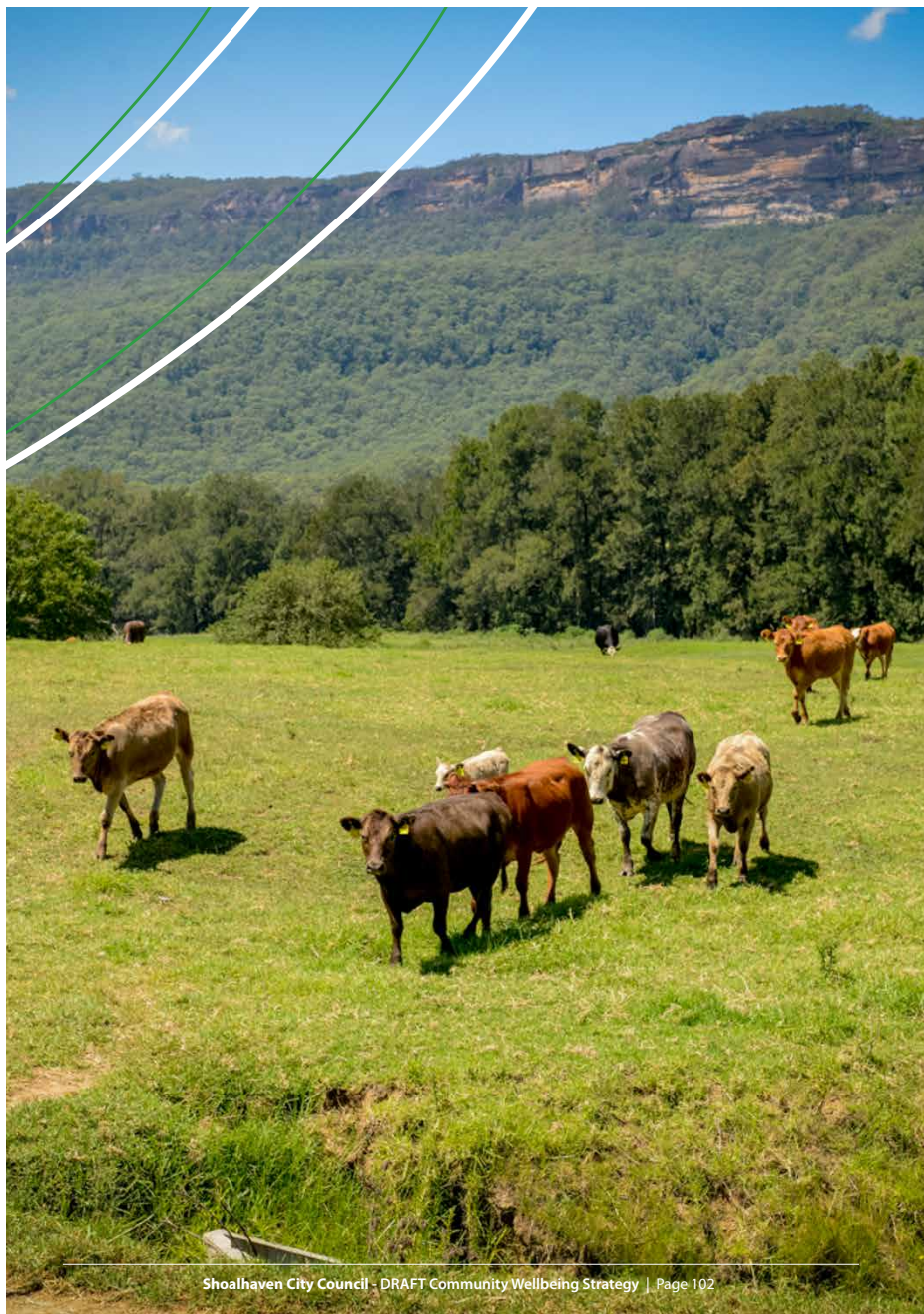
- Provide water and wastewater services including:
  - Manage collection, treatment and distribution of water using 3 large storage dams, 38 reservoirs, 26 pumping stations, 4 water treatment plants, 1,500km of water mains and a water sharing agreement with Water NSW.
  - Manage the collection, treatment and disposal of wastewater safely back into the environment using 13 EPA-licensed wastewater treatment plants and by regulating liquid trade waste and managing the 'REMS' reclaimed water recycling scheme.
  - Use water and carry out of activities near water sources in a way that protects water sources, water quality, features of Aboriginal significance, habitats, animals and plants.
  - Provide water conservation education and incentive programs, including water treatment plant tours, rainwater tank rebates and the TAPSTAR program in primary schools.
- Support volunteers to participate in programs to restore and rehabilitate natural environments, including Bush care and Coastcare groups and Clean Up Australia Day.
- Provide waste management services (including green waste and household bulky waste vouchers) and provide education programs, including waste facility tours.
- Provide cemetery and crematory services.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Deliver education initiatives such as sustainable farm tours and information resources (eg. guide to encouraging biodiversity, local sustainable businesses).
  - Improve capacity of community groups to access grants and information for delivering sustainability initiatives.
  - Improve capacity of local businesses to deliver services in an environmentally sustainable way (eg single-use plastic free villages).
  - Grow trees in schools or community gardens, for planting in the local community to improve canopy cover in urban settings.
  - Develop partnerships to improve understanding and use of Aboriginal cultural burning practices.
  - Install electric vehicle chargers in town centres using programs such as NSW Government Energy Saver electric vehicle charging grants.
- Explore opportunities to demonstrate leadership as a manager of public space that:
  - Demonstrates good practice use of sustainable control measures for noxious species.
- Explore resourcing opportunities to:
  - Expand water conservation education and incentive programs, such as expanding water-wise education programs into high schools and improving understanding of rainwater tank rebate program and other incentive programs.
  - Expand capacity of REMS water recycling scheme.
  - Expand programs to make water infrastructure more resilient to disasters and climate change impacts, considering learning from bushfires and other natural disasters.
- Advocate for state and federal government policies and programs to improve protection of natural resources like Ramsar wetlands and water resources, reflecting our experience of natural disasters.





#### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community being committed to making environmentally sustainable choices for their household.
- Non-profit organisations, community groups and education institutions promoting and providing environmental sustainability initiatives, such as Landcare and Bushcare groups and Re-Power Shoalhaven.
- Local Aboriginal community members and Aboriginal Land Councils working to protect natural resources which are culturally important to their community, including through sharing their knowledge of sustainable management of natural resources (through the use of cultural burning, etc).
- Local businesses being committed to making environmentally sustainable choices and providing locally-grown or locally-produced products.
- Suppliers of natural resource products offering sustainable options, including energy suppliers.
- Water NSW have a water-sharing agreement with Council.
- Office of Local Government providing advice on Plans of Management for community lands.
- NSW National Parks and Wildlife Service protect and maintain natural resources in our National Parks.
- Natural Resources Commission identifies strategic priorities for the NSW government to manage our natural resources for the benefit of all of NSW.
- NSW Rural Fire Services carry out hazard reduction strategies, including to mitigate the risk of damage to natural environment from fire.
- NSW DPE (NSW Crown Land) holds Crown land and appoints Council as the Crown Land Manager
- NSW Farmers Association represent farmers across the state and advocates for a profitable and sustainable NSW farming sector.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, Environment and Heritage Group, Marine Estate Management, NSW Movement and Place Community of Practice and Government Architect NSW.
- NSW Government providing a legislative framework and regulatory oversight of how our natural resources are managed, and approvals/licenses are granted for the protection of the environment and the community, including through NSW Department of Primary Industry (DPI), NSW Crown Land and the Environment Protection Authority. NSW DPI (which includes NSW DPI - Fisheries and NSW DPI - Marine Parks) deliver programs to grow the agriculture, fisheries and forestry sectors, and enforce regulations including related biosecurity and recreational fishing.

6.2

## Sustainable access to natural environments

*People can enjoy our natural environment in a way that is sustainable for future generations (Natural environments are sustainably managed so people will have access in the future).*

This domain is about people being able to access our natural environments to spend time in nature and enjoy recreational activities. Boating and fishing on our waterways, walking through bushland, enjoying our beaches and picnicking in our parks are all ways that we enjoy access to our natural environments. Spending time in this way can reduce stress and increase feelings of emotional wellbeing, as well as contributing to our physical wellbeing. The provision of well-managed and approved pet-friendly natural sites supports recreational activities like dog-walking and horse-riding to happen in a way that manages the impact on our natural environments. It is widely understood that time with pets can have similar benefits to spending time in nature, and appropriate policies and controls allows us to combine these two wellbeing benefits without negatively impacting the environment.

Access to these natural places is highly valued by people that live in and visit the region, as well as tourism businesses which are a critical part of our local economy on the south coast. There is a need to balance the community's desires and expectations for access with the need to protect and restore our natural environments. Our access to natural spaces to benefit our wellbeing must not compromise the need to protect our natural environments, and the diverse land and water resources within them, that sustainably support industries like agriculture, tourism, fisheries and forestry. In vast national and marine parks, people can completely immerse themselves in nature and enjoy the wellbeing benefits – this distance from urban and built-up environments is highly valued by the community when enjoying the expanses of natural environment in the Shoalhaven.

Access to our national and marine parks, reserves, waterways and beaches is important for the

traditional custodians of the Shoalhaven region because of the cultural significance of these places to local Aboriginal people. The long and deep connection that the traditional custodians have means that access to natural environments can include being able to hunt, fish, gather and participate in cultural activities on Country, as well as be involved in the management of national parks, state conservation areas and wilderness reserves. Genuine consultation with traditional custodians is needed to ensure community access to natural areas is culturally appropriate. When culturally-sensitive sites are unsuitable for public access, indirect access and community education can be facilitated by cultural talks, signage and visitor centres. This provides opportunities to improve community understanding (including businesses like tour operators, and government), whilst protecting Country and nurturing connection to place and wellbeing.

The many walkways and bike paths that give us physical access to natural sites also help to protect the sensitive environments around them to ensure long term sustainable use. Infrastructure to get there is needed too – the establishment and maintenance of road networks, public transport, bridges, interpretative signage, amenities blocks and car parks are all necessary to support access. We improve access for everyone when we consider additional mobility needs by providing pathways, parking and amenities that are suitable for people with a disability, parents with prams and people using mobility aids.

NSW State Forests (managed by Forestry Corporation of NSW), National Parks (managed by National Parks and Wildlife Service) and Crown lands (some of which are managed by Council as the appointed Crown Land Manager) are important natural environments

in the Shoalhaven. Council also manages other important natural environments including beaches, parks and reserves. For each of these natural environments, the land manager is responsible for the management strategy and providing paths, amenities and accessibility plans. When managers of assets work co-operatively, the community benefits with more sustainable access to natural environments. For example, well-integrated interfaces between NSW government managed land and Council-managed reserves could reduce damage of the road reserve from informal parking or preserve wildlife corridors (terrestrial and aquatic). Another example would be improved access to key sites through better public transport services and facilities (for more information on transport connections, see Foundation 5).

Infrastructure offers the opportunity, but sustainability of access to our natural environments relies on people in the community choosing to use these places in a sustainable way, including

residents, visitors and businesses. Awareness-raising initiatives can help the community understand the value of natural environments and the impacts of their behaviour. Community volunteers in programs like Landcare, Bushcare and Coastcare also play an important role in protecting and restoring our natural environments to ensure they will be there for future generations, and also encourage community education, participation and ownership. Government, particularly at state and national levels, also use legislation and regulation to manage access to our natural areas in a sustainable manner. Both state and local governments play a role in developing and implementing land-use planning controls, which are used to manage residential, agricultural and industrial development and its proximity to, and impact on, our important natural environments, as a way of balancing development and environmental conservation outcomes.

### What the community told us

Eighty-nine percent of survey respondents spend time in nature several times a month and 80 percent acknowledge that they were able to easily walk to a park or natural areas. To create greater access to the natural environment and natural assets in the region, community workshop and survey participants highlighted the need for pathways and connections within these landscapes and parks to be accessible for people of all ages and abilities.

Opportunities highlighted by engagement participants included expanding the network of walking trails and access paths in key environmental sites, and expanding the provision of facilities and amenities around key natural assets, with a focus on facilitating social gathering and coming together. In addition, the need for better public transport connectivity between suburbs and areas of natural beauty was a common recommendation, within the broader desire to see better transport linkages in the region. Many respondents noted the need for more off-leash dog areas amongst the natural landscape. This point was a key priority for engagement participants over the age of 65.

*"The Shoalhaven is all about nature and outdoor living. We try to spend as much time outdoors with our young kids, so having access to community facilities, having recreation facilities is important" – Online survey participant*

*"We live in a beautiful place and making use of our natural resources such as our beaches, nature reserves etc is great for our physical and mental wellbeing" – Online survey participant*

*"Connection to Country – vital for environment and acknowledges traditional custodians and their knowledge" – Online survey participant*

*"The over-use of these coastal areas is of increasing concern. There is a need for greater ongoing attention to access by providing and maintaining access to beaches, reserves, footpaths and toilet facilities that are high quality, reduce damage to the environment but designed to blend appropriately." – Online survey participant*

## Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Prepare and implement Coastal Management Programs (to replace the previous Shoalhaven Coastal Zone Management Plan) to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales (*Coastal Management Act 2016*).
- Develop and implement floodplain risk management plans in accordance with NSW Government's Flood Prone Land Policy and Floodplain Development Manual, including preparation of flood studies.
- Plan for and manage public land as the appointed Crown land manager under the *Crown Land Management Act 2016*, including having a Plan of Management for land classified as 'natural area' or 'reserve'.
- Act as the local authority in carrying out the provisions of the *Companion Animals Act 1998* which provides for the effective and responsible management of companion animals, including to protect native birds and animals. In addition, this requires Council to promote awareness of the responsibilities of dog and cat owners, including penalties for not complying.
- Monitor environmental pollution and ensure compliance with *Protection of the Environment Operations Act 1997* including water quality, air quality, noise pollution and waste management. This includes providing community health safety advice and warnings, such as advice to avoid swimming in natural environments after floods.

Other current and planned work includes:

- Manage areas of natural environment to protect and conserve them whilst facilitating community access and use. This includes providing infrastructure such as tracks and paths (including accessibility ramps), bridges, carparking and amenities, and local roads that facilitate access to:
  - Beaches and coastal zone, guided by plans including 13 Coastal Management Programs and the Strategic Direction for Nowra Riverfront Precinct, and using the Shoalhaven Development Control Plan.
  - Crown lands, guided by Plans of Management.
  - Assessment of coastal environments after weather events to mitigate further damage from community use of damaged access points.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Promote responsible access to natural environments, for example 'Leave only footprints' and 'Take three for the sea' campaigns.

## Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Build capacity of tourism operators to deliver services in an environmentally sustainable way. This could include incentives or certification programs for businesses, or initiatives to help visitors understand and appreciate natural environments, resources and systems.
  - Understand how young people wish to come together in open spaces and in the natural environment.
  - Work with Aboriginal community partners to improve the community's understanding about access to culturally-sensitive natural environments and protection of natural environments which are culturally important).
- Explore resourcing opportunities to:
  - Improve access to existing walking trails through improved signage and promotion, which could include an online information resource.
  - Expand the network of walking trails and access paths at key environmental sites, with special consideration of accessibility for all, subject to approvals and further investigation and ensuring a balance between conservation and accessibility.
  - Expand environmental awareness programs to engage young people.
- Explore opportunities to adapt processes and policies to better support:
  - Co-location of community facilities and amenities with key natural assets.
  - Access to natural environments that considers adaption to climate change and observed community behaviours (such as access after weather events and areas where litter like fishing line is frequently discarded). Inclusive access should consider the needs of diverse people, including all disabilities and CALD communities. Inclusive access could include information to help people understand natural hazards present in natural environments.





#### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community being committed to using natural environments in an environmentally sustainable way
- Non-profit organisations and community groups helping restore and protect natural environments, such as Landcare and Bushcare groups
- Local Aboriginal community members and Aboriginal Land Councils providing advice on appropriate access to culturally-sensitive natural environments and helping to protect natural environments which are culturally important to their community, including through sharing their knowledge of sustainable management of natural environments (through the use of cultural burning, etc)
- Local businesses being committed to using natural environments in an environmentally sustainable way, such as tour operators on our waterways
- Office of Local Government providing advice on Plans of Management for community lands
- NSW DPE (NSW Crown Land) holds Crown land and appoints Council as the Crown Land Manager
- Forestry Corporation of NSW manage State forests in NSW, including permits for collection of firewood
- NSW National Parks and Wildlife Service manages National Parks
- Parks Australia works in partnership with Wreck Bay Aboriginal Community to manage Booderee National Park, and manages Jervis Bay Marine Park
- Natural Resources Commission identifies strategic priorities for the NSW government to manage our natural resources for the benefit of all of NSW
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, Environment and Heritage Group, Marine Estate Management, NSW Movement and Place Community of Practice and Government Architect NSW.
- NSW Government providing a legislative framework and regulatory oversight, through the Environment Protection Authority, of how our natural resources are managed.
- NSW Government providing a legislative framework and regulatory oversight of how our natural resources are managed, and approvals/licenses are granted for the protection of the environment and the community, including through NSW Department of Primary Industry (DPI), NSW Crown Land and the Environment Protection Authority. NSW DPI (which includes NSW DPI - Fisheries and NSW DPI - Marine Parks) deliver programs to grow the agriculture, fisheries and forestry sectors, and enforce regulations including related biosecurity and recreational fishing.

6.3

## Sustainable built environment

*People are supported to understand sustainable building and to build sustainably.*

The built environment touches on all aspects of our lives, including the buildings we live in and the buildings we use for leisure, like halls, libraries and sports centres. The distribution systems that provide us with water, electricity and transport (roads, bridges and public transport) are all part of our built environment. These structures and networks provide us with suitable spaces for living, working and recreation. Creating and maintaining all these spaces and systems requires the use of natural resources on a very large scale and we need to ensure that we manage them in a way that is environmentally sustainable. We spend significant amounts of our time in these built environments and our experiences using them can contribute to our social connections, relationships, physical health, work productivity, community cohesion and even crime rates. Factors within the indoor built environment that we may rarely consider but that impact our wellbeing, include air quality, light, temperature comfort, access to and quality of the natural environment.

Technological advances and our understanding of the natural resources that we have available to use for our built environment have changed over time. As a result, there are many opportunities for the private sector and all levels of government to collectively develop programs, design incentives and implement

policies so people know what to do to achieve sustainable built environments. With consumers becoming more environmentally conscious and wanting more from their homes and urban environments, organisations such as the Housing Industry Association (HIA) have developed HIA GreenSmart® - Australia's first sustainable building program designed for the residential building industry.<sup>27</sup> It is tailored to support builders in getting their green building credentials, so they are then able to support their customers with sustainable building design and implementation.

Programs such as Your Home, an initiative of the Federal Government, is an independent guide to designing, building or renovating homes to ensure they are energy efficient, comfortable, affordable and adaptable for the future. When people have access to these programs and thus, building a sustainable home, the wellbeing of the occupants can benefit from the use of energy-efficient products and environmentally durable materials for long-term lifestyle and health benefits. The NSW Department of Fair Trading manages a building sustainability index so residents can learn how to ensure a newly built home uses less water and energy. Such online tools make access to this information easily and readily available.

The Australian Sustainable Built Environment Council (ASBEC) works to understand the long-term productivity, liveability and sustainability of our cities, urban communities, and their infrastructure.<sup>28</sup> Their advocacy for improving and enforcing energy efficiency requirements in the Building Code will support communities to improve the sustainability of our built environment. It is necessary for this information to be available at the community level when people are at the early stages of their decision making around building a new home. Local councils, providers of sustainable building products, architects and builders are all well placed to develop programs with support from organisations such as the ASBEC so that this information can be accessible at a local level.

As one the largest owners and planners of the built environment in the Shoalhaven, Council can play a leadership role by demonstrating good practice in environmentally sustainable building planning, construction, retrofitting and maintenance. As real-life examples that helps us see what is achievable, sustainable Council buildings are a valuable resources for tours and talks, whether aimed at commercial and government developers or primary school students and their home-building parents. Community or cultural facilities with sustainable designs or using sustainable materials are also an ideal venue to hold sustainability workshops and environmental education programs that build community awareness and motivation for environmental stewardship.

### What the community told us

The importance of the natural environment to the wellbeing of Shoalhaven residents is a theme throughout the entire engagement. This was a top three theme for Local Stakeholders and Service Providers, the Youth Workshop, Seniors Workshop and the Online Survey. Comments captured in the Online Survey highlight that the priority given to climate change action is directly related to the importance that the community place on being able to access pristine natural environments. Almost 80% of Youth Workshop participants acknowledged that they worry deeply about climate change, having a profound impact on their mental health.

Survey participants identified that financial stress and concerns about environmental degradation (due to development in the area and global warming) were issues causing them stress. Whilst the community didn't raise sustainable built environments as an issue, improving the sustainability of the built environment is a vital component of reducing the impact that people have on the environment. Environmentally sustainable homes can incorporate thermally efficient designs and make use of energy-saving features, which also reduces the ongoing costs of living in the home.

*"Design and develop an environmentally sustainable community" – Online survey participant*

*"I believe well-designed housing that can adapt to both the environment and variable needs of residents into the future is vital in all housing considerations" – Online survey participant*

*"Sustainable living needs to be a priority, this does not mean new housing estates but more so adaptive living or multiple housing on single existing blocks." – Online survey participant*

### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Prepare and implement Coastal Management Programs (to replace the previous Shoalhaven Coastal Zone Management Plan) to manage the use and development of the coastal environment in an ecologically sustainable way, for the social, cultural and economic well-being of the people of New South Wales (*Coastal Management Act 2016*).
- Ensure compliance with *Local Government Act 1993* requirements for onsite sewage management system, including operational approval and inspections.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Provide a mapping tool that helps residents understand the solar access of their home and potential for solar energy systems.
- Through the FORTIS House project, help residents save time and money by providing free buildings designs for highly resilient, sustainable, affordable and adaptable homes. This project is delivered in partnership with the Bushfire Building Council of Australia and NRMA Insurance.



### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Support the community to understand and implement sustainable building design and retrofitting techniques such as light-coloured surfaces, rooftop solar, water sensitive urban design, compact homes, canopy cover and street trees. This could include incentive programs for residents and businesses or education initiatives like tours of sustainable homes and farms.

Good practice examples that could inform Council's future work:

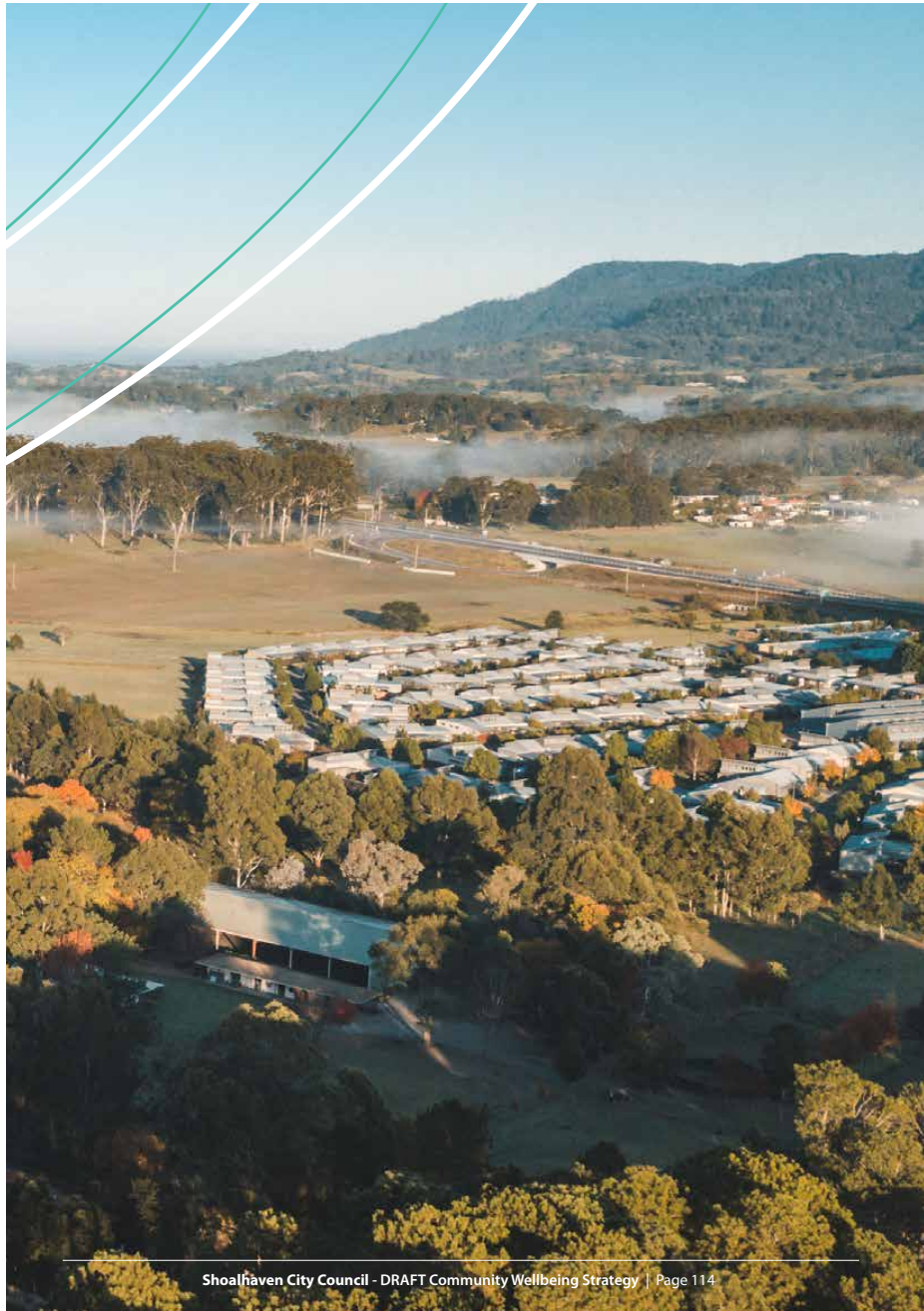
- Penrith City Council's urban heat research learnings in implementing projects in disadvantaged communities and working through community objection and street tree projects provide.
- University of Wollongong's Sustainability Street and Illawarra Flame demonstration home that shows how to retrofit a 'fibro' home into a sustainable 21st-century net-zero energy home.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community being committed to building and renovating in an environmentally sustainable way.
- Non-profit organisations and community groups supporting people to understand sustainable building and build sustainably.
- Local businesses being committed to and offering sustainable building products and services.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, Environment and Heritage Group, Marine Estate Management, NSW Movement and Place Community of Practice and Government Architect NSW.
- NSW Government providing a legislative framework and regulatory oversight of how our natural resources are managed when we build.





## Housing that meets the community's needs

*Access to secure and affordable housing that meets our households' needs*

7.1

# Housing security for people of all income levels and tenure types

*People can live without housing stress; People can access social and Affordable dwellings.*

Housing is the basis of stability and security for an individual or family – a place to live in peace, security and dignity. Access to adequate housing is recognised as a human right because it meets our fundamental need for shelter and safety. Housing security is when people live in housing that is stable, safe and adequate. Conversely, housing insecurity means people experience uncertainty from lack of control over their housing or are vulnerable to being forced to move. Housing insecurity is linked to higher levels of insecurity in other aspects of our life, including financial, employment, health, self-identity, family and relationship insecurity<sup>29</sup>.

Security of occupancy is an important aspect of housing security, with tenure security being a central component of the right to adequate housing. Security of occupancy means that people feel a sense of certainty that they can remain in their home for as long as they wish. For renters, this is impacted by their rights in relation to the length of their lease, required notice periods, and ending of the lease.

Housing affordability is a key factor in housing security. A lack of affordable housing can lead to overcrowded housing and people living in areas that have poor access to essential services, employment opportunities and other supports. This makes it harder for people to participate in life – to get and keep jobs, to get to education and training, to access health services, healthy food, parks and social support networks.

Housing stress happens when housing costs are not affordable for the household's income. Housing stress is most common in households that are renting or have a mortgage, but can also occur for homes owned outright if income is lower than the cost of upkeep. Most definitions of housing stress consider that more than 30% of pre-tax income is unaffordable for low-income households. However, this does not consider that inadequate housing may cost more to heat, or involve higher transport costs because it is poorly located.

Affordability of housing for purchase and rental is related to the supply of and demand for housing in an area. The housing market is influenced by complex and inter-related supply and demand factors including:

- land-use zoning and development approval (provided by state and local government, as well as market provision by town planning consultants and private certifiers)
- development industry profitability and appetite, and supply of construction services (provided by the market)
- other market factors including government subsidies and incentive programs (NSW government), and cost/availability of financial services products (lending provided by the market) Affordable Rental Housing is for people on very low to moderate incomes so they

can afford to pay rent while meeting other living costs. It is poorly supplied by the market without government intervention, and a number of initiatives by the NSW government to encourage the market have not seen significant improvements in supply. The provision of Affordable Rental Housing is complex – the costs for establishment are high, there is often community objection, and ongoing management

needs to be planned. However, working with social housing providers can help by managing Affordable Rental Housing, and this improves the viability of their social housing provision. This is vital as the current supply of social housing is inadequate to meet community needs.

## What the community told us

The results of the online survey uncovered the financial stress that is crippling many members of the Shoalhaven community. Participants could not overstate the importance that housing security placed on personal wellbeing. Both survey and workshop participants identified the perceived increase in the number of holiday homes as one cause of the issue, forcing residents into unsuitable homes and causing financial stress. While not ignorant of the financial benefits of increased tourism in the region, many shared stories of households struggling due to the unaffordable rental market in the region: families living in separate house, workers travelling long distances from home, and elderly people living in unsuitable housing.

For some, this is impacting their health as they forgo professional medical assistance to make rental and mortgage payments. Those particularly struggling to find or afford suitable dwellings included: young parents trying to live near schools, older residents with special access requirements, people needing good public transport, and pet-owners who considered their companion animals as essential for maintaining their mental health. It was highlighted that the Shoalhaven's greatest asset, its natural environment and coastal lifestyle, no longer appeals to young people who feel they will be unable to afford housing here.

The community suggested that Council could do more to provide affordable housing, advocate for stronger state and federal taxation on investment properties, address the concerns of young people and work with local social housing providers to better understand the key risks and needs of vulnerable community members.

*"Affordable housing has become completely inaccessible. I myself am paying almost half of my weekly wage to keep a roof over my family's heads, while employment opportunities are few, rental prices continue to increase and security of keeping that rental has become very stressful for a lot of families"* – Online survey participant

*"We feel very insecure as renters as there are so few rental properties vs. holiday rentals around. Rising house prices and demand from investors mean it is difficult to buy and feel secure that we can stay in the area."* – Online survey participant

*"There is a housing crisis in the Shoalhaven. So many people homeless and couch surfing who don't have the stability of their own home. The prices of homes in the Shoalhaven have dramatically risen along with rents which is pricing people out."* – Online survey participant

*"Affordable housing options increase social cohesion. People on lower incomes will be able to remain in their local neighbourhoods. Affordable housing for the elderly, people starting their first jobs, socially disadvantaged people, single people etc"* – Online survey participant

### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.
- Ensure compliance with *Local Government Act 1993* requirements and associated regulations for caravan parks and manufactured home estates, including for operational approval, fire safety, amenities, waste and upkeep.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Deliver actions identified in the *Shoalhaven Affordable Housing Strategy 2018* to improve access to affordable housing in the Shoalhaven, including working with Southern Cross Housing to deliver the Coomea St project.
- Co-ordinate regular meetings between Council staff and local specialised homelessness services, to support vulnerable people who present at Council facilities to link with housing services.
- Convene the Homelessness Taskforce, a strategic advisory committee to advocate for and inform Council decisions. It is made up of all levels of government, community organisations and service providers, and community members including people with lived experience of homelessness. The Taskforce also monitors and reviews delivery of the Homelessness Community Strategic Plan through a range of collaborative actions that will be implemented by the homelessness and housing sector.
- Through the FORTIS House project, help residents save time and money by providing free buildings designs for highly resilient, sustainable, affordable and adaptable homes. This project is delivered in partnership with the Bushfire Building Council of Australia and NRMA Insurance.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Support the community to understand the planning framework, how they can participate in planning processes, and how they can contribute to improved community outcomes related to housing security.
  - Understand the housing needs of vulnerable community members.
- Advocate for state and federal policies and programs to improve housing security.

### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community: owners of investment properties who support tenants to experience housing security.
- Community housing providers including Southern Cross Community Housing plan, provide and manage social housing and Affordable housing.
- Local suppliers of construction services, property developers and private certifiers provide supply of new housing.
- Developers of local property (whether owners of one investment property or large portfolio) choosing to provide diverse and affordable housing types.
- Home loan providers provide financial products that people use to purchase homes.
- Shoalcoast Community Legal Centre offers community education and free legal advice to help people understand their legal rights and responsibilities, including in relation to tenancy matters like rental repairs, eviction and arrears.
- Housing NSW provides social and affordable housing using Land and Housing Corporation property.
- National Housing Finance and Investment Corporation provides long-term and low-cost finance, and capability building assistance, to registered community housing providers to support the provision of more social and affordable housing.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment.
- NSW government provides subsidies and incentive programs for home-buyers and renters.
- Department of Defence provides housing for their staff.



7.2

## Housing for people with access and support needs

*People can access adaptable and accessible dwellings;  
People can live in supported accommodation.*

Some people in our community have additional needs for support and accessibility. Our needs change over time and these additional needs can be a result of ageing or physical disabilities, whether short or long-term. Our human right to access to adequate housing must consider our access and support needs – housing is inadequate if people are unable to get out of their bedroom or house to access basic living requirements. With an ageing population and a high proportion of older people in the Shoalhaven, increased demand is expected in the future for housing for people with increased access and support needs.

Accessible housing is any housing that includes features that enable use by people either with a disability or transitioning through life stages. Although the focus of many accessibility features is on mobility disabilities, accessible housing should also consider the needs of people with other types of disability. Adaptable housing is housing that can be easily modified to become accessible in the future. Whilst improved housing can meet our access needs within our dwelling, it is important that accessible housing facilitates our participation in the community as well, by being well-located and connected to

community places and services. Accessible and adaptable housing is poorly provided by the market without government intervention. Whilst Council can promote the construction of accessible and adaptable housing with affirmative emphasis in the Development Control Plan, housing developers and individual home-owners often provide the minimum required as accessibility features can increase construction costs.

For people with high support needs, such as the frail aged or people with more severe disabilities, supported accommodation has trained staff to provide varying levels of assistance with daily living. Supported accommodation for younger people with disabilities is needed so that they are not housed inappropriately in an aged care setting. Supported accommodation is provided by aged care providers and disability service providers, which are privatised sectors providing services to recipients of government-funded support packages. There is poor community understanding of this complicated system and private sector market, with significant opportunities to improve community understanding with education initiatives and information resources.



### What the community told us

Some older participants in the Community Wellbeing survey highlighted concerns about aged care and home support as one of the biggest issues causing them stress, particularly when supported living was not available in the local village they live in and where they have built support networks. Concerns about aged care and home support related to availability, affordability, and suitability to meet their needs.

A community survey was completed for the development of the Disability Inclusion Action Plan 2022-26 (DIAP), targeted to reach people with a disability, their families and carers, and the service providers and businesses that support them. Accessible and affordable housing in the area was an issue for many individuals surveyed. Many residents were concerned about the increasing cost of rent and property prices, and the lack of accessible building design was another concern. 62% of the respondents said it was difficult to find appropriate and affordable housing in the Shoalhaven, stating that more social housing is needed

*"Accessible, adaptable housing - I feel this is important with the ageing community it provides the ability to live independently longer. Also important to include for all people with low-mobility." – Online survey participant*

*"There is a huge need to for affordable, accessible and adaptable housing" – Online survey participant*



### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Support the community to understand the planning framework, how they can participate in planning processes, and how they can contribute to improved community outcomes related to accessible and adaptable housing.

Good practice examples that could inform Council's future work:

- University of Wollongong's Desert Rose demonstration home is designed to show that a dwelling can be architecturally inspiring and cater to the changing needs of occupants as they age, specifically considering design for dementia.

### Key partners

Stakeholders who play a role in creating this Domain:

- Community housing providers and Housing NSW (with Land and Housing Corporation) plan, provide and manage social housing and Affordable housing that includes accessible and adaptable housing.
- Providers of supported accommodation including aged care providers and disability service providers.
- Developers of local property (whether home-owners building or developers of large portfolios) choosing to build accessible and adaptable housing.
- Local suppliers of design, architecture and construction services needed to build accessible and adaptable housing.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment and Government Architect NSW.
- Australian Building Codes Board maintains the National Construction Code of Australia (previously called the Building Code of Australia), a national set of technical requirements for the design, construction and performance of buildings and other structures throughout Australia. The NCC includes requirements related to access for people with a disability.

7.3

## Housing for residents

*People can live where resident communities live  
(the majority of housing is available for residents)*

In Foundation 1, we considered the importance of Community life:

*"Participation in local activities is vital for forming social connections that develop a sense of belonging and connection to the community. When people come together as a community, they feel community pride and develop community identity. This contributes to a vibrant community life that supports individual wellbeing and resilience."*

For people to form social connections and come together as a community, they need to live in communities where a stable community of residents lives. Visitors can bring vibrancy and economic activity to a place, but residents are needed to make that place a community. A requirement for 'community' is people living there, which means the majority of housing is available for residents rather than being vacant or used for short-term occupation. Regular visitors, who return to the same towns and villages, can be part of a community but perform a different role from stable resident communities. The choice of whether a dwelling is used for resident housing or not is made by the property-owner.

For over 50 years, coastal towns in the Shoalhaven have been destinations for visitors. Over 30% of visitors give their reason for coming to the Shoalhaven as visiting family and friends, and there are many more who seasonally come to the same towns and villages for family holidays. Many holiday homes are used for private use only, rather than holiday letting. Proximity to the major population centres of Sydney and Canberra, improved by upgrades to road networks, has made living in the Shoalhaven and working in cities more accessible than ever before. This increased demand for coastal living, heightened during COVID, has seen significant

increases to housing purchase and rental prices. During this time, accommodation prices and supply have stayed reasonably the same. Whilst holiday letting is perceived to be having a significant impact on availability of housing for residents, the holiday letting data indicates that the situation is more complex. 2021 Census data shows 12,791 unoccupied dwellings in the Shoalhaven, a decrease of 661 dwellings from 2016. However, current holiday accommodation data shows only 4,394 properties in the Shoalhaven listed for accommodation, including hotels, motels, bed & breakfasts, and short term holiday letting.

In 2020, NSW Fair Trading introduced a new code of conduct to regulate short-term rental accommodation platforms, hosts, management agents and guests. The code is a move towards greater regulation of this industry and requires short-term rental accommodation to be registered with NSW Department of Planning and Environment. While the code doesn't prevent housing being used for short-term rental accommodation, it puts the NSW Government in a better position to implement stricter regulations if they are needed in the future.

In addition to housing being available for residents to live in, the quality and diversity of housing options within an area allow households to live in that community throughout their lives, choosing from a range of different housing types and arrangements based on their needs and resources as they change over time. If people's housing needs change and their community's housing options don't meet their new needs, they may have to move out of an area they feel established in or adopt unsatisfactory accommodation arrangements. This can have a significant impact on the health and wellbeing of

individuals and families as their relationships and social supports are affected. NSW Government and Council can play a role in encouraging housing diversity by developing land-use controls that allow diverse housing types. However, housing developers

and individual home-owners often deliver housing that maximises profitability or affordability, rather than providing diverse housing.

### What the community told us

Both survey and workshop participants identified the high number of holiday home purchases as a perceived root cause of financial stress crippling many members of the community, as those outside of the Shoalhaven are affecting affordability by purchasing homes to relocate to regional areas from cities or only making them available for short term rental. However, data on short term rental stocks does not show significant growth, indicating that housing supply situation is more complex. While participants acknowledge the benefits of tourism in the region, there is a general lack of understanding around the many causes of housing shortages, with many community members providing stories of families who are living in separate houses, travelling long distances from home for work, and elderly people living in unsuitable housing, driven by a lack of stock in the long-term rental market

The high number of holiday rentals was seen as having a negative impact on the sense of community within the suburbs of the Shoalhaven, although holiday accommodation has been a longstanding part of our communities and has decreased in recent years. Beyond the stress that participants reported feeling due to roads and local infrastructure struggling to accommodate peak holiday crowd, participants also felt that an increasingly 'temporary population' was eroding the fabric of neighbourhoods, and ultimately residents' sense of safety in their own home. Lack of school enrolments was raised by the community as a potential impact for communities with high levels of holiday letting, though this is also impacted by the high proportion of older households in the Shoalhaven.

*"...people buying houses to use as holiday rental is taking away the options for locals...This is also destroying the sense of community with so many empty houses in non-peak times" – Online survey participant*

*"The continuous building of 'McMansions', massive land sale and land clearing - mostly for holiday houses and non-permanent residents. Empty houses don't build communities - people do!!! I am not against growing and development but not at the expense of the natural beauty that people come here for in the first place, and whilst lots of existing buildings sit empty. Would love it if we could find a way to limit the amount of 'non-permanent' housing and favor affordable smaller houses and jobs for younger people and families instead plus proper infrastructure to support them living here" – Online survey participant*

*"Their first jobs, socially disadvantaged people, single people etc" – Online survey participant*





#### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Ensure compliance with *Local Government Act 1993* requirements and associated regulations for caravan parks and manufactured home estates, including for operational approval, fire safety, amenities, waste and upkeep.

#### Future directions

Opportunities for future work require investigation of resourcing requirements. Opportunities that could be considered include:

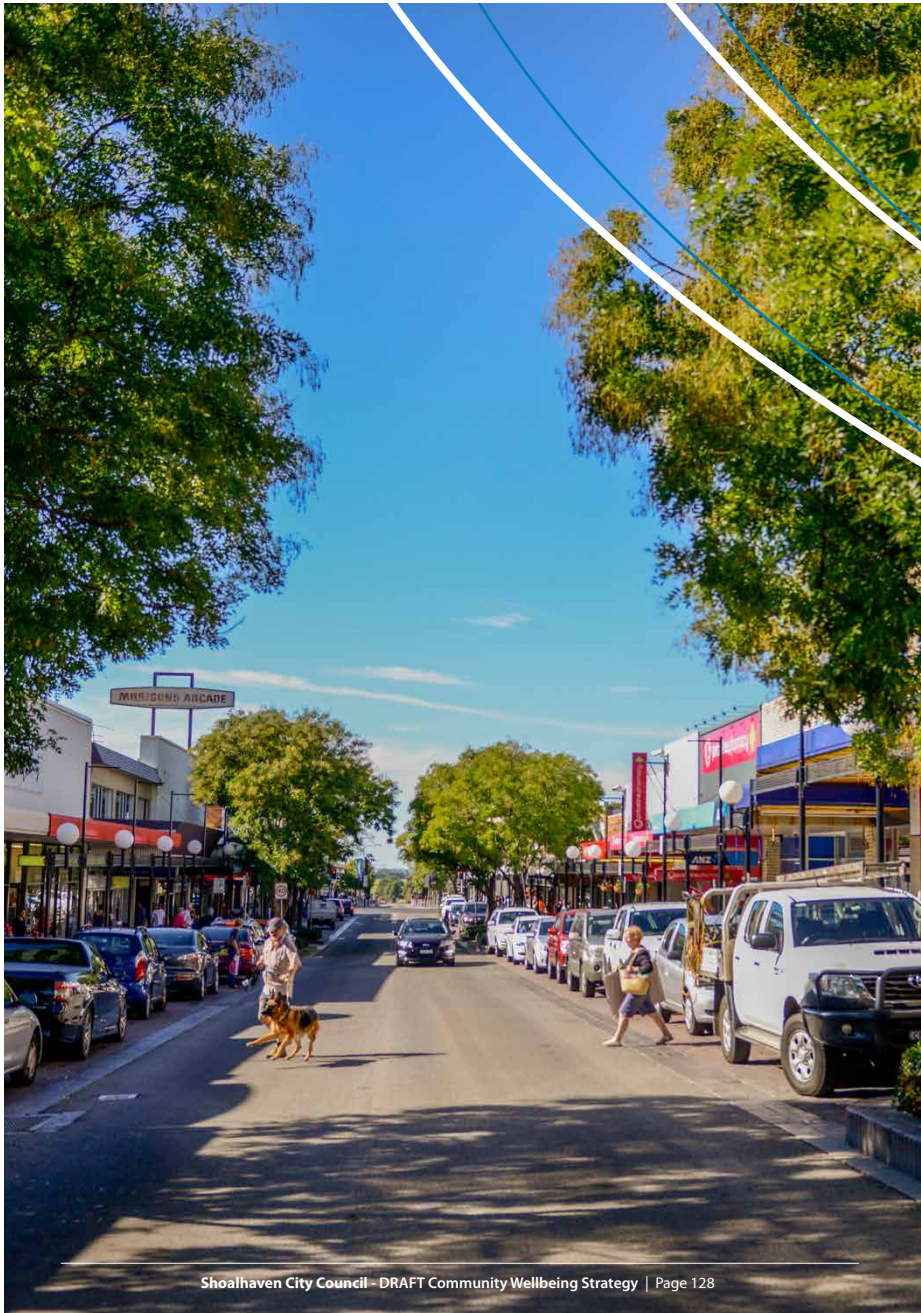
- Explore opportunities to work with or support community partners to:
  - Support the community to understand the planning framework, how they can participate in planning processes, and how they can contribute to improved community outcomes related to accessible and adaptable housing.
- Advocate for state and federal policies and programs to improve housing for residents.
- Investigate the impacts and scale of short term rental accommodation in the Shoalhaven.

#### Key partners

Stakeholders who play a role in creating this Domain:

- People in the community: owners of properties living in them, owners of investment properties choosing to use them for long-term rental.
- Developers of local property (whether owners of one investment property or large portfolio) choosing to provide diverse housing types.
- Community housing providers and Housing NSW (with Land and Housing Corporation) plan, provide and manage social housing and Affordable housing and supporting tenants to be part of communities of residents.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment and Government Architect NSW. DPE also manages the register of short-term rental accommodation providers, required by the NSW Fair Trading's Code of Conduct for the Short-term Rental Accommodation Industry.
- Government Architect NSW provides advice and resources on well-designed built environment (Better Placed) and healthy built environments in regional areas (Urban Design for Regional NSW).





Foundation  
8

## Resilient local economies and inclusive economic opportunities

*Access to secure employment opportunities and income to provide for our households*

8.1

## Economic opportunity

*People have secure employment; People have income to meet their household's needs; People have equitable access to material and social resources.*

To thrive, people need economic stability through access to the means to provide for their household's needs. Many people rely on employment to do this, whilst others receive income from other sources such as welfare payments or income-producing assets. In the Shoalhaven, 2016 figures show 46.7% of people over 15yo are part of the labour force (either employed or looking for work), compared with 59.2% for NSW<sup>20</sup>, however it should be noted that 2021 data is not yet available to show changes post COVID. The Shoalhaven's low rate of participation in the labour force is linked to the high proportion of people of retirement-age, who may receive a pension and/or income from assets. Feedback from major employers in the area indicate recruiting to roles is currently difficult, stating that many jobs are available and are a challenge to fill.

To provide economic stability, income needs to be in balance with local costs of living and come from a reliable source, such as secure employment or a secure asset. A high rate of part-time employment in the Shoalhaven<sup>21</sup> and increasing casualisation of the workforce contribute to reduced security of local employment. In addition, employment cannot positively contribute to wellbeing when there is poor

work-life balance or stress from working conditions and pressures. Access to employment opportunities is supported by availability of and participation in employment-related education (see 2.1 Training for employment).

Regardless of how people provide for their household's needs, socio-economic disadvantage and advantage happens when access to resources is not equitably available to everyone in the community, so that some people are unable to participate fully in society. Disadvantaged households face more barriers to accessing life opportunities than other households. When there is equitable access to material and social resources, economic opportunities are inclusively available for everyone in the community.

Access to economic opportunities in the Shoalhaven can be improved by strengthening the local economy (see 8.2 Economic diversity and resilience) and improving people's capacity to take advantage of opportunities. It is also significantly impacted by external influences including Federal government welfare support and global financial market performance.

### What the community told us

The 3 biggest issues that survey participants identified as affecting their sense of wellbeing or causing them stress related to financially meeting their household's needs, including housing and employment pressures. The top 3 responses were:

1. Financial stress/concern
2. Work-life balance
3. Unemployment and housing security

Regional migration due to Covid-19 and increasing housing costs (both rental and mortgage) have created a housing bubble within the Shoalhaven that is out of step with local wages and work opportunities, and was the number one source of stress within households. The results from the survey worryingly showed that financial stress is impacting the health (addressed in 4.1 Health services and support) of people in the Shoalhaven community, including some forgoing professional medical assistance in order to make rental and mortgage payments. Consultation participants also commonly identified financial stress and the need to maintain job security as the number one factor impacting their mental health.

Across all survey questions relating to financial stress and stability, female survey participants faced greater risk than their male counterparts. Most poignantly, when asked "If you suddenly had to raise \$5,000 for an emergency, would you be able to do so?" there were 5 times as many women as men who responded "No", indicating a significant gender gap in ability to respond to a major shock or stress that posed a threat to the safety of a household.

Participants in the community engagement identified an immediate need for the region to attract major industries or employers who can offer stable, full-time employment in large numbers, and provide residents with an opportunity to build a career in the Shoalhaven, rather than simply working a job.

*"Banks will not lend money to people working in casual work and casual work does not give people security, especially if they do not know how many hours a week they will get and also penalty rates have been taken away from many in the hospitality, retail & fast food industries."* – Online survey participant

*"One man in his 40s said he had to move into a share house as he couldn't afford to rent by himself any more as he didn't get enough hours."* – Online survey participant

*"It is getting to the point where people who work here can no longer afford to even rent here, let alone buy. There is no real full time work. It is mostly contract/part time or casual, and average weekly rent is outstripping the average wage."* – Online survey participant





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#### Council's work

Legislative responsibilities include:

- Plan actions to address identified local community needs and priorities, using a strategic plan and by working with others. Councils should make decisions in a way that is transparent, recognising diverse local needs and considering social justice principles of equity, access, participation and rights (Local Government Act 1993).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.
- Demonstrate leadership as a large employer in the region by promoting availability of secure employment with career development opportunities and supports for employee wellbeing, including addressing barriers experienced by people living with disability through implementation of the *Disability Inclusion Action Plan 2022-26*.

#### Future directions

Opportunities for future work require further investigation of resourcing requirements to assess feasibility. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Understand the key barriers to training and employment for young people in the Shoalhaven.

#### Key partners

Stakeholders who play a role in creating this Domain:

- Non-profit organisations and businesses supporting people to access employment opportunities
- Local employers offering secure employment opportunities.
- NSW Ministry of Health providing resources on workplace-related programs and projects such as the 'Get healthy at Work' program.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government funding providers, including Services Australia's provision of welfare support programs.

8.2

## Economic diversity and resilience

*People have local employment opportunities in diverse and resilient industries.*

The resilience of the local economy is improved through the diversity of local industries and the readiness of employers to adapt and innovate. Diverse employment opportunities are also more aligned with the employment needs and skills of our diverse population which has a range of ages, abilities, training and talents. Local economic resilience helps ensure that economic opportunities will be available in the future, resistant to the unpredictability of economic change and shocks.

With a strong historical base in Defence industries, manufacturing, primary industries and tourism, demographic and technological changes are opening up new opportunities for economic diversity in the Shoalhaven. Recent major infrastructure projects are bringing approximately \$1.5 billion to the region and COVID saw a dramatic increase in domestic tourism in 2021-22. As a major employer for the Shoalhaven, Council contributes to the diversity of local employment opportunities, as well as working with a range of partners to improve economic activity in the region and linking local businesses with available supports to innovate and adapt to change.

The diversity and resilience of local employment opportunities depends on the actions of all the employers in the Shoalhaven – manufacturers and farmers, sole traders and gig economy workers, educational institutions and non-profit organisations, small businesses and branches of national corporations, state government entities and more. Access to information about emerging markets and technologies, and a willingness to adapt in response, is needed for local employers to be part of building economic resilience and diversity across the region.

Local residents play an important role in local economic resilience by offering a consistent customer base and supporting local businesses. By joining local events and activities in community gathering places (covered in 1.1 Community life), people across the Shoalhaven help activate the Shoalhaven's villages and make them more attractive to spend time.

### What the community told us

Community consultation participants emphasised the need for diverse employment available to all groups, but particularly for the future of young people. Participants of all ages, including those in the Youth Workshop, considered the lack of employment and training opportunities for young people as key risks for the future of the region.

In addition to not being home to large industry, community consultation participants felt that the region does not provide a business ecosystem that facilitates growth of medium sized businesses or leverages the region's proximity to the national and international gateway of Sydney. Instead, it was felt that the local economy was built on small businesses that lacked resilience and were unable to provide job security or provide training or development for young people. Tourism was acknowledged as an important employment sector but there was concern about managing the impacts on the environment, amenity and infrastructure for local residents, as well as housing affordability.

Community consultation participants wished to see Council build a strong, long-term economic proposition for industry in the region. Whilst this acknowledged that secure employment as a foundation for people accessing other life opportunities, it may indicate a lack of understanding of the limitations and conflicts of Council's role in working collaboratively with stakeholders and partners to develop equitable economic opportunities for people across the Shoalhaven.

*"Liveable communities need to have chances for all- whether down on their luck or/and ambitious-renewable industry and manufacturing to support the tourism industry in off seasons" – Online survey participant*

*"we need to encourage visitors to the Shoalhaven area, for a lot of businesses in the region this is their main trade and livelihoods. I realise that there can be negative impacts on the residential areas especially during the peak times, but if we didn't have the tourists we would suffer greatly employment opportunity wise." – Online survey participant*

*"full-time, solid jobs from within the manufacturing sectors... This type of employment creates long term prospects" – Online survey participant*





### Council's work

Legislative responsibilities include:

- Plan actions to meet identified local community needs and priorities, and collaborate with others to maximise achievement of strategic goals. Councils should make decisions in a way that recognises diverse local needs and considers social justice principles of equity, access, participation and rights (*Local Government Act 1993*).
- Carry out land-use planning in a way that promotes the social and economic welfare of the community by the proper management, development and conservation of the State's natural and other resources (*Environmental Planning and Assessment Act 1979*). This includes acting as the determining authority for relevant development applications and identifying the basis for the land-use planning strategy and planning priorities for the Shoalhaven.

Other current and planned work includes:

- Provide strategic guidance to economic development across the region (including working with government, institutional and business partners) guided by the *Shoalhaven Economic Development Strategy 2017-2026*, *Shoalhaven Regional Economic Development Strategy 2018-22* and *Shoalhaven Tourism Master Plan*.
- Provide strategic guidance for land use development across the region, guided by *Shoalhaven 2040 – Our Strategic Land-use Planning Statement*.

### Future directions

Opportunities for future work require further investigation of resourcing requirements to assess feasibility. Opportunities that could be considered include:

- Explore opportunities to work with or support community partners to:
  - Create more vibrant town and village centres with a strong sense of place and community, with community, business and other stakeholders delivering activation strategies that foster community connections and enhance spaces providing informal opportunities for people to interact. Also listed under 1.1 Community life.
  - Create a co-ordinated program of diverse community events across the Shoalhaven for all residents (including younger and older people) and visitors, and considering how transport connections can be improved. Also listed under 1.1 Community life.
  - Establish local apprenticeship and graduate networks and investigate setting up incubator space for start-up businesses.

### Key partners

Stakeholders who play a role in creating this Domain:

- Local employers being future-focused and ready for change
- Public and private industry stakeholders (including State and Federal governments) partnering in the delivery of employment and education related programs and initiatives such as the State Regional Tourism and Marine-based Tourism Strategies.
- Federal and NSW State Government agencies and land-use planning authorities that support Council to carry out land-use planning in a way that promotes the social and economic welfare of the community, including NSW Department of Planning and Environment, Environment and Heritage Group, Marine Estate Management, NSW Movement and Place Community of Practice and Government Architect NSW.
- Federal and State Government funding providers for regional and economic development programs.

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CL22.532 - Attachment 1





**Shoalhaven City Council**  
Community Wellbeing Plan  
Engagement Outcomes Report

September 2022

**JOC**CONSULTING  
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CL22.532 - Attachment 4

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## Acknowledgment of Country

This document acknowledges that the Shoalhaven region is on Aboriginal land where the traditional custodians have been caring for Country for more than 70,000 years.

We pay our respects to the Traditional Owners of this land, their Elders past, present and emerging, and acknowledge the continued rich culture and heritage of all Aboriginal people on this land.



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All care has been taken to prepare this  
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## Executive Summary

Extensive engagement for Shoalhaven City Council's Community Wellbeing Plan shows that residents are feeling the impacts of a rapidly changing world and that some groups are particularly hard hit. The community place high importance on neighbourhood connections and local public places as well as access to the natural environment and support services as sources of wellbeing.

The challenges of climate change and major weather events, the ongoing Covid-19 pandemic, growing financial stress, and increased risks of mental illness and social isolation are being felt by everyone in Shoalhaven (indeed the world), but may be affecting people in different ways. Shoalhaven City Council commissioned Danny Wiggins to lead the development of the Community Wellbeing Plan to find out more about how people are affected by these increasingly uncertain and challenging times and identify priorities and strategies for improving the overall wellbeing of the community.

JOC Consulting was commissioned to develop a comprehensive community and stakeholder engagement approach that could inform the Community Wellbeing Plan in a meaningful way by exploring specific challenges and pragmatic opportunities for change. This report presents the results of enlightening conversations with more than 450 community members and stakeholders throughout the November 2020 to May 2021 period.

### Key findings

The engagement showed that while the community rated their overall wellbeing as slightly better than neutral, significant and longer-term challenges are mounting and have a direct impact on wellbeing. Growing financial stress and the pressures of maintaining a roof over their (and their family's) heads, was nominated as the number one factor that was impacting on the community's health. This stress was also identified as the cause of a number of other key health concerns, with participants nominating cost as the number one barrier to improving health, and work-life balance being another major stress in people's lives.

The need for greater transport connectivity within the region, was the second highest priority identified during the engagement, as stakeholders and community members alike acknowledged the increased health risks of residents unable to access essential services, professional health advice, open space, or employment due to lack of public transport. The Shoalhaven's reliance on personal vehicle was the most common barrier to creating a sense of local community and connection that was identified by key stakeholders and service providers in the region.

In order to respond to these challenges - that have been exacerbated by COVID-19 and related trends (such as population growth and increased housing costs in the region) - engagement participants identified two elements of the Shoalhaven identity that they would like to see better leveraged to improve wellbeing. Access to open space and connected neighbourhoods were the top two assets identified for improving wellbeing in the Shoalhaven, with engagement participants highlighting the important role that these factors play in maintaining their personal wellbeing. The quantitative data of the online survey further supported this community sentiment, wherein individuals who did not have access to open space and did not feel connected to their community reported significantly lower physical and mental health scores.

### PARTICIPATION

460+ participants  
980+ people informed  
5 workshops  
304 survey responses

### How did we engage?

The community engagement was carried out at key stages in the development of the draft plan, with each activity building on the outputs from the previous, to guide desktop research and provide a nuanced understanding of the key challenges and opportunities within the region.

The resulting engagement findings have been used to develop a place-based approach for the draft Shoalhaven Community Wellbeing Plan.

Engagement	Participation	Output
<b>Online Survey #1</b> 20 Nov- 13 Dec, 2020	112 Surveys 243 Page views	Identified key themes and challenges for further exploration in desktop research and phase 2 community engagement
<b>Community Workshops (x3)</b> 23 – 24 Feb, 2021	31 Community members Online via Zoom	Nuanced understanding of how community members are responding to key health risks and challenges within the Shoalhaven
<b>Stakeholder Workshop</b> 24 Mar, 2021	16 Participants from local service providers and community organisations Online via Zoom	Identified stresses impacting the community, as well as key barriers to taking individual and collective action
<b>Online Survey # 2</b> 25 Mar – 26 Apr, 2021	192 Surveys 454 Page views	Identified key stresses impacting the community  Identified key health indicators for the Shoalhaven community  Identified key assets to improving wellbeing  Identified vulnerable groups within the community  Captured community priorities for the draft plan  Identified common barriers to improving individual wellbeing
<b>Youth Workshops (x4)</b> 26 Apr – 5 May 2021	39 Students Face-to-face Workshop	Identified key stresses impacting the health of young people  Identified youth priorities for the draft wellbeing plan
<b>Seniors Workshop</b> 24 Mar, 2021	16 Local residents aged over 65 Face-to-face workshop	Identified key stresses impacting the health of older residents in the Shoalhaven  Identified key barriers to taking action to improve individual wellbeing



<b>Aboriginal Community Interviews</b> 10 Feb – 30 Apr, 2021	6 hours of interviews with key stakeholders and service providers	Better understand the key stresses impacting the health of people of Aboriginal heritage  Identified key barriers to taking action to improve individual wellbeing
<b>Stakeholder and Service Providers Workshop</b> Insert Date	TBC	To be completed upon delivering the first draft Shoalhaven Community Wellbeing Plan

#### Engaging those at greater risk

To improve the broader wellbeing of all residents in the Shoalhaven, the plan (and the engagement) must look at addressing the additional challenges that are facing at-risk groups within the community. As such, the engagement plan included 9 workshops and 3 interviews that were focused on capturing unique insights from young people, seniors, and those of Aboriginal or Torres Strait Islander descent, who are living in the Shoalhaven.

In addition to these activities, an online workshop for local Aboriginal community groups and service providers was planned but the 5 registered participants were unfortunately unable to attend. Participation in the online survey shows that 6 of the 193 respondents identified as Aboriginal or Torres Strait Islander, 10 identified as LGBTQI+, 14 identified as having a disability, and 16 identified as carers or family members of people with special needs. The below table illustrates a number of key insights that were specific to each group, above and beyond those areas where they aligned with the broader community.

Youth	Seniors	Indigenous Community
3 x Schools Workshops	1 x Workshop hosted during Seniors' Week programming	3 x Interviews w/ Stakeholder and Service Providers
Young people expressed a high level of "climate stress", experienced due to perceived inaction on climate change.  Highlighted a lack of public spaces in which they felt welcome and/or that catered to their needs.  Almost all youth participants were worried about the lack of local jobs or training prospects.	Workshop participants recorded greater levels of social isolation, and highlighted poor transport linkages as a common contributor to this.  Accessibility concerns, particularly in open spaces and natural landscapes, were limiting this group's ability to leverage the benefits of these assets.	The need for greater consultation to better understand the unique challenges facing the indigenous community, was the number one priority of those interviewed.  Participants highlighted the need for specific consultation during program design and planning for the delivery of specific services/initiatives.

### How is the community currently doing?

The engagement looked at community wellbeing from different perspectives and took the pulse on both physical and mental health, across a range of geographical locations and demographics in the community. The survey of nearly 200 community members indicates that they overall are doing okay; when asked to rate their physical health and mental health, survey participants scored an average of 3.5 and 3.6 out of 5 (midway between “Neutral” and “Good”).

While the average community wellbeing score paints a picture of a community that is coping under difficult circumstances, further investigation of the engagement data uncovered a number of key vulnerabilities within the community:

- Young people recorded a high level of day-to-day stress, which was further exacerbated by their concern for global issues and limited future housing and job security
- While online survey data recorded high levels of connectedness, participants used open response questions to express concerns that key sources of connection (work and local neighbourhoods) were under pressure
- Those who felt they were unable to easily access open space recorded a significantly lower health score in the online survey
- Those living in and around Nowra recorded significantly lower scores in satisfaction with their neighbourhoods and opportunities

In addition, detailed interviews were held with Council's Community Capacity Builder and two prominent local Aboriginal medical professionals. The stakeholders interviewed felt that for Aboriginal people, wellbeing is primarily about promoting culture (rather than its destruction), recognition, acknowledgment (respect), and healing. The interviewees identified that this can be achieved at the local level by enshrining a voice in Council activities and assisting with narrowing the health and wellbeing gap.

### What are the key challenges we need to overcome?

The engagement identified the importance of open and public space in maintaining the wellbeing of residents in the Shoalhaven. However, participants felt that in the context of a growing population and new challenges facing the community, these spaces and services were becoming increasingly important and that there are opportunities to increase their capacity as well as improve better access for the whole community (and especially vulnerable groups).

#### Key stresses and challenges directly affecting individual wellbeing

The following stresses and challenges were identified by the 192 survey participants in answer to the question: *"What are some of the biggest issues that affect your own sense of wellbeing or cause you stress?"*

- Financial stress/concern
- Poor work-life balance
- Unemployment and housing security
- Inability to adequately treat existing health concerns (cost)
- Safety in neighbourhoods, particularly for those who do not have family within the region (Nowra a common nomination) - particularly relating to drug use and petty crime
- Decreased sense of community due to high level of holiday rental
- Environmental degradation due to development in the area and global warming

In addition to the above, targeted consultation with Senior citizens in the Shoalhaven uncovered additional key challenges impacting their wellbeing:

- Increased social isolation, leaving residents to handle loss and grief on their own
- Lack of housing diversity resulting in residents living in unsuitable housing types
- Online service provision and education doesn't give consideration to those with low digital literacy

#### Key challenges facing Council and service providers

The following challenges were identified by the Council and key stakeholder workshop participants in answer to the question: *"What are some of the biggest wellbeing challenges facing the region into the future?"*

- Housing affordability (causing financial stress in households)
- Inefficient public transport network decreasing equitable access to services
- Providing greater local provision of professional and specialist health services
- Managing the impacts of increased holiday rentals
- Low levels of employment and training opportunities
- Increased mental illness (often noted as being connected to increased drug use in the region)
- Significant upgrades to sidewalks and active transport network to create more connected communities
- Responding to the new roles that open spaces and community facilities need to play

### Key challenges directly affecting Aboriginal Community wellbeing

The key health challenges raised during the interviews were experiences of mental health, drug and alcohol issues, domestic violence, cultural issues, social and emotional wellbeing (grieving), not feeling safe at home and needing contact with the land (connection to Country).

Actions for Council suggested during the interviews:

- Cultural Protocol Guide
- Promoting the activities of Council's Aboriginal Advisory Committee, and relations with Aboriginal Land Councils
- Incorporating NSW Department of Planning and Environment and the NSW Government Architect recommendations (and publications) on integrating Aboriginal culture into the planning and operation of our public spaces and buildings
- More specific provisions in Council's Community Participation Plan, acknowledging that there should be broader notice of planning and development proposals, reflecting the nature and expectations of the Aboriginal community. This should include consideration of circumstances where an Aboriginal Impact Statement should be required.

### What are the key opportunities and assets to building stronger and healthier communities?

Overall, engagement participants painted a picture of a relatively healthy, connected community that is the legacy of previous forward planning and programs offered by Council. Many community participants acknowledged the role and work undertaken by Council and expressed interest in collaborating directly with Council on community development initiatives.

The engagement identified the following key opportunities for leveraging assets to build healthier communities:

- **The Natural environment**  
The natural environment of the Shoalhaven, and the abundance of open space are the region's greatest asset in improving and maintaining the wellbeing of residents. Throughout the engagement, participants highlighted the need to provide greater access to these spaces as well as improved amenities that will enable users to stay longer.
- **Strong neighbourhoods**  
It is the walkable neighbourhood that is the major support network in the Shoalhaven. The engagement uncovered a high percentage of residents who are living in and relying upon the benefits of pleasant, walkable, connected neighbourhoods – a group who recorded the highest level of personal wellbeing from survey participants.
- **A community-minded Shoalhaven**  
Across all engagement methods, participants expressed concern about looking after people who may be particularly affected by the current pressures of living. When asked to consider challenges and solutions for improving wellbeing, participants put aside personal interest to consider what would deliver the greatest good for the broader community.

### What are the community's priorities?

The key priorities below provide a summary of the top priorities identified throughout the engagement.



#### Access to Professional Health Services

The region's growing population now demands adequate access to specialist and professional health services, rather than relying upon the region's proximity to Sydney



#### Greater Connectivity

The inefficiencies and lack of connectivity of the public transport network in the Shoalhaven is limiting resident's access to essential services, employment and training opportunities, and chances to connect with the community



#### Increased Access to Open Spaces

The region's greatest asset needs to be made accessibly and enjoyable for all, irrespective of age, ability or proximity to natural assets



#### Resilient Neighbourhoods

Resilient neighbourhoods are shaping healthy Shoalhaven residents. Open space provision and creating neighbourhood connections should be key goals for promoting wellbeing

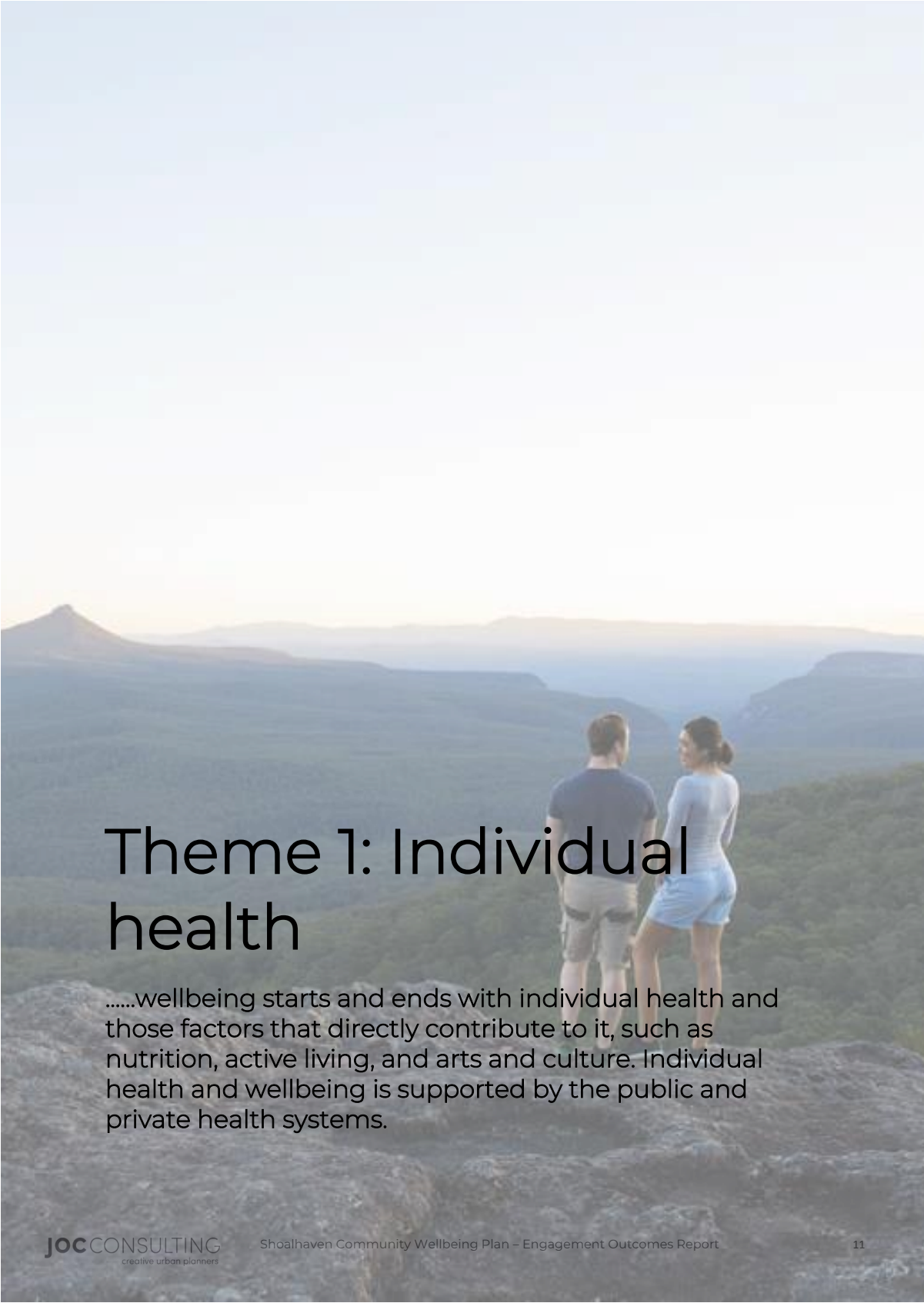


#### Addressing Financial Stress

Increasing financial stress and increasing cost of housing is limiting resident's ability to respond to key health challenges and take action to build resilience

The community and key stakeholders identified a broad range of opportunities for further consideration in the Community Wellbeing Plan, described in detail in the following as related to the identified themes (which were informed by the first stage of the engagement) - Individual Health; Connections; Supportive Environments; and Housing & Employment Security.





# Theme 1: Individual health

.....wellbeing starts and ends with individual health and those factors that directly contribute to it, such as nutrition, active living, and arts and culture. Individual health and wellbeing is supported by the public and private health systems.

## What we heard

*“Most illnesses can be prevented by following a healthy diet and increasing physical activity. I have found this last year quite different, in these times of uncertainty, and maintaining good mental health and wellbeing is a priority for me” – Survey participant*

The Shoalhaven community recognise their great fortune in having access to open spaces and natural landscapes that provide an exponential benefit in maintaining one's individual health. However, participants highlighted that the region lacks access to professional health services, particularly specialist services, and highlighted that limited connectivity further exacerbated this risk.

### Insights

#### A growing awareness of mental health

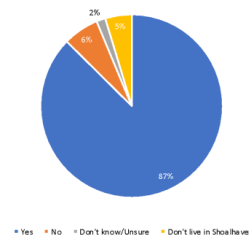
Participants across all engagement activities acknowledged the growing importance of maintaining good mental health practices and the interconnected nature of physical and mental health. The impacts of social isolation measures in 2020 and the sense of uncertainty, was a commonly noted catalyst for this increased awareness and the mental health practices that residents have adopted in the last 12 months. As such, participants noted a number of key barriers to better individual health, as having an impact on physical and mental health, these were:

- Cost – increased financial stress (closely related to the cost of housing), was forcing people to compromise on seeking professional help in addressing physical and mental health concerns, which is causing further concern and worry about ill-health.
- Accessibility – participants noted that the region lacked professional/specialist services, and that poor connections made it hard to access those professional services that do exist.

#### Key local health indicators

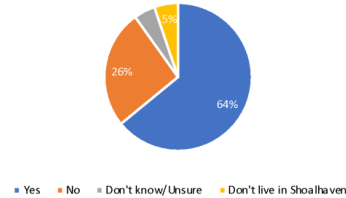
Access to health services and to healthy food presented a direct correlation to how participants scored their personal wellbeing. 85% of all survey participants who rated their mental health as 5/5, acknowledged they had easy access to healthy and fresh food, while 90% of that cohort felt they could easily access the health services they need. In further support of the importance of these two aspects of health, all survey participants who rated their mental health as 1 or 2 out of 5, believed they were not able to easily access health services from where they live (residents of the area of Callala over-indexed in this group, as well as those from Nowra/North Nowra).

Are you able to easily access healthy and fresh food in the Shoalhaven? (n=192)



Exploring the current health of residents also further emphasised the importance of maintaining social connections, and promoting a sense of community in the Shoalhaven. When asked to rate their physical health, all participants who listed 5/5 were currently employed, while all those who select 1/5 were not currently working. Furthermore, 90% of participants who rated their mental health as 5/5 were working, studying, or volunteering regularly.

Are you able to easily access the health services you need? (n=192)



### Collaborating with First Nations People

Participants from the Aboriginal community highlighted a need for greater recognition of First Nations people, and greater collaboration between Council and the community to better understand the unique challenges to improving wellbeing of Aboriginal people in the Shoalhaven.

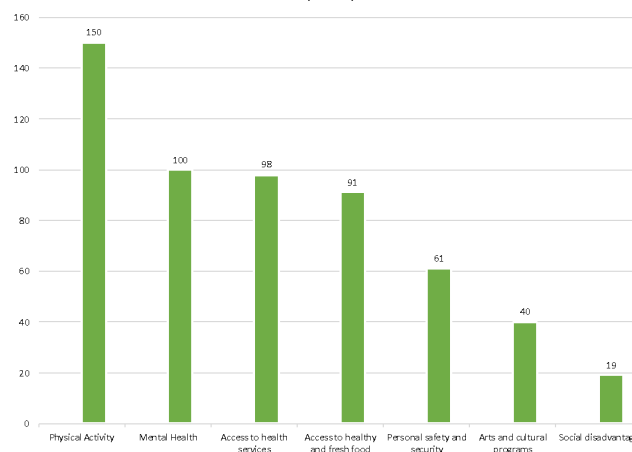
Participants also emphasised that collaboration with the Aboriginal community about ways of appropriately recognising Aboriginal culture in general and as part of the built environment is vital for creating a stronger sense of belonging amongst the Aboriginal community. Participants from the Aboriginal interviews highlighted an immediate need for Council to include specific actions in all strategies and plans that address this need.

The need for greater consultation with the Aboriginal community was identified as a top priority for members of the Aboriginal community, who highlighted that the key challenges to implementing actions and initiatives were vastly different in the Aboriginal community, compared to the broader population, and often subject to specific cultural protocols.

### Community priorities

Survey participants were asked to nominate 3 priority areas for improving individual health in the Shoalhaven.

Community priority areas for improving individual health (n=568)



From across the engagement, participants saw the following focus areas as being of critical importance to improving individual wellbeing in the region.

#### **Physical Activity**

Participants acknowledged that the Shoalhaven region is well-resourced to enable residents to exercise and improve their physical and mental health for limited/no cost. It was widely recognised that physical activity was the foundation of good health, and participants wished to see Council facilitate more no-cost exercise opportunities in the LGA. Installing more outdoor exercise equipment, increasing walking access to open spaces, and expanding the capacity of community-run exercise classes were three highly common recommendations to achieving this outcome.

#### **Mental Health**

Survey Participants and Community Services providers in the region both recognise the growing epidemic of mental illness in the Shoalhaven. Participants highlighted the growing pressures/stresses that were having a noticeable impact on the health of them and their loved ones, commonly highlighting financial stress and the need to maintain job security as the number one factor impacting their mental health.

With a more outward perspective, service providers in the region highlighted the increasing cases of mental illness in the Shoalhaven, and the need to make services more accessible for the most vulnerable members of the community.

#### **Access to Health Services**

The lack of internal connectivity and the over-reliance upon specialist services in Sydney are resulting in a large part of the community often not seeking the treatment/advice they require. Participants across all engagement activities highlighted that services within the Shoalhaven were often concentrated in larger town centres, with the existing transport plan giving little or no consideration to how residents outside these areas access essential services.

A large number of survey participants, particularly older residents and those with pre-existing health conditions, noted that the Shoalhaven lacked access to specialist services. It was commonly felt that the region's proximity to Sydney gave residents a false sense of security, which is not realised until residents have a personal need to seek these services/treatments.

#### **Access to Healthy and Fresh Food**

While the vast majority of survey participants felt they could easily access healthy and fresh food in their area, it was commonly acknowledged that the most affordable and freshest food was concentrated to farmer's markets that were difficult to access for the large majority of the population – with cost, transport, and lack of inclusion being the three main barriers.

#### **Accessible Health Education For Seniors**

Participants of the Seniors Workshop nominated low digital literacy as a key barrier to improving their wellbeing. While this was a challenge not highlighted by other demographic groups in the engagement, Seniors acknowledge the transition to online health education resources as a key risk to their individual health and wellbeing.

### Opportunities

The following table provides an overview of the emerging key ideas for addressing the challenges above.

Opportunities that were raised in the consultation (as related to priorities)	
Increasing physical activity	<ul style="list-style-type: none"> <li>Installing a network of outdoor exercise equipment across the LGA</li> <li>Increasing walking access to areas of natural beauty</li> <li>Greater support for community ran, low-cost exercise classes/groups</li> </ul>
Responding to growing mental illness	<ul style="list-style-type: none"> <li>Outreach services to areas with limited access to mental health support services</li> <li>Further investigation into programs that will enable residents to reduce the impacts of financial stress</li> </ul>
Increasing access to health services	
Increasing access to healthy and fresh food	<ul style="list-style-type: none"> <li>Investigating opportunities to expand the farmer's market network in the Shoalhaven</li> <li>Providing a more accessible co-op for local growers and producers</li> </ul>
Equitable and accessible health information services	<ul style="list-style-type: none"> <li>Utilising hard copy forms of health promotion, such as community notice boards, community centres and libraries, attaching it a rates notice, utilising traditional media such as radio and TV.</li> </ul>
Greater consultation with First Nations people	<ul style="list-style-type: none"> <li>Formalising Council's Aboriginal Engagement and Consultation policy, formalising when and how Council engages at different points in a project</li> <li>Build on the Aboriginal Advisory Committee and pursue other mechanisms for ensuring a strong voice in Council and with other agencies</li> </ul>

***“Opportunities for connection (arts and cultural activities) have a significant impact on general wellbeing, as does physical activity, however, low wages and lack of full-time employment opportunities in my field mean I cannot afford extra expenses such as medical and health services”***

– Online survey participant





## Theme 2: Connections

... connections are what makes us a community-based social species, be it gathering places, transport and access, cultural and historical roots or media and communication channels.

## What we heard

*"People need people. We also need good transport options to enable those without a car to get to work and also to keep connected with one another." -Survey Participant*

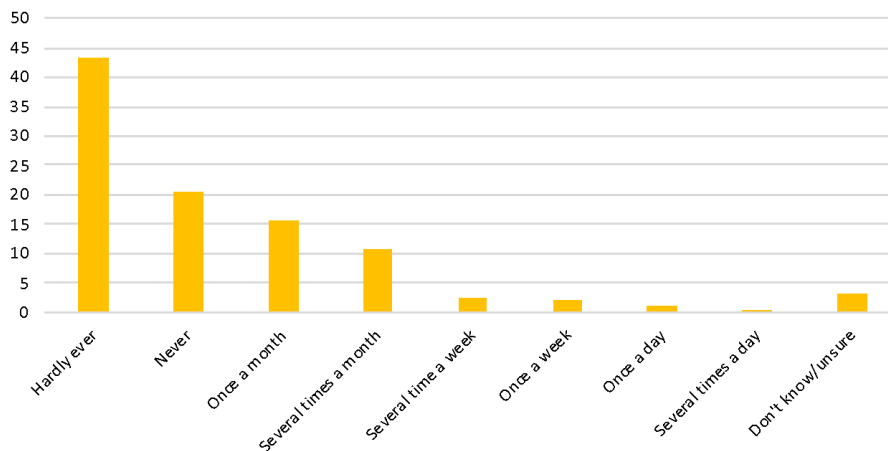
The Shoalhaven community considers social connection a fundamental part of the local identity, and harbour a sense of pride about the region being one that welcomes and encourages new and strong connections with one another. However, participants highlighted poor public transport and lack of events as the key barriers to encouraging a broader sense of connection and coming together with a purpose.

### Insights

#### A welcoming and connected community

Results from the online survey paint a picture of an extremely well-connected and open community in the Shoalhaven, with recorded levels of loneliness and chance interactions at an incredibly positive level. Nearly 80% of the 192 survey participants recorded feeling lonely once a month or less (with 64% saying they feel so *Hardly Ever* or *Never*). These low levels of isolation are further supported by a follow-up question, in which 90% of participants recorded a chance meeting with "a stranger" at least once a month.

How often do community member's experience loneliness?  
(n=192)



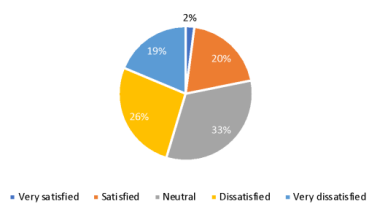
While the broader data suggests that the Shoalhaven is welcoming and willing to connect, those who recorded the greatest levels of isolation help to highlight the key barriers to being more connected – transport.

### Connectivity - The Greatest Barrier

Both the survey participants and workshop attendees acknowledged poor transport connectivity as the number one barrier to greater wellbeing in the Shoalhaven. When asked to provide big ideas for improving wellbeing, *Better transport services within the region* was the most common response from both engagement activities, and a top three priority echoed in both the youth engagement and seniors workshop.

Of the survey participants who recorded the highest levels of isolation and loneliness, 85% also noted that they were dissatisfied with the transport options in their neighbourhood, and 100% of them were over the age of 35. The impacts of poor connectivity were further supported by the broader survey participants, of whom only 22% felt that transport connections in their area were suitable for promoting better health. The lowest levels of transport satisfaction were recorded by those over the age of 60, with Bombaderry recording the highest level of dissatisfaction, closely followed by Nowra (where residents noted that connectivity outside of Nowra was not suitable). Furthermore, it should be noted that females expressed a much higher level of dissatisfaction with public transport options, and further investigation may need to be undertaken to better understand if this is closely related to safety.

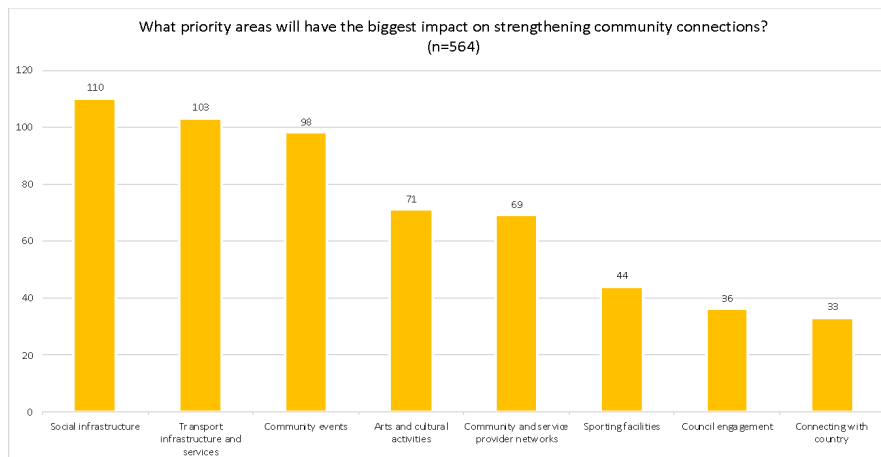
How satisfied are you with transport connections in your area? (n=192)



The Youth Workshop uncovered a lack of transport connectivity as a key barrier to the wellbeing of young people, and their ability to connect with one another face to face. 87% of workshop participants acknowledged that they would prefer to use public transport if it were an option, and that it was the second biggest barrier to being more social with friends. Furthermore, participants in the Seniors Workshop highlighted insufficient transport linkages as a key barrier that was preventing them from fostering more community connections and limiting their ability to access professional health services.

### Community priorities

Survey participants were asked to nominate 3 priority areas for improving community connection in the Shoalhaven.



From across the engagement, participants saw the following focus areas as being of critical importance to improving connectivity in the region.

#### Social infrastructure

Participants acknowledged that the Shoalhaven region is lacking places to come together. In particular, respondents wished to see social infrastructure such as sporting facilities, libraries, and community centres that embraced and leveraged the region's natural landscape and the resident's desire to come together in an outdoor setting.

#### Transport Infrastructure and services

Across the entire engagement, the lack of connectivity within the Shoalhaven was highlighted as the number 1 barrier to achieving better health outcomes. As it relates to connectivity, survey and workshop participants were in agreement that residents are unable to partake in community events, work, study or join organisations/clubs due to poor public transport connections, and a lack of active transport options.

#### Community Events

Participants from both the workshops and community survey acknowledged the importance of organised events to foster community spirit and create a broader sense of connection across the entire Shoalhaven. The desire to see a larger events program across the entire region was further reiterated in the open comments captured in the survey, wherein *More community events* was the 7<sup>th</sup> most common recommendation for improving health and wellbeing in the Shoalhaven.

#### Opportunities

The following table provides an overview of the emerging key ideas for addressing the challenges above.

Opportunities that were raised in the consultation (as related to priorities)	
Increased social infrastructure	<ul style="list-style-type: none"> <li>Revitalise town centres, with a focus on fostering greater community connections – Nowra being the most common recommended location</li> <li>Investigate small interventions and installations that will provide meeting points alongside key environmental sites in the region</li> <li>Map and investigate opportunities for multipurpose community centres, with particular attention paid to servicing youth and elderly residents</li> </ul>
Increasing connectivity within the region	<ul style="list-style-type: none"> <li>Expansion of greater active transport network within major town centres</li> <li>Investigate gaps and opportunities within the regional transport plan, to create better connectivity between townships</li> <li>Identify plan for unified "Opal card" system, that will enable subsidised travel, irrespective of the service provider being used for the trip</li> </ul>
Expanding events programming	<ul style="list-style-type: none"> <li>Identify opportunities and gaps within the events program to better cater to fringe and niche groups in the LGA</li> <li>Targeted events for youth and older residents</li> <li>Transport and connectivity to be a priority within event planning</li> </ul>

***“Without social connections we are not optimising our greatest resource... our people”***  
– Stakeholder workshop participant

CL22.532 - Attachment 4





## Theme 3: Supportive Environments

... natural and built environments support community wellbeing, from connections to nature, fresh air and clean water to walkable neighbourhoods and access to food outlets, green spaces, and sporting facilities

## What we heard

*“The Shoalhaven is all about nature and outdoor living. We try to spend as much time outdoors with our young kids so having access to community facilities, having recreation facilities is important” – Survey participant*

Neighbourhoods play an important role in the health and wellbeing of Shoalhaven residents, who frequently utilise local parks, facilities, and sidewalks to get active, foster connections, and seek respite from day-to-day stresses. However, engagement participants highlighted the need for more regionally significant infrastructure that allowed them to better access the benefits of open spaces across the LGA.

### Insights

#### Open space and the environment are the backbone of community wellbeing

The wellbeing benefits of the natural environment and open spaces were seen as the number one asset within the Shoalhaven region. When asked how often they get out in nature, 58% of survey participants did so at least once a week, and 89% did so at least several times a month (with the additional 11% all acknowledging the importance of open spaces in a separate question).

It is apparent that Shoalhaven City Council has responded to the importance of open space, with 80% of survey participants acknowledging that they were able to easily walk to a park or natural surroundings. Further highlighting the importance of this access, the 20% of participants who said they could not easily access open space recorded a significantly lower mental health rating of 2.7/5 and health rating of 3/5 (compared to the community average of 3.6). Within this particular group, 6 of the 10 respondents were from the Nowra or Worrige area, and all recorded being dissatisfied with the transport connections in their area (placing them at a high-risk level of being unable to access open space at all).

89% of survey participants get out in nature at least several times a month

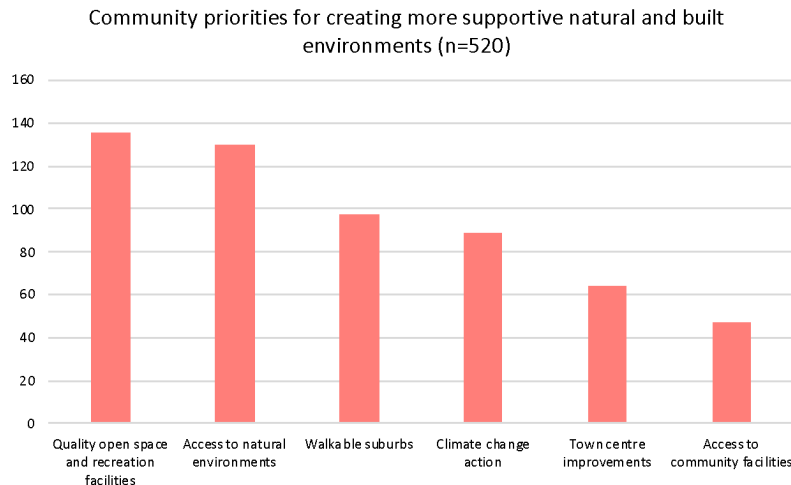
Workshops comments and discussions further highlighted that community members wish for natural and open spaces to be the setting for community events, with participants across all workshops and the ideas wall wishing to see more events and activations in these landscapes that are part of the local identity.

#### The importance of neighbourhoods

Survey questions relating to the walkability and quality of neighbourhoods, emphasised the important role that these micro-communities play in improving wellbeing. When asked to rate “how pleasant and welcoming is your neighbourhood”, survey participants who rated their neighbourhood *not very pleasant* or worse, averaged significantly lower mental health scores (averaging 3.0). Notably, 27 of the 28 participants who rated their neighbourhood not pleasant were female, with the suburbs of Nowra and Worrige most commonly highlighted in this group (the same suburbs where participants felt they were unable to easily access open space)

### Community priorities

Survey participants were asked to nominate 3 priority areas for creating supportive environments in the Shoalhaven



From across the engagement, participants saw the following focus areas as being of critical importance to creating supportive environments in the region.

#### Quality open space and recreation facilities

Survey participants acknowledged the diverse roles that open spaces have played in recent times (particularly during times of social distancing in 2020 and 2021) and the increased importance of recreational facilities in suburbs of increased density. Engagement participants more broadly wished to see Council adapt to these new functions that parks and outdoor recreational facilities are playing as a place for exercise, for social gatherings, for children's play, sporting contests, barbecues, picnics, birthday parties, play dates, and simple walks.

Young people in the engagement placed particular importance upon recreational spaces within the region, highlighting that they felt welcome and safe in very few spaces across the entire LGA. In fact, the *Lack of recreation/social facilities and events* was voted the number one challenge facing young people wanting to improve their health and wellbeing in the Shoalhaven. In JOC Consulting's extensive experience in youth engagement, the theme of young people not feeling welcome and safe in public spaces is a common challenge facing youth and extends to a broader community discrimination against young people "loitering" in public spaces, and the assumption that they are partaking in antisocial behaviour. When asked "How can Council better support young people?", Youth Workshop participants' top two responses were *More recreational/social facilities* and *More festivals and events*.

In an increasingly digital world, young people of the Shoalhaven are yearning for places to come together

#### Access to natural environments AND Climate change action

The importance of the natural environment to the wellbeing of Shoalhaven residents is a theme throughout the entire engagement. This was a top three theme for Local Stakeholders and Service Providers, the Youth Workshop, Seniors Workshop and the Online Survey. Participants wished to

see Council provide greater access to and opportunities to enjoy the natural beauty of the Shoalhaven. Notably, engagement participants reiterated the importance of ensuring these spaces are accessible for all members of the community, with many noting the need for more off-leash dog areas amongst the natural landscape (this final point was a key priority for engagement participants over the age of 65).

Participants identified two common actions to create greater access to the natural environment and natural assets in the region. Firstly, the need for better public transport connectivity between suburbs and areas of natural beauty was a common recommendation within the broader desire to see better transport linkages in the region. Secondly, participants from the community workshop and the second survey highlighted the need to ensure that pathways and connections within these landscapes and parks were accessible for people of all ages and abilities.

Comments captured in the Online Survey highlight that the priority given to *Climate change action* is directly related to the importance that the community place on being able to access pristine natural environments. Furthermore, almost 80% of Youth Workshop participants acknowledged that they *Worry deeply about climate change* – having a profound impact on their mental health. *“We live in an area of excellent natural environment. It is important it is not carved up into housing or with any more wedding venues. We need walking tracks, bike tracks, the community pool”* (survey participant)

#### **Walkable suburbs**

While 78% of survey participants were satisfied or indifferent about the walkability of their neighbourhood, it is the walkability of suburbs and town centres that are a priority for the community. Across all engagement methods, it was acknowledged that moving within suburbs and town centres was difficult in the majority of towns in the Shoalhaven. The topography of the land and the prioritisation of vehicular traffic were the two most common causes captured during the engagement.

Furthermore, the need for more active transport within suburbs and the broader region was a key priority captured across all engagement methods. When asked to nominate a big idea that would improve community wellbeing, survey participants nominated *Increased Active Transport* as the second most common response, noting an immediate need for repairs to sidewalks throughout all suburbs. *“we need to improve active transport connections to the beautiful destinations in our LGA, since having a kid recently I've noticed a lot of the natural areas, open spaces or recreation facilities I want to go to aren't accessible in a pram”* (survey participant)

## Opportunities

The following table provides an overview of the emerging key ideas for addressing the challenges above.

Opportunities that were raised in the consultation (as related to priorities)	
Providing quality open space and recreation facilities	<ul style="list-style-type: none"> <li>• Undertake an audit of open space within the LGA to identify gaps in provision</li> <li>• Undertake community engagement to better understand the evolving open space needs of the community</li> <li>• Undertake an audit of community centres and youth spaces within the LGA to identify gaps in provision, and opportunities to better utilise space.</li> </ul>
Increasing access to natural environments	<ul style="list-style-type: none"> <li>• Establish a plan for expanding dog off-leash areas across the LGA</li> <li>• Undertake further youth consultation to better understand how young people wish to come together in open spaces and in the natural environment</li> <li>• Expand the provision of facilities and amenities around key natural assets in the LGA – with a focus on facilitating social gatherings and coming together.</li> <li>• Expand the network of walking trails and access paths along all key environmental sites, with special consideration for accessible spaces</li> </ul>
Creating walkable suburbs	<ul style="list-style-type: none"> <li>• Limited community recommendations – to be further workshopped with the project team</li> </ul>

***“Moving back to having small community hubs to allow for incidental connection”***

– Stakeholder workshop participant





## Theme 4: Housing and Employment Security

... housing, employment and education are fundamental determinants of the opportunity for security and wellbeing

## What we heard

*“Opportunities for education and employment for my family and other young people. Multi-generational involvement in an area is a positive contributor to community and belonging. I worry about the proliferation of holiday houses / Airbnb driving house prices up for residents and hollowing out neighbourhoods”– Survey participant*

Sydney’s increasing house price and regional migration due to Covid-19 has created a housing bubble within the Shoalhaven that is out of step with local wages and work opportunities, and the number one source of stress within households. Survey participants acknowledge that responding to this issue is not a short-term action, but must begin with a plan to provide greater employment and education opportunities locally. When asked to identify **“What are some of the biggest issues that affect your own sense of wellbeing or cause you stress?”** all of the top 3 responses from survey participants related to employment and housing in the region:

1. Financial stress/concern
2. Work-life balance
3. Unemployment and housing security

While the high-level survey data suggested that over 80% of participants felt financially secure, it was nominated as the number 1 issue impacting their mental health. Furthermore, the cohort of participants who did not feel financially secure, recorded a significantly lower health and mental health rating (3 and 2.8 average), despite all of them currently working full or part-time. Participants acknowledged that improving one’s health begins with feeling secure and empowered to act, rather than merely treading water to stay afloat.

### Insights

#### Struggling under the weight of the roof over their head

The results from the online survey uncovered the financial stress that is crippling many members of the Shoalhaven community and having greater impacts on their health as they forgo professional medical assistance in order to make rental and mortgage payments. Both survey and workshop participants identified the high number of holiday home purchases as the root cause of the issue, as Sydneysiders are eliminating any affordability by purchasing holiday homes, which are only made available for short-term rental.

While engagement participants were not ignorant to the financial benefits of increased tourism in the region, many provided stories of families who are living in separate houses, parents travelling long distances from home for work, and elderly people living in unsuitable housing, due to the unaffordable rental market in the region (driven by a lack of stock in the long term rental market). Key demographics who were struggling to find/afford a suitable dwelling included:

1. Young families or single parents attempting to live in close proximity to schools
2. Older residents with special access requirements
3. Residents with pets (whom many listed as an essential component to maintaining their mental health)

#### 4. Residents requiring good public transport access

"Affordable housing has become completely inaccessible. I myself am paying almost half of my weekly wage to keep a roof over my family's heads, while employment opportunities are few, rental prices continue to increase and security of keeping that rental has become very stressful for a lot of families" – Survey Participant

#### **A diluted sense of community**

Further to the housing bubble created by investment and holiday home purchases, engagement participants highlighted the negative impact that a high number of holiday rentals was having on the sense of community within the suburbs of the Shoalhaven. Beyond the stress that participants reported feeling due to roads and local infrastructure struggling to accommodate peak holiday crowds, participants also felt that an increasingly "temporary population" was eroding the fabric of neighbourhoods, and ultimately residents' sense of safety in their own homes.

*"...people buying houses to use as a holiday rental is taking away the options for locals...This is also destroying the sense of community with so many empty houses in non-peak times" – Survey participant*

#### **Limited training and employment - youth focussed**

Participants across all engagement methods acknowledged the limited work and training opportunities that exist within the Shoalhaven, particularly for young people who are looking to start out their careers. Participants of the Youth Workshop acknowledged the impact this is having on their wellbeing, with 37 of the 38 participants acknowledging that *school and work prospects* were something they cared and worried about.

At the broadest level, participants identified an immediate need for the region to begin to attract major industries or employers who can offer stable, full-time employment in large numbers, and provide residents an opportunity to build a career in the Shoalhaven, rather than simply working a job. This sentiment was more strongly echoed for the future of young people in the region. Participants of all ages, including those in the Youth Workshop, considered the lack of employment and training opportunities for young people as a key risk for the future of the region.

Beyond simply not being home to large industry, it was acknowledged that the region did not provide a business ecosystem that facilitates the growth of medium-sized businesses, or leverages the region's proximity to the national and international gateway of Sydney. Ultimately, it was felt that the local economy was built on small businesses that lacked resilience, and was unable to provide job security or provide training or development for young people.

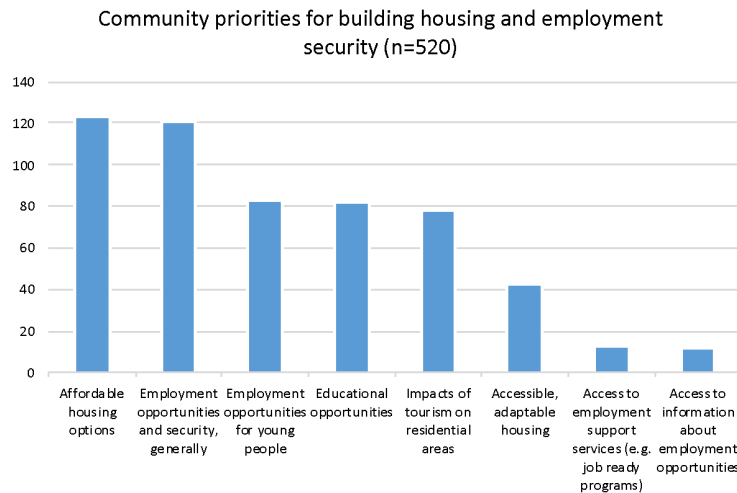
*"Although it seems that nothing can be done to stop house prices rising to unnaturally high levels, there is no point in having even affordable housing if people do not have the educational and employment opportunities to have the money to pay for it." – Survey participant*

#### **Increased financial vulnerability for women in the Shoalhaven**

Across all questions relating to financial stress and stability, female survey participants faced greater risk than their male counterparts. Most poignantly, when asked "If you suddenly had to raise \$5,000 for an emergency, would you be able to do so?" there were 5 times as many women as men who responded "No". (Note: the \$5,000 figure was selected by JOC Consulting to test a participant's ability to respond to a major shock or stress that posed a threat to the safety of a household)

## Community priorities

Survey participants were asked to nominate 3 priority areas for improving employment and housing security in the Shoalhaven



From across the engagement, participants saw the following focus areas as being of critical importance to helping to alleviate financial stress in the region.

### Affordable housing options

Participants could not overstate the importance that housing security placed on personal wellbeing. Importantly, almost all participants who highlighted this as a key theme nominated increased holiday housing as the root cause of an issue that is forcing local residents into unsuitable homes and causing financial stress.

### Employment opportunities and security

With Financial Stress and Work-life Balance being nominated as the number 1 and number 2 stresses impacting survey participants' wellbeing, it was acknowledged that job security was an issue having widespread impacts on the wellbeing of the Shoalhaven community. Participants wished to see Council build a strong, long-term economic proposition for the industry in the region, and work to create a foundational job market on which all else could be built.

### Employment and Educational opportunities for young people

Participants acknowledged that retaining and nurturing young people was more important than ever, as the region has an aging population and limited current career prospects for young people. Furthermore, it was commonly highlighted that the Shoalhaven's greatest asset (its natural environment and coastal lifestyle) no longer has great appeal amongst young people who are aware they will be unable to afford a home or rent in the region.

## Opportunities

The following table provides an overview of the emerging key ideas for addressing the challenges above.

Opportunities that were raised in the consultation (as related to priorities)	
Providing affordable housing	<ul style="list-style-type: none"> <li>• Council to consider the findings of this engagement in the development of the Affordable Housing Strategy, which is currently in development</li> <li>• Council to advocate for stronger state and federal taxation on investment properties</li> <li>• Council to investigate affordable housing models, and best-practice and update LSPS accordingly</li> <li>• Council to take immediate action on increased road traffic during the peak holiday season</li> <li>• Council to provide facilities and amenities that cater for peak holiday season crowds, so as to not reduce the quality of life for local residents</li> <li>• Council to work with local social housing providers to better understand the key risks and needs of vulnerable community members</li> <li>• Council to undertake further engagement to understanding housing security and homelessness amongst young people</li> </ul>
Creating employment opportunities and job security	<ul style="list-style-type: none"> <li>• Limited community recommendations – to be further workshopped with the project team</li> </ul>
Creating employment, education and training opportunities for young people	<ul style="list-style-type: none"> <li>• Limited community recommendations – to be further workshopped with the project team</li> <li>• Council to establish an internship program for young people looking to work in local government</li> <li>• Investigate opportunities to establish local apprenticeship and graduate networks within local medium-sized businesses</li> <li>• Investigate opportunities to attract tertiary institution outposts</li> <li>• Identify co-working spaces that will facilitate distance tertiary education</li> <li>• Undertake engagement with young people, to understand the key barriers to training and employment in the Shoalhaven</li> </ul>

***“...Not just employment but good employment, healthy work and work that enables people to thrive...”***

-Stakeholder Workshop participant



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## Conclusion

### Overarching sentiment

The Shoalhaven is a tight-knit community, that values the health benefits of its pristine environment, and leverages the strength of its neighbourhood connections. However, as Covid-19 and the Sydney housing market brings unprecedented change, the region must adapt in order to maintain the character of the area and the quality of life that it affords local residents and visitors alike.

Responding appropriately to these new challenges will require investigation into global best practices and implementation through the already strong neighbourhood network. Improving the health and wellbeing of all residents, young and old, new and established, demands a long-term approach to build a foundation of strong and equitable access to employment, training, housing and healthcare.

CL22.532 - Attachment 4

CL22.532 - Attachment 4

## Shoalhaven Entertainment Centre – Hiring Policy

<b>Adoption Date:</b>	27/07/2010
<b>Amendment Date:</b>	27/07/2010, 23/04/2013, 20/08/2015, 24/11/2015, 18/07/2017
<b>Minute Number:</b>	MIN08.882, MIN10.842, MIN13.365, MIN15.721, MIN17.619
<b>Review Date:</b>	26/09/2022
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL21/50

Shoalhaven Entertainment Centre – Hiring Policy

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CL22.534 - Attachment 1

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**Shoalhaven Entertainment Centre – Hiring Policy**

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**1. Purpose**

The Shoalhaven Entertainment Centre Hiring Policy identifies the priority for hire and guiding principles for programming and hiring of spaces at the Centre.

The policy will guide decision making, programming and venue hire to ensure the process is fair, transparent and equitable for all stakeholders, and delivers a balanced mix of quality events and performances which maximises the venue's artistic, community and commercial profile.

**2. Statement**

Shoalhaven Entertainment Centre operates as a business unit however, to meet community cultural and social needs, Council invests in the operation of the Centre while seeking to maximise commercial opportunities and optimise revenue streams for the facility.

Shoalhaven Entertainment Centre staff manage the day-to-day operations of the venue which is available for private hire. Curatorial overview of venue utilisation and program mix is overseen by Centre Management.

Applications and approvals for use of the venue will be administered by Centre Management. Use of the venue must be consistent with this policy and will be confirmed by issuing of a licence or contract. All uses of the venue will be consistent with its current zoning.

**Guiding Principles**

The Guiding Principles are to be considered when undertaking venue hire and programming assessments. The decision will be made by Centre Management, based on which event can meet the best balance of both criteria.

**A) Community Benefit and Cultural Experience**

- Contribution to the community and civic pride by encouraging events that support the inclusive social connection of our community through participating in enjoyable experiences that increase their sense of belonging.
- Encourage events that build the capacity of the community, fosters local talent and recognises artistic and cultural strengths within the Shoalhaven.
- Showcase and build on the diverse range of heritage, artistic, cultural and entertainment events at Shoalhaven Entertainment Centre while responding to the dynamic cultural aspirations of our community.
- Work in partnership with industries and community to plan events and educate organisers, to ensure safety of people and place through compliance with Council and other authorities' statutory and legislative requirements.
- The pursuit of artistic and business excellence, while maintaining best practice.

**B) Visitation and economic impact**

- The quality of the event contributes to building the Centre's reputation as a destination for excellence in arts, culture, leisure and entertainment experiences for the region.
- Use events to showcase and promote the Shoalhaven as a destination, providing economic growth for and through increased visitation.



### Shoalhaven Entertainment Centre – Hiring Policy

- Seek to partner with leading organisations that can deliver social, economic or environmental outcomes which will benefit industry and community.
- Provide a sustainable revenue stream.

#### Definitions

- **Commercial hirers:** Means any individual, group or business that: Does not meet 'not for profit' status as defined by the Australian Tax Office.
- Operates for profit.
- Does not meet the Community hirer definition.

**Community hirers:** A not for profit individual, group or business that:

- Is located within the Shoalhaven LGA, and;
- Meets not for profit status as defined by the Australian Tax Office.

**Co-presentations:** An event that is presented jointly by Shoalhaven City Council (SEC) and a commercial, and or community presenter.

**Pencil Hold:** A requested date that has not been secured. A Pencil Hold is tentative, until a deposit to secure the date has been paid. Payment changes the Pencil Hold to a Confirmed date.

**Confirmed Date:** Upon confirmation a client wishes to secure a date, Shoalhaven City Council will issue a non-refundable deposit invoice, determined in the annual User Fees & Charges. Payment of this invoice secures the date, making it a Confirmed date.

**Artist:** An artist is a person engaged in an activity relating to creating art, practicing the arts, or demonstrating art. Art forms include, but are not limited to literature, visual arts, community arts, performing arts, music, film and cultural heritage.

**Programmable spaces:** Spaces that are activated by the Centre staff.

**Venue hire spaces:** Spaces that can be hired by Shoalhaven City Council and external hirers.

**Dark days:** A day/days when the theatre is not in use.

**The Hire Policy relates to the following areas at Shoalhaven Entertainment Centre**  
Programmable for performance are: Auditorium, Studio, Centre Forecourt including lawns.

**Venue spaces available for hire:** Auditorium, Studio, Gallery, Centre forecourt, Mezzanine, Mezzanine Landing, Atrium.

### 3. Provisions

It is intended that this policy should have reasonable flexibility. Council may consider any special circumstances that apply to a particular use of the venue. Therefore where it can be demonstrated that the main objectives of this policy are satisfied, and that the use of the venue has been organised for the betterment and enjoyment of the community at large with minimal impact to residents and the environment, Council may relax the requirements of this policy.

#### Shoalhaven Entertainment Centre – Hiring Policy

An application to hire the venue may be declined on the following grounds –

- Clash or conflict in type of programs proposed. In order to keep faith with a promoter/hirer who has already booked an event, Centre Management may decline an application from a promoter who wishes to present a similar item within a certain timeframe.
- Clash or conflict with curated or presented programs, with programming intent or with the preferred scheduling of curated or presented programming. The Centre Management will have the discretion to decline an application that does or may conflict with Centre programming intent, is incongruous with the strategic direction of the Venue; would place at risk relationships with audience members and other clients; or potentially compromise Council's financial investment or position
- Centre Management will have the discretion to decline an application that will offend public morality or be discriminatory in terms of heritage, race, religion or sexuality. Presentations that may be declined may feature, for example gratuitous sex, violence or bad language without a contextual format.
- A presentation with obvious low production qualities. Centre Management may decline a presentation if it is likely to cause damage to the reputation of the Centre.

#### **Scheduling Procedures in accordance with industry best practice:**

The procedures that will underpin the guiding principles to implement the venue hire and programming assessments are as follows:

##### **Booking intent:**

At all times, there will be the intent to accommodate the preferred dates of all hirers. For all bookings there will be consultation with the enquirer to ensure the best possible outcome for all users and maximise utilisation of available space.

All hirers must disclose the name and scope of any event/function for a provisional booking to be made (pencil hold) and can request multiple dates.

##### **Venue hire and programming application process:**

A venue hire and programming application process will be triggered by a client's proposal or application to hire.

##### **Pencil booking system:**

Hirers who make the first inquiry hold the first pencil, next inquiry holds the second pencil and so forth. At the discretion of the Centre Manager, multiple second pencils may be entered to ensure the venue can determine the most appropriate events/programs. The Centre will hold a pencil for a maximum of four weeks.

##### **Holding multiple dates:**

A hirer can request a pencil for a single event on multiple dates. Centre Management has the right to refuse multiple pencil holds if the holding of multiple pencil holds will have a serious impact on the venue's hire calendar. The Centre will only hold multiple dates for up to four weeks. Council Officers responsible for venue bookings will contact hirers should their dates be challenged.

##### **Challenges by other Hirers:**

A challenge will be able to be made before a booking has been confirmed by paying the deposit and signing a contract. After this point no challenge will be accepted. If a pencil hold is

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**Shoalhaven Entertainment Centre – Hiring Policy**

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challenged at any time (including within 4 weeks of placing the pencil hold), the hirer with the pencil hold must confirm the date with a deposit, or release the date. If more than one pencil hold exists on the challenged date, each hirer with a pencil hold will be contacted to confirm or release the date in the order of which the pencil holds are held. (Eg, first pencil will be contacted first, second pencil will be contacted second, and so forth.)

**Additional pre-rig, bump in and/or bump out dates:**

The booking request must be inclusive of all access requirements of the venue hire. This includes the time required for set up, pack up, pre-rig, bump-in and/ or out dates. These additional elements of the event must be disclosed with the booking and added to venue hire. If access outside of the booking period is required for any reason there will be additional charges in accordance with the Schedule of Fees and Charges.

**Reoccurring bookings:**

Reoccurring bookings (more than 7 consecutive days) will be carefully evaluated to ensure the facility is utilised as a premium regional facility offering equitable access to its community.

**Administrative updates:**

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.

**Review:**

Minor amendments may be made to the operating model to improve service delivery, drive efficiency and effectiveness, and respond to business needs.

Management reserves the right to refuse hires where risk cannot be managed.

All agreements to use any part of the Centre for any reason progresses on the basis of a licence or contract which is agreed and signed by both parties. No booking is considered confirmed until:

- The agreed security deposit is paid by the due date.
- A hire agreement, signed by the hirer is received by Council.

A confirmation is issued by Centre Management.

**3.1. Facility Inclusions**

Hire of the Auditorium and Studio include the non-exclusive use of:

- The associated backstage areas
- Dressing Rooms as allocated by Centre Management
- Green Room
- Loading Dock

and the exclusive use of –

- In-house audio system (Auditorium and Studio) - The audio system is available on an as found basis and includes only those elements listed in the technical specification attached to the hire agreement.

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**Shoalhaven Entertainment Centre – Hiring Policy**

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- The Lighting Rig - The lighting equipment (Auditorium and Studio) is set to a standard rig. The current standard rig lighting plot is included in the Agreement and detailed in the venue technical specifications. Hirers agree to remove all touring lighting equipment, during their booked access hours.
- Hirers are charged a fee for consumables, including lighting gel, globes, gaffer tape and batteries.

**3.1.1. Multiple Presentations / Events / Shows**

The Main Auditorium and Studio may be hired for more than one show/presentation or an event over more than one day. Any hire period booked must include the bump-in and bump-out of equipment, stage set, dressing rooms and other spaces used on the day/days of the hire. A hirer that contracts two or more dates that do not run consecutively has to ensure that the spaces hired are cleared in between their hire dates. If this is not possible hirers will be charged a fee for dark days.

**3.1.2. Multiple Day / Room Hire**

The advertised Fees and Charges may be discounted at the Centre's discretion for;

- 2 + consecutive days hire, or
- Hire of 2 + spaces for the same day.

**3.1.3. Stage Surface**

Alteration to the stage surface and finishes, such as painting or insertion of traps are at the discretion of the Centre Management. The stage must be returned to its original state by the hirer, at their cost, to the satisfaction of Centre Management, during their booked access hours.

This may require repainting of the stage surface, rebuilding trap areas and filling of holes less than 15mm in diameter with hard wood plugs. This work is to be carried out by Venue Staff or under the supervision of Centre Management with costs deducted from Settlement or invoiced to the hirer.

Any damage to the stage surface caused by the hirers' action or inaction will be repaired by Centre staff and costs deducted from Settlement.

**3.2. Conversion**

The Auditorium and Studio feature the capacity to operate in theatre or cabaret mode. The Auditorium's standard configuration is theatre style, the Studio's standard configuration is cabaret. To change from the standard configuration attracts a fee. If more than one event is staged / presented in the converted mode the conversion cost is amortised between the hirers at settlement.

**3.3. Use of Equipment / Equipment Hire**

In addition to a rental hire fee for space, equipment is available for hire. Hirers will be charged a replacement or repair fee for destroyed and damaged equipment. This may be deducted from the settlement.

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**Shoalhaven Entertainment Centre – Hiring Policy**

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**3.4. Live Performance Australia (LPA) Code of Practice for the Ticketing of Live Entertainment in Australia**

The Shoalhaven Entertainment Centre observes the LPA industry Code of Practice with regard to tickets sold to Live Entertainment in Australia.

It is a condition of hire that all ticket sales for performances, cabarets, events and any functions are sold through the venue box office.

- A booking fee is applied to each ticket sold.
- A transaction fee is applied to telephone sales. The transaction fee is applied to the call only and it is not a per ticket charge. This fee is in accordance with Council's current adopted fees and charges.
- A transaction fee is applied to internet sales. The transaction fee is applied per transaction and is not a per ticket charge. This fee is in accordance with Council's current adopted fees and charges.
- A transaction fee is applied to the mail out of tickets. The transaction fee is applied per mail out and is not a per ticket charge. This fee is in accordance with Council's current adopted fees and charges.
- All box office settlements deduct a percentage from the gross credit card receipts to cover bank charges and administration. These fees are in accordance with the current adopted fees and charges.
- The Box Office will be open from 9am to 5pm Monday – Friday, 10am and 2pm on Saturdays and Sundays (excluding public holidays) and one hour prior to each show / presentation.
- Patrons will be able to book tickets on-line 24 hrs a day, seven days a week – through the Centre website booking facility [www.shoalhavenentertainment.com.au](http://www.shoalhavenentertainment.com.au).

In accordance with Live Entertainment in Australia Code of Practice and the Department of Fair Trade (Entertainment Industry Code of Fair Practice); patrons shall be entitled to a full refund or exchange option in situations such as:

- Main attractions/event cancelled or rescheduled;
- Main attraction/star performer(s) is cancelled and substitute arranged;  
**Note:** In opera, theatre, ballet, symphony concerts, where there are multiple understudies and replacement by understudies is the accepted practice, a refund/exchange option shall not apply unless a premium price is charged directly related to the advertised star appearing;
- Previously undisclosed significant visual obstruction for a reserved seat reported soon after commencement (includes effects of introduced factors such as filming or recording equipment).

**3.5. Fees**

The Fees and Charges are set annually to ensure the recovery of cost incurred by Council when a user hires the Venue.

Goods and Services Tax (GST) shall be applied at the prevailing rate for Good and Services Tax for all services, activities and products at the Centre.



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**Shoalhaven Entertainment Centre – Hiring Policy**

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**3.6. Staffing Requirements**

The nature of the building and the inherent risks require venue staff are in attendance to ensure duty of care and supervision of workplace obligations are met. Essential staffing is also required to protect Council's assets. Staffing requirements are agreed between the Hirer and Centre Management depending on the activity, size of the cast, expected audience attendance, and identified risk factors. In the event that agreement on staffing levels cannot be reached, Centre Management has the right to decline the hire.

- Staff costs will be charged at a benchmarked market rate, taking into account any Award penalties that may be applicable dependant on hours worked, time of day, and day of the week.
- Staff are engaged per the Local Government Award.

**3.7. Financial Assistance**

Under certain circumstances Council will underwrite some cost with using the Centre for community-based groups provided they are local (within the Shoalhaven City Council LGA) and the activities/organisation is not for profit. For the purposes of the policy hirers are divided into two categories as defined in point 2.

- Community Hirers
- Commercial Hirers

**3.7.1. Financial Assistance or Reduction in Fees**

Applications for financial assistance or reduction in fees for use of the Shoalhaven Entertainment Centre should reference the Policy for Fee Waivers, Subsidies and Support in order to determine if a reduction in fees is within the guidelines.

**3.8. Fees and charges****3.8.1. Rental of the space required.**

Rental is charged at a benchmarked market rate. This includes:

- Staffing: full time staff, part time staff, casual staff
- Marketing packages,
- Equipment hire,
- Maintenance programs,
- Insurance, building, rates and administration expenses.

**3.8.2. Recovery of expenses charged include the use of the space.**

- Staffing: Front of House, Technical, Merchandise, Box Office, Service, Shoalhaven Entertainment Centre, Catering as required
- Cleaning Charges: Cleaning is included in the venue hire fees and charges. Additional charges may apply for cleaning in excess of what is considered reasonable. Examples of things that may incur additional cleaning charges:
  - Ochre
  - Glitter
  - Confetti
  - Vomit
  - Make-up on walls/furniture
  - Excess waste generated by the event organisers (eg packaging)

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**Shoalhaven Entertainment Centre – Hiring Policy**

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**3.8.3. Recovery of Additional services provided by the venue: these charges may include**

- Equipment Hire,
- Marketing Support,
- Catering,
- Food and Beverage/Riders
- Waste disposal

Recovery of costs will be applied at market rate or in accordance with current adopted fees and charges.

**3.8.4. Pre-payment of expenses**

The Centre receives money through the Box Office for tickets sold to performances and events. If Box Office takings, less associated fees, do not cover the quoted venue expenses 3 weeks prior to the bump in date of a hire, Shoalhaven City Council will issue an invoice for the shortfall. This payment will be treated as a pre-payment of venue expenses at settlement. If ticket sales increase, and at settlement, ticket income less associated fees, plus any pre-payment, totals more than venue expenses, the balance will be paid to the hirer as detailed in 3.9. Failure to pay this invoice can result in the hire being cancelled.

**3.9. Settlement of Accounts**

The Centre receives money through the Box Office for tickets sold to performances and events.

The Hirer / Promoter will not have access to the show/event receipts until the Settlement is calculated at the conclusion of the show / event.

Settlement is a document that details all income due to the hirer and all expenses the hirer has to pay the Centre. As part of the Hire Agreement it is agreed that the Centre may deduct the monies owing to it from receipts – before paying the Hirer.

**Settlement details**

- The agreed hire fee payable.
- The technical expenses such as staffing, lighting re-set, audio re-set, equipment hire, electricity, consumables (gaffer tape, gels, batteries...etc).
- The Front of House expenses such as staffing, merchandise commission, catering, cleaning, venue hire, Box Office expense (including the credit card commissions on gross takings),
- The Centre will provide a box office report within two working days after the performance/season. Payment of the balance owing to the promoter (after the deduction of all Centre Charges) will be finalised within 14 days.

**3.10. Charges for Cancellations made by Hirer**

Cancellation fees are stipulated in the Hire Agreement in the case of a hirer cancelling a booking.

#### Shoalhaven Entertainment Centre – Hiring Policy

The Venue may end the Hire Agreement, by written notice, if at any time the Venue management forms the opinion:

- There is a possibility the event will cause damage to the hired space, venue, facilities or equipment.
- The Hirer is operating in an illegal manner.
- The Event may injure the reputation of the Venue.
- There has been a material change after the date of the signing of the Hire Agreement to any items contained in the schedules.
- An emergency exists in the Venue due to an actual or impending event causing or threatening to cause loss of life, injury or distress, or destruction or damage to property
- The Hirer has become insolvent or is unable to prove ability to pay should the Hirer's liabilities exceed box office takings.

#### 3.11. Risk Management

The Hirer is required to conduct a thorough risk assessment of the event and develop a risk management plan in consultation with Centre Management. A risk is anything that threatens the successful running of the function. Risk Management is a process for assessing all possible problems or disasters before they happen and setting up procedures that will avoid, minimise or cope with that impact. Hirers are required to develop a risk management plan to

- create an enjoyable experience for all.
- ensure no one is injured.
- Ensure there is no damage to the Venue or its equipment.
- Prevent unnecessary call-outs of emergency services (These costs will be charged to the hirer).

#### 3.12. Insurance

The applicant must hold a Public Liability Insurance for a minimum of \$20 million issued by the Australia Prudential Regulation Authority (APRA) licensed insurer.

#### 3.13. Electrical Safety

All electrical appliances and leads must be tested and tagged by an appropriately qualified person. All connections must be checked and inspected by a suitably qualified person on the day of the event. The hirer must use only the designated power source as instructed by venue staff. The hirer must not under any circumstances connect equipment to power or other equipment without the nominated Duty Technician's approval. The hirer is required to ensure that all electrical leads are placed safely and away from the public.

The Shoalhaven Entertainment Centre is able provide a testing and tagging service. This can be arranged with Centre Management. Charges apply.

#### 3.14. Pyrotechnics

Pyrotechnic displays are only to be conducted by a licensed pyrotechnician. The NSW WorkCover Authority assess pyrotechnic experience and qualifications to operate pyrotechnics and issue licences.

The hire application must disclose if the event will use pyrotechnics and the appropriate licences and public insurance liability from the pyrotechnician must be submitted with the

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**Shoalhaven Entertainment Centre – Hiring Policy**

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application and a specific risk management plan must be completed by a licensed pyrotechnician prior to the function being staged. Pyrotechnics are subject to Centre Management approval.

Only pyrotechnics suitable for use in an indoor environment will be permitted.

**3.15. Children**

Shoalhaven Entertainment Centre staff are subject to a Working with Children Check. All children who attend or perform at the Centre will be subject to the regulations contained in the NSW Children and Young Persons (Care and Protection) Child Employment) Regulation 2015.

**3.16. Performing Animals**

Productions and performances which feature animals must be conducted in accordance with the Exhibited Animals Protection Act 1986 and the Exhibited Animals Protection Regulation 2010.

Under NSW Legislation, Circuses are required to be licensed with accordance with the above Act and Regulation. A copy of approvals must be submitted when completing a hire application form.

**3.17. Bar and Catering**

Shoalhaven City Council retains all rights to liquor and beverage service and all catering services within the venue. The operation of the bar and catering facility servicing the patrons of the Centre are predicated on commercial market rates. The Centre also operates a café, bar, restaurant, and function room (The Gallery) for private, standalone functions or as an additional catering service for events.

**3.17.1. Liquor Licensing/Consumption of Alcohol**

The sale and consumption of alcohol is subject to the laws governing the Responsible Service of Alcohol. The Centre Management as licensee has the legal responsibility for the purchase and sale of alcohol within the defined licensed area. All bar staff are required to be RSA trained and the house policy for the service of alcohol will be displayed for patron information.

**3.18. Merchandise**

The Centre Management retains the right to approve all event specific merchandise tendered for sale within the Centre. Merchandise sold attracts a 10% commission on gross receipts payable to the Centre. The percentage commission levied is in accordance with current adopted fees and charges. Merchandise commission does not apply to community events. There is a charge for venue merchandise sellers.

**3.19. Council Use of the Shoalhaven Entertainment Centre**

Council use of the facility will be charged at community hirer rates.

#### Shoalhaven Entertainment Centre – Hiring Policy

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### **4. Implementation**

City Lifestyles is responsible for implementation and administration of this policy.

### **5. Review**

This policy will be reviewed within one (1) year of the election of every new Council (as a minimum).

Minor amendments may be made to the Shoalhaven Entertainment Centre operating model to improve service delivery, drive efficiency and effectiveness, and respond to business needs.





# Shoalhaven Entertainment Centre

## HIRING POLICY

*Policy Number: POL 16/122*

*Adopted: 24/06/2008*

*Amended: 27/07/2010, 23/04/2013, 20/08/2015, 24/11/2015, 18/07/2017*

*Minute Number: MIN08.882, MIN10.842, MIN13.365, MIN15.721, MIN17.619*

*File: 35525E*

*Produced By: Finance, Corporate & Community Services Group*

*Review Date: 1/12/2020*

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*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy***1. PURPOSE**

The Shoalhaven Entertainment Centre Hiring Policy identifies the priority for hire and guiding principles for programming and hiring of spaces at the Centre.

The policy will guide decision making, programming and venue hire to ensure the process is fair, transparent and equitable for all stakeholders, and delivers a balanced mix of quality events and performances which maximises the venue's artistic, community and commercial profile.

**2. STATEMENT**

Shoalhaven Entertainment Centre operates as a business unit however, to meet community cultural and social needs, Council invests in the operation of the Centre while seeking to maximise commercial opportunities and optimise revenue streams for the facility.

Shoalhaven Entertainment Centre staff manage the day-to-day operations of the venue which is available for private hire. Curatorial overview of venue utilisation and program mix is overseen by Centre Management.

Applications and approvals for use of the venue will be administered by Centre Management. Use of the venue must be consistent with this policy and will be confirmed by issuing of a licence or contract. All uses of the venue will be consistent with its current zoning.

**Guiding Principles**

The Guiding Principles are to be considered when undertaking venue hire and programming assessments. The decision will be made by Centre management, based on which event can meet the best balance of both criteria.

**A) Community Benefit and Cultural Experience**

- Contribution to the community and civic pride by encouraging events that support the inclusive social connection of our community through participating in enjoyable experiences that increase their sense of belonging.
- Encourage events that build the capacity of the community, fosters local talent and recognises artistic and cultural strengths within the Shoalhaven.
- Showcase and build on the diverse range of heritage, artistic, cultural and entertainment events at Shoalhaven Entertainment Centre while responding to the dynamic cultural aspirations of our community.
- Work in partnership with industries and community to plan events and educate organisers, to ensure safety of people and place through compliance with Council and other authorities' statutory and legislative requirements.
- The pursuit of artistic and business excellence, while maintaining best practice

**B) Visitation and economic impact**

- The quality of the event contributes to building the Centre's reputation as a destination for excellence in arts, culture, leisure and entertainment experiences for the region.
- Use events to showcase and promote the Shoalhaven as a destination, providing economic growth for and through increased visitation.
- Seek to partner with leading organisations that can deliver social, economic or environmental outcomes which will benefit industry and community.

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

- Provide a sustainable revenue stream.

**Definitions**

**Commercial hirers:** Means any individual, group or business that:  
Does not meet 'not for profit' status as defined by the Australian Tax Office  
Operates for profit

**Co-presentations:** An event that is presented jointly by Shoalhaven City Council (SEC) and a commercial, and or community presenter.

**Pencil in:** A requested date that has not been secured. A Pencil Hold is tentative, until a deposit to secure the booking has been paid. Payment changes the Pencil Hold to a Confirmed Booking.

**Confirmed Booking:** Upon confirmation a client wishes to secure a date, The Entertainment Centre will issue a non-refundable deposit, determined in the annual User Fees & Charges. Payment of this invoice secures the date, making it a Confirmed Booking.

**Artist:** An artist is a person engaged in an activity relating to creating art, practicing the arts, or demonstrating an art. Art forms include, but are not limited to literature, visual arts, community arts; performing arts, music, film and cultural heritage.

**Programmable spaces:** Spaces that are activated by the Centre staff.

**Venue hire spaces:** Spaces that can be hired by the Council and external hirers.

**Dark days:** A day/days when the theatre is not in use

**Scope:****The Hire Policy relates to the following areas at Shoalhaven Entertainment Centre**

Programmable for performance are: Auditorium, The Studio, The Gallery, Centre Forecourt including lawns.

Venue hire spaces: Auditorium, Studio, Gallery, Centre forecourt, Mezzanine, Gallery, Atrium.

**3. PROVISIONS**

It is intended that this policy should have reasonable flexibility. Council may consider any special circumstances that apply to a particular use of the venue. Therefore where it can be demonstrated that the main objectives of this policy are satisfied, and that the use of the venue has been organised for the betterment and enjoyment of the community at large with minimal impact to residents and the environment, Council may relax the requirements of this policy.

An application to hire the venue may be declined on the following grounds –

- Clash or conflict in type of programs proposed. In order to keep faith with a promoter/hirer who has already booked an event, The Centre Management may decline an application from a promoter who wishes to present a similar item within a certain timeframe.

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

- Clash or conflict with curated or presented programs, with programming intent or with the preferred scheduling of curated or presented programming. The Centre Management will have the discretion to decline an application that does or may conflict with Centre programming intent, is incongruous with the strategic direction of the Venue; would place at risk relationships with audience members and other clients; or potentially compromise Council's financial investment or position
- The Centre Management will have the discretion to decline an application that will offend public morality or be discriminatory in terms of heritage, race, religion or sexuality. Presentations that may be declined may feature, for example gratuitous sex, violence or bad language without a contextual format.
- A presentation with obvious low production qualities. The Centre Management may decline a presentation if it is likely to cause damage to the reputation of the Centre.

**Scheduling Procedures in accordance with industry best practice**

The procedures that will underpin the Guiding Principles to implement the venue hire and programming assessments are as follows:

**Booking intent:**

At all times, there will be the intent to accommodate the preferred dates of all hirers. For all bookings there will be consultation with the enquirer to ensure the best possible outcome for all users and maximizes available space.

**Venue hire and programming application process:**

A venue hire and programming application process will be triggered by a client's proposal or application to hire.

**Pencil booking system:**

Hirers who make the first inquiry hold the first pencil, next inquiry holds the second pencil and so forth. At the discretion of the Centre manager, multiple second pencils may be entered to ensure the venue can determine the most appropriate events/programs.

**Challenges by other Hirers:**

A challenge will be able to be made before a booking has been confirmed by paying the deposit and signing a contract. After this point no challenge will be accepted.

**Holding multiple dates:**

All hirers must disclose the name and scope of any event/function for a provisional booking to be made (pencil in) and can request multiple dates. The Centre will only hold multiple dates for up to four weeks. Council officers responsible for venue bookings will contact hirers should their dates be challenged.

**Additional pre-rig, bump in and/or bump out dates:**

The booking request must be inclusive of all access requirements of the venue hire. This includes the time required for set up, pack up, pre rig, bump in and/ or out dates. These additional elements of the event must be disclosed with the booking and added to venue hire. If access outside of the booking period is required for any reason there will be additional charges in accordance with the Schedule of Fees and Charges.



*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy***Reoccurring bookings:**

Reoccurring bookings (more than 7 consecutive days) will be carefully evaluated to ensure the facility is utilised as a premium regional facility offering equitable access to its community.

**Administrative updates:**

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.

**Review:**

Minor amendments may be made to the operating model to improve service delivery, drive efficiency and effectiveness, and respond to business needs.

Management reserves the right to refuse hires where risk cannot be managed.

All agreements to use any part of the Centre for any reason progresses on the basis of a licence or contract which is agreed and signed by both parties. No booking is considered confirmed until:

- The agreed security deposit is paid by the due date
- An agreement, signed by the Centre Management and the Hirer is received by Council
- A confirmation is issued by the Centre Management.

**3.1. Single Presentation / Events / Concerts**

Bookings for the Entertainment Centre are commonly arranged between 8am and 12am (midnight).

For the purpose of performing arts this period is to include bump-in, set up, rehearsal, performance, bump-out and restoration. Additional use may be accommodated outside these core hours of hire for which additional rates will apply.

**3.2. Facility Inclusions**

Hire of the Auditorium and Studio include the non-exclusive use of:

- The associated backstage areas
- Dressing Rooms
- Green Room
- Loading Dock

and the exclusive use of –

- In-house audio system (Auditorium and Studio) - The audio system is available on an as found basis and includes only those elements listed in the technical specification attached to the hire agreement.
- The Lighting Rig - The lighting equipment (Auditorium and Studio) is set to a standard rig. The current standard rig lighting plot is included in the Agreement and listed on the Centre's website. Hirers agree to return the lighting rig to the standard rig at the conclusion of the hire.

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

- Hirers are charged a cost-recovery / fee for consumables, including lighting gel, globes, gaffer tape and batteries.

**3.2.1. Multiple Presentations / Events / Shows**

The Main Auditorium and Studio may also be hired for more than one show/presentation or event over more than one day. Any hire period booked must include the bump-in and bump-out of equipment, stage set, dressing rooms and other spaces used on the day/days of the hire. A hirer that contracts two or more dates that do not run consecutively has to ensure that the spaces hired are cleared in between their hire dates. If this is not possible hirers will be charged a fee for dark days.

**3.2.2. Weekly Hire**

The Fees and Charges include the possibility of hiring the major spaces within the Centre for a 5 day or 7 day week.

**3.2.3. Stage Surface**

Alteration to the stage surface and finishes, such as painting or insertion of traps are at the discretion of the Centre Management. The stage must be returned to its original state at the end of the period of hire / booking by the hirer at their cost to the satisfaction of Centre Management.

This may require repainting of the stage surface, rebuilding trap areas and filling of holes less than 15mm in diameter with hard wood plugs. This work is to be carried out by Centre Staff or under the supervision of Centre Management with costs deducted from Settlement.

Any damage to the stage surface caused by the hirers' action or inaction will be repaired by Centre staff and costs deducted from Settlement.

**3.3. Conversion**

The Auditorium and Studio feature the capacity to operate in theatre or cabaret mode. The Centre's standard configuration is theatre style. To change from theatre to cabaret mode attracts a fee. This is to effect cost recovery for labour costs associated with the conversion. If more than one event is staged / presented in the converted mode the conversion cost is amortised between the hirers.

**3.4. Use of Equipment / Equipment Hire**

In addition to a rental hire fee for space, equipment is available for hire. Hirers will be charged a replacement or repair fee for destroyed and damaged equipment. This may be deducted from the settlement.

**3.5. Ticketing - Code of Practice for the Ticketing of Live Entertainment in Australia**

The Shoalhaven Entertainment Centre observes the industry Code of Practice with regard to tickets sold to Live Entertainment in Australia.

It is a condition of hire that all ticket sales for performances, cabarets, events and any functions are sold through the venue box office.

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

- A booking fee is applied to each ticket sold
- An additional transaction fee is applied to telephone bookings. The transaction fee is applied to the call only and it is not a per ticket charge. These fees are in accordance with Council's current adopted fees and charges
- All box office settlements deduct a percentage from the gross credit card receipts to cover bank charges and administration. These fees are in accordance with the current adopted fees and charges
- The Box Office will be open from 9am to 5pm Monday – Friday, 10am and 2pm on Saturdays and Sundays (excluding public holidays) and one hour prior to each show / presentation.
- Patrons will be able to book tickets on-line 24 hrs a day seven days a week – through the Centre web site booking facility [www.shoalhavenentertainment.com.au](http://www.shoalhavenentertainment.com.au)

In accordance with Live Entertainment in Australia Code of Practice and the Department of Fair Trade (Entertainment Industry Code of Fair Practice); patrons shall be entitled to a full refund or exchange option in situations such as:

- Main attractions/event cancelled or rescheduled;
- Main attraction/star performer(s) is cancelled and substitute arranged;  
**Note:** In opera, theatre, ballet, symphony concerts, where there are multiple understudies and replacement by understudies is the accepted practice, a refund/exchange option shall not apply unless a premium price is charged directly related to the advertised star appearing;
- Previously undisclosed significant visual obstruction for a reserved seat reported soon after commencement (includes effects of introduced factors such as filming or recording equipment).

### 3.6. Fees

The Fees and Charges are set annually to ensure the recovery of cost incurred by Council when a user hires the Centre.

Goods and Services Tax (GST) shall be applied at the prevailing rate for Good and Services Tax for all services, activities and products at the Centre.

### 3.7. Staffing Requirements

The nature of the building and the inherent risks require venue staff are in attendance to ensure duty of care and supervision of workplace obligations are met. Essential staffing is also required to protect Council's assets. Staffing requirements are agreed between the hirer and Centre Management depending on the activity, size of the cast, expected audience attendance, and identified risk factors. In the event that agreement on staffing levels cannot be reached, Centre Management has the right to decline the hire.

- During Bump In / Set Up and Bump Out / Set Down the minimum requirement is one Technician.

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

- Whenever the venue is open to the public for a performance / event a minimum of three staff are required one duty technician, plus one audio/lighting or mechanical technician and one Front of House Coordinator.
- All Box Office staff are provided by the Venue.
- Staff costs will be charged on a full cost recovery basis, taking into account any Award penalties that may be applicable dependant on hours worked, time of day, and day of the week.
- Staff are engaged for a minimum call of three hours and for a maximum of eight standard hours and dependent on required or additional hours, penalty rates may be applicable in accordance with Award terms.

Staff charges will have penalty rates applied after eight hours and/or in accordance with Award terms dependent on hours of use

**3.8. Financial Assistance**

Under certain circumstances Council will underwrite some cost with using the Centre for community based groups provided they are local (within the Shoalhaven City Council) and the activities/organisation is not for profit. For the purposes of the policy hirers are divided into two categories:

**3.8.1. Local community based organisations.**

To be considered in this category, the individual or organisation has to be:

- Not for profit e.g. school
- A mailing address that is within the Shoalhaven City Council boundaries

**3.8.2. Commercial hirer.**

All hirers other than local community based and not-for-profit hirers are considered to be commercial hirers.

**3.8.3. Fees and charges****3.9.3.1 Rental of the space required.**

- Rental is charged at a rate that will recover the standard charges associated with the operation of the Centre. These include:
  - Staffing: full time staff, part time staff, casual staff
  - Marketing packages,
  - Maintenance programs,
  - Insurance, building, rates and administration expenses.

**3.9.3.2 Recovery of expenses charged include the use of the space.**

- Staffing: Front of House, Technical, Merchandise, Box Office, Service, Shoalhaven Entertainment Centre, Catering as required
- Cleaning Charges: Cleaning is charged on a full cost recovery basis

3.9.3.3 Recovery of Additional services provided by the venue: these charges may include

- Equipment Hire,
- Marketing Support,
- Catering,
- Beverage Snacks/Confectionery/Beverage/Riders
- Waste disposal

Recovery of costs will be applied at market rate or in accordance with current adopted fees and charges.

3.9.3.4 Any applications for financial assistance or reduction in fees for use of the Shoalhaven Entertainment Centre should reference the Policy for Fee Waivers, Subsidies and Support in order to determine if a reduction in fees is within the guidelines.

### **3.9. Settlement of Accounts**

The Centre receives money through the Box Office for tickets sold to presentations and events.

The Hirer / Promoter will not have access to the show/event receipts until the Settlement is calculated at the conclusion of the show / event.

Settlement is a document that details all Income due to the user and all expenses the user has to pay the Centre. As part of the Hire Agreement it is agreed that the Centre may deduct the monies owing to it from receipts – before paying the Hirer.

Settlement details

- The agreed hire fee payable
- The technical expenses such as staffing, lighting re-set, audio re-set, equipment hire, electricity, consumables (gaffer tape, gels, batteries...etc)
- The Front of House expenses such as staffing, merchandise commission, catering commission, cleaning, Shoalhaven Entertainment Centre hire, Box Office expense (including the credit card commissions on gross takings),
- The Centre will provide a box office report within two working days after the performance/season Payment of the balance owing to the promoter (after the deduction of all Centre Charges) will be finalised within 10 to 14 days.

### **3.10. Charges for Cancellations made by Hirer**

Cancellation fees are stipulated in the Hire Agreement in the case of a hirer cancelling a booking.

The Venue may end the hire agreement, by written notice, if at any time the Venue management forms the opinion:

- There is a possibility the event will cause damage to the hired space, venue, facilities or equipment
- The Hirer is operating in an illegal manner
- The Event may injure the reputation of the Venue



*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

- There has been a material change after the date of the signing of the Hire Agreement to any items contained in the schedules
- An emergency exists in the Venue due to an actual or impending event causing or threatening to cause loss of life, injury or distress, or destruction or damage to property
- The Hirer has become insolvent or is unable to prove ability to pay should the Hirer's liabilities exceed box office takings

**3.11. Risk Management**

The applicant is required to conduct a thorough risk assessment of the event and develop a risk management plan in consultation with Centre Management. A risk is anything that threatens the successful running of the function. Risk Management is a process for assessing all possible problems or disasters before they happen and setting up procedures that will avoid, minimise or cope with that impact. Hirers are required to develop a risk management plan to

- create an enjoyable experience for all
- ensure no one is injured
- Ensure there is no damage to the Venue or its equipment
- Prevent unnecessary call-outs of emergency services (These costs will be charged to the hirer)

**3.12. Insurance**

The applicant must hold a Public Liability Insurance for a minimum of \$20 million issued by the Australia Prudential Regulation Authority (APRA) licensed insurer.

**3.13. Electrical Safety**

All electrical appliances and leads must be tagged by appropriately qualified person. All connections must be checked and inspected by a suitably qualified person on the day of the event. The hirer must use only the designated power source as instructed by venue staff. The hirer must not under any circumstances connect equipment to power or other equipment without the nominated Duty Technician's approval. The hirer is required to ensure that all electrical leads are placed safely and away from the public.

The Shoalhaven Entertainment Centre Management is able provide a testing and tagging service. This can be arranged with Centre Management. Charges apply.

**3.14. Pyrotechnics**

Pyrotechnic displays are only to be conducted by a licensed pyrotechnician. The NSW WorkCover Authority assess pyrotechnic experience and qualifications to operate pyrotechnics and issue licences.

The hire application must disclose if the event will use pyrotechnics and the appropriate licences and public insurance liability from the pyrotechnician must be submitted with the application and a specific risk management plan must be completed by a licensed pyrotechnician prior to the function being staged. Pyrotechnics are subject to Centre Management approval.

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

Only pyrotechnics suitable for use in an indoor environment will be permitted.

**3.14.1. Children**

Shoalhaven Entertainment Centre staff are subject to a Working with Children Check. All children who attend or perform at the Centre will be subject to the regulations contained in the NSW Children and Young Persons (Care and Protection) Child Employment) Regulation 2015

**3.14.2. Performing Animals**

Productions and performances which feature animals must be conducted in accordance with the Exhibited Animals Protection Act 1986 and the Exhibited Animals Protection Regulation 2010.

Under NSW Legislation, Circuses are required to be licensed with accordance with the above Act and Regulation. A copy of approvals must be submitted when completing a hire application form.

**3.15. Bar and Catering**

The Centre retains all rights to liquor and beverage service and all catering services within the venue. The operation of the bar and catering facility servicing the patrons of the Centre are predicated on commercial market rates. The Centre also operates a café, bar, restaurant, and function room (The Gallery) for private, stand alone functions or as an additional catering service for events.

**3.16. Liquor Licensing/Consumption of Alcohol**

The sale and consumption of alcohol is subject to the laws governing the Responsible Service of Alcohol. The Centre Management as licensee has the legal responsibility for the purchase and sale of alcohol within the defined licensed area. All bar staff are required to be RSA trained and the house policy for the service of alcohol will be displayed for patron information.

**3.17. Merchandise**

The Centre Management retains the right to approve all event specific merchandise tendered for sale within the Centre. Merchandise sold attracts a 10% commission on gross receipts payable to the Centre. The percentage commission levied is in accordance with current adopted fees and charges. Merchandise commission does not apply to community events.

**3.18. Council Use of the Shoalhaven Entertainment Centre**

Council use of the facility will be on the basis of full cost recovery of all actual expenses

**4. IMPLEMENTATION**

The Finance, Corporate and Community Services Group is responsible for implementation and administration of this policy.

**5. REVIEW**

This policy will be reviewed within one (1) year of the election of every new Council (as a minimum).

*Shoalhaven City Council - Shoalhaven Entertainment Centre – Hiring Policy*

Minor amendments may be made to the SEC operating model to improve service delivery, drive efficiency and effectiveness, and respond to business needs.

CL22.534 - Attachment 2



## Report to Council

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### Title: Sustainable Economic Growth for Regional Australia (SEGRA)

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**Date:** 31.8.22 till 2.9.22  
**Venue:** Paranple Conference Centre Devonport Tasmania

**Theme:** Regional Activity Transition and Sustainability

**SCC Representatives:** Councillor Mark Kitchener

**Keynote Speakers:** Sheree Vertigan, Matthew Atkins, Todd Babiak

**Conference Format:** Keynote presentations in the morning followed by focus and spotlight sessions. Concurrent sessions after lunch followed by focus and challenges.

#### **Summary of Presentations:**

The theme of the conference was “Regional Activity Transition and Sustainability.” Keynote addresses and various presentations, spotlights, concurrent sessions and workshops covered the following subjects: geo-tourism, Regions planning and responding to change, Visitor Economy, People attraction and Retention, Collective Workforce Planning, Regional Investment and Growth, Data for Decision Making, and Technology in the Regions.

The following report is my understanding of what is currently happening and possible future directions of Sustainable Economic Growth in Regional Australia. The report is based on salient points made by some Keynote speakers and other professionals who delivered presentations at the SEGRA conference.

Speakers at the conference identified defence and associated industries, construction and light manufacturing, population growth, tourism, education, accommodation and food, agribusiness, and emerging industries emanating from climate change as the pillars of regional economic sustainability.

Comparisons are made between what is occurring around the country and what is being implemented in the Shoalhaven. Examples of sustainable economic growth strategies in Local Government Areas of Tasmania are included.

#### **Defence and Associated Industries:**

*Rear Admiral Steve Gilmore* described defence as a multibillion-dollar industry enabling Tasmania’s economic sustainability. Steve spoke of vessels and maritime systems, heavy vehicles component production, food nutrition and food science and advanced technologies including augmented reality, artificial intelligence, and machine learning.



The maritime domain includes ship and watercraft construction, port development and ship operations, engineering and fabrication and diving medicine.

The land domain includes specialized vehicle manufacturing, specialized systems and equipment, engineering and fabrication, and food technology.

ICT and other key enablers include internet of things, cyber security technology, systems engineering and professional services.

Research and education include VET and tertiary training and research and development.

The defence arm in Tasmania is supported by forty-nine different industries. Some companies of international note include Elphinstone-purpose-built, heavy-duty vehicles and equipment, Fiomarine Industries-submersible marine marker buoy and retrieval system, Jayben Group- integrated complex vehicle design and manufacturing solutions, and Taylor Bros-Marine offshore engineering fit outs, watercrafts, and services. These industries and more underpin the economic sustainability of regional Tasmania.

*Sara Hales, in her presentation on Advanced Air Mobility the democratization and decarbonization of flight considerations for the regions, spoke about, Avistra and how it is promoting a world where air mobility is for everyone and doesn't cost the earth.*

A new variety of aircraft technologies with operational scope that include tourism, passenger freight, express freight, remote area logistics distribution, government service delivery, emergency services, disaster recovery evacuations, search and rescue, and personnel vertiport infrastructure are about to arrive on the market.

This emerging industry offers many potential benefits to communities', industry, and the economy such as, decarbonization of transport, improved economic efficiency, reduced travel items, leadership positions, employment, and increased tourism, to name a few.

Industry leaders are moving rapidly towards commercialisation aiming for entry into service by 2030. These new and exciting aircraft will start coming off the production line in 2026, with hundreds of orders already submitted.

Australia being politically stable and having a favourable climate is ideal for early commercialisation projects of emerging aviation technologies. Collaboration between industry and government, advanced air mobility ecosystem, aircraft operators, maintenance, training, aircraft leasing, energy providers, infrastructure, navigation, and booking platforms are yet to be finalised to provide a clear pathway to commercialisation.

Nowra being a navy defence town with HMAS Creswell in Jervis Bay and HMAS Albatross, the Naval Fleet Air Arm at Yerrilyong, it seems reasonable to suggest the Shoalhaven City should increase its advocacy to attract a bigger slice of the defence budget and determine additional ways for businesses to provide more of the procurements needed by the navy. Defence being the third strongest industry sector in the Shoalhaven contributing \$568 million to gross regional product.

The Shoalhaven recognizes the need to attract young professionals, to live and raise their families in the area and stem outward migration and encourage inward migration. This is partly being achieved through the Albatross Aviation Technology Park where young aeronautical engineers can obtain a secure career.

The AATP has attracted businesses such as Air Affairs, Lockheed Sikorsky, Raytheon, BAE and Boeing. Building on the Shoalhaven's strengths by attracting innovative globally oriented support companies for defence will further stimulate the Shoalhaven's economic growth and sustainability.

Attracting consultancies like Avistra that are promoting emerging industries, to locate in the AATP will further empower small scale and diverse manufacturing activities found in the Shoalhaven.

#### Construction and Light Manufacturing:

Across Australia people are being priced out of their accommodation, adding to the growing number of homeless, forcing young people to stay at home longer and driving workers away. Families are shrinking while house sizes are growing, currently leaving 13.5 million empty bedrooms in the country. Filling these rooms and densifying regional areas will help make housing more affordable. People living together in shared accommodation creates the opportunity to save money to purchase a property and build genuine community connections.

*Ian Ugarte, Interview Australian housing initiative stated, "council planning policy needs to be modified to promote shared housing and significantly change housing stock in Australia." New subdivision developments should encourage a diversity of housing choice. In addition to dual occupancies and granny flats, policy should incentivize developers to deliver rooming houses, boarding houses, micro apartments, elegant housing and the like to boost housing affordability.*

The building industry impacts on almost every business in the country. It is predicted that over the next 40 years population in the Shoalhaven will grow from 105 000 to 170 000, the labour force will grow from 41 000 to 66 000, housing will grow from 51 636 to 85 000. The building industry is arguably the biggest industry in the Shoalhaven influencing sustainability and growth in all forty-nine towns and villages of the shire. It is essential for the Shoalhaven, through appropriate zoning, to make sufficient land available for development.

The Shoalhaven faces challenges of high unemployment, fading traditional industries and the outward migration of talent to urban centers highlighting the need for innovative economic development strategies.

The Shoalhaven City has provided the Flinders Industrial Estate in South Nowra, the Woollamia Industrial Area in Woollamia, the Blackburn Industrial Estate in Kings Point and the Albatross Aviation Technology Park in Yerriyong. This availability of land is encouraging unique, innovative, value adding industries to establish in the Shoalhaven. Some of the industries that contribute to the economic development of the Shoalhaven are:

Blue Bio-Tech, a collaboration of companies whose capabilities complement, and value add to each other (<http://www.bluebiotech.com.au/>) Members include:

Essence Group, an industry recognized and accredited food contract manufacturer that formulates ideas, develops concepts, and delivers finished, fast-moving consumer goods (FMCG) for its customers.

Nowchem a family-owned company offering the manufacture of pharmaceutical products to TGA and GMP standards. The company has expanded its Thera Cell capacity and developed the Cherub's Rub range of organic baby care products specifically for the Asian market. Nowchem exports this product to Hong Kong, Taiwan, South Korea, Singapore and Malaysia.

Management is supportive of staff career progression and the owner has been the driving force behind the South Coast Youth Leadership Forum.

Venus Shell Systems grow Ulva, a type of green algae. This is processed to supply protein and polysaccharide components. Venus Shell Systems is unique and can provide consistent products unlike wild harvest where the sugar to protein ratio can change between individuals and between seasons. Consistency in supply is extremely important especially regarding medical research where it is imperative to minimize external variations or impacts.

The company is studying the benefits of Australian Ulva extracts for gut health. Poor gut health has been linked to several disorders including diabetes, inflammation, and high cholesterol. Venus Shell Systems with Nowchem have created a skin cream with impressive healing properties.

Australian Food and Pharmaceutical Industries produce Mastchew, a 100% natural chewing gum derived from the pistachio tree. It has positive health benefits and no sugar content.

Global Defence Solutions, a company that provides world leading mobile, secure, and hardened shelter solutions including secure compartmented information facilities (SCIF's), catering, sanitation and life camp solutions for military, emergency and peacekeeping missions.

The owners of the company have also invested in the P2i Hydrophobic and Oleophobic Nanotechnology. There is a smaller system in St Vincent's hospital used on Cochlear implants, however Global Defence Solutions is much bigger.

Air Affairs is the largest Lear jet (35A) fleet in the southern hemisphere. The company makes drones that tow targets for the navy and provide bushfire airborne intelligence. The cameras mounted on the drones penetrate the black smoke and provide coordinates to the aircraft dropping water.

Air Affairs has a high-end mechanical workshop capable of producing all types of engineering products and several apprentices are employed each year. Multi-national companies often call on Air Affairs to help develop prototypes.

MI Engineering is an established family-owned and highly respected independent consulting engineering firm specializing in infrastructure cost engineering. The company secured work as the

lead estimator on the 'Lower Thames Crossing', one of the largest highway infrastructure projects in the United Kingdom.

Cottee Group have opened a plant in Nowra. A dairy based family business for over one hundred years that developed 'Casein' as one of its earliest products.

Aquaculture Industry in Jervis Bay.

Shoalhaven Health Company creates products for digestive health derived from seaweed.

The following businesses participate in the Teacher to Industry Tour and the Professional Snapshot assisting the youth in the region to seek out a suitable career:

Financial Dynamics, RMB, Tait Miller McIntyre, Pepperpot Marketing, The Marketing Clan, Webics, Edmiston Jones, Basham Physiotherapy, Specsavers, Walsh and Monaghan, SET Consultants, GHD, MI Engineering, University of Wollongong – Shoalhaven, Nowra Allied Health Centre, Southern Podiatry Clinic, White Sands Dietitians, BrainFit, Leslie and Thompson, Mariott Oliver Solicitors, Noahs, Power FM/2ST, Flagstaff Group, Bomaderry Bowling Club, Integrity Real Estate, Nowra Toyota, Nowra Coaches and Premier, Aerospace Training Services, Nowchem, Air Affairs, Shoalhaven Medical Imaging, Stuarts Coaches, Kennedys Bus and Coach, Manildra, Hanlon Windows, Commonwealth Bank, Sikorsky, Global Defense Solutions, South Coast Stairs, HMAS Albatross, BAE Systems and Shoalhaven City Council.

Currently contributions to Gross Regional Product in the Shoalhaven are Defence - \$568 million, Construction - \$614 million, Manufacturing - \$331 million, Property Services – \$891 million, Health and Aged Care - \$558 million, Education - \$298 million, Accommodation and Food - \$248 million, and tourism generated a one-billion-dollar tourism spend in 2020. There is value in diversification which builds resilience at multiple levels.

This diversification of industries when combined with tourism are instrumental in keeping the Shoalhaven district vital, activated, and prosperous. Continued encouragement of residential development, light manufacturing, and defence will increase the economic base, escalate employment opportunities, and contribute to the economic sustainability of the region.

#### Population Growth:

*Dr Peter Ghin, in The Great Migration: Exploring the benefits of metro-regional migration for regional communities* identified, that during the Covid pandemic significant knowledge, skills and financial capital has moved to regional areas, Australia wide. Dr. Ghin went on to say, "these internal migrants will be engaged in the workforce longer than pre-pandemic movers."

People moving to regional Victoria post-covid, were more likely to be younger, attained a bachelor's degree or higher and have higher incomes. They were significantly more likely to have retained ties to a metro-based employer than be working regionally. 12% of metro regional migrants established a business in the region. 47% agreed to be an entrepreneurial person and 58% are considering a

regional business. Feeling connected to the local community is an important factor in deciding whether to invest in a new business or activity.

Growth of rural economies is being stimulated by internal migration. This growth takes the form of employment in local firms, regional and rural economic growth, exchange of knowledge skills and ideas and new business creation. Innovation, migration and thinking outside the square go hand in hand with development.

Motivations for this internal migration are a better lifestyle, closer to the natural environment, housing affordability, raising a family, opportunity and the convenience of working remotely.

The Shoalhaven City is identified by the Australian Bureau of Statistics as a low-socio economic area, with high unemployment, low wages, and a deficiency of 25- to 30-year-olds in the region. There are 26,347 over 65-year-olds which makes up 26.4% of the population. The median age is forty-eight, ten years older than state average. The population has become top heavy with older age groups on fixed incomes. The growing age increase is attributed to baby boomers and a population movement taking up a sea change investment lifestyle.

There is a genuine need to provide permanent, sustainable employment with a focus on growing higher value jobs with career paths to further diversify the economic base. Many young people want permanent career choices. If the choice is limited, young people look elsewhere.

#### Tourism.

*Deanna Hutchinson, in Reimagining the regions: How the Cradle Coast is paving the way to new economic futures*, made the comment, “tourism is a strategy for sustainable industry.” Unlike primary industries and manufacturing, tourism businesses won’t be closed or relocated when a finite resource is exhausted. However, tourism businesses are significantly impacted by natural disasters, but tourism operators are very adaptable to new encounters and continue to find ways to succeed.

Some industries work better in some spaces than others. When the Queenstown mine closed five hundred and thirty-seven men lost their jobs. People had ideas for recovery but didn’t know what to do or how to deal with the challenges of government.

The community identified the gradient of the land surrounding Queenstown as an asset and eventually redefined that natural advantage to be used for adventure tourism. Associated funding enabled the construction of a world class mountain bike track.

With growth in tourism came other supplementary industries such as agrifood, and creative industries. Art and crafts, for example, have contributed to the longevity and sustainability of Queenstown. People are learning to do things differently in different geographic locations.

*Todd Babiak, in The Tasmanian Story: How to market your region from the inside out*, said, “maintain your point of difference.” He linked his presentation to the story of Austin, Texas.

All Austin has that is different to other towns is its culture. Austin identified a grand narrative for the community and the narrative attracted people from outside the region transforming the city into a

tourist destination. Austin unified its cultural expression and in doing so, has gone from a bland, beige city to being uniquely different and weird. There are weird café's, weird sidewalks, weird buildings, and weird people.

As such, Austin has attracted the South by Southwest Music Festival that runs an annual ten-day event and produces an ideas convention to keep Austin 'Weird.' People are requested to launch something 'weird' in Austin. By manufacturing a point of difference Austin has revitalized itself and is experiencing increased population and economic growth. Now the community needs to hang onto its 'weirdness.'

What is the Shoalhaven's narrative?

The Shoalhaven's comparative advantage is its one hundred and sixty-five kilometers of pristine coastline and unspoiled hinterland. In recognizing this the Shoalhaven City Council won gold in the NSW and silver in the Australian Tourism Awards for the 100 Beach Challenge (2018).

The variety of activities attracting people to the Shoalhaven include but are not limited to eating out, dining at a restaurant or café, visiting wineries, going to the beach, visiting friends and relatives, bushwalking, sightseeing looking around, pubs, clubs, shopping for pleasure, visiting national parks and state parks, swimming, going to markets, fishing, water activities, sports, cycling, day tripping, surfing, picnicking and golfing.

Tourism in the Shoalhaven brings an external revenue that is essential for future prosperity. The Shoalhaven reached an estimated \$1 billion total tourist spend during 2020. The Shoalhaven has established a 43% growth in off-season visitation, creates and distributes 100 000 Visitor Guides annually, is the most visited Local Government Area in regional NSW, has received \$5.3 million in grant funding for Sustainable Tourism Infrastructure Projects, has received several prestigious tourism awards and was identified by Trip Advisor as 8<sup>th</sup> in the world for Top Emerging Destinations in 2021.

While these are great results identifying the Shoalhaven as leading the way for tourism in regional NSW, natural disasters like the Currowan Bushfire created an unprecedented number of challenges for the visitor economy. When disasters strike people stay away highlighting the vulnerability of tourism and the need for resilience within the industry.

The Shoalhaven has the capacity to support many tourism businesses. A notable standout is, Willinga Park Equestrian Centre at Bawley Point, with its proven track record of success and a demonstrable capacity to grow Willinga Park is a permanent establishment that will continue to attract tourist visitation well into the next century. There isn't a Local Government Area in Australia that wouldn't fight tooth and nail to attract an establishment like Willinga Park.

The Willinga Park brand has become known both nationally and internationally and has shaped a point of difference for the Shoalhaven. Willinga Park, with its substantial economic investment and cultural richness has made a breakthrough in making meaningful connections for the Shoalhaven's growing population. Encouraging establishments like Willinga Park helps council manage progress that will set the Shoalhaven community up for the best possible future, one that's vibrant, sustainable, and thriving.



### Education

*Jim Cavaye, in Regional Distinctiveness and Impact: The approach of UTAS in the Cradle Coast Region* said, “people living and being educated in their own region tend to stay in the community and provide the services for which they were trained.”

Regional access to higher education is low because moving away from home creates significant disadvantages for many regional Australians. There are accommodation and travel costs, no support system and a feeling of isolation, no family history of education, the need for some students to return home to work on the farm, and some students wish to start a family.

Having access to new local campuses, with quality online experiences blended with face-to-face flexible learning pathways tailored to regional people, universities can make significant contributions to regional vitality and increase participation rates for those living outside metropolitan areas.

The Shoalhaven with its University of Wollongong Campus in Mundamia, the Countries University Centre in Ulladulla and the Australian National University Research Site in Bawley Point are catering for the local population and play a substantial role in the sustainability of the Shoalhaven. These universities empower regional people by building highly connected learning communities attracting students from surrounding local government areas to these strategically located educational facilities where they can acquire a higher education. Where governments invest money in education academics will follow.

Currently just 12% of the Shoalhaven population hold a degree qualification, 26% have a trade qualification and 40% have no qualification. Advocating for and winning more funds to extend these university sites will improve the educational standing of the community and might in time lead Nowra, the regional centre, to one day becoming an education town like Armidale. This would contribute significantly to assuring the Shoalhaven’s future prosperity.

### Accommodation and Food

*Matthew Atkins, in Living City: The catalyst for Devonport’s transformation*, made comments about the economic recovery of Devonport.

Devonport was declared a city in 1981 and is now the retail and services center for Northwest Tasmania. Devonport since 2015 has been a city in transition, a busy port going through a period of economic growth in advanced manufacturing, mining, renewable energy, agribusiness, aquaculture, tourism, forestry, and a growing services industry catering for 65000 people living in a thirty-five square kilometers radius.

Over the years Devonport underwent significant decay and inactivity with pockets of good things happening along the Mersey River. For many years there was an expectation that big projects would materialize, but they never came.

A multimillion-dollar upgrade with a compelling yet adaptive long-term 'Living-City' vision, a united council leadership, and the purchase of strategic properties addressing the fragmentation of the past, has led to the creation of new jobs, investment in new businesses and urban renewal.

The seventy-million-dollar Paranaple Conference Center (50 million dollars provided by council) with its cultural waterfront and park lands development has reactivated the heart of the city and attracted the establishment of an eight story Novotel motel. Providing a conference centre and attracting a large five-star international motel has been instrumental in enticing food providers back to the CBD.

Devonport is now a bustling regional port city with many take-away food shops, cafes, coffee shops, boutique breweries, marketplaces, pop-up food vans, and high-end restaurants from different cultures catering to everyone's taste. These food outlets and accommodation providers contribute significantly to Devonport's economic sustainability.

It is reasonable to think that with a large amount of money and a growing population food outlets and accommodation providers will be attracted to the precinct. However, unlocking potential is not always about the size of the budget. Reimagining the region and empowering sustainable businesses to succeed can also create jobs for regional people and through providing employment opportunities in the hospitality industry contribute to economic sustainability.

The Shoalhaven, a tourist/retirement area with 49 towns and villages, half a dozen big box shopping centres and emerging online companies has ample sustainable food and accommodation providers. Unfortunately, there is not an international five-star hotel.

Some notable sustainable food and accommodation businesses are Jervis Bay Shellfish Market – Huskisson, Silos Estate - Berry, Terrewa Farm – Kangaroo Valley, Bangalay Dining – Shoalhaven Heads, Gunyah Restaurant @ Paper Bark Camp – Woollamia, The Growers – Worrigeer, Bannisters Pavillion – Mollymook Beach, Cuppits Winery – Ulladulla.

#### Agribusiness

*Natalie Browning, in "Cooperatives: Sustainable vibrant rural communities"* described, CHB Australia's largest cooperative.

CHB was established in Western Australia in 1933. It is a non-distribution co-operative owned and controlled by approximately 33600 Western Australian grain growing businesses. Growers are represented at board level by nine directors elected by co-op members. There are three core functions - operations, marketing, and trading fertilizers. CHB exports fertilizer to South America, Latin America, Africa, Europe, the United Kingdom, Asia, Japan and has an eight-billion-dollar annual export value.

CHB stores more than 90% of Western Australia's crop each year at more than one hundred sites. CHB can store and hold twenty million tonnes of grain. CHB owns a state-of-the-art rail fleet to transport grain from upcountry receival points to four port terminals. CHB invests significantly in the rail network to improve efficiency and to create sustainability for future growers. CHBs purpose is to sustainably create and return value to Western Australian growers both current and future.

The cooperative exists to drive value for its members but goes far beyond financial outcomes. It plays an important role in supporting community needs. It strives to ensure a light footprint on the environment by offsetting its own emissions and delivering social outcomes. CHB invests 1.5 million dollars per annum in sport and recreation, the arts, health safety and lifestyle, regional capacity building, co-op supply chain, industry events, agricultural promotion, and emergency response.

A large agribusiness in the Shoalhaven is the Manildra Group located in Nowra. Manildra has become a diverse agribusiness employing more than one thousand people in regional Australia and provides the finest Australian food and industrial products to every continent in the world.

Some of Manildra's products include, wheat flours, bakery mixes, vital wheat gluten and proteins, starches, syrups, ethanol, stock feeds, fats and oils and bags for domestic and export markets. These products are used by manufacturers, wholesalers, retailers, and end-users across industries from baking and food production to pharmacy, fuel and distilling, paper, and packaging, building and more.

Through its largest state of the art, seven column distillery at Nowra, Manildra has become Australia's largest producer of ethanol. With constant investment and innovation Manildra is one of the largest exporters of containers through Australia's largest container port at Botany.

With the dual carriage upgrade of the Princes Highway having reached Nowra/Bomaderry, the proposed upgrade of the rail link, the close proximity to Wollongong and Sydney port terminals, there is potential to attract some other large agribusinesses of international standing to relocate to the Shoalhaven. Internationally competitive businesses like Manildra add to the economic sustainability of every town in which they are located.

#### Climate Change

*Amanda Cahill, in What regions need on the path to net zero* said, "the conversation has shifted to a growing acceptance that our world is changing fast." Extreme weather events are more frequent and severe and the risks of not acting fast enough have become real. Most people are wanting to openly discuss the issues we face and to collaborate on the solutions.

Decisionmakers working across all levels of government and industry are taking steps to develop plans and strategies that diversify economies, decrease emissions, and reduce environmental footprints.

This shift in conversation points to massive new infrastructure builds and potential influx of investment, rebuilding domestic supply chains, new skills, and workforce capacity, need for planning that is inclusive, regionally led, and backed nationally, building climate resilience and adaption across regions, more open conversations, and negotiations with communities around impacts, and benefits of development potential to move from an extractive to a regenerative mindset.

New economic opportunities are becoming tangible. There is increasing investment in renewable energy generation, storage and transmission, critical minerals mining and processing, innovative manufacturing, green hydrogen and ammonia, biofuels and the like.

When disasters happen there is a loss of life and property, loss of livelihood, loss of independence, loss of utility, loss of infrastructure and there is a trauma that destroys the sense of wellbeing. People lose direction and hope and there is an erosion between the connection of residents. However, communities are not just the sum of their pieces of infrastructure. Recovery funding should be less project specific and more focused on capacity building.

The Shoalhaven's Disaster Recovery Model is held, in very high esteem across New South Wales. Many councils seek advice from the Shoalhaven on the set up of the Recovery Committee and how council separated 'recovery issues' from 'business as usual.'

Anecdotal evidence indicates that the Shoalhaven City Council, having concentrated on integrated recycling operations to divert waste from landfill and by recognizing most waste as a potential resource, is now at the forefront of creating a regenerative Circular Economy. By 2024, when all waste management initiatives are fully operational the Shoalhaven City Council will be diverting 90% of all waste.

Shoalhaven Water, the largest Local Water Utility in NSW, manages the collection, treatment and distribution of water as well as the collection, treatment and disposal of wastewater safely back into the environment. Water supply and security, effective waste management practices and effective disaster recovery models are fundamental to economic growth and development, social wellbeing, and environmental protection.

#### Conclusion:

The Shoalhaven is already a diversified city that is continually seeking a balance between the environment, economic growth, social wellbeing, and sustainability. It has built on its collective strengths and comparative advantage to meet the challenge of change when it arises.

The Shoalhaven City is a model for diversification of industry, has remained fluid and flexible and thus far has adjusted, modified, and managed disruptions to the economic sustainability of a constantly changing coastal region. This can be attributed to the many years of hard work from previous councils, the business community, individuals, and community groups.

The Shoalhaven City Council has been instrumental in keeping the district dynamic, enthused, and advancing forward by aiming policy primarily at incentivizing local and regional investment that has attracted businesses to the forty-nine towns and villages and the three industrial areas. In doing so has diverted stagnation and serious decline.

With an aging population on fixed incomes, an inward migration of a younger generations post- Covid, new business creations, strong tourism position, a growing population, and the location of university support centers, it is obligatory for the Shoalhaven City Council to continue its practice of encouraging innovative, value adding industries to the area.

Encouraging more establishments like the Willinga Park Equestrian Centre at Bawley Point, Manildra at Bolong, Paper Bark Camp at Woollamia, Cuppits Winery at Ulladulla, Boeing at the AATP, Bundanon Artist Village on the Shoalhaven River, the proposed Moomba Boat Showroom at Bomaderry and

tourism activities like Dolphin Wild at Huskisson, all of which are attracting international markets will ensure the Shoalhaven's growth and prosperity.

The Shoalhaven must keep its eye on what it has achieved economically and not sacrifice the larger goal of sustainability in a frenzied hustle to address the topical. The Shoalhaven City Council must ensure that focusing on one aspect of sustainability, while overlooking other aspects, doesn't jeopardize the integrity of its forward direction. Upsetting the delicate balance of sustainability could have unpleasant repercussions in the future.

The challenges facing the region as it progresses towards 2050 cannot be solved by one council, or one state alone. There needs to be a national approach to the challenges faced today.

Councils must focus on empowering the region. Nothing happens in one town or area that does not impact directly or indirectly on the entire region. People from the same household often live, work, learn, shop, volunteer and enjoy sports and entertainment across several different local government areas. Collaboration is not easy and working collectively can become confused with issues of local and place-based needs versus the needs of the region.

There is a need to think regionally but act locally, preserve local identity, and deliver services close to the people. Provide a regional overview that supports high level advocacy with business, industry, and government. Develop strategies or responses to deal with region wide issues like workforce, development, climate change, wellbeing, circular economy, and water arrangements.

To attract investment into a region there must be a recognized set of shared values between participating councils. The role of the Illawarra Shoalhaven Joint Organization is to bring together practitioners, policy makers, and business, to form interagency collaboration for shared decisions to be made and funding to be realized.

The Shoalhaven is having a go and is kicking some environmental, economic, and social goals. Anecdotal evidence suggests the Shoalhaven is at the forefront, not only in waste management but in water management, disaster recovery and tourism. There is currently a property boom, a steady population increase, an increase in gross regional product and investment. Keeping these elements in equilibrium will undoubtedly strengthen the sustainability of the Shoalhaven.

Councillor Mark Kitchener

25.9.2022