



DOC22/19963-2

Ms Molly Porter  
Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541

Email: [molly.porter@shoalhaven.nsw.gov.au](mailto:molly.porter@shoalhaven.nsw.gov.au)

Dear Ms Porter

**Planning Proposal PP-2021-3289: Request for agency referral Ref-1118**

I refer to Planning Proposal PP-2021-3289 referred to the NSW Environment Protection Authority (EPA) on 13 January 2022 as well as your email to Carlie Armstrong on 17 January 2022 and our telephone conversation on 31 January 2022.

The EPA understands that if approved, the Planning Proposal would amend the Shoalhaven Local Environmental Plan (LEP) 2014 to make the holding of functions with fewer than 351 attendees' "development without consent". By removing the requirement for a development application, site specific conditions of consent (informed by a comprehensive acoustic assessment) will not be available to Shoalhaven City Council (SCS) to regulate, mitigate or manage potential noise impacts arising from activities being undertaken at the function centre. In the absence of conditions of consent, the SCS, as the Appropriate Regulatory Authority, will need to rely on the standard provisions of the Protection of the Environment Operations Act 1997 to manage any resultant noise impacts. This regulatory function may also be shared with NSW Police or Liquor and Gaming NSW, depending on whether the noise is generated from the function centre is also regulated under the Liquor Act 2007 and/or by anti-social behaviour. Liquor and Gaming NSW has a range of statutory powers and enforcement functions under the liquor laws including the power to deal with disturbance complaints against licensed venues which may assist in the ongoing management of noise should the proposed facility require licensing under the Liquor Act 2007.

As the Appropriate Regulatory Authority, authorised officers from SCC will find the *Noise Guide for Local Government* useful guidance in responding to a noise complaints or issues from all premises or activities they regulate. Many of the statutory tools and approaches discussed in the Noise Guide are generally applied as a result of a complaint or issue being identified and are therefore are predominately reactionary approaches. It would however be preferable if proactive noise management conditions could be employed which establish clear standards and expectations for the local acoustic environment. In this instance, the *Noise Policy for Industry* may be useful in providing a noise management framework which could be adopted or applied to inform a condition inserted into the LEP. Both the Noise Guide and Noise Policy are available at the EPA's website <https://www.epa.nsw.gov.au/your-environment/noise>).

Ideally, any condition of the LEP would be informed by a comprehensive acoustic study which properly characterises the acoustic environment of the area, identifies sensitive receivers and outlines strategies that ensure the acoustic amenity of those receivers is properly protected.

As discussed, although the EPA is not the Appropriate Regulatory Authority for the proposed facility, we are available to discuss the application of the POEO Act and how these provisions might be incorporated into a condition of the LEP.

If you have any queries or wish to discuss this matter further, please contact me on (02) 6229 7002 or at [Queanbeyan@epa.nsw.gov.au](mailto:Queanbeyan@epa.nsw.gov.au).

Yours Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'N' followed by a large, flowing loop.

7 February 2022

**NIGEL SARGENT**  
**Manager**  
**Regulatory Operations**